

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE
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Thirty-Fourth General Assembly

OF THE

STATE OF IOWA

BEGUN JANUARY 9, AND ENDED APRIL 12, A. D. 1911

Prepared for Publication Under the Direction of
W. C. HAYWARD,
Secretary of State

DES MOINES
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STATE GOVERNMENT

List of State officers, judges of the supreme, district and superior courts, and members of the General Assembly, at the time of passage of laws contained in this book.

Name	Position	County from Which Originally Chosen
Beryl F. Carroll	Governor	Davis.
Charles C. Nye	Private Secretary to Governor	Polk.
George W. Clarke	Lieutenant-Governor	Dallas.
William C. Hayward	Secretary of State	Scott.
John M. Jamieson	Deputy Secretary of State	Guthrie.
John L. Bleakly	Auditor of State	Ida.
Joseph H. Byrnes	Deputy Auditor of State	Black Hawk.
Willison W. Morrow	Treasurer of State	Union.
Quincy A. Willis	Deputy Treasurer of State	Dallas.
George Cosson	Attorney-General	Audubon.
John Fletcher	Assistant Attorney-General	Pottawattamie.
Albert M. Deyoe	Superintendent of Public Instruction	Hancock.
Frank D. Joseph	Deputy Superintendent of Public Instruction	Delaware.
Burgess W. Garrett	Clerk of Supreme Court	Decatur.
Charles C. Heer	Deputy Clerk of Supreme Court	Emmet.
Wendell W. Cornwall	Reporter of Supreme Court	Clay.
Emory H. English	State Printer	Cerro Gordo.
Edward D. Chassell	State Binder	Plymouth.
Nathaniel S. Ketchum	} Railroad Commissioners. }	Marshall.
David J. Palmer		Washington.
Clifford Thorne	} Secretary Board Railroad Commissioners. }	Washington.
George McCaughan		Polk.
Gifford S. Robinson	} Board of Control of State Institutions. }	Woodbury.
John F. Wade		Butler.
Murdoch Bannister	} Secretary of Board of Control	Wapello.
Forrest S. Treat		Polk.
James H. Trewin	} State Board of Education	Linn.
Abraham B. Funk		Dickinson.
George T. Baker		Scott.
Thomas D. Foster		Wapello.
Parker K. Holbrook		Monona.
Charles R. Brenton		Dallas.
Daniel D. Murphy		Clayton.
Roger Leavitt		Black Hawk.
Edward P. Schoentgen		Pottawattamie.
William R. Boyd		Linn.
Daniel A. Emery	} Finance Committee	Wapello.
Thomas Lambert		Jackson.
John E. Howe	} Board of Parole. }	Adair.
William H. Berry		Warren.
David C. Mott	} Secretary of Board of Parole	Iowa.
Sam D. Woods		Adair.
David E. Hadden	} Commission of Pharmacy	Buena Vista.
Harry E. Eaton		Page.
Irve W. Clements	} Secretary of Pharmacy Commission	Iowa.
Edward J. Moore		Wapello.
Dr. Albert C. Moerke	President State Board of Health	Des Moines.
Dr. Guilford H. Sumner	Secretary State Board of Health	Black Hawk
Dr. Guilford H. Sumner	State Registrar of Vital Statistics	Black Hawk.
Edward Sweeney	} State Mine Inspectors	Polk.
Rhys T. Rhys		Wapello.
John E. Jeffreys		Monroe.
Arthur H. Davison	Secretary of Executive Council	Lyon.

STATE OFFICERS—CONTINUED.

Name	Position	County from Which Originally Chosen
Guy E. Logan	Adjutant General	Montgomery.
Paul O. Koto	State Veterinary Surgeon	Winnebago.
William B. Barney	Dairy and Food Commissioner	Franklin.
George A. Lincoln	Fish and Game Warden	Linn.
Edward W. VanDuyn	Commissioner of Labor Statistics	Polk.
Johnson Brigham	State Librarian	Polk.
Edgar R. Harlan	Curator Historical Department	Van Buren.
Arthur R. Corey	Acting Secretary Board of Agriculture	Kossuth.
Charles W. Boutin	Custodian Public Buildings and Property	Franklin.
George M. Chappel	Director of Weather and Crop Service	Polk.
Laenas G. Weld	Superintendent of Weights and Measures	Johnson.
Samuel Calvin	State Geologist	Johnson.
James H. Lees	Assistant State Geologist	Polk.

JUDICIAL DEPARTMENT

SUPREME COURT.

Name.	Position.	County from Which Chosen.	Postoffice Address.
John C. Sherwin	Chief Justice	Cerro Gordo	Mason City.
Emlin McClain	Judge	Johnson	Iowa City.
Silas M. Weaver	Judge	Hardin	Iowa Falls.
Scott M. Ladd	Judge	O'Brien	Sheldon.
William D. Evans	Judge	Franklin	Hampton.
Horace E. Deemer	Judge	Montgomery	Red Oak.

DISTRICT COURTS.

Dist.	Name	Postoffice Address	Counties in District.
1	Henry Bank, Jr.	Keokuk	Lee.
	William S. Hamilton.	Ft. Madison	
2	Frank W. Eichelberger	Bloomfield	Appanoose, Davis, Jefferson, Lucas, Mon-
	Francis M. Hunter...	Ottumwa	roe, Van Buren and Wapello.
	Charles W. Vermillion	Centerville	
	Dan M. Anderson....	Albia	
3	Hiram K. Evans.....	Corydon	Adams, Clarke, Decatur, Ringgold, Tay-
	Thomas L. Maxwell...	Creston	lor, Union and Wayne.
4	Frank R. Gaynor.....	Le Mars	Cherokee, Lyon, Monona, O'Brien, Osce-
	John F. Oliver.....	Onawa	ola, Plymouth, Sioux and Woodbury.
	William Hutchinson ..	Alton	
	David Mould	Sioux City	
5	James H. Applegate..	Guthrie Center..	Adair, Dallas, Guthrie, Madison, Marion
	Lorin N. Hays.....	Knoxville	and Warren.
	William H. Fahey....	Perry	
6	Byron W. Preston....	Oskaloosa	Jasper, Keokuk, Mahaska, Poweshiek and
	Kleber E. Willcockson.	Sigourney	Washington.
	John F. Talbott.....	Brooklyn	
7	Allan J. House.....	Maquoketa	Clinton, Jackson, Muscatine and Scott.
	Arthur P. Barker....	Clinton	
	Lawrence J. Horan....	Muscatine	
	William Theophilus ..	Davenport	
	F. Dickinson Letts...	Davenport	
8	Ralph P. Howell.....	Iowa City	Iowa and Johnson.

STATE GOVERNMENT

DISTRICT COURTS—CONTINUED.

Dist.	Name	Postoffice Address	Counties in District
9	William H. McHenry.	Des Moines	Polk.
	Hugh Brennan	Des Moines	
	Lawrence DeGraff. . . .	Des Moines	
	Charles S. Bradshaw. . .	Des Moines	
	James P. Hewitt.	Des Moines	
10	Franklin C. Platt.	Waterloo	Black Hawk, Buchanan, Delaware and Grundy.
	Charles E. Ransier. . . .	Independence	
11	Charles E. Albrook. . . .	Eldora	Boone, Franklin, Hamilton, Hardin, Story, Webster and Wright.
	Robert M. Wright.	Ft. Dodge	
	Chaucer G. Lee.	Ames	
12	Jefferson F. Clyde. . . .	Osage	Bremer, Butler, Cerro Gordo, Floyd, Hancock, Mitchell, Winnebago and Worth.
	Charles H. Kelley.	Charles City	
	Joseph J. Clark	Mason City	
13	Liberty E. Fellows. . . .	Lansing	Allamakee, Chickasaw, Clayton, Fayette, Howard and Winneshiek.
	Alfred N. Hobson.	West Union	
14	Arthur D. Baillic.	Storm Lake	Buena Vista, Clay, Dickinson, Emmet, Humboldt, Kossuth, Palo Alto and Pocahontas.
	Daniel F. Coyle.	Humboldt	
15	Andrew B. Thornell. . . .	Sidney	Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie and Shelby.
	Eugene B. Woodruff. . . .	Glenwood	
	Orville D. Wheeler. . . .	Council Bluffs	
	William R. Green.	Audubon	
16	Frank M. Powers.	Carroll	Calhoun, Carroll, Crawford, Greene, Ida and Sac.
	Marion E. Hutchison. . . .	Lake City	
17	Centenary B. Bradshaw	Toledo	Benton, Marshall and Tama.
	Clarence Nichols	Vinton	
18	Milo P. Smith.	Cedar Rapids	Cedar, Jones and Linn.
	Frederick O. Ellison. . . .	Anamosa	
	William N. Treichler. . . .	Tipton	
19	Robert Bonson	Dubuque	Dubuque.
	John W. Kintzinger. . . .	Dubuque	
20	James D. Smyth.	Burlington	Des Moines, Henry and Louisa.
	Winfield S. Withrow. . . .	Mt. Pleasant	

SUPERIOR COURTS.

Name.	P. O. Address	Name.	P. O. Address
Charles B. Robbins.	Cedar Rapids.	George H. Castle.	Shenandoah.
Samuel B. Snyder.	Council Bluffs	John Shortley	Perry.
William L. McNamara. . . .	Keokuk.	Jacob P. Lyman.	Grinnell.
Eugene J. O'Connor.	Oelwein.		

THIRTY-FOURTH GENERAL ASSEMBLY

OFFICERS OF THE SENATE.

President of the Senate—George W. Clarke, of Adel, Dallas county.
President Pro Tempore—James A. Smith, of Osage, Mitchell county.
Secretary—George A. Wilson, of Des Moines, Polk county.
First Assistant Secretary—Joseph E. Meyer, of Des Moines, Polk county.
Second Assistant Secretary—Olger H. Raleigh, of Estherville, Emmet county.
Engrossing Clerk—Marguerite Williams, of Des Moines, Polk county.
Enrolling Clerk—Harriet Elwood, of Elma, Howard county.
Journal Clerk—William M. Lewis, of Des Moines, Polk county.
Journal Clerk—Paul Gilliland, of Glenwood, Mills county.
Sergeant-at-Arms—Jacob H. Reese, of Belmond, Wright county.
Bill Clerk—Floyd V. Bennett, of Lenox, Taylor county.
Assistant Bill Clerk—Benjamin I. Kinsey, of Harlan, Shelby county.
File Clerk—John F. Gates, of Greene, Butler county.
Assistant File Clerk—Cyrus Weaver, of Leon, Decatur county.
Postmistress—Mrs. Joseph LeGare, of Jefferson, Greene county.
Doorkeeper—Newton J. Jolley, of Osceola, Clarke county.

SENATORS.

Dist.	Name	P. O. Address	Counties in District.
40	Adams, Henry L.*	West Union	Allamakee, Fayette.
50	Allen, Joseph H.	Pocahontas	Buena Vista, Humboldt, Pocahontas.
2	Allen, William S.*	Fairfield	Jefferson, Van Buren.
45	Ames, Asa L.	Traer	Benton, Tama.
49	Balkema, Nicholas*	Sioux Center	Lyon, O'Brien, Osceola, Sioux.
21	Balluff, August A.	Davenport	Scott.
6	Bennett, Theophilus W.*	Lenox	Adams, Taylor.
5	Brown, John D.*	Leon	Decatur, Ringgold, Union.
24	Chapman, Horace R.*	Bennett	Cedar, Jones.
37	Chase, Daniel Cady	Webster City	Hamilton, Hardin, Wright.
15	Clarkson, John T.*	Albia	Marion, Monroe.
9	Cowles, La Monte	Burlington	Des Moines.
34	Crow, Edward L.	Mapleton	Crawford, Harrison, Monona.
38	De Wolf, Sherman W.	Reinbeck	Black Hawk, Grundy.
7	Dunnegan, John J.	Shenandoah	Fremont, Page.
31	Fitchpatrick, Jos. A.*	Nevada	Boone, Story.
47	Francis, Leslie E.*	Spirit Lake	Clay, Dickinson, Emmet, Kossuth, Palo Alto.
20	Garrett, Alexander M.	Letts	Louisa, Muscatine.
39	Gates, Charles*	Greene	Bremer, Butler.
8	Gilliland, Shirley*	Glenwood	Mills, Montgomery.
43	Hammill, John*	Britt	Cerro Gordo, Franklin, Hancock.
33	Hoyt, Edwin H.*	Lamont	Buchanan, Delaware.
32	Hunter, Robert*	Sioux City	Woodbury.
42	Jewell, Philo M.	Decorah	Howard, Winneshiek.
27	Larrabee, Frederic*	Fort Dodge	Calhoun, Webster.
44	Legel, John G.	Charles City	Chickasaw, Floyd.
17	McColl, Anthony M.*	Woodward	Audubon, Dallas, Guthrie.
4	McCulloch, George*	Humeston	Lucas, Wayne.
1	McManus, Edward P.	Keokuk	Lee.
29	Malmberg, Edward P.	Newton	Jasper.
48	Mattes, Joseph	Odebolt	Carroll, Greene, Sac.
20	Neal, Samuel W.	Washington	Henry, Washington.
23	Parshall, Lyman B.*	Canton	Jackson.
11	Proudfoot, Aaron V.*	Indianola	Clarke, Warren.
36	Quigley, Robert*	McGregor	Clayton.
14	Ream, John F.*	Oskaloosa, R. 5.	Nahaska.
46	Sammis, James U.*	Le Mars	Cherokee, Ida, Plymouth.
19	Saunders, Charles G.*	Council Bluffs	Pottawattamie.
16	Savage, Arthur C.*	Adair	Adair, Madison.
35	Schrup, Nicholas J.	Dubuque	Dubuque.
41	Smith, James A.*	Osage	Mitchell, Winnebago and Worth.

SENATORS—CONTINUED.

Dist.	Name	P. O. Address	Counties in District
18	Smith, Thomas H.	Harlan	Cass, Shelby.
12	Spaulding, Henry W. ...	Grinnell	Keokuk, Poweshiek.
26	Stuckslager, W. C.*	Lisbon	Linn.
30	Sullivan, John B.	Des Moines	Polk.
3	Taylor, Lewis L.*	Centerville	Appanoose, Davis.
28	Van Law, Comfort H.* ..	Marshalltown ...	Marshall.
13	Webber, John F.	Ottumwa	Wapello.
25	White, James A.*	South Amana....	Iowa, Johnson.
22	Wilson, John L.	Almont	Clinton.

*Term expires in 1912.

OFFICERS OF THE HOUSE.

Speaker—Paul E. Stillman, of Jefferson, Greene county.
Speaker Pro Tempore—Eli C. Perkins, of Delhi, Delaware county.
Chief Clerk—Charles R. Benedict, of Shelby, Shelby county.
Assistant Clerk—A. Cornelius Gustafson, of Red Oak, Montgomery county.
Reading Clerk—Thomas Watters, of Des Moines, Polk county.
Engrossing Clerk—Caroline Young Smith, of Des Moines, Polk county.
Enrolling Clerk—Mabel Elwood, of Elma, Howard county.
Journal Clerk—Lola S. Elliott, of Des Moines, Polk county.
Journal Clerk—Frank G. Luke, of Hampton, Franklin county.
File Clerk—Benton C. Guilliams, of Winterset, Madison county.
Assistant File Clerk—Bert Byers, of Garner, Hancock county.
Bill Clerk—Edwin H. Trease, of Liscomb, Marshall county.
Assistant Bill Clerk—Charles Ellis, of Maquoketa, Jackson county.
Sergeant-at-Arms—John Heffelfinger, of Grundy Center, Grundy county.
Assistant Postmistress—Clara K. Hook, of Columbus Junction, Louisa county.
Doorkeeper—Alonzo M. May, of Waukon, Allamakee county.

REPRESENTATIVES.

Dist.	Name.	P. O. Address.	County Composing District
97	Bascom, John L.	Milford	Dickinson.
2	Bauman, Samuel H.	Birmingham	Van Buren.
25	Beans, Wellington I.	Oskaloosa	Mahaska.
74	Beebe, Nathaniel W.	Hampton	Franklin.
42	Black, Benjamin H.	Nichols	Muscatine.
43	Boettger, Henry H.	Davenport	Scott.
48	Bowman, James W.	Marion	Linn.
36	Brady, Henry	Perry	Dallas.
23	Brockway, James M.	Letts	Louisa.
75	Brown, William C.	Clarion	Wright.
88	Bruce, John E.	Rockford	Floyd.
26	Bybee, Lyman L.	Knoxville	Marion.
47	Eyerly, William M.	Anamosa	Jones.
59	Campbell, Ed. H.	Battle Creek	Ida.
62	Campbell, John W.	Fort Dodge	Webster.
94	Collin, Edwin	Northwood	Worth.
73	Cousins, John A.	New Hartford	Butler.
15	Crist, Le Merton E.	Osceola	Clarke.
78	Cunningham, Edward H. .	Newell	Buena Vista.
3	Dabney, Isaac T.	Bloomfield	Davis.
4	Daniels, Warren T.	Moulton	Appanoose.
79	Dawson, Wilfred P.	Aurelia	Cherokee.
35	Dewey, Henry K.	Guthrie Center	Guthrie.
60	Dixon, William J.	Sac City	Sac.

REPRESENTATIVES—CONTINUED.

Dist.	Name	P. O. Address	County Composing District
56	Downey, Edward	Breda	Crawford.
45	Dunlap, John W.	Elwood	Clinton.
8	Edmunds, James	Lenox	Taylor.
46	Ellis, James W.	Maquoketa	Jackson.
91	Enger, Lauritz M.	Decorah	Winneshiiek.
33	Escher, Charles, Jr.	Botna	Shelby.
83	Felt, Benjamin F., Jr.	Spencer	Clay.
65	Finlayson, Robert M.	Grundy Center	Grundy.
40	Fletcher, Wilhard G.	Williamsburg	Iowa.
90	Fourt, Edwin H.	Waukon, R. R. 2	Allamakee.
37	Fraley, Wilbert S.	Des Moines	Polk.
5	Fry, Francis R.	Corydon	Wayne.
19	Fulton, Charles J.	Fairfield	Jefferson.
52	George, William P.	Ames	Story.
70	Gilbert, Frank	Monona	Clayton.
53	Goodykoontz, William W.	Boone	Boone.
45	Greene, William J.	Clinton	Clinton.
43	Griggs, Thomas W.	Davenport	Scott.
66	Grout, Henry W.	Waterloo	Black Hawk.
76	Halgrims, Colonel	Humboldt	Humboldt.
1	Hamilton, Joseph M. C.	Fort Madison	Lee.
58	Harding, William L.	Sioux City	Woodbury.
98	Harvey, Mahlon	Sibley	Osceola.
12	Hayes, Gordon	Red Oak	Montgomery.
31	Hazen, John T.	Avoca	Pottawattamie.
17	Hickenlooper, Thomas	Albia	Monroe.
30	Hogan, Denis P.	Massena	Cass.
64	Huff, Herbert A.	Eldora	Hardin.
32	Hunt, Charles W.	Logan	Harrison.
16	Huntley, Clark W.	Chariton	Lucas.
85	Hutchins, Clayton B.	Algona	Kossuth.
61	Jacobs, John W.	Lake City	Calhoun.
34	Jacobson, Ole H.	Kimballton	Audubon.
93	Johnson, Karl J.	Osage	Mitchell.
81	Klay, Gerrit	Orange City	Sioux.
41	Koontz, George W.	Iowa City	Johnson.
1	Krebill, Frederick H.	Donnellson	Lee.
92	Kull, Hermann	Cresco, R. R. 7	Howard.
84	Kulp, David E.	West Bend	Palo Alto.
71	Larrabee, William, Jr.	Clermont	Fayette.
20	Leach, Elmer F.	Mount Pleasant	Henry.
31	Lenocker, Alfred A.	Oakland	Pottawattamie.
77	Linnan, Charles F.	Fonda	Pocahontas.
51	Lounsberry, Harold C.	Marshalltown	Marshall.
63	Lund, Frank J.	Webster City	Hamilton.
23	McCleery, Samuel M.	Washington	Washington.
69	McCullough, Michael F.	Dubuque, R. R. 4	Dubuque.
72	Miller, Charles W.	Waverly	Bremer.
69	Miller, Simon	Dubuque	Dubuque.
44	Milton, Floyd L.	Stanwood	Cedar.
48	Moore, Ernest R.	Cedar Rapids	Linn.
96	Murtagh, Charles B.	Ringsted	Emmet.
80	Newell, Henry N.	Le Mars	Plymouth.
89	O'Connor, Frank A.	New Hampton	Chickasaw.
55	Ogendahl, Robert	Carroll, R. R. 1	Carroll.
99	Olson, Olaf	Rock Rapids	Lyon.
24	Patterson, David M.	Sigourney	Keokuk.
10	Penn, Alphonso V.	Sidney	Fremont.
68	Perkins, Eli C.	Delhi	Delaware.
87	Pickford, Arthur	Nora Springs, R. R. 3	Cerro Gordo.
86	Ripley, Andrew C.	Garner	Hancock.
21	Ritter, Henry	Burlington	Des Moines.
11	Robbins, Joseph D.	Malvern	Mills.
57	Rowles, William M.	Turin	Monona.

REPRESENTATIVES—CONTINUED.

Dist.	Name	P. O. Address	County Composing District
95	Russell, Frank W.....	Forest City	Winnebago.
21	Sater, Samuel H.....	Danville	Des Moines.
82	Schee, George W.....	Primghar	O'Brien.
18	Shane, Frank	Eldon	Wapello.
37	Shankland, Frank S.....	Des Moines	Polk.
39	Sherman, Ralph	Grinnell	Poweshiek.
38	Skinner, Herbert K.....	Collins	Jasper.
13	Smith, Edgar H.....	Corning	Adams.
6	Smith, Israel A.....	Lamoni	Decatur.
27	Speer, George W.....	Indianola	Warren.
7	Stephenson, James A.....	Mount Ayr	Ringgold.
54	Stillman, Paul E.....	Jefferson	Greene.
9	Stipe, William F.....	Clarinda	Page.
67	Stoddard, Benjamin F....	Jesup	Buchanan.
14	Taylor, Francis J.....	Creston	Union.
50	Townsend, William N....	Traer	Tama.
29	Van Camp, George W....	Greenfield	Adair.
49	White, Harry C.....	Garrison	Benton.
58	Whitney, Ulysses G.....	Sioux City	Woodbury.
28	Zeller, Elias R.....	Winterset	Madison.

COMMISSIONERS FOR IOWA IN OTHER STATES

List of Commissioners for Iowa in other states, qualified to act as such on the first day of June, 1911, whose terms of office will not expire prior to July 5, 1911; published as required in section 390 of the code, showing their names, postoffice addresses, date of commission, qualification and expiration of commission.

CALIFORNIA.

Name.	Postoffice.	Date of Expiration of Commission.	Date On and After Which Qualified.
R. H. Norton.....	Los Angeles	March 16, 1913.....	March 17, 1910.

CONNECTICUT.

Patrick McGovern	Hartford	February 1, 1912...	February 2, 1909.
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ILLINOIS.

Frank P. Crandon.....	Chicago	December 26, 1912..	December 27, 1909.
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MARYLAND.

Abraham H. Fisher.....	Baltimore	May 7, 1914.....	May 8, 1911.
George W. Manly	Baltimore	October 27, 1911.....	October 28, 1908.

NEW YORK.

George H. Corey.....	New York City...	December 25, 1911..	December 26, 1908.
H. K. Armstrong.....	Penn Yan	November 13, 1912.	November 14, 1909.
Edwin F. Corey.....	New York City...	August 25, 1913....	August 26, 1910.
Joseph B. Braman.....	New York City...	September 13, 1913..	September 14, 1910.

OHIO.

Joseph T. Harrison.....	Cincinnati	January 17, 1912...	January 18, 1909.
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PENNSYLVANIA.

John S. Wurts.....	Philadelphia	September 22, 1911.	September 23, 1908.
Thomas J. Hunt.....	Philadelphia	May 13, 1914.....	May 14, 1911.
Walter Morris	Pittsburg	August 31, 1912....	September 1, 1909.

LAWS OF 1911

WITH DATE OF APPROVAL OF EACH

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1	AN ACT to amend section twelve (12) of chapter two (2) of title one (1) of the code, relating to the compensation of members of the general assembly. Approved March 25, A. D. 1911.....	S. F. 7	1
2	AN ACT authorizing the executive council to pay court costs taxed to or expenses incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided. [Additional to chapter seven (7) of title two (II) of the code, relating to the executive council.] Approved April 6, A. D. 1911.....	S. F. 346	1
3	AN ACT to amend the law as it appears in chapter eight (8), title two (2), of the supplement to the code, 1907, in reference to the census. Approved February 27, A. D. 1911.....	H. F. 47	2
4	AN ACT amending section two hundred twenty-seven (227) of the supplement to the code 1907 and providing for an additional judge of the district court in the first judicial district and for his appointment and election and regulating terms in said district. Approved March 27, A. D. 1911.....	S. F. 274	3
5	AN ACT to amend the law as it appears in section two hundred twenty-seven (227), supplement to the code, 1907, relating to the division of the state into judicial districts, and increasing the number of district judges, in the seventh district. Approved March 11, A. D. 1911.....	S. F. 164	3
6	AN ACT to amend section two hundred twenty-seven (227) of the supplement to the code, 1907, relating to the division of the state into judicial districts, and increasing the number of district judges in the ninth district. Approved March 22, A. D. 1911	S. F. 14	4
7	AN ACT to amend section two hundred thirty-three (233) of the code relating to the calling of special terms of court. Approved April 15, A. D. 1911	H. F. 597	5
8	AN ACT to amend the law as it appears in section two hundred and fifty-four-a-two (254-a-2) of the supplement to the code, 1907, and section one (1) of chapter twelve (12) of the acts of the thirty-third general assembly relating to the compensation of shorthand reporters. Approved April 17, A. D. 1911.	H. F. 403	5
9	AN ACT to amend chapter eleven (11), laws of the thirty-third general assembly, and additional to chapter five (5) of title three (III) of the code, relating to holding district courts and assignment of judges therefor. Approved March 22, A. D. 1911	S. F. 185	6
10	AN ACT amending section two hundred fifty-four-a-eighteen (254-a18) of the supplement to the code 1907, relating to probation officers. Approved April 5, A. D. 1911.....	S. F. 311	6

GENERAL LAWS—CONTINUED.

Chap.	Title	Engrossed Bill	Page
11	AN ACT to amend the law as it appears in section sixteen (16) of chapter fourteen (14) of the acts of the thirty-third general assembly relating to the enticing away of children, and providing a penalty for the violation thereof. Approved March 23, A. D. 1911.....	S. F. 12	7
12	AN ACT to amend the law as it appears in section two hundred eighty (280) of the code, relating to the compensation of marshal in superior court. Approved April 5, A. D. 1911.....	S. F. 359	7
13	AN ACT amendatory to chapter six (6), title three (3), of the code, providing for trial by jury in superior courts in cities which are not county seats, and which have now or may hereafter have a population of twenty-five thousand (25,000) or more; providing for the number of jurors in such courts in such cities, and the manner of their selection; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing that this act shall apply to cities under the commission form of government. Approved April 3, A. D. 1911.....	H. F. 409	8
14	AN ACT to repeal paragraph twenty-nine (29) of section two hundred ninety-six (296) of the supplement to the code, 1907, and to enact a substitute therefor relating to the fees collected and paid to the county by the clerk of the district court. Approved February 23, A. D. 1911.....	H. F. 10	9
15	AN ACT to amend section two hundred ninety-seven (297) of the code, fixing the salaries of clerks of the district courts in certain counties. Approved April 15, A. D. 1911.....	S. F. 89	9
16	AN ACT to repeal section three hundred three-a (303-a) of the supplement to the code, 1907, relative to the compensation of assistant county attorneys, and to enact a substitute therefor. Approved April 11, A. D. 1911.....	H. F. 44	10
17	AN ACT to repeal section three hundred thirty-five (335) of the code, as amended by chapter twenty (20) of the acts of the thirty-third (33d) general assembly, and to enact a substitute therefor, relating to the selection of jury lists. Approved April 15, A. D. 1911	H. F. 141	10
18	AN ACT to amend the law as it appears in sections three hundred sixty (360), seventeen hundred ten (1710), seventeen hundred eleven (1711), seventeen hundred twenty-one (1721), seventeen hundred twenty-eight (1728), seventeen hundred forty-five (1745), seventeen hundred eighty-seven (1787), seventeen hundred ninety-eight (1798) of the code, and to amend the law as it appears in sections thirteen hundred thirty-three (1333), seventeen hundred nine (1709) (division 1), seventeen hundred fifty-eight-b (1758-b), seventeen hundred eighty-two (1782), seventeen hundred fifty-nine-b (1759-b), seventeen hundred fifty-nine-f (1759-f), seventeen hundred ninety-eight-a (1798-a), seventeen hundred ninety-eight-b (1798-b), eighteen hundred thirty-nine-j (1839-j), of the supplement to the code, 1907, and to amend the law as it appears in section seven (7), chapter one hundred five (105), and section one (1) of chapter one hundred eleven (111) of the acts of the thirty-third general assembly; and to enact a section as section eighteen hundred twenty-d (1820-d) to chapter eight (8), title nine (9) of the code, all relating to insurance. Approved May 5, A. D. 1911.....	H. F. 506	12
19	AN ACT to amend section three hundred seventy-seven (377) of the code, relating to the powers of notaries public. Approved April 3, A. D. 1911.....	S. F. 22	15

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Chap.	Title	Engrossed Bill	Page
20	AN ACT to amend the law as it appears in section four hundred (400) of the supplement to the code, 1907, and to amend section four hundred two (402) of the code, relating to the removal of county seats and the county records. Approved March 1, A. D. 1911.....	H. F. 297	15
21	AN ACT to amend the law as it appears in section four hundred seven (407) of the supplement to the code—1907, authorizing the board of supervisors of a county to transfer any surplus in the bond fund raised under section four hundred three (403) of the supplement to the code—1907, after payment of all bonds and interests, to the particular fund or funds on account of which the bonds were issued. Approved February 27, A. D. 1911	S. F. 117	16
22	AN ACT to amend the law as it appears in section four hundred sixteen (416) of the code, relating to county supervisor districts. Approved February 2, A. D. 1911.....	H. F. 75	17
23	AN ACT amending the law as it appears in paragraph nine (9) of section four hundred and twenty-two (422) supplement to the code, 1907, relating to the powers of boards of supervisors. Approved April 1, A. D. 1911.....	H. F. 387	17
24	AN ACT to amend sections one thousand seventy-two (1072), four hundred twenty-two (422), one thousand three hundred three (1303), four hundred sixty-nine (469) of the supplement to the code, 1907, and section sixteen (16) chapter one hundred eighteen (118), section one (1) chapter ninety-seven (97) of the acts of the thirty-third general assembly and to repeal section five (5) of chapter ninety-six (96) of the acts of the thirty-third general assembly, and to repeal section fifteen hundred twenty-eight (1528) of the supplement to the code, 1907, and to enact a substitute therefor relating to the election of officers, to the powers of the board of supervisors, levying of taxes and powers and duties of the township trustees. Approved April 10, A. D. 1911.....	S. F. 421	17
25	AN ACT to amend section four hundred and thirty (430) of the code, relative to the dependent soldiers' and sailors' tax. Approved March 11, A. D. 1911.....	S. F. 66	19
26	AN ACT to amend section one (1) of chapter thirty-one (31) of the acts of the thirty-third general assembly, relating to the burial of indigent soldiers and sailors and their wives and widows. Approved March 11, A. D. 1911.....	S. F. 67	20
27	AN ACT to amend the law as it appears in section four hundred forty-one (441) of the supplement to the code, 1907, relating to official newspapers and how selected. Approved April 1, A. D. 1911	H. F. 445	20
28	AN ACT to empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided. [Additional to chapter two (2) of title four (IV) of the code, relating to the board of supervisors.] Approved April 15, A. D. 1911.....	S. F. 415	20
29	AN ACT authorizing the levy of a tax for the purpose of defraying the expense of prospecting for coal. [Additional to chapter two (2) of title (IV) of the code, relating to the board of supervisors.] Approved April 10, A. D. 1911.....	H. F. 312	22
30	AN ACT relative to the time of payment of county fees into the county treasury by clerks of the district court, county auditors and county recorders. [Additional to chapter nine (9) of title four (IV) of the code, relating to the duties of county officers.] Approved February 24, A. D. 1911.....	H. F. 116	23

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Chap.	Title	Engrossed Bill	Page
31	AN ACT to amend section five hundred sixty-four (564) of the code, and providing for the appearance of the county attorney for township trustees. Approved April 7, A. D. 1911.....	H. F. 197	23
32	AN ACT to amend the law as it appears in section six hundred and seventy-nine-h (679-h) supplement to the code, 1907, relating to the removal and discharge of firemen, police officers and policemen, except the chief of the fire department and the chief of police. Approved April 15, A. D. 1911.....	S. F. 481	24
33	AN ACT to repeal section six hundred seventy-nine-h (679-h) of chapter two-a (2-a), title five (5), of the supplement to the code, 1907, and to enact a substitute in lieu thereof relative to the board of police and fire commissioners in certain cities of the first-class. Approved April 1, A. D. 1911	H. F. 219	24
34	AN ACT to amend section seven hundred twenty (720) of the supplement to the code, 1907, providing for the amending of franchises granted to individuals or private corporations. Approved April 14, A. D. 1911.....	H. F. 42	25
35	AN ACT amending the law as it appears in chapter forty-five (45) of the acts of the thirty-third (33d) general assembly, entitled: "An act providing for acquiring by condemnation proceedings by cities and towns, of heating plants, water works, gas works, electric light or electric power plants, and a mode of procedure therefor, and amending section seven hundred twenty-two (722) of the supplement to the code, 1907," and relating to the same subject. Approved March 21, A. D. 1911..	S. F. 86	26
36	AN ACT to amend the law as it appears in section seven hundred twenty-eight (728) of the supplement to the code, 1907, relating to vacancies in office of library trustees. Approved April 15, A. D. 1911	H. F. 488	27
37	AN ACT declaring the emission of smoke within the corporate limits of certain cities to be a public nuisance, and conferring upon such cities additional powers for the abatement of such nuisances. [Additional to chapter four (4) of title five (V) of the code, relating to general powers of cities and towns.] Approved April 15, A. D. 1911.....	H. F. 556	27
38	AN ACT requiring any person, partnership, or corporation owning or operating a street railway to equip its passenger cars with power brakes and other appliances and fixing a penalty for the violation thereof. [Additional to section seven hundred sixty-eight (768) of the supplement to the code, 1907, relating to the equipment of street cars.] Approved April 15, A. D. 1911	S. F. 18	28
39	AN ACT authorizing the issue of bridge bonds by cities of the first class. [Additional to chapter six (6) of title five (V) of the code, relating to streets and public grounds.] Approved February 15, A. D. 1911.....	H. F. 113	28
40	AN ACT amending sections eight hundred and ten (810); eight hundred and thirteen (813) and nine hundred and sixty-five (965) of the code and relating to making sewer and street improvements, and the kinds of materials to be used therein. Approved April 1, A. D. 1911.....	S. F. 178	29
41	AN ACT to amend section eight hundred and ten (810), of the code, in relation to publication of preliminary notice of street improvements in towns. Approved April 10, A. D. 1911.....	S. F. 477	30
42	AN ACT to amend section eight hundred and thirteen (813) of the code, relating to publication of notice of bids for street improvements and to amend section eight hundred twenty-three (823) of the supplement to the code, 1907, relating to publication of notice of assessment of street improvements. Approved April 15, A. D. 1911	H. F. 604	30

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Chap.	Title	Engrossed Bill	Page
43	AN ACT authorizing street improvements in incorporated towns and providing for the levy of special assessments therefor, and the repeal of chapter fifty-three (53) of the acts of the thirty-third (33rd) general assembly. Approved March 14, A. D. 1911	H. F. 101	31
44	AN ACT to amend the law as the same appears in section one (1) of chapter fifty-seven (57), acts of the thirty-third (33) general assembly of Iowa relating to tax levy for park purposes. Approved April 1, A. D. 1911	H. F. 283	31
45	AN ACT to repeal section nine hundred and sixteen (916) of chapter thirteen (13), title five (5) of the code, relating to the approval of plats of additions to cities or towns, by city and town councils and to enact a substitute therefor. Approved April 15, A. D. 1911	S. F. 343	32
46	AN ACT to amend title five (V) chapter fourteen (14) of the code and amendments thereto, relating to park commissioners in special charter cities, repealing sections nine hundred ninety-one (991) to nine hundred ninety-six (996) inclusive of the code and amendments thereto, and enacting substitutes therefor, and to make sections eight hundred fifty-b (850-b) to eight hundred fifty-n (850-n) inclusive, supplement to the code, 1907, as amended by chapters fifty-six (56), fifty-seven (57) and fifty-eight (58) laws of the thirty-third general assembly, and section eight hundred fifty-two (852) supplement to the code, 1907, relating to park commissioners, their powers and duties and the assessment levy and collection of taxes, applicable to cities acting under special charters. Approved March 24, A. D. 1911	H. F. 281	32
47	AN ACT to repeal section one thousand three (1003) of the code and enact a substitute therefor, relative to the levy of taxes in special charter cities. Approved April 5, A. D. 1911	S. F. 231	34
48	AN ACT to amend section one thousand five (1005) of the supplement to the code, 1907, with additional provisions in regard to the fire fund. Approved April 6, A. D. 1911	H. F. 402	34
49	AN ACT to amend the law as it appears in chapter sixty (60) of the laws of the thirty-third general assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities. [Additional to chapter fourteen (14) of title five (V) of the code, relating to cities under special charter.] Approved March 24, A. D. 1911	H. F. 220	35
50	AN ACT to amend section five (5) of chapter sixty-one (61) of the acts of the thirty-third general assembly of Iowa, relating to pensions for disabled and retired firemen. Approved March 30, A. D. 1911	H. F. 9	36
51	AN ACT to amend chapter sixty-two (62) of the acts of the thirty-third general assembly relating to pensions to be paid to policemen. Approved March 24, A. D. 1911	H. F. 267	36
52	AN ACT to amend chapter sixty-four (64) acts of the thirty-third (33) general assembly relating to the government of certain cities. Approved March 21, A. D. 1911	S. F. 124	37
53	AN ACT to amend section one thousand fifty-six-a-nineteen (1056-a-19) of chapter fourteen-C (14-C) of title five (V), of the supplement to the code, 1907, relating to the government of certain cities and acts amendatory thereof. Approved April 11, A. D. 1911	H. F. 512	37
54	AN ACT to amend section eight (8) chapter sixty-four (64), acts of the thirty-third general assembly, and to repeal subdivisions b, c and d of section one thousand fifty-six-a-thirty-two (1056-a-32) of the supplement to the code, 1907, and enact a substitute therefor, relating to the government of certain cities. Approved April 13, A. D. 1911	H. F. 338	38

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55	AN ACT concerning the commission plan of government in certain cities, additional to chapter fourteen-C (14-C), title five (5) of the supplement to the code, 1907, and chapter sixty-four (64) of the laws of the thirty-third (33d) general assembly. Approved March 22, A. D. 1911	H. F. 262	40
56	AN ACT authorizing cities and towns and cities acting under special charter to change the names of streets and provide for the filing of same with the county officers. [Additional to title five (V) of the code, relating to city and town government.] Approved March 16, A. D. 1911.....	H. F. 217	40
57	AN ACT authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. [Additional to title five (V) of the Code.] Approved April 3, A. D. 1911	S. F. 226	41
58	AN ACT to amend sections one thousand eighty-seven-a-four (1087-a-4) and one thousand eighty-seven-a-nineteen (1087-a-19) of the supplement to the code, 1907, as amended, relating to the holding of primary elections by political parties. Approved March 30, A. D. 1911	H. F. 353	42
59	AN ACT to repeal section one thousand eighty-seven-a-nineteen (1087-a-19) chapter two-A (2-A) of title six (VI) of the supplement to the code, 1907, as amended by section ten (10) of chapter sixty-nine (69) acts of the thirty-third general assembly and to enact a substitute therefor, relating to canvass by board of supervisors and certificates in primary elections. Approved April 11, A. D. 1911	H. F. 474	42
60	AN ACT to amend the law as it appears in chapter seventy-eight (78) acts of the thirty-third (33d) general assembly relating to the removal of officers for misfeasance, malfeasance or non feasance in office. Approved April 12, A. D. 1911.....	S. F. 201	43
61	AN ACT to amend the law as same appears in section thirteen hundred and four (1304) of the supplement to the code, 1907, relating to the exemption of property from taxation. Approved April 11, A. D. 1911	S. F. 90	44
62	AN ACT to repeal subdivision seven (7) of section thirteen hundred and four (1304) of the supplement to the code, 1907, and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged union soldier or sailor of the Mexican war or the war of the rebellion or of the widow of such soldier or sailor. Approved March 17, A. D. 1911	S. F. 24	44
63	AN ACT amending sections thirteen hundred and ten (1310), and thirteen hundred and eleven (1311), of the code, and the law as it appears in section thirteen hundred and twenty-one (1321), of the supplement to the code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in section thirteen hundred and twenty-two (1322), of the supplement to the code, 1907, and enacting a substitute therefor relating to the taxation of the shares of stock of national banks, state and savings banks and loan and trust companies and defining moneyed capital, and providing for the taxation thereof. Approved April 6, A. D. 1911	S. F. 387	45
64	AN ACT to amend section one thousand three hundred seventy (1370) of the code, relating to the time in which local boards of review may complete their duties. Approved March 25, A. D. 1911	S. F. 103	47

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65	AN ACT to amend section fourteen hundred-f (1400-f) of the supplement to the code, 1907, providing for additional forest trees. Approved March 22, A. D. 1911	H. F. 76	48
66	AN ACT making it unlawful for cities and towns, including cities acting under special charter and under the commission plan, or counties, to contract with persons, firms or corporations for the discovery of property not listed or assessed for taxation as required by law, and to repeal the law as it appears in sections fourteen hundred seven-a (1407-a), fourteen hundred seven-b (1407-b), fourteen hundred seven-c (1407-c), fourteen hundred seven-d (1407-d), and fourteen hundred seven-e (1407-e), of the supplement to the code, 1907. Approved February 24, A. D. 1911.....	H. F. 71	48
67	AN ACT repealing section fourteen hundred sixty-two (1462) of the code and enacting a substitute therefor, relating to the keeping of and accounting for public funds in the state and county treasuries. Approved March 14, A. D. 1911.....	H. F. 284	49
68	AN ACT relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, and repealing the law as it appears in chapter four (4), of title seven (7), of the supplement to the code, 1907, and chapter ninety-two (92) of the acts of the thirty-third (33) general assembly and to enact a substitute therefor. Approved May 2, A. D. 1911.....	S. F. 336	50
69	AN ACT to authorize boards of supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating and heating purposes to lay mains and pipes in highways to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such person is located. [Additional to chapter one (1) of title eight (VIII) of the code, relating to establishment, alteration and vacation of roads.] Approved April 15, A. D. 1911	H. F. 599	65
70	AN ACT to repeal chapter one hundred one (101) of the laws of the thirty-third general assembly and to enact a substitute therefor relating to the dragging of public highways and providing penalty for failure to perform such duties. Approved April 7, A. D. 1911	H. F. 46	65
71	AN ACT making it unlawful to obstruct public highways and defining such obstructions and providing for the removal thereof. [Additional to chapter two (2) of title eight (VIII) of the code, relating to working roads.] Approved April 15, A. D. 1911	H. F. 406	68
72	AN ACT to repeal chapter two-A (2-A), title eight (8), being sections fifteen hundred seventy-one-a (1571-a) to fifteen hundred seventy-one-l (1571-l), both inclusive, of the supplement to the code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees. Approved April 17, A. D. 1911	H. F. 27	69
73	AN ACT to amend section one (1) and section three (3) chapter one hundred and four (104) acts of the thirty-third general assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation. Approved April 10, A. D. 1911	S. F. 272	77
74	AN ACT to amend section three (3) chapter one hundred four (104) acts of the thirty-third general assembly, relating to corporations for pecuniary profit. Approved April 11, A. D. 1911	H. F. 271	77

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75	AN ACT to amend section sixteen hundred and thirty-seven (1637), of the code, with reference to the incorporation fee to be paid by foreign corporations. Approved April 15, A. D. 1911	S. F. 436	78
76	AN ACT to amend section one thousand six hundred forty-one-b (1641-b) of the supplement to the code, 1907, relating to the issuance of capital stock of railway and manufacturing corporations. Approved April 14, A. D. 1911.....	H. F. 25	79
77	AN ACT to amend sections sixteen hundred forty-three (1643) and sixteen hundred forty-five (1645) of the code, and amendatory of chapter two (2) of title nine (9) of the code, and to provide for the control and disposition of property of extinct religious societies in this state. Approved April 10, A. D. 1911	S. F. 229	79
78	AN ACT to amend section three (3) of chapter one hundred and twelve (112) of the acts of the thirty-third (33d) general assembly, relating to the issuance of policy of insurance by insurance companies. Approved April 15, A. D. 1911.....	S. F. 284	81
79	AN ACT to amend section one thousand seven hundred forty-six (1746) of the code of Iowa, relating to co-insurance clauses in policies of fire insurance companies. Approved April 15, A. D. 1911	H. F. 335	82
80	AN ACT to amend section one thousand eight hundred twenty-one-c (1821-c) of the supplement to the code, 1907, relating to insurance examiner. Approved April 15, A. D. 1911.....	H. F. 470	83
81	AN ACT to amend section eighteen hundred twenty-two (1822) of the code relating to beneficiary associations composed of the members of any one religious denomination and permitting any corporation heretofore organized, whose membership and plan of business permits, to bring its business under chapter nine, title nine, of the code. Approved April 12, A. D. 1911..	H. F. 423	84
82	AN ACT amending section eighteen hundred thirty-nine-l (1839-l) of the supplement to the code, 1907, relating to the investment of funds and depositing of securities of fraternal beneficiary societies. Approved February 24, A. D. 1911.....	H. F. 50	85
83	AN ACT to repeal section one thousand eight hundred seventy-three (1873) of the code and section one thousand eight hundred and seventy-three (1873) of the supplement to the code, 1907, and to enact a substitute therefor relating to the examination of savings banks and state banks by the auditor and to the publication of the statements thereof in some newspaper. Approved April 7, A. D. 1911.....	H. F. 300	85
84	AN ACT relating to deposits in banks or trust companies. [Additional to chapter twelve (12) of title nine (IX) of the code, relating to banks.] Approved March 16, A. D. 1911	H. F. 53	86
85	AN ACT to amend section one thousand nine hundred eighty-six (1986) as it appears in the supplement to the code, 1907, relating to the maintaining of levees, ditches and drains. Approved April 11, A. D. 1911.....	H. F. 128	86
86	AN ACT to repeal section one thousand nine hundred eighty-nine (1889) of the code, 1897, relating to government levees, and to enact a substitute therefor. Approved March 16, A. D. 1911	S. F. 252	87
87	AN ACT to amend the law as it appears in sections nineteen hundred eighty-nine-a-two (1989-a-2), nineteen hundred eighty-nine-a-eight (1989-a-8), as amended by section eight (8), chapter one hundred eighteen (118), acts of the thirty-third general assembly, nineteen hundred eighty-nine-a-twelve (1989-a-12) as amended by section eleven (11) chapter one hundred eighteen (118) acts of the thirty-third general assembly, nineteen hundred eighty-nine-a-fourteen (1989-a-14) as amended		

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88	AN ACT to amend section nineteen hundred eighty-nine-a-two (1989-a2), section nineteen hundred eighty-nine-a-four (1989-a4), section nineteen hundred eighty-nine-a-five (1989-a5), and section nineteen hundred eighty-nine-a-six (1989-a6) of the supplement to the code, 1907, relating to securing right of way for levees, drains and ditches. Approved April 6, A. D. 1911	H. F. 266	90
89	AN ACT to amend section one thousand nine hundred eighty-nine-a-eight (1989-a8) of the supplement to the code, 1907, relating to the letting of contracts for levees, drains and ditches. Approved April 13, A. D. 1911.....	H. F. 164	90
90	AN ACT to amend section one thousand nine hundred ninety-five (1995) of the code relative to taking private property for works of internal improvement and to prohibit the condemnation of cemeteries or any portion thereof. Approved February 15, A. D. 1911.....	H. F. 61	91
91	AN ACT to amend the law as it appears in section two thousand eighty-eight (2088) of the supplement to the code, 1907, relieving interurban railroads from the provisions of said section. Approved April 17, A. D. 1911.....	S. F. 134	91
92	AN ACT to amend section two thousand ninety-one-a (2091-a) of the supplement to the code, 1907, relative to trolley or electric railways. Approved April 17, A. D. 1911.....	S. F. 136	92
93	AN ACT to regulate the size and construction of caboose cars, and providing penalties for the violation thereof. [Additional to chapter five (5) of title ten (X) of the code, relating to the construction and operation of railways.] Approved April 15, A. D. 1911.....	H. F. 210	92
94	AN ACT to establish the office of commerce counsel and defining the powers and duties of the same. [Additional to chapter six (6) of title ten (X) of the code, relating to the board of railroad commissioners.] Approved April 11, A. D. 1911.....	H. F. 103	93
95	AN ACT to amend section twenty-one hundred twenty-five (2125) of the code and section twenty-one hundred forty-five (2145) of the code defining switching service by railway carriers and giving the railroad commissioners certain powers therein. Approved April 8, A. D. 1911.....	H. F. 523	95
96	AN ACT to amend the law as it appears in section twenty-one hundred fifty-seven-g (2157-g), supplement to the code, 1907, in relation to the issuance, furnishing and giving of free tickets, free passes and free transportation to certain classes of persons. Approved April 12, A. D. 1911	H. F. 186	96
97	AN ACT to provide for the support of the state hospitals for the insane and repealing the law as it appears in section twenty-two hundred ninety-one-b (2291-b), chapter two (2), title twelve (XII), supplement to the code, 1907. Approved April 14, A. D. 1911.....	S. F. 286	96
98	AN ACT making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals. [Additional to chapter two (2) of title twelve (XII) of the code, relating to the care of the insane.] Approved April 1, A. D. 1911.....	S. F. 255	97

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99	AN ACT to amend section twenty-three hundred ten-a-twenty-one (2310-a21) of the supplement to the code, 1907, relating to the regulation and control of the inmates of the hospital for the treatment of dipsomaniacs, inebriates, and those addicted to the excessive use of narcotics. Approved April 15, A. D. 1911	H. F. 561	97
100	AN ACT regulating the keeping, offering for public service and sale of stallions, jacks and registered or pedigreed stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing sections twenty-three hundred forty-one-a (2341-a), twenty-three hundred forty-one-b (2341-b), twenty-three hundred forty-one-c (2341-c), twenty-three hundred forty-one-d (2341-d) and twenty-three hundred forty-one-e (2341-e), supplement to the code, 1907. Approved April 15, A. D. 1911	S. F. 129	98
101	AN ACT to amend section two thousand three hundred forty-eight-a (2348-a), of the supplement to the code, 1907, relating to bounties. Approved April 5, A. D. 1911	S. F. 341	101
102	AN ACT to repeal section two thousand three hundred eighty-three (2383) of the code of Iowa, and to enact a substitute therefor, relative to the penalty for the violation of the laws relating to the sale or keeping for sale of intoxicating liquors. Approved April 13, A. D. 1911	H. F. 30	101
103	AN ACT to amend section one of chapter one hundred thirty-nine (139) of the laws of the thirty-third general assembly, relating to the sale of intoxicating liquors by permit holders. Approved April 15, A. D. 1911	H. F. 214	101
104	AN ACT relating to the sale of intoxicating liquors by wholesale drug corporations, additional to chapter six (VI) of title twelve (XII) of the code. Approved April 7, A. D. 1911	H. F. 278	102
105	AN ACT authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties, other than registered pharmacists holding valid permits to keep and sell intoxicating liquors for medicinal and pharmaceutical purposes and persons engaged in selling intoxicating liquors under the mulct law, and making such certified copies competent evidence, and the payment therefor. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.] Approved April 15, 1911	H. F. 436	104
106	AN ACT to amend section twenty-four hundred seventy-eight (2478), of the code; to repeal section twenty-four hundred eighty-four (2484), of the code, and enact a substitute therefor; to repeal section twenty-four hundred eighty-five (2485), of the code, and enact a substitute therefor, to amend section twenty-four hundred eighty-six (2486), of the code, to repeal section twenty-four hundred eighty-seven (2487), of the code, and enact a substitute therefor, to repeal section twenty-four hundred eighty-eight (2488), supplement to the code, 1907, and enact a substitute therefor, to repeal section twenty-four hundred eighty-nine (2489), of the code, and enact a substitute therefor, to amend the law as it appears in section twenty-four hundred eighty-nine-a (2489-a), of the supplement to the code 1907, to repeal section twenty-four hundred ninety-three (2493), of the code, and enact a substitute therefor, to repeal section twenty-four hundred ninety-four (2494), supplement to the code 1907, and enact a substitute therefor, relating to		

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	mines and mining, safety appliances, means, methods and equipments thereof, the appointment of mine inspectors, defining their powers and duties, requiring surveys of mines and records to be kept thereof, requiring escape and air shafts and equipments and location thereof, fireproof buildings for boiler and engine rooms, safe and convenient traveling ways and equipments thereof, the amount of ventilation, stoppings and breaks-through, means of communication from top to bottom of shaft, slope or drift, and from bottom thereof to the working parts and providing safety equipments for shafts, slopes or drifts and fixing the age within which boys may work in the mine, and providing for the safety of employes where explosives are used, the location of stables, gasoline engines and pumps, and the revocation of certificates of mine foreman in certain cases, defining the duties of mine foreman and definition of mine foreman, the duties of workmen in mines and mining and defining the power and duties of mine owners, lessees, operator and person in charge, the character and kind of illuminating oils and other substances and providing penalties. Approved May, 6, A. D. 1911.....	S. F. 282	105
107	AN ACT amending section two thousand four hundred eighty-two (2482), supplement to the code 1907, relating to the expense of mine inspectors. Approved March 25, A. D. 1911..	S. F. 202	120
108	AN ACT to amend the law as it appears in section twenty-five hundred and five (2505) supplement to the code, 1907, as amended by chapter one hundred and forty-seven (147) acts of the thirty-third general assembly, relating to the inspection and test of all illuminating oils kept for sale or sold within this state. Approved April 15, A. D. 1911.....	S. F. 449	120
109	AN ACT to provide for the labeling of any of the products of petroleum known as gasoline, benzine or naphtha, sold or kept for sale within this state, to fix a punishment for the violation thereof and to provide when and the manner in which gasoline, benzine or naphtha may be inspected. [Additional to chapter eleven (11) of title twelve (XII) of the code, relating to inspection of petroleum products.] Approved March 23, A. D. 1911.....	S. F. 2	121
110	AN ACT to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the state food and dairy commissioner in relation thereto; fixing penalties for the violation thereof; amending sections twenty-five hundred and ten-b (2510-b), and twenty-five hundred and ten-d (2510-d) of the supplement to the code, 1907, amending the title to chapter eleven-A (11-A) of title twelve (XII) of the supplement to the code, 1907, and repealing sections twenty-five hundred and ten-e (2510-e), and twenty-five hundred and ten-f (2510-f) of the supplement to the code, 1907. Approved March 28, A. D. 1911	H. F. 198	122
111	AN ACT to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the state food and dairy commissioner in relation thereto; and fixing penalties for the violation thereof. [Additional to chapter eleven-A (11-A), of title twelve (XII) of the supplement to the code, 1907, relating to pure paints and oils.] Approved March 28, A. D. 1911.....	H. F. 199	124

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112	AN ACT to amend title twelve (12), chapter twelve (12), supplement to the code, 1907, requiring certain boats to be provided with life preservers, and providing a penalty where life preservers are not furnished. Approved April 12, A. D. 1911	H. F. 243	125
113	AN ACT to amend chapter thirteen (13) title twelve (12) of the supplement to the code, 1907, to repeal sections twenty-five hundred fifteen (2515), forty-nine hundred eighty-nine (4989), forty-nine hundred ninety (4990), forty-nine hundred ninety-nine-a-seventeen (4999-a17) and fifty hundred seventy-seven-a-1 (5077-a1) of the supplement to the code, 1907, and sections twenty-five hundred twenty-five (2525) and twenty-five hundred twenty-eight (2528) of the code, and enact substitutes therefor, and providing for the appointment of dairy commissioner, deputy commissioner, and state dairy inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith. Approved April 14, A. D. 1911	H. F. 129	126
114	AN ACT to amend section one (1) of chapter one hundred fifty-one (151) of the acts of the thirty-third general assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of five thousand dollars (\$5,000) for the maintenance of the laboratory for the manufacture of such serum. Approved April 13, A. D. 1911	H. F. 372	130
115	AN ACT to abolish the state board of veterinary medical examiners, to transfer the powers and duties of said board to the state veterinary surgeon, and to establish a commission of animal health. [Additional to chapter fourteen-A (14-A) of title twelve (XII) of the supplement to the code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.] Approved April 15, A. D. 1911	H. F. 329	130
116	AN ACT amending the law as it appears in section two thousand five hundred thirty-nine (2539) of the supplement to the code, 1907, as amended by chapter one hundred fifty-two (152), acts of the thirty-third general assembly, fixing the salary of the fish and game warden and providing for the payment of his expenses. Approved April 15, A. D. 1911	H. F. 392	132
117	AN ACT to amend sections two (2), three (3) and four (4) of chapter one hundred fifty-five (155) of the acts of the thirty-third general assembly, providing for fishing in certain waters, and the care and propagation of fish. Approved April 15, A. D. 1911	H. F. 513	132
118	AN ACT to establish in the state of Iowa the title and ownership of all wild game, animals, birds and fish, and to provide for distraining and disposing of wild deer now running at large. [Additional to chapter fifteen (15) of title twelve (XII) of the code, relating to fish, birds and game.] Approved April 15, A. D. 1911	H. F. 588	133
119	AN ACT to amend the law as it appears in section one (1) of chapter one hundred fifty-six (156) of the session laws of the thirty-third general assembly, relating to the quarantine of communicable diseases. Approved April 3, A. D. 1911	H. F. 120	134
120	AN ACT to repeal section twenty-five hundred seventy-four (2574) of the code, relating to the compensation of the secretary and members of the state board of health and enacting a substitute therefor. Approved April 15, A. D. 1911	S. F. 327	135

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121	AN ACT to amend the law as it appears in section two thousand five hundred seventy-five-a-twenty-eight (2575-a28) and section two thousand five hundred seventy-five-a-thirty-one (2575-a31) as amended, supplement to the code, 1907, relating to graduated and registered nurses. Approved April 6, A. D. 1911.....	H. F. 248	135
122	AN ACT to establish an antitoxin department under the control and direction of the state board of health for the purpose of aiding in the distribution of antitoxin to the people of the state of Iowa and making an appropriation therefor. [Additional to chapter sixteen (16) of title twelve (XII) of the code, relating to the state board of health.] Approved April 10, A. D. 1911.....	S. F. 377	136
123	AN ACT to amend section twenty-five hundred and eighty-five (2585) of the supplement to the code 1907, to repeal section twenty-five hundred and eighty-nine-a (2589-a) of the supplement to the code 1907, and enact a substitute therefor and to amend section twenty-five hundred and eighty-seven (2587) of the code, all relating to the practice of pharmacy. Approved April 12, A. D. 1911.....	S. F. 456	137
124	AN ACT to amend section two thousand five hundred eighty-eight (2588) of the code, relating to the sale of drugs, medicines, poisons and chemicals, and providing for the sale of insecticides and fungicides by persons other than registered pharmacists. Approved March 25, A. D. 1911.....	S. F. 173	138
125	AN ACT to amend section twenty-five hundred eighty-nine-b (2589-b) of the supplement to the code of 1907, relating to the practice of pharmacy. Approved February 23, A. D. 1911.....	H. F. 97	138
126	AN ACT to repeal section twenty-five hundred ninety-six-a (2596-a) of the supplement to the code, 1907, as amended by chapter one hundred sixty-three (163) of the acts of the thirty-third general assembly, relating to the sale of cocaine and certain other drugs and to enact a substitute therefor. Approved February 27, A. D. 1911.....	H. F. 96	139
127	AN ACT to amend the law as it appears in chapter one hundred sixty-seven (167) of the acts of the thirty-third general assembly relating to the practice of optometry, and for the creation of a board of examiners in optometry. Approved April 15, A. D. 1911.....	S. F. 281	139
128	AN ACT to create the office of state fire marshal and deputy fire marshal, prescribing their duties and providing for their compensation and for the maintenance of the state fire marshal's office. [Additional to title twelve (XII) of the code, relating to the police of the state.] Approved April 11, A. D. 1911.....	H. F. 41	140
129	AN ACT to prevent the procreation of habitual criminals, idiots, feeble-minded and imbeciles. [Additional to title twelve (XII) of the code, relating to the police of the state.] Approved April 10, A. D. 1911.....	H. F. 317	144
130	AN ACT to amend the law as it appears in sections twenty-six hundred thirty-c (2630-c), twenty-six hundred thirty-four-d (2634-d), twenty-seven hundred thirty-four-e (2734-e), twenty-seven hundred thirty-four-g (2734-g), twenty-seven hundred thirty-four-q (2734-q), and twenty-seven hundred thirty-eight (2738) of the supplement to the code 1907, to repeal sections twenty-six hundred thirty-four-h (2634-h) of the supplement to the code, 1907, and section twenty-seven hundred thirty-four-h (2734-h), of the supplement to the code 1907, as amended by chapter one hundred eighty-one (181) acts of the thirty-third general assembly, and to enact substitutes therefor, to repeal section twenty-seven hundred thirty-four-i (2734-i) and		

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	section twenty-seven hundred thirty-four-k (2734-k), of the supplement to the code, 1907, relating to the issuance, validation and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates. Approved April 10, A. D. 1911.....	S. F. 77	145
131	AN ACT to repeal sections twenty-six hundred and thirty-four-b (2634-b), twenty-six hundred and thirty-four-c (2634-c) and twenty-six hundred and thirty-four-d (2634-d), supplement to the code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor. Approved April 11, A. D. 1911.....	S. F. 101	148
132	AN ACT to amend chapter one hundred seventy (170) of the acts of the thirty-third (33rd.) general assembly, in relation to the powers and duties of the state board of education. Approved April 15, A. D. 1911.....	S. F. 218	150
133	AN ACT making all children received in the soldiers' orphans' home wards of the state, and authorizing the placing of them with persons or families under contract for education maintenance and service, and repealing the law as it appears in section twenty-six hundred ninety-b (2690-b), of the supplement to the code, 1907. Approved March 28, A. D. 1911.....	S. F. 248	150
134	AN ACT making an appropriation for the salaries and expenses of state agents and repealing section two (2) of chapter one hundred seventy-two (172) of the acts of the thirty-third general assembly and the law as it appears in section twenty-six hundred ninety-two-c (2692-c) of the supplement to the code, 1907, as amended. Approved April 12, A. D. 1911.....	S. F. 293	151
135	AN ACT authorizing the placing with persons or in families and in places of employment of boys and girls committed to the industrial school, under contract for care, education, maintenance and service, and repealing the law as it appears in section twenty-seven hundred four (2704) of the supplement of the code, 1907. Approved April 6, A. D. 1911.....	S. F. 249	152
136	AN ACT providing for the commitment of boys and girls to the industrial school and repealing the law as it appears in sections twenty-seven hundred eight (2708) and twenty-seven hundred nine (2709) of the supplement to the code, 1907, and chapter one hundred seventy-four of the acts of the thirty-third (33) general assembly. Approved April 15, A. D. 1911..	H. F. 485	153
137	AN ACT to provide for the support of the industrial school and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in section twenty-seven hundred thirteen (2713) of the supplement to the code, 1907. Approved April 15, A. D. 1911.....	S. F. 254	155
138	AN ACT amendatory of and additional to chapter eight (8) title thirteen (XIII) of the code and supplement to the code, 1907, providing that whenever females may be committed to the industrial school, the court or judge may commit said females to any reputable institution within this state conducted for the detention and reformation of wayward and fallen girls, fixing the compensation to be paid such institutions therefor, and providing that sections thirty-two hundred and sixty-g (3260-g), thirty-two hundred and sixty-j (3260-j) and thirty-two hundred and sixty-k (3260-k) supplement to the code, 1907, relating to the authority and supervision of the court and board of control, shall govern so far as applicable. Approved April 15, A. D. 1911.....	H. F. 180	155

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139	AN ACT to provide for the support of the college for the blind, fixing a minimum monthly allowance and repealing the law as it appears in section twenty-seven hundred eighteen-a (2718-a) of the supplement to the code, 1907. Approved April 15, A. D. 1911.....	S. F. 265	156
140	AN ACT to amend the law as it appears in section twenty-seven hundred twenty-seven-a1 (2727-a1) of the supplement to the code, 1907, relating to the term of office of the members of the board of control of state institutions. Approved April 7, A. D. 1911.....	H. F. 355	157
141	AN ACT to transfer the control and management of the college for the blind at Vinton from the board of control of state institutions to the state board of education and granting all the powers held by the board of control over such institution to the state board of education; and amending the law as it appears in section two thousand seven hundred twenty-seven-a-eight (2727-a8) of the supplement to the code, 1907, and amending chapter one hundred seventy (170) of the law as it appears in the acts of the thirty-third general assembly. Approved April 6, A. D. 1911.....	S. F. 225	157
142	AN ACT to amend the law as it appears in section two thousand seven hundred ninety-three (2793) of the supplement to the code, 1907, relating to the change of boundaries of school corporations. Approved March 17, A. D. 1911.....	S. F. 25	158
143	AN ACT to amend section two thousand seven hundred ninety-four-a (2794-a) of the supplement to the code, 1907, relating to the organization of consolidated independent school districts. Approved March 25, A. D. 1911.....	H. F. 33	158
144	AN ACT to amend section twenty-eight hundred and sixteen (2816) of the code, relative to the title and disposition of real estate acquired by a school corporation. Approved April 17, A. D. 1911.....	H. F. 177	161
145	AN ACT to amend sections one (1), and two (2), of chapter one hundred and eighty-four (184), acts of the thirty-third general assembly relative to the limit of indebtedness of independent school districts. Approved March 21, A. D. 1911.	H. F. 11	162
146	AN ACT to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to four-year high schools of Iowa. [Additional to chapter fourteen (14) of title thirteen (XIII) of the code, relating to the common schools.] Approved March 10, A. D. 1911	H. F. 28	163
147	AN ACT to repeal the law as it appears, in sections twenty-eight hundred eighty-one-e (2881-e), twenty-eight hundred eighty-one-f (2881-f), and twenty-eight hundred eighty-one-g (2881-g), chapter seventeen-A (17-A), title thirteen (XIII) of the supplement to the code, 1907, and enact substitutes therefor, relative to salaries and appropriations for the state library and the historical department. Approved April 14, A. D. 1911	H. F. 367	164
148	AN ACT to amend the law as it appears in section two thousand, eight hundred eighty-one-l (2881-l) of the supplement to the code, 1907, relating to the public archives, authorizing the curator of the historical collections to make and certify copies of records and documents in the public archives. Approved April 1, A. D. 1911.....	S. F. 333	164
149	AN ACT making appropriation to the state historical society of Iowa. [Additional to section twenty-eight hundred eighty-two-a (2882-a) of the supplement to the code, relating to annual appropriation for state historical society.] Approved April 14, A. D. 1911.....	H. F. 115	165

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150	AN ACT to regulate the sale or disposal of stocks of goods, wares, or merchandise in bulk, and to provide a penalty for the violation thereof. [Additional to chapter four (4) of title fourteen (XIV), relating to transfer of personal property.] Approved April 10, A. D. 1911.....	H. F. 56	165
151	AN ACT to legalize acknowledgments of instruments in writing heretofore taken by notaries public, additional to section twenty-nine hundred and forty-two (2942) of the code. Approved March 23, A. D. 1911.....	S. F. 195	166
152	AN ACT to repeal chapter one hundred ninety-two (192) of the acts of the thirty-third general assembly and to enact a substitute therefor, relating to the conveyance of real estate by executor, administrator, trustee, guardian, referee, or commissioner. Approved April 3, A. D. 1911.....	S. F. 151	167
153	AN ACT providing for registration of farm names. [Additional to title fourteen (XIV) of the code, relative to rights of property.] Approved March 14, A. D. 1911.....	S. F. 220	167
154	AN ACT to provide for the inspection of weights and measures, and to punish the keeping of false weights and measures. [Additional to chapter one (1) of title fifteen (XV) of the code, relating to weights and measures and inspection.] Approved April 15, A. D. 1911.....	S. F. 542	168
155	AN ACT describing and defining negotiable and non-negotiable bills of lading, and providing for the issuing, transfer and endorsement thereof, defining the rights and duties of common carriers and all persons issuing and receiving the same, providing for the shipment and delivery of goods and property thereunder and for conviction and punishment for the violation of the provisions thereof. [Additional to title fifteen (XV) of the code, relating to commerce and trade.] Approved April 12, A. D. 1911.....	S. F. 154	169
156	AN ACT to encourage the business of manufacturing in Iowa, and providing for an official trade-mark for Iowa manufactured products, and prohibiting the unlawful use of the same and providing a penalty therefor. [Additional to title fifteen (XV) of the code, relating to trade and commerce.] Approved April 12, A. D. 1911.....	S. F. 380	178
157	AN ACT to legalize conveyances of real property by executors or trustees under foreign wills where the provisions of section thirty-two hundred and ninety-five (3295) of the code were not observed or complied with. Approved April 5, A. D. 1911	S. F. 398	179
158	AN ACT to amend section three thousand four hundred thirty-nine (3439) of the supplement to the code, 1907, relating to the time when actions may be brought on judgments in courts of record. Approved March 17, A. D. 1911.....	H. F. 38	180
159	AN ACT to repeal section three thousand four hundred forty-seven-b (3447-b) of the supplement to the code, 1907, and to enact a substitute therefor relative to the recovery of interest in real estate when spouse failed to join in conveyance. Approved March 17, A. D. 1911.....	H. F. 6	180
160	AN ACT to amend house file number six (6) of the thirty-fourth general assembly relating to the recovery of interest in real estate when spouse failed to join in conveyance. Approved May 2, A. D. 1911.....	H. F. 543	181
161	AN ACT to repeal section three thousand four hundred forty-seven-c (3447-c) of the supplement to the code, 1907, and enacting a substitute therefor relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought. Approved April 11, A. D. 1911.....	S. F. 258	181

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162	AN ACT to repeal section three thousand five hundred and forty one (3541) of the code and to enact a substitute therefor relating to appearance in court. Approved April 17, A. D. 1911	S. F. 160	182
163	AN ACT providing for an award to a woman or her estate arising from an injury caused by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation. [Additional to chapter three (3) of title eighteen (XVIII) of the code, relating to parties to an action.] Approved April 3, A. D. 1911.....	S. F. 27	183
164	AN ACT fixing the place of bringing suit against companies or corporations furnishing surety bonds in the state of Iowa. [Additional to chapter four (4) of title eighteen (XVIII) of the code, relating to place of bringing action.] Approved February 24, A. D. 1911.....	H. F. 80	183
165	AN ACT to amend section four thousand two hundred sixty-eight (4268) of the code, in relation to the disposition of the proceeds of real estate sold in actions of partition. Approved April 6, A. D. 1911.....	S. F. 418	184
166	AN ACT to amend section four thousand two hundred ninety-nine (4299) of the code, relating to the declaration of forfeiture of contract and the service of notice relating thereto, and to amend section four thousand three hundred (4300) of the code relating to the recording of notice of forfeiture of contract. Approved April 8, A. D. 1911.....	H. F. 26	184
167	AN ACT relating to security for costs in justice courts. [Additional to chapter one (1) of title twenty-two (XXII) of the code, relating to justices of the peace and their courts.] Approved March 25, A. D. 1911.....	H. F. 162	185
168	AN ACT to amend section four thousand seven hundred sixty-seven (4767) of the code, relating to the crime of malicious threats to extort and to provide the penalty therefor. Approved April 15, A. D. 1911.....	S. F. 52	186
169	AN ACT to amend section four thousand eight hundred and fifty-three (4853) of the code, relating to the subject of forgery, and providing penalty for the violation thereof. Approved March 23, A. D. 1911.....	S. F. 144	186
170	AN ACT to amend section four thousand nine hundred fifty-two (4952) of the code relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use. Approved February 27, A. D. 1911.....	S. F. 165	187
171	AN ACT to amend section forty-nine hundred and ninety-nine-a1 (4999-a-1), of the supplement to the code, 1907, relative to water closets or privies. Approved April 3, A. D. 1911	H. F. 155	187
172	AN ACT to amend section forty-nine hundred and ninety-nine-a-five (4999-a-5), supplement to the code, 1907, and section forty-nine hundred and ninety-nine-a-ten (4999-a-10), supplement to the code, 1907, relating to the penalty for failure to provide safeguards for machinery and equipment and fire escapes, and to provide penalty for removing such safeguards. Approved April 15, A. D. 1911.....	H. F. 280	188
173	AN ACT to amend section forty-nine hundred and ninety-nine-a-ten (4999-a-10), of the supplement to the code, 1907, relating to protection against fire and providing a penalty. Approved April 12, A. D. 1911.....	S. F. 232	189
174	AN ACT to repeal sections four thousand nine hundred and ninety-nine-a-fifteen (4999-a-15), four thousand nine hundred and ninety-nine-a-sixteen (4999-a-16), four thousand nine hundred ninety-nine-a-twenty-one (4999-a-21), four thousand nine hundred and ninety-nine-a-twenty-two (4999-a-22), four thousand nine hundred and ninety-nine-a-twenty-three (4999-a-23),		

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	four thousand nine hundred and ninety-nine-a-twenty-seven (4999-a-27), and four thousand nine hundred and ninety-nine-a-twenty-eight (4999-a-28) of the supplement to the code, 1907, and enact substitutes therefor, and defining duties of the state food and dairy commissioner under the pure food law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded," and making appropriation therefor, and repealing acts and parts of acts in conflict therewith. Approved April 14, A. D. 1911.....	S. F. 335	189
175	AN ACT to amend section four thousand nine hundred and ninety-nine-a-thirty-one (4999-a31) of the supplement to the code, 1907, relating to food standards. Approved March 23, A. D. 1911.....	H. F. 247	191
176	AN ACT to amend the law as it appears in section four thousand nine hundred ninety-nine-a-thirty-five (4999-a35) of chapter ten-B (10-B) of title twenty-four (XXIV) of the supplement to the code, 1907, relating to pure drugs and the misbranding thereof. Approved April 6, A. D. 1911.....	S. F. 279	192
177	AN ACT repealing section four thousand nine hundred ninety-nine-a-thirty-eight (4999-a38) of chapter ten-B (10-B) of title twenty-four (XXIV) of the supplement to the code, 1907, and enacting a substitute therefor relating to the enforcement of the pure drug laws. Approved April 10, A. D. 1911.....	S. F. 262	193
178	AN ACT to prohibit the exhibition of deformed, idiotic and abnormal persons, and providing penalties for the violation thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.] Approved February 23, A. D. 1911..	H. F. 67	193
179	AN ACT to prohibit the possession of roulette wheels, klondyke tables, poker tables, faro, and keno layouts, and to provide for the seizure and destruction thereof. [Additional to chapter nine (9) or title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.] Approved April 8, A. D. 1911.....	H. F. 37	194
180	AN ACT relating to the weight of flour and providing a penalty for the violation thereof, and to repeal section five thousand seventy (5070) of the code of Iowa. Approved April 15, A. D. 1911	H. F. 452	195
181	AN ACT defining the terms "gold", "alloy of gold", "silver", "alloy of silver", "sterling silver", or "sterling", as applied to any article of merchandise made in whole or part of gold or silver or any alloy of gold or silver, and made for sale or offered for sale or disposition, and also providing a means of making tests thereof, and also defining the terms "rolled gold plate", "gold plate", "gold-filled", and "gold electroplate", and the words "silver plate", and "silver electroplate", "sterling" and "coin", as applied to any article of merchandise made in whole or part of any inferior metal manufactured for sale, sold or kept for sale or disposition or offered for sale and disposition, and prohibiting the false marking of such merchandise, and providing a penalty for the violation thereof. [Additional to chapter thirteen (13) of title twenty-four (XXIV) of the code, relating to cheating by false pretenses, gross fraud and conspiracy.] Approved April 15, A. D. 1911..	H. F. 295	195
182	AN ACT to amend the law as it appears in section five thousand eighty-one (5081) of the code, relating to the penalty for nuisances. Approved April 15, A. D. 1911.....	H. F. 569	198
183	AN ACT to repeal section five thousand one hundred nineteen (5119) of the code, relating to vagrants, and enacting a substitute therefor. Approved March 22, A. D. 1911.....	H. F. 29	198

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184	AN ACT to provide for suspending of the execution of sentence of certain convicts on first conviction by the district court in which such conviction is had, or any judge thereof. [Additional to chapter thirty-one (31) of the title twenty-five (XXV) of the code, relating to execution.] Approved April 17, A. D. 1911.....	S. F. 200	199
185	AN ACT to amend section five thousand five hundred and eighteen (5518) of the code, relating to forfeiture of bail. Approved February 27, A. D. 1911.....	S. F. 53	199
186	AN ACT to amend section fifty-six hundred and twenty-six (5626) of the supplement to the code, 1907, referring to the matter of pardons and remission of fines and forfeitures, and the powers of the board of parole. Approved February 15, A. D. 1911.....	S. F. 139	200
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219	AN ACT for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, for a certain tract of land. Approved April 8, A. D. 1911.....	S. F. 364	246
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221	AN ACT for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land. Approved April 8, A. D. 1911.....	H. F. 415	248
222	AN ACT authorizing the governor of the state of Iowa to issue patent, attested by the secretary of state, to lot six (6) in block ninety-six (96) of Iowa City, Iowa, in accordance with the recorded plat thereof, to John A. Reed. Approved April 12, A. D. 1911.....	H. F. 477	249

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231	AN ACT to legalize an election of Scott county, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for dependent, neglected and delinquent children, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds therefor. Approved April 11, A. D. 1911.....	S. F. 257	258
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234	AN ACT to legalize a certain contract entered into between the counties of Pocahontas and Calhoun, state of Iowa, in behalf of drainage improvement district No. 13 in Pocahontas county and drainage improvement district No. 9 in Calhoun county, Iowa, and to authorize the issuance of a warrant by Pocahon-		

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252	AN ACT legalizing the ordinances of the town of Menlo, Guthrie county, Iowa, and the acts and proceedings of the council of said town had thereunder. Approved April 11, A. D. 1911	H. F. 591	281
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256	AN ACT legalizing the action of the city council of Ottumwa, Iowa, in transferring to the water works fund certain money realized from water tax levies and to legalize the levy of a five mill water tax made by the city in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said city council in making said water tax levy a water works levy. Approved February 8, A. D. 1911	S. F. 70	285
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262	AN ACT legalizing certain acts and proceedings of the board of directors of the independent school district of Traer, in the county of Tama and state of Iowa, and warrants thereof, and authorizing the issue of bonds. Approved March 11, A. D. 1911	S. F. 146	291
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268	AN ACT legalizing the acts of the stockholders and officers of the Boone county agricultural society, of Boone county, Iowa, relating to the transaction of business under its former articles of incorporation and amendments thereto and its reincorporation. Approved March 16, A. D. 1911.....	H. F. 375	297
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270	AN ACT legalizing a certain conveyance which was made by Hezekiah Beecher, commissioner, to Robert M. Henderson, trustee, dated June 30th, 1867, filed for record in the office of the recorder of Pocahontas county, Iowa, on September 13th, 1867, and recorded in land deed record "C" beginning at page No. 3 thereof, together with the acts of the said Hezekiah Beecher as such commissioner in making said conveyance. Approved March 23, A. D. 1911.....	S. F. 73	299

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NOTE.

The general laws are arranged in chapters according to the numerical order of the section, chapter or title of the code or the supplement to the code, which is amended as shown by the references thereto in each of said acts.

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LAWS

OF THE

Thirty-Fourth General Assembly

OF THE

STATE OF IOWA

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE CAPITAL
OF THE STATE, BEGUN ON THE NINTH DAY OF JANUARY, AND
ENDED ON THE TWELFTH DAY OF APRIL, A. D. 1911,
IN THE SIXTY-FIFTH YEAR OF THE STATE.

CHAPTER 1.

COMPENSATION OF MEMBERS OF THE GENERAL ASSEMBLY.

S. F. 7.

AN ACT to amend section twelve (12) of chapter two (2) of title one (1) of the code, relating to the compensation of members of the general assembly.

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

Section 1. **Compensation.** That section twelve (12) of chapter two (2) of the code be amended by striking from the third line thereof the words, "five hundred and fifty" and inserting in their stead the words, "one thousand".

Approved March 25, A. D. 1911.

CHAPTER 2.

PAYMENT OF COURT COSTS AND OTHER EXPENSES INCURRED BY STATE IN SUITS INSTITUTED BY STATE DEPARTMENTS.

S. F. 346.

AN ACT authorizing the executive council to pay court costs taxed to or expenses incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided. [Additional to chapter seven (7) of title two (II) of the code, relating to the executive council.]

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

Section 1. **Court costs and other expenses—how paid.** The executive council of the state of Iowa is hereby authorized to allow and pay any costs taxed to the state of Iowa or other expenses incurred in any suit or proceeding brought

by any of the state departments in which the state is a party or interested, to be paid out of any moneys in the state treasury not otherwise appropriated.

Sec. 2. **Applicable to costs taxed or incurred during last 5 years.** The provisions of this act shall also apply to all costs taxed or incurred as above provided within the five years last past.

Sec. 3. **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 Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 6, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 8, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 3.

CENSUS.

H. F. 47.

AN ACT to amend the law as it appears in chapter eight (8), title two (2) of the supplement to the code, 1907, in reference to the census.

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

Section 1. **Federal census returns—how secured and published—such publication to be evidence.** That the law as it appears in chapter eight (8), title two (2) of the supplement to the code, 1907, be, and the same is hereby amended by adding thereto the following:

“Whenever a general census is taken by the national government, it shall be the duty of the secretary of state to procure from the supervisor of such census, or other proper federal official, a copy of such part of said census as gives the population of the state of Iowa, by counties, and the population of the cities and towns of Iowa, and file same in his office. He shall then, at once, cause such census report, giving the population of the state by counties, and the population of the cities and towns of Iowa, to be published once in each of two daily newspapers of the state having general circulation, and from and after the date of such publication said census shall be in full force and effect throughout the state. On request and payment of a fee of two dollars (\$2.00) he shall furnish a certified copy of the whole or any part of such census report; he shall also publish same, in full, in each copy of the Official Register until a census is taken under authority of the state, and he shall certify that such published census report is a true copy of the report furnished him by the federal official from whom he obtains it, and publish such certificate in connection with said census report, and such certified copy, and such published copy of the census with published certificate, shall be evidence of all matters therein contained. Wherever in the code, or any supplement to the code or any copy of the session laws prior to this date, the population of any county, city or town is referred to, it shall be determined by the last certified, or certified and published, official census, whether the same be state or national.”

Sec. 2. **Acts in conflict repealed.** All acts and parts of acts in so far as they conflict with this act are hereby repealed.

Sec. 3. **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 Capital, newspapers published in Des Moines, Iowa.
Approved February 27, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital February 28, 1911, and in the Register and Leader March 1, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 4.

FIRST JUDICIAL DISTRICT.

S. F. 274.

AN ACT amending section two hundred twenty-seven (227) of the supplement to the code 1907 and providing for an additional judge of the district court in the first judicial district and for his appointment and election and regulating terms in said district.

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

Section 1. **Number of judges.** That section 227 of the supplement to the code, 1907, be and the same is hereby amended by striking out the words "one judge" in the third line thereof and inserting the words "two judges" in lieu thereof.

Sec. 2. **Alternate in holding terms.** The judges in said first judicial district shall as nearly as practicable alternate in holding terms at the places for holding court in said judicial district, and terms may be held simultaneously at both places.

Sec. 3. **Appointment—election.** The governor shall appoint a judge for said first judicial district of Iowa in conformity with this act who shall hold his office until the next biennial election or until his successor is duly elected and qualified and at the general election held in the year 1912 a judge of the district court of the first judicial district shall be elected whose first term of office shall expire at the same time as does the term of the present judge of said district and thereafter the term of office of the judges of said district shall be four years.

Sec. 4. **In effect.** This act being deemed of immediate importance shall be in force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 27, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 29, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 5.

SEVENTH JUDICIAL DISTRICT.

S. F. 164.

AN ACT to amend the law as it appears in section two hundred twenty-seven (227), supplement to the code, 1907, relating to the division of the state into judicial districts, and increasing the number of district judges in the seventh district.

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

Section 1. **Seventh district—number of judges.** The seventh sub-division of section two hundred twenty-seven (227), supplement to the code, 1907, is

hereby amended by striking out the word "four" as the same appears in the second line of said subdivision, and substituting in lieu thereof the word "five", so that the said sub-division will read as follows:

"Seventh. The seventh district shall consist of the counties of Muscatine, Scott, Clinton, and Jackson and have five judges."

Sec. 2. **Vacancy—how filled—term.** The vacancy in the said office of district judge in the seventh judicial district, created by this act, shall be filled by appointment by the governor; the person so appointed shall hold his office until the general election in 1912, or until his successor is elected and qualified. At the general election in 1912, there shall be chosen a district judge to fill the unexpired portion of the vacancy hereby created.

Sec. 3. **Five judges to be elected in 1914.** At the general election in 1914 five district judges shall be elected in the seventh judicial district of Iowa, whose terms of office shall begin on the day now provided by law.

Sec. 4. **In effect.** This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

. Approved March 11, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital March 13, 1911, and in the Register and Leader March 14, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 6.

NINTH JUDICIAL DISTRICT.

S. F. 14.

AN ACT to amend section two hundred twenty-seven (227) of the supplement to the code, 1907, relating to the division of the state into judicial districts, and increasing the number of district judges in the ninth district.

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

Section 1. **Ninth district—number of judges.** The ninth sub-division of section two hundred twenty-seven (227) supplement to the code, 1907, is hereby amended by striking out the word "four" as the same appears in the first line of said sub-division, and substituting in lieu thereof the word "five" so that the said sub-division will read as follows:

"Ninth. The county of Polk shall constitute the ninth district, and shall have five judges."

Sec. 2. **Vacancy—how filled—term.** The vacancy, in the said office of district judge in the ninth judicial district, created by this act, shall be filled by appointment by the governor; the person so appointed shall hold his office until the general election in 1912, or until his successor is elected and qualified. At the general election in 1912 there shall be chosen a district judge to fill the unexpired portion of the vacancy hereby created.

Sec. 3. **Five judges to be elected in 1914.** At the general election in 1914 five district judges shall be elected in the ninth judicial district of Iowa, whose terms of office shall begin on the first day of January after their election.

Sec. 4. **In effect.** This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Register

and Leader, and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved March 22, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital March 23, 1911, and in the Register and Leader March 24, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 7.

SPECIAL TERMS OF COURT.

H. F. 597.

AN ACT to amend section two hundred thirty-three (233) of the code relating to the calling of special terms of court.

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

Section 1. **When special terms ordered.** That section two hundred thirty-three (233) of the code be and the same is hereby amended by striking out the period after the word "law" in the fifth line of said section and by inserting in lieu thereof a comma, and by inserting after said comma the following, to-wit:

"or for receiving pleas of guilty in criminal cases and the entry of judgment thereon."

Approved April 15, A. D. 1911.

CHAPTER 8.

COMPENSATION OF SHORTHAND REPORTERS.

H. F. 403.

AN ACT to amend the law as it appears in section two hundred and fifty-four-a-two (254-a-2) of the supplement to the code, 1907, and section one (1) of chapter twelve (12) of the acts of the thirty-third general assembly relating to the compensation of shorthand reporters.

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

Section 1. **Shorthand reporter—compensation.** That the law as it appears in section two hundred fifty-four-a2 (254-a2) of the supplement to the code, 1907, be and the same is hereby amended by striking out the words and figures, "one thousand two hundred dollars (\$1,200.00)" in the sixth line thereof, and inserting in lieu thereof the words and figures "one thousand six hundred dollars (\$1,600.00)".

Sec. 2. **Same.** That the law as it appears in section one (1) of chapter twelve (12) of the acts of the thirty-third general assembly be, and the same is, hereby amended by striking out of said section the last sentence thereof, the words and figures: "And by inserting after the figures (\$1,200.00) in the sixth line of said section the words: 'when such reporter has been engaged in court one hundred and twenty-five days or less per year or sixteen hundred (\$1,600.00) dollars where such reporter has been engaged in court more than one hundred and twenty-five days.'"

Approved April 17, A. D. 1911.

CHAPTER 9.

ASSIGNMENT OF JUDGES OF DISTRICT COURT.

S. F. 185.

AN ACT to amend chapter eleven (11), laws of the thirty third general assembly, and additional to chapter five (5) of title three (III) of the code, relating to holding district courts and assignment of judges therefor.

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

Section 1. **Expenses paid when assigned to another district.** That section one (1) of chapter eleven (11) of the acts of the thirty-third general assembly be and the same is hereby amended by adding the following to said section, to-wit:

“Any judge who is required by such assignment to hold court outside of his judicial district, or who has heretofore held court outside of his judicial district by virtue of such assignment since chapter eleven, acts of the thirty-third general assembly went into effect, shall be allowed his necessary and actual expenses by reason thereof. An itemized sworn statement shall be made showing the amount of such expenses incurred, and the same shall be filed with the auditor of state, who thereupon shall draw his warrant upon the treasurer of state for the amount of such expenses so incurred.”

Approved March 22, A. D. 1911.

CHAPTER 10.

PROBATION OFFICERS.

S. F. 311.

AN ACT amending section two hundred fifty-four-a-eighteen (254-a18) of the supplement to the code 1907, relating to probation officers.

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

Section 1. **Number in certain counties.** That section two hundred fifty-four-a18, (254-a18) of the supplement to the code, 1907 be amended by striking out the word and figures “two (2)” in the seventh line thereof and inserting the word “four”.

Sec. 2. **In effect.** This act being deemed of immediate importance shall be in force and effect from and after its publication in the Register & Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 5, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 8, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 11.

ENTICING AWAY OF CHILDREN.

S. F. 12.

AN ACT to amend the law as it appears in section sixteen (16) of chapter fourteen (14) of the acts of the thirty-third general assembly relating to the enticing away of children, and providing a penalty for the violation thereof.

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

Section 1. **Enticing away child—penalty.** The law as it appears in section sixteen (16) of chapter fourteen (14) of the acts of the thirty-third general assembly, is hereby amended so that the same shall read as follows:

“If any person maliciously, forcibly, or fraudulently, take, decoy or entice away any child under the age of sixteen years with intent to detain, or conceal such child from its parents, guardian, or other person or institution having the lawful custody thereof, he shall be imprisoned in the penitentiary not more than ten (10) years, or be imprisoned in the county jail not more than one (1) year, or be fined not exceeding one thousand dollars (\$1,000.00).”

Sec. 2. **In effect.** This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Register & Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved March 23, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 24, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 12.

COMPENSATION OF MARSHAL IN SUPERIOR COURT.

S. F. 359.

AN ACT to amend the law as it appears in section two hundred eighty (280) of the code, relating to the compensation of marshal in superior court.

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

Section 1. **Fees in criminal cases.** That section two hundred eighty (280) of the code is hereby amended by substituting a comma for the period at the end of said section, and adding the following:

“But in all criminal cases in said court the marshal shall receive the same fees for his services as are paid to the constable in justice court.”

Approved April 5, A. D. 1911.

CHAPTER 13.

SUPERIOR COURTS.

H. F. 409.

AN ACT amendatory to chapter six (6), title three (3), of the code, providing for trial by jury in superior courts in cities which are not county seats, and which have now or may hereafter have a population of twenty-five thousand (25,000) or more; providing for the number of jurors in such courts in such cities, and the manner of their selection; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing that this act shall apply to cities under the commission form of government.

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

Section 1. **Trial by jury.** In all cities which are not county seats, and which have now or may hereafter have a population of twenty-five thousand (25,000) or more, and in which superior courts are now or may hereafter be established, it shall be unnecessary in such superior court to make demand for trial by jury, and causes triable to a jury shall be tried by twelve (12) jurors without the additional expense to any of the parties, required by section two hundred seventy (270) of the code.

Sec. 2. **Jurors—how drawn.** In providing jurors for superior courts in all such cities the names of thirty persons shall be drawn by the officers at the times and in the manner provided by section two hundred sixty-nine (269) of the code, and such persons whose names are drawn shall be subject to jury duty, and shall constitute the regular panel of jurors in said superior courts, for the two calendar months commencing with the first day of the month succeeding the drawing. The judges of the superior courts may order such additional drawings to be made as may be necessary to provide jurors for such courts.

Sec. 3. **Judge of superior court—compensation.** In all such cities the salary of the judge of the superior court shall be three thousand dollars per annum, and paid quarterly; the first two quarters from the city treasury, and the last two from the county treasury of the county wherein such court is located.

Sec. 4. **Shorthand reporter—compensation.** In all such cities the compensation of the shorthand reporter in such superior court shall be eight dollars (\$8.00) a day for the time actually employed.

Sec. 5. **Deputy clerk—compensation.** In all such cities there may be appointed by the city council, a deputy clerk of the court, who shall receive such compensation as the city council may allow.

Sec. 6. **Applicable to certain cities.** This act shall apply to cities acting under the commission form of government, which are not county seats, and which may have, or may hereafter have, a population of twenty-five thousand (25,000) or more.

Approved April 3, A. D. 1911.

CHAPTER 14.

FEES COLLECTED BY CLERK OF DISTRICT COURT.

H. F. 10.

AN ACT to repeal paragraph twenty-nine (29) of section two hundred ninety-six (296) of the supplement to the code, 1907, and to enact a substitute therefor relating to the fees collected and paid to the county by the clerk of the district court.

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

Section 1. **Fees in matter of settlement of certain estates.** Paragraph twenty-nine (29) of section two hundred and ninety-six (296) of the supplement to the code, 1907, is hereby amended so that the same shall read as follows:

“For all services performed in the settlement of the estate of any decedent, minor, insane person, or other persons laboring under any legal disability, except where actions are brought by the administrator, guardian, trustee or person acting in a representative capacity or against him, or as may be otherwise provided herein, where the value of the property of the estate does not exceed three thousand dollars, three dollars; where such value is between three and five thousand dollars, five dollars; where such value is between five and seven thousand dollars, eight dollars; where such value is between seven and ten thousand dollars, ten dollars; where such value is between ten and twenty-five thousand dollars, fifteen dollars; for each additional twenty-five thousand dollars or major fraction thereof, there shall be taxed the further sum of ten dollars.”

Approved February 23, A. D. 1911.

CHAPTER 15.

COMPENSATION OF CLERKS OF DISTRICT COURTS.

S. F. 89.

AN ACT to amend section two hundred ninety-seven (297) of the code, fixing the salaries of clerks of the district courts in certain counties.

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

Section 1. **Compensation in certain counties.** That section two hundred ninety-seven (297) of the code be amended by striking out all of said section after the period following the word “dollars” in the sixteenth line of said section and inserting in lieu thereof the following:

“In counties having a population of over forty thousand (40,000) and less than fifty thousand (50,000) the salary shall be twenty-five hundred (\$2,500.00) dollars; in counties having a population of fifty thousand (50,000) and not over sixty thousand (60,000) the salary shall be two thousand seven hundred fifty (\$2,750.00) dollars; in counties having a population of over sixty thousand (60,000) and less than sixty-five thousand (65,000) the salary shall be three thousand (\$3,000.00) dollars, and in counties having a population of over sixty-five thousand (65,000) the salary shall be thirty-three hundred (\$3,300.00) dollars. The board of supervisors may in addition to the salary fixed for clerks in counties having a population of forty thousand or under allow them out of the probate fees as additional compensation an amount not exceeding three hundred (\$300.00) dollars; provided, that in counties

where terms of the district court are held in two cities or towns there may be added to the salary of the clerk the further sum of four hundred (\$400.00) dollars."

Approved April 15, A. D. 1911.

CHAPTER 16.

ASSISTANT COUNTY ATTORNEYS.

H. F. 44.

AN ACT to repeal section three hundred three-a (303-a) of the supplement to the code, 1907, relative to the compensation of assistant county attorneys, and to enact a substitute therefor.

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

Section 1. **Repeal—appointment—compensation.** That section three hundred and three-a (303-a) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"The county attorney may in writing, with the consent of the board of supervisors, appoint one or more practicing attorneys, who are residents of his county, as his assistants. The compensation of such assistants shall be fixed by the board of supervisors, and be paid out of the country treasury, and shall not exceed the following amounts: In counties having a population of thirty-six thousand and less than sixty thousand, one thousand dollars per annum; in counties having a population of sixty thousand and less than ninety-five thousand, fifteen hundred dollars per annum; in counties having a population of ninety-five thousand and over, two thousand dollars per annum. In counties of less than thirty-six thousand, he may appoint assistants who shall act without any compensation from the county, to assist him in the discharge of his duties. In any county, with the approval of the judge of the district court, he may procure such assistants in the trial of a person charged with felony as he shall deem necessary and such assistants upon presenting to the board of supervisors a certificate of the district judge before whom said cause was tried, certifying to the services rendered, shall be allowed a reasonable compensation therefor, to be fixed by the board of supervisors, but nothing in this act shall prevent the board of supervisors from employing an attorney to assist the county attorney in any cause or proceeding in which the state or county is interested."

Approved April 11, A. D. 1911.

CHAPTER 17.

JURY LISTS.

H. F. 141.

AN ACT to repeal section three hundred thirty-five (335) of the code, as amended by chapter twenty (20) of the acts of the thirty-third (33d) general assembly, and to enact a substitute therefor, relating to the selection of jury lists.

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

SECTION 1. **Repeal.** That section three hundred thirty-five (335) of the code, as amended by chapter twenty (20) of the acts of the thirty-third

(33d) general assembly, be and the same is hereby repealed, and the following enacted in lieu thereof:

“SEC. 2. List to be made biennially. At the time of holding the general election in A. D. 1912, and biennially thereafter, lists shall be made from which to select persons to serve as grand and petit jurors and talesmen for the biennial period commencing with the first day of January next thereafter, as follows: One hundred fifty (150) persons in each county from which to select grand jurors; the number equal to one-fourth ($\frac{1}{4}$) of the whole number of qualified electors in said county, who voted in the last preceding general election as shown by the poll books of said election, from which to select petit jurors; and the number equal to thirty per cent (30%) of the whole number of qualified electors, who voted at the last preceding general election, as shown by the poll books of said election, in the city or town in which the district court is held and the township, or townships, in which said city or town is located, from which to select talesmen; provided however, that in no case shall such list for talesmen contain more than six hundred (600) names.

“SEC. 3. Talesmen list—how made. The talesmen list shall be made from names of persons who reside in the city or town in which the district court is held and the township or townships in which said city or town is located.

“SEC. 4. How selected in counties holding court in more than one place. In counties where court is held in more than one place, the persons shall be selected from the qualified electors of the separate divisions of the county, giving to each division the number of grand jurors and petit jurors and talesmen to which it would be entitled, if it were a separate county.

“SEC. 5. Length of service. No person on the list of grand jurors shall be eligible to serve as a grand juror except for one calendar year of the biennial period for which the list is made, and no person on the list of petit jurors shall be eligible to serve as a juror at more than one term of court during such biennial period.

“SEC. 6. Validity of 1910 jury list not affected. Nothing herein shall be construed to affect the validity of the jury list, made at the time of holding the general election in A. D. 1910 in accordance with the provisions of chapter twenty (20) of the acts of the thirty-third (33d) general assembly for the biennial period commencing January 1st, 1911.”

Approved April 15, A. D. 1911.

CHAPTER 18.

INSURANCE.

H. F. 506.

AN ACT to amend the law as it appears in sections three hundred sixty (360), seventeen hundred ten (1710), seventeen hundred eleven (1711), seventeen hundred twenty-one (1721), seventeen hundred twenty-eight (1728), seventeen hundred forty-five (1745), seventeen hundred eighty-seven (1787), seventeen hundred ninety-eight (1798) of the code, and to amend the law as it appears in sections thirteen hundred thirty-three (1333), seventeen hundred nine (1709) (division 1), seventeen hundred fifty-eight-b (1758-b), seventeen hundred eighty-two (1782), seventeen hundred fifty-nine-b (1759-b), seventeen hundred fifty-nine-f (1759-f), seventeen hundred ninety-eight-a (1798-a), seventeen hundred ninety-eight-b (1798-b), eighteen hundred thirty-nine-j (1839-j), of the supplement to the code, 1907, and to amend the law as it appears in section seven (7), chapter one hundred five (105), and section one (1) of chapter one hundred eleven (111) of the acts of the thirty-third general assembly; and to enact a section as section eighteen hundred twenty-d (1820-d) to chapter eight (8), title nine (9) of the code, all relating to insurance.

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

SECTION 1. Surety company may exceed ten per cent if excess is reinsured. That the law as it appears in section three hundred sixty (360) of the code is amended by striking out the period (.) at the end of section one (1) and substituting a comma (,) therefor, and by adding to said section the following:

“Authorized to do business in the state and in no case to exceed ten per cent of the capital of the reinsuring company and provided that a certificate of such reinsurance shall be furnished to the insured.”

SEC. 2. Tax on premium receipts. That the law as it appears in section thirteen hundred thirty-three (1333) of the supplement to the code, 1907, is amended by inserting in line 8 [9], between the words, “it” and “for,” the words “or its agents, in cash, promissory obligation or other form of settlement”.

SEC. 3. Investment of funds made compulsory. That the law as it appears in section one of chapter one hundred eleven (sec. 1, chap. 111) of the acts of the thirty-third general assembly, is amended by striking from line four the word “may” and inserting in lieu thereof the word “shall”.

SEC. 4. Insurance against loss of rents. That the law as it appears in section seventeen hundred nine (1709) (division one) of the supplement to the code, 1907, is amended by adding the words “and insure against loss of rents or use of buildings, when such loss or use is caused by fire, lightning, wind-storms, cyclones or tornadoes.”

SEC. 5. Reinsurance must be in authorized companies. That the law as it appears in section seventeen hundred eleven (1711) of the code, is amended by inserting in line two thereof immediately following the word insured, the following: “In companies only [,] authorized to do business in this state”.

SEC. 6. Capital and surplus of health and accident companies. That the law as it appears in section seventeen hundred twenty-one (1721) of the code is amended by striking out all following the word “dollars” in the twelfth line of said section, and inserting in lieu thereof the following:

“But such companies organized to insure the health of persons and against personal injuries, disablement or death resulting from traveling or general accidents by land or water, having an actual paid-up capital of one hundred thousand (\$100,000.00) dollars and surplus to be approved by the auditor of state, exclusive of any assets deposited in other states and territories for the

special benefit or security of the insured therein, shall be deemed sufficient, within the meaning of this section."

SEC. 7. Cancellation made by company. That the law as it appears in section seventeen hundred twenty-eight (1728) of the code is amended by adding to the section immediately following the last line the following:

"The policy may be cancelled by the insurance company by giving five days' notice of such cancellation, in which event it may retain only the pro-rata premium."

SEC. 8. Approval of policy forms and permits. That the law as it appears in section seventeen hundred forty-five (1745) of the code is amended by striking out the first two lines and that part of line three down to and including the word "and" and by substituting the following in lieu thereof: "The form of all policies or permits issued or proposed to be issued by any insurance company doing business in this state under the provisions of this chapter, shall first be examined and approved by the auditor of state,"

SEC. 9. Twenty-five pounds of gunpowder may be kept. That the law as it appears in section seventeen hundred fifty-eight-b (1758-b) of supplement to the code, 1907, sub-division V (e), is amended by striking out the comma immediately following the word "gun-powder".

SEC. 10. Standard fire policy—lines numbered. That section seventeen hundred fifty-eight-b (1758-b) of supplement to the code, 1907, is amended by striking out the words: "Double column form with numbered lines" from the third and fourth lines of said section, and inserting in lieu thereof the words: "uniform numbered lines, as adopted and approved by the auditor of state".

SEC. 11. Words "mutual" and "association" part of name. That the law as it appears in section seventeen hundred fifty-nine-b (1759-b) of the supplement to the code, 1907, is amended by striking [out] the period following the last word and by adding thereto the following: "and the two words 'mutual' and 'association' shall be incorporated into and become a part of their name."

SEC. 12. Term of agents license defined. That the law as it appears in section seventeen hundred fifty-nine-f (1759-f) of the supplement to the code, 1907, is amended by striking from line four the words "of the year".

SEC. 13. Discrimination by casualty companies prohibited. That the law as it appears in section seventeen hundred eighty-two (1782) of the supplement to the code, 1907, is amended by inserting in line one, between the words "life" and "insurance" the following: "Or casualty, health or accident".

SEC. 14. Approval of assessment life policy forms. That the law as it appears in section seventeen hundred eighty-seven (1787) of the code is amended by adding thereto the following: "Its policy forms shall be approved, as provided by section seventeen hundred eighty-three-a (1783-a) of the supplement to the code, 1907."

SEC. 15. Service of process upon foreign benevolent societies. That the law as it appears in section seventeen hundred ninety-eight (1798) of the code is amended by adding the following to the last line thereof:

"Provided that if organized under the laws of another state or country, they shall file with the auditor of state an agreement in writing authorizing service or notice of process to be made upon the said auditor of state, and when so made shall be as valid and binding as if served upon the association within this state."

SEC. 16. Future organization of health or accident associations prohibited. That the law as it appears in section seventeen hundred ninety-eight-a (1798-a) of the supplement to the code, 1907, is amended by inserting after the word "life" in line one the words: "health or accident"; also by inserting in line six between the words "which" and "shall" the following words: "if a life insurance company or association".

SEC. 17. Health and accident associations may become stock companies. That the law as it appears in section seventeen hundred ninety-eight-b (1798-b), supplement to the code, 1907, is amended by adding to the last line thereof the following:

"Provided that accident or health associations may take advantage of all the provisions of this section, in so far as applicable, and may thereupon transform themselves into stock companies. But no such company or association shall reorganize under the provisions of this section unless it shall have accumulated sufficient surplus to constitute a reinsurance reserve equal to the unearned premium on all outstanding policies or certificates, as prescribed by the statutes of this state relating thereto."

SEC. 18. Blank annual reports may be purchased. Section eighteen hundred twenty-d (1820-d). All reports contemplated under sections seventeen hundred fourteen (1714), seventeen hundred seventy-three (1773), seventeen hundred ninety (1790), seventeen hundred ninety-nine (1799) and eighteen hundred thirty (1830) of the code, and acts amendatory thereof may be upon forms furnished by the auditor of state, and who may, at his option upon authority of the executive council, purchase such forms as are approved by the national convention of insurance commissioners, known as convention edition.

SEC. 19. Valuation of fraternal certificates. That the law as it appears in section eighteen hundred thirty-nine-j (1839-j) of the supplement to the code, 1907, is amended by adding thereto, following the last line thereof, the following:

"The certificate written by any domestic fraternal beneficiary association operating under the provisions of the foregoing mortality table shall be valued in the same manner as provided in section seventeen hundred seventy-four (1774) of the code, except that such valuation shall be based upon the foregoing mortality table and four per cent interest."

SEC. 20. Insurance companies exempt from certain corporate provisions. That the law as it appears in section seven (7) of chapter one hundred five (105) of the acts of the thirty-third general assembly, is amended by adding to the last line thereof the following:

"Nor to insurance companies or associations who have paid the taxes provided in sections thirteen hundred thirty-three (1333) and thirteen hundred thirty-three-d (1333-d) of the supplement to the code, 1907, and received a certificate of authority from the state auditor."

SEC. 21. Bond reinsurance must be in authorized companies. That the law as it appears in section seventeen hundred ten (1710) of the code be amended by striking out the period (.) at the end of line six (6) and substituting a comma (,) therefor, and by adding the following: "authorized to do business in the state, provided that in no case the excess reinsured shall exceed ten per cent of the capital of the reinsuring company and provided further that a certificate of such reinsurance shall be furnished to the insured."

Approved May 5, A. D. 1911.

CHAPTER 19.

POWERS OF NOTARIES PUBLIC.

S. F. 22.

AN ACT to amend section three hundred seventy-seven (377) of the code, relating to the powers of notaries public.

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

SECTION 1. **Powers.** Section three hundred seventy-seven (377) of the code is hereby amended by removing the period (.) at the end of said section, and then immediately after the last word in said section adding the following words, towit: "within the county of his appointment or in any adjoining county in which he has filed in the office of the clerk of the district court a certified copy of his certificate of appointment."

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 Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 3, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 4, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 20.

REMOVAL OF COUNTY SEATS AND THE COUNTY RECORDS.

H. F. 297.

AN ACT to amend the law as it appears in section four hundred (400) of the supplement to the code, 1907, and to amend section four hundred two (402) of the code relating to the removal of county seats and the county records.

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

SECTION 1. **Petition for removal of county seat established forty years or more—how signed.** That section four hundred (400) of the supplement to the code 1907 be, and the same is hereby amended as follows: strike out the period at the end of said section, insert a semi-colon therefor, and add thereafter these words:

"provided, however, where a county seat has been located continuously in one place for forty years or more, no order shall be made by the board that a vote shall be taken on the removal of such county seat unless one-half of all legal voters of said county, according to the last state or federal census, have signed the petition, after deducting therefrom all the names that appear on both the petition and the remonstrance, and all other names not properly on the petition, and all names on said petition not placed thereon within sixty days next preceding the filing of the same shall be stricken therefrom, and provided further that the provisions hereof shall not be held to apply where the proposition is to relocate a county seat within the corporate limits of a city or town, where one is already located, and, provided further, that the provisions hereof shall not apply when the distance between the limits of the proposed county seat and the limits of the then existing county seat does not exceed one mile."

SEC. 2. Two-thirds vote required. That section four hundred two (402) of the code be, and the same is hereby amended as follows: strike out the period at the end of said section, insert a semi-colon therefor, and add thereafter these words:

“provided, however, that where a county seat has been located continuously in one place for forty years or more two-thirds of all the votes cast must be in favor of the proposition to remove said county seat before the board shall make a record thereof and declare the county seat removed; and in the absence of said two-thirds vote in favor of such proposition there shall be no removal, and provided further that the provisions hereof shall not be held to apply where the proposition is to relocate a county seat within the corporate limits of a city or town, where one is already located, and, provided further, that the provisions hereof shall not apply when the distance between the limits of the proposed county seat and the limits of the then existing county seat does not exceed one mile.”

SEC. 3. In effect. This act being deemed of immediate importance shall be in force and effect from and after its passage and its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 1, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital March 2, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 21.

TRANSFER OF SURPLUS IN COUNTY BOND FUND.

S. F. 117.

AN ACT to amend the law as it appears in section four hundred seven (407) of the supplement to the code—1907, authorizing the board of supervisors of a county to transfer any surplus in the bond fund raised under section four hundred three (403) of the supplement to the code—1907, after payment of all bonds and interests, to the particular fund or funds on account of which the bonds were issued.

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

SECTION 1. Transfer authorized. The law as it appears in section four hundred seven (407) of the supplement to the code, 1907, is hereby amended by adding to said section the following:

“If after the payment of all bonds and interests provided for in section four hundred three (403) of the supplement to the code 1907, there remains any money in said bond fund, the board of supervisors may by resolution transfer said funds to the particular fund or funds on account of which the indebtedness arose for which said bonds were issued.”

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 Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved February 27, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital February 28, 1911, and in the Register and Leader March 1, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 22.

SUPERVISOR DISTRICTS.

H. F. 75.

AN ACT to amend the law as it appears in section four hundred sixteen (416) of the code, relating to county supervisor districts.

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

SECTION 1. **County divided into supervisor districts—when.** Section four hundred sixteen (416) of the code is hereby amended by striking the word “June” from the second line thereof and inserting the word “January” in lieu thereof.

Approved February 2, A. D. 1911.

CHAPTER 23.

POWERS OF BOARDS OF SUPERVISORS.

H. F. 387.

AN ACT amending the law as it appears in paragraph nine (9) of section four hundred and twenty-two (422) supplement to the code, 1907 relating to the powers of boards of supervisors.

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

SECTION 1. **Purchase of real estate for county building.** That the law as it appears in paragraph nine (9) section four hundred and twenty-two (422) supplement to the code, 1907 be amended by inserting after the word “is” and before the word “located” in line five (5) in said paragraph the words “at the time of such proposed change”.

Approved April 1, A. D., 1911.

CHAPTER 24.

POWERS AND DUTIES OF SUPERVISORS AND TOWNSHIP TRUSTEES.

S. F. 421.

AN ACT to amend sections one thousand seventy-two (1072), four hundred twenty-two (422), one thousand three hundred three (1303), four hundred sixty-nine (469) of the supplement to the code, 1907, and section sixteen (16) chapter one hundred eighteen (118), section one (1) chapter ninety-seven (97) of the acts of the thirty-third general assembly and to repeal section five (5) of chapter ninety-six (96) of the acts of the thirty-third general assembly, and to repeal section fifteen hundred twenty-eight (1528) of the supplement to the code, 1907, and to enact a substitute therefor relating to the election of officers, to the powers of the board of supervisors, levying of taxes and powers and duties of the township trustees.

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

SECTION 1. **Provisions for election of county surveyor repealed.** Amend section one thousand seventy-two (1072) of the supplement to the code, 1907, by striking from the seventh line of said section the words “a surveyor”.

SEC. 2. Supervisors to employ engineer—duties. Amend section four hundred twenty-two (422) of the supplement to the code, 1907, by adding thereto paragraph twenty-four (24).

“Paragraph 24. To employ a competent person who shall perform all of the duties now belonging to the office of county surveyor, and who may be employed by them for the purpose of making general specifications for the grading, repairing and building of roads, bridges and culverts, and to perform such other duties as the board of supervisors may determine.”

SEC. 3. Levy for county road building purposes. Amend section one thousand three hundred three (1303) of the supplement to the code, 1907, by adding thereto paragraph five (5).

“Paragraph 5. For the grading and building of roads not more than two mills on a dollar, to be known as the county road building fund, but such tax shall not be levied upon any property assessable within the limits of any city or incorporated town and none of such road tax shall be used in the grading or building of any roads within the limits of such cities or incorporated towns.”

SEC. 4. Compensation of supervisors for committee work. Amend section four hundred sixty-nine (469) of the supplement of the code, 1907, by striking out the word “three” in the fifth line of said section and inserting in lieu thereof the word “four”.

SEC. 5. Construction of levee or drain across highway. Amend section sixteen (16) of chapter one hundred eighteen (118), of the acts of the thirty-third general assembly by striking out all of said section following the comma (,) following the word “fund” in the twenty-first line and inserting in lieu thereof the following:

“Or out of a fund created for said purpose as provided in section one thousand five hundred twenty-eight (1528) of the supplement to the code, 1907.”

SEC. 6. County road and drainage funds. Amend section one (1) of chapter ninety-seven (97) of the acts of the thirty-third general assembly by striking out all of said section after the period (.) following the word “chapter” in line thirty-seven of said section.

SEC. 7. Repeal. That section five (5) of chapter ninety-six (96) of the acts of the thirty-third general assembly be and the same is hereby repealed.

SEC. 8. Repeal—powers and duties of trustees. That section one thousand five hundred twenty-eight (1528) of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof:

“The township trustees of each township shall meet on the first Monday in February and on the first Monday in April, or as soon thereafter as the assessment book is received by the township clerk and on the first Monday in November in each year. At the February meeting said trustees shall select a superintendent of dragging and employ a road superintendent. At the April meeting said trustees shall determine:

“1. The rate of property tax to be levied for the succeeding year for the repair of the roads, culverts and bridges and for guide boards, plows, scrapers, road drags, tools and machinery adapted to the repair of the roads, culverts and bridges and for the destruction of noxious weeds in public highways and other public places and for the payment of any indebtedness previously incurred for road purposes, and levy the same, which shall not be more than four mills on a dollar on the amount of the township assessment for that year, which when collected, shall be expended under the direction and order of the township trustees; and they may determine and certify to the board

of supervisors, a tax on the assessed property in the township of not exceeding five mills on a dollar of such assessment, which shall be applied, or so much thereof as may be necessary, in paying drainage taxes heretofore levied and still unpaid or for the payment of any drainage assessments that may be hereafter levied against the township on account of benefits to highways under the provisions of section sixteen (16) of chapter one hundred eighteen (118) of the acts of the thirty-third general assembly of Iowa, and the balance of such levy or the whole thereof in case there be no such drainage taxes due from the township, may be applied in paying the expense of draining highways of the township or in co-operating with those owning land in the township in securing the drainage of such highways; but in the event that the amount to be expended in any one place, exceed the sum of fifty dollars (\$50.00), the township shall not pay more than its just proportion of the benefits to be ascertained by a competent civil engineer and duly set forth in his report approving of such drainage, which report shall be filed with the township clerk before any money is paid out for such drainage.

"2. The amount that will be allowed for a day's labor done by a man, and by a man and team, on the road. To certify to the board of supervisors the desire for an additional road tax, not to exceed one mill to be levied in whole or in part by the board of supervisors, as hereinafter provided. At the November meeting they shall settle with the township clerk and with all parties with whom contracts have been made for work in repairing or dragging of the roads."

Approved April 10, A. D. 1911.

CHAPTER 25.

DEPENDENT SOLDIERS' AND SAILORS' TAX.

S. F. 66.

AN ACT to amend section four hundred and thirty (430) of the code, relative to the dependent soldiers' and sailors' tax.

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

SECTION 1. Erection of monuments. That section four hundred and thirty (430) of the code be and the same is hereby amended by adding to said section the following:

"or for the erection of a monument in any cemetery in the county, a portion of which has been set apart for the burial of Union soldiers, sailors and marines, in which there have been not less than fifty interments, said fund to be expended for the purpose aforesaid by the joint action and control of the board of supervisors and the relief commission provided for by section four hundred thirty-one (431) of the code."

Approved March 11, A. D. 1911.

CHAPTER 26.

BURIAL OF INDIGENT SOLDIERS AND SAILORS AND THEIR WIVES AND WIDOWS.

S. F. 67.

AN ACT to amend section one (1) of chapter thirty-one (31) of the acts of the thirty-third general assembly relating to the burial of indigent soldiers and sailors and their wives and widows.

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

SECTION 1. Burial of wives and widows of indigent soldiers and sailors. That section one (1) of chapter thirty-one (31) of the acts of the thirty-third general assembly is hereby amended by adding thereto the following:

“The provisions herein contained shall also apply to the deceased wife or widow of such indigent soldier, sailor or marine who, may hereafter die without leaving sufficient means to defray the expenses of her funeral.”

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 Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 11, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital March 13, 1911, and in the Register and Leader March 14, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 27.

OFFICIAL NEWSPAPERS.

H. F. 445.

AN ACT to amend the law as it appears in section four hundred forty-one (441) of the supplement to the code, 1907, relating to official newspapers and how selected.

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

SECTION 1. How selected in certain counties. That section four hundred forty-one (441) of the supplement of the code, 1907, be and the same is hereby amended by striking out of lines twenty-three (23) and twenty-four (24) the words, “having two county seats” and inserting in lieu therefor the words, “where the district court is held in two places”.

Approved April 1, A. D. 1911.

CHAPTER 28.

BRIDGES ACROSS THE BORDER STREAMS OF THE STATE.

S. F. 415.

AN ACT to empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided. [Additional to chapter two (2) of title four (IV) of the code, relating to the board of supervisors.]

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

SECTION 1. Construction and maintenance authorized. Counties bordering upon streams of water which form the boundary lines of this state may

construct and maintain foot and wagon bridges across any such stream the same as if such stream were wholly within the limits of the county constructing the same; any such county within which such bridge may be desired may unite in the construction and maintenance of such bridge with any adjoining state, or any county, city or other municipal subdivision within such state into which such bridge may extend; provided, that in such construction and maintenance the rights of adjoining states shall in no wise be infringed.

SEC. 2. Petition—question submitted—tax levy—bonds. Whenever ten per cent. of the legal voters of any county named in section one of this bill, as shown by the returns of the last general election, shall petition the board of supervisors of such county to submit to the voters of the county at a general election the question whether such county shall be authorized to construct a bridge extending from such county across the state boundary river into the adjoining state, and shall also include the amount to be expended in the construction of such bridge, it shall be the duty of the board of supervisors to submit such question to the voters of such county at the first general election occurring not less than sixty days after the filing of such petition. Notice of the submission of such question shall be given by publishing the same for four consecutive weeks in at least three newspapers of general circulation published in such county, the last of which publications shall be at least three days and not more than ten days before the holding of such election. If a majority of those voting upon the said proposition shall vote affirmatively upon the same the board of supervisors may levy from year to year a tax, not to exceed one mill, upon all the taxable property of the county to erect said bridge; and it may also issue the bonds of the county in the manner provided by the provisions of title four (4) chapter one (1) of the code, except that said issue of bonds may be spread as to maturities over a period of twenty years; such issue shall not, however, exceed the amount authorized to be expended in the construction of such bridge. The provisions of section four hundred six (406) of the code shall apply to such issue of bonds and the levies for the payment of such bonds and interest shall be made under its provisions.

SEC. 3. Agreement with adjoining state, county or municipality—letting of contract. In the event that the construction of such bridge shall be authorized as hereinbefore provided, the board of supervisors may unite with the adjoining state or any county, city, town or other municipal division thereof in an agreement for the construction and maintenance of such bridge, and such agreement may fix the particular portion or part which each of the contracting parties shall erect or maintain; or it may provide the particular percentage of the construction or maintenance of such bridge which each shall pay. The contract for the construction of such bridge shall be let to the lowest responsible bidder after bids have been invited by publication for four consecutive weeks in two or more papers of general circulation, and the board of supervisors shall have the right to reject any or all bids and readvertise for bids. The county shall not, however, be liable in any event for any part of the cost of construction of such bridge beyond the part or proportion that it has contracted with the adjoining state or municipality to bear in the construction of the same.

SEC. 4. Liability for negligence in maintenance. The county shall not be liable for negligence in the maintenance of such bridge except for that part which it shall undertake to exclusively maintain and where there is a contract for joint maintenance of the entire structure, it shall only be liable for that part or portion which is within the boundary lines of the state of Iowa.

SEC. 5. Use of bridge by street railways and other public service corporations. The board of supervisors may lease to any street railway the right

to cross said bridge with its line of railway upon such terms and conditions as may be authorized by the board of supervisors and the governing body of the adjoining state or municipality interested in such bridge, but no discrimination shall be made as between street railways and all shall be permitted to use the tracks constructed upon such bridge, provided that any line desiring to use the tracks thereon shall bear its reasonable share of the cost of construction and maintenance of such tracks. Like privileges may be leased to telegraph, telephone and electric power companies for the construction of their lines of wire across such bridges, except that a joint use of said wires shall not be exacted, and provided that any rights granted under the provisions of this section to use this bridge shall not in any way impair or abridge the use thereof by the public.

Approved April 15, A. D. 1911.

CHAPTER 29.

TAX LEVY TO DEFRAY EXPENSES OF PROSPECTING FOR COAL.

H. F. 312.

AN ACT authorizing the levy of a tax for the purpose of defraying the expense of prospecting for coal. [Additional to chapter two (2) of title (IV) of the code, relating to the board of supervisors.]

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

SECTION 1. Tax levy authorized—purpose. The board of supervisors of any county are hereby authorized to levy a tax, not to exceed one mill upon the dollar, on all taxable property within the county, to be collected at the same time and in the same manner as other taxes and to be used in payment of expense incurred in prospecting for coal as provided in this chapter.

SEC. 2. Question submitted. There shall be submitted to the voters of said county at any general election, to be determined by the board of supervisors the question whether or not the levy provided for in section one (1) hereof shall be made, and such question shall be submitted to the voters upon a printed ballot in the following form:

“Shall the board of supervisors be authorized and directed to levy a tax of one mill upon the dollar for the purpose of prospecting for coal.”

Those in favor will mark in the square, “Yes” and those opposed to said tax will mark, “No” in such square.

SEC. 3. Canvass of vote. That said vote shall be canvassed by the judges of election and the results certified to the board of supervisors, who shall canvass the vote at the same time and in the same manner as is required in other special propositions submitted to the voters.

SEC. 4. Coal fund tax—how paid out. That said tax shall be paid into the county treasury at the same time and in the same manner as other taxes and shall be known upon the books of the treasurer as a “coal fund tax” and shall be kept separately and distinctly from the other funds and be paid out upon the warrants duly issued by the county auditor when the same has been allowed and ordered paid by the board of supervisors.

SEC. 5. Bids—location of shaft. The board of supervisors shall have the power to receive bids for ascertaining whether or not coal may exist in the county and shall award said bid to the lowest responsible bidder. The said

board shall have the right to pass upon the location where said shaft is to be sunk, and ascertain whether or not said location is the most feasible point to prospect in said county.

Approved April 10, A. D. 1911.

CHAPTER 30.

PAYMENT OF FEES INTO COUNTY TREASURY BY COUNTY OFFICERS.

H. F. 116.

AN ACT relative to the time of payment of county fees into the county treasury by clerks of the district court, county auditors and county recorders. [Additional to chapter nine (9) of title four (IV) of the code, relating to the duties of county officers.]

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

SECTION 1. Payments made quarterly—acts in conflict repealed. That the clerk of the district court, county auditor and county recorder shall pay all fees collected by them and belonging to the county, into the county treasury quarterly. All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 24, A. D. 1911.

CHAPTER 31.

APPEARANCE OF COUNTY ATTORNEY FOR TOWNSHIP TRUSTEES.

H. F. 197.

AS ACT to amend section five hundred sixty-four (564) of the code, and providing for the appearance of the county attorney for township trustees.

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

SECTION 1. County attorney to appear. Section five hundred sixty-four (564) of the Code is amended by adding to said section the following:

“Provided, however, in counties having a population of less than twenty-five thousand (25,000) where the trustees are made parties to litigation arising by reason of the performance of their duties, as provided in this chapter, the county attorney, as a part of his official duties, shall appear in behalf of the township trustees. Provided, however, that if the interests of the county and the trustees are adverse, then and in such event, the county attorney shall not appear for said trustees but they may employ other counsel and pay the expense thereof out of the fund created by this act.”

Approved April 7, A. D. 1911.

CHAPTER 32.

REMOVAL AND DISCHARGE OF FIREMEN, POLICE OFFICERS AND POLICEMEN.

S. F. 481.

AN ACT to amend the law as it appears in section six hundred and seventy-nine-h (679-h) supplement to the code, 1907, relating to the removal and discharge of firemen, police officers and policemen, except the chief of the fire department and the chief of police.

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

SECTION 1. **Number reduced—when.** That the law as it appears in section six hundred and seventy-nine-h (679-h) supplement to the code, 1907, be and the same is hereby amended by adding thereto at the end thereof the following:

“Whenever the revenue of any city available for the use of paying the salaries of the police officers, policemen and firemen is insufficient to pay the current salaries to the number of policemen then engaged on the police force and the firemen, the city council of any city which has a board of police and fire commissioners, as provided in chapter 2-a of title V of the supplement to the code, 1907, may provide by general ordinance for a reduction in the number of its firemen, and its police officers and policemen, except the chief of the fire department and the chief of police, in which event, the necessary number to make such reduction shall be honorably discharged from the said police force or the fire department. The persons discharged shall be designated in writing by the mayor; provided, however, that in making such discharge, the mayor shall take into consideration the length of service, competency and efficiency of the members of the police force and the members of the fire department. It shall be the duty of the mayor to designate for discharge the policemen and firemen whose length of service is of the shortest duration and who have shown the least efficiency and competency.”

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

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 20, 1911, and in the Register and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 33.

REMOVAL AND DISCHARGE OF FIREMEN, POLICE OFFICERS AND POLICEMEN.

H. F. 219.

AN ACT to repeal section six hundred seventy-nine-h (679-h) of chapter two-a (2-a) title five (5) of the supplement to the code, 1907, and to enact a substitute in lieu thereof relative to the board of police and fire commissioners in certain cities of the first class.

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

SECTION 1. **Repeal—removals and discharges—trial.** That section six hundred and seventy-nine-h (679-h) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"All police officers and policemen, and all firemen, including the chief of the fire department, and all employes in the civil list covered by this act, shall be subject to removal by the board of police and fire commissioners for misconduct or failure to perform their duty under such rules and regulations as may be adopted by the said board, whenever said board shall consider or declare such removal necessary for the proper management and discipline of said department; but the chief of police or the chief of the fire department may temporarily suspend or discharge any member of his force for misconduct, or neglect of duty, or disobedience of orders; provided that any person so suspended or discharged within five days thereafter may appear before said board, and said board shall investigate the cause of said removal or discharge, and if the same is found insufficient he shall be reinstated. The board shall fix the date for the trial of such discharged or suspended officer or man of either the police or fire department within fifteen (15) days after demand for a hearing by the accused and shall give ten (10) days written notice to the accused of the date set for trial, specifying the charges upon which the accused is to be tried and the name of the person making the charges. The meetings and procedure of the board when trying such cases shall be open to the public, and said accused shall have the right of counsel, and the examination of witnesses for and against the accused shall be in the presence of the accused, and he, or his counsel, shall have the right to cross examine any witness testifying against him. The accused shall have the right to produce witnesses in his defense, and the board shall cause the witnesses of the accused to be properly subpoenaed. Meetings shall be called by the chairman upon the application of two members of the board, and written notices must be sent to all members of the board, stating the time and the place and the purpose for calling a meeting. The board shall have the power to enforce the attendance of witnesses, and the production of books and papers; and to administer oaths in the same manner and with like effect and under the same penalties as in the case of magistrates, exercising civil or criminal jurisdiction under the statutes of Iowa."

Approved April 1, A. D. 1911.

CHAPTER 34.

AMENDMENT OF FRANCHISES GRANTED TO INDIVIDUALS OR PRIVATE CORPORATIONS.

H. F. 42.

AN ACT to amend section seven hundred twenty (720) of the supplement to the code, 1907, providing for the amending of franchises granted to individuals or private corporations.

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

SECTION 1. Franchises may be amended. That section seven hundred twenty (720) of the supplement to the code 1907 be and the same is hereby amended by inserting the word "amend" after the word "renew" in the ninth (9th) line of said section, and by inserting the word "amended" after the comma following the word "granted" in the tenth (10th) line of said section, and by inserting a comma after the word "amended", and by striking out the comma after the word "renewed" in the twelfth (12th) line of said section, and inserting therein the words "or amended".

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 Capital, newspapers published in Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 15, 1911, and in the Register and Leader April 18, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 35.

ACQUISITION OF HEATING PLANTS, WATER WORKS, GAS WORKS AND POWER PLANTS BY CONDEMNATION PROCEEDINGS.

S. F. 86.

AN ACT amending the law as it appears in chapter forty-five (45) of the acts of the thirty-third (33d) general assembly, entitled: "An act providing for acquiring by condemnation proceedings by cities and towns, of heating plants, water works, gas works, electric light or electric power plants, and a mode of procedure therefor, and amending section seven hundred twenty-two (722) of the supplement to the code, 1907," and relating to the same subject.

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

SECTION 1. Court of condemnation. That the law as it appears in chapter forty-five (45) of the acts of the thirty-third (33d) general assembly, amending section seven hundred twenty-two (722) of the supplement to the code, 1907, be and the same is hereby amended by striking out all after the word "ordered" in line ten of section two of said chapter forty-five down to and including the word "works" in line fourteen and substituting in lieu thereof the following:

"And such court of condemnation at the time it meets to organize, as is provided in said order, or at any time during the proceeding, which may be adjourned from time to time for any purpose, may fix a time for the appearance of any person or persons which any party desires to have joined in the proceedings and which the court deems necessary, which time for appearance shall be sufficiently remote to give notice upon such parties; but if such time of appearance shall occur after any proceedings are begun they shall be reviewed by the court as it may direct to give all parties full opportunity to be heard. All persons not appearing and having any right, title, or interest in or to the property which is the subject of condemnation or any part thereof and including all leaseholders and mortgage trustees of bondholders, which are to be made parties to the proceedings shall be served with notice thereof, and the time and place of meeting of said court in the same manner and for the same length of time as the service of original notices, either by personal service or service by publication, the time so set being the time at which the parties so served are required to appear, and actual personal service of the notice within or without the state shall supersede the necessity of publication. These provisions shall also apply to condemnation proceedings which are pending, but nothing herein shall be held to invalidate any proceedings or notices served in any proceedings under chapter nine, title ten, or under the provisions of the act to which this is amendatory which have been had or taken at the time of the taking effect of this act."

SEC. 2. In effect. This act being deemed of immediate performance shall take effect and be in force from and after its passage and its publication in

the Register & Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 21, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital March 22, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 36.

LIBRARY TRUSTEES.

H. F. 488.

AN ACT to amend the law as it appears in section seven hundred twenty-eight (728) of the supplement to the code, 1907, relating to vacancies in office of library trustees.

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

SECTION 1. **What constitutes a vacancy.** That section seven hundred twenty-eight (728) of the supplement to the code, 1907, be, and the same is hereby amended by striking therefrom the following, which appears in lines sixteen (16) and seventeen (17) thereof: "The removal of any trustee permanently from the city shall render his office as a trustee vacant" and insert in lieu thereof the following: "The removal of any trustee permanently from the city, or his absence from six consecutive regular meetings of the board, except in case of sickness or temporary absence from the city, without due explanation of absence shall render his office as a trustee vacant".

Approved April 15, A. D. 1911.

CHAPTER 37.

EMISSION OF SMOKE IN CERTAIN CITIES.

H. F. 556.

AN ACT declaring the emission of smoke within the corporate limits of certain cities to be a public nuisance, and conferring upon such cities additional powers for the abatement of such nuisances. [Additional to chapter four (4) of title five (V) of the code, relating to general powers of cities and towns.]

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

SECTION 1. **Declared a nuisance.** The emission of dense smoke within the corporate limits of any of the cities of this state now or hereafter having a population of sixty-five thousand (65,000) inhabitants or over, including cities acting under the commission plan of government is hereby declared to be a public nuisance.

SEC. 2. **Abatement.** Every such city is hereby empowered to provide by ordinance for the abatement of such nuisance either by fine or imprisonment or by action in the district court of the county in which such city is located, or by both, such action to be prosecuted in the name of the city. They may also by ordinance provide all necessary rules and regulations for smoke inspection and the abatement and prevention of the smoke nuisance.

Approved April 15, A. D. 1911.

CHAPTER 38.

EQUIPMENT OF STREET CARS WITH POWER BRAKES AND OTHER APPLIANCES.

S. F. 18.

AN ACT requiring any person, partnership, or corporation owning or operating a street railway to equip its passenger cars with power brakes and other appliances and fixing a penalty for the violation thereof. [Additional to section seven hundred sixty-eight (768) of the supplement to the code, 1907, relating to equipment of street cars.]

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

SECTION 1. **Power brakes and sanding appliances on double truck cars.** Every person, partnership, company or corporation owning or operating a street railway in this state shall equip all of its double truck passenger cars with power brakes other than hand, capable of bringing such cars to a stop within a reasonable distance, together with equipment for sanding the rails, which brake and sand equipment shall be so constructed as to be operated by the motorman on the car operated by him; provided, however, that no street railway shall be required to equip more than one-half of such cars now in operation and not so equipped before January 1, 1912, and all of such cars shall be equipped before January 1, 1913.

SEC. 3. **Applicable to certain single truck cars.** All single truck passenger cars over thirty-two (32) feet in length hereafter installed in service upon street railways shall be equipped and operated with the appliances provided for double truck cars in section one (1) of this act.

SEC. 3. **Penalty.** Any person failing to comply with the terms of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than twenty-five dollars (\$25.00) and each day's operation of any car in violation of the terms of this act shall constitute a separate offense.

Approved April 15, A. D. 1911.

CHAPTER 39.

ISSUANCE OF BRIDGE BONDS BY CITIES OF THE FIRST CLASS.

H. F. 113.

AN ACT authorizing the issue of bridge bonds by cities of the first class. [Additional to chapter six (6) of title five (V) of the code, relating to streets and public grounds.]

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

SECTION 1. **Bridge bonds—payable in installments—debt limitation.** That cities of the first class are hereby authorized to contract indebtedness and to issue bonds for the purpose of constructing bridges. Such bonds shall be payable in not exceeding twenty (20) annual installments and bear interest at not exceeding five (5) per centum per annum, and shall be made payable at such place and be of such form as the city council shall by ordinance designate. But no city shall become indebted in excess of five (5) per centum of the actual value of the taxable property of said city as shown by the last preceding assessment roll.

SEC. 2. **Additional power.** This act shall be construed as granting additional power without limiting the power already existing in cities of the first class.

SEC. 3. **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 Des Moines Daily News, newspapers published in the city of Des Moines, Iowa.

Approved February 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily News February 17, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 40.

STREET IMPROVEMENTS AND SEWERS.

S. F. 178.

AN ACT amending sections eight hundred and ten (810); eight hundred and thirteen (813) and nine hundred and sixty-five (965) of the code and relating to making sewer and street improvements, and the kinds of materials to be used therein.

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

SECTION 1. **Kinds of material.** That section eight hundred and ten (810) of the code be amended by substituting for the word "kind" in the fourth and sixth lines thereof the words "one or more kinds".

SEC. 2. **Same.** That section eight hundred and thirteen (813) of the code be amended by substituting for the word "kind" in the fifth line thereof the words "one or more kinds".

SEC. 3. **Same.** That section nine hundred and sixty-five (965) of the code be amended by substituting for the word "kind" first appearing in line four, and for the words "kind of material" in lines four and five, and for the words "kinds of materials" in lines twelve, eighteen and nineteen, and for the word "kind" first appearing in line eighteen, the words "one or more kinds of material".

SEC. 4. **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 Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 1, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 1, 1911, and in the Register and Leader April 3, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 41.

PUBLICATION OF PRELIMINARY NOTICE OF STREET IMPROVEMENTS IN TOWNS.

S. F. 477.

AN ACT to amend section eight hundred and ten (810), of the code, in relation to publication of preliminary notice of street improvements in towns.

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

SECTION 1. Notices posted. Section eight hundred and ten (810), of the code is hereby amended by adding thereto the following:

“But if no such newspaper is published within the limits of the corporation then such notice may be given by posting copies thereof in three public places within the limits of the corporation, two of which places shall be the post office and the mayor’s office of such city or town.”

SEC. 2. In effect. This act being deemed of immediate importance shall take effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 11, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 42.

PUBLICATION OF NOTICE OF BIDS AND NOTICE OF ASSESSMENT FOR STREET IMPROVEMENTS.

H. F. 604.

AN ACT to amend section eight hundred and thirteen (813) of the code, relating to publication of notice of bids for street improvements and to amend section eight hundred twenty-three (823) of the supplement to the code, 1907, relating to publication of notice of assessment of street improvements.

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

SECTION 1. Notice of bids posted—when. That section eight hundred and thirteen (813) of the code be, and the same is hereby amended by striking out the period (.) after the word “ordered” in the eighth line thereof and inserting a semi-colon (;) and by adding thereto the following: “provided, however, that if no newspaper is published within the limits of such city or town then such notice may be given by posting the same in three public places within the limits of such city or town, two of which such places shall be the post-office and the mayor’s office of such city or town.”

SEC. 2. Notice of assessment posted—when. That section eight hundred and twenty-three (823) of the supplement to the code, 1907, be, and the same is hereby amended by striking out the comma (,) following the word, “sewer” in the fifth line thereof and inserting a semi-colon (;), and adding thereto the following;—“but if no such newspaper is published within the limits of such city or town then such notice may be given by posting copies thereof in three public places within the limits of such city or town, two of which such places shall be the post-office and the mayor’s office of such city or town.”

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 20, 1911, and in the Register and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 43.

STREET IMPROVEMENTS IN INCORPORATED TOWNS.

H. F. 101.

AN ACT authorizing street improvements in incorporated towns and providing for the levy of special assessments therefor, and the repeal of chapter fifty-three (53) of the acts of the thirty-third (33rd) general assembly.

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

SECTION 1. **Repeal—street improvements authorized.** That the law as it appears in chapter fifty-three (53) of the acts of the 33d general assembly be, and the same is hereby repealed, and the following enacted in lieu thereof:

“That incorporated towns shall have and exercise the powers conferred by chapter seven (7) title (V) of the code, for the construction of street improvements authorized in section seven hundred and ninety-two (792) of the code, whenever four-fifths of all of the members of the council by vote assent thereto, or when the same be petitioned for by the owners of the majority of the linear front feet of the property abutting thereon.”

SEC. 2. **In effect.** This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital March 15, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 44.

TAX LEVY FOR PARK PURPOSES.

H. F. 283.

AN ACT to amend the law as the same appears in section one (1) of chapter fifty-seven (57), acts of the thirty-third (33) general assembly of Iowa relating to tax levy for park purposes.

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

SECTION 1. **Additional levy in certain cities for certain years.** That section one (1) of chapter fifty-seven (57) of the acts of the thirty-third general assembly of Iowa be, and the same is hereby amended by striking out the figures “1909”, “1910” and “1911” in the eighth line of said section, and inserting in lieu thereof the figures “1911”, “1912”, and “1913”.

Approved April 1, A. D. 1911.

CHAPTER 45.

PLATS OF ADDITIONS TO CITIES OR TOWNS.

S. F. 343.

AN ACT to repeal section nine hundred and sixteen (916) of chapter thirteen (13), title five (5), of the code, relating to the approval of plats of additions to cities or towns, by city and town councils and to enact a substitute therefor.

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

SECTION 1. Repeal—plats of additions—approval by council. That section nine hundred and sixteen (916) of chapter thirteen (13), title five (5), of the code be and the same is hereby repealed and the following is enacted as a substitute therefor:

“All plats of additions to any city or town, or sub-division of any part or parcels of lands lying within or adjacent to any city or town, shall be divided by streets into blocks and such blocks and streets shall conform as nearly as practicable to the size of blocks and the width of streets in such city or town. And such streets shall be extensions of the existing system of streets thereof. All plats of such additions or sub-divisions except sub-divisions of less than one (1) block, before being recorded shall be filed with the clerk of such city or town and when so filed, the council within a reasonable time shall consider the same and if it is found that such plat conforms to the provisions hereof, the council shall direct the mayor and clerk to certify its resolution of approval which shall be affixed to said plat before it shall be received for record by the county recorder. The council shall have power to require alleys to be platted separating abutting lots and if so platted, said alleys shall conform as nearly as practicable to the width of alleys in said city or town and shall be extensions of the existing system of alleys.”

Approved April 15, A. D. 1911.

CHAPTER 46.

PARK COMMISSIONERS IN SPECIAL CHARTER CITIES.

H. F. 281.

AN ACT to amend title five (V) chapter fourteen (14) of the code and amendments thereto relating to park commissioners in special charter cities, repealing sections nine hundred ninety-one (991) to nine hundred ninety-six (996) inclusive of the code and amendments thereto, and enacting substitutes therefor, and to make sections eight hundred fifty-b (850-b) to eight hundred fifty-n (850-n) inclusive, supplement to the code, 1907, as amended by chapters fifty-six (56), fifty-seven (57) and fifty-eight (58) laws of the thirty-third general assembly, and section eight hundred fifty-two (852) supplement to the code, 1907, relating to park commissioners, their powers and duties and the assessment levy and collection of taxes, applicable to cities acting under special charters.

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

SECTION 1. Repeal. That sections nine hundred ninety-one (991) to nine hundred ninety-six (996) inclusive, of the code, and amendments thereto be, and the same are hereby repealed, and the following enacted in lieu thereof:

“**SEC. 2. Park commissioners—election—term—powers and duties.** There shall be elected at the regular municipal election in each city acting under special charter, and containing a population of 40,000 or over, and all other special charter cities may by ordinance provide for the election of three (3)

park commissioners whose terms of office shall be six (6) years; one to be elected at each regular municipal election. At the first regular municipal election after the passage hereof, three (3) commissioners shall be elected, and shall hold their office respectively for two (2) four (4) and six (6) years; their respective terms to be decided by lot, and their successor shall be elected for the full term of six (6) years; provided, however, that in all such cities under special charter, and containing a population of less than 40,000, not now having park commissioners the ordinance establishing such park commissioners shall not be in force until it has been submitted to the voters at a special or regular municipal election, and approved by a majority of the votes cast at such election; and provided further, that in all such cities under special charter containing a population of 40,000 or over, in which there already exists a board of three (3) park commissioners whose term of office is six (6) years, and one of the members of which board is elected every two (2) years at each regular municipal election, the three (3) commissioners at present holding the office of park commissioners in such cities, are hereby made the commissioners in such city in accordance with the provisions of this act, and they and their successors shall have and exercise all the powers and duties of park commissioners within the provisions of this act."

SEC. 3. Applicable to special charter cities. Section eight hundred fifty-b (850-b) eight hundred fifty-d (850-d) eight hundred fifty-g (850-g) eight hundred fifty-h (850-h) eight hundred fifty-i (850-i) eight hundred fifty-k (850-k) eight hundred fifty-l (850-l) eight hundred fifty-m (850-m) eight hundred fifty-n (850-n) of the supplement to the code, 1907; section eight hundred fifty-e (850-e) of the supplement to the code, 1907, as amended by chapter fifty-six (56) and chapter fifty-seven (57) of the laws of the thirty-third (33rd) general assembly, and section eight hundred fifty-e (850-e) of the supplement to the code, 1907, as amended by chapter fifty-six (56) of the laws of the thirty-third (33rd) general assembly; section eight hundred fifty-f (850-f) of the supplement to the code, 1907, as amended by chapter fifty-six (56) of the laws of the thirty-third (33rd) general assembly; section eight hundred fifty-j (850-j) of the supplement to the code, 1907, as amended by chapter fifty-eight (58) of the laws of the thirty-third (33rd) general assembly, and section eight hundred fifty-two (852) of the supplement to the code, 1907, as amended by chapter fifty-seven (57) of the laws of the thirty-third (33rd) general assembly, are hereby made applicable to cities acting under special charter.

SEC. 4. In effect. This act being deemed of importance shall take effect and be in force from and after its publication in the Register and Leader, and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 24, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 25, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 47.

LEVY OF TAXES IN SPECIAL CHARTER CITIES.

S. F. 231.

AN ACT to repeal section one thousand three (1003) of the code and enact a substitute therefor, relative to the levy of taxes in special charter cities.

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

SECTION 1. **Repeal—taxes—levy of.** That section one thousand three (1003) of the code be, and the same is hereby repealed and the following is enacted as a substitute therefor:

“The council shall levy a tax for the year then ensuing for the purpose of defraying its general or incidental expenses, which shall not exceed eight mills on the dollar of the assessed valuation of all taxable property in the city, but the aggregate of such levy, together with all levies for special purposes as hereinafter authorized, shall not exceed in any city in any one year, sixteen mills, excluding city and district sewer tax, road district tax, and any tax levied to pay the principal or interest on any bonds issued by such city, or tax levied to pay judgments, or taxes authorized for library, park or bridge purposes.”

Approved April 5, A. D. 1911.

CHAPTER 48.

FIRE FUND IN SPECIAL CHARTER CITIES.

H. F. 402.

AN ACT to amend section one thousand five (1005) of the supplement to the code, 1907, with additional provisions in regard to the fire fund.

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

SECTION 1. **Money arising from sale of buildings, grounds or apparatus.** That sub-division four (4) of section one thousand five (1005) of the supplement to the code, 1907, be, and the same is hereby amended by adding thereto the following:

“provided, that where a paid fire department is maintained, all money derived from the sale of any buildings, grounds or apparatus of such fire department which was originally paid for out of the fire fund, shall belong to said fire fund.”

Approved April 6, A. D. 1911.

CHAPTER 49.

IMPROVEMENT OF WATER FRONTS IN SPECIAL CHARTER CITIES.

H. F. 220.

AN ACT to amend the law as it appears in chapter sixty (60) of the laws of the thirty-third general assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities. [Additional to chapter fourteen (14) of title five (V) of the code, relating to cities under special charter.]

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

SECTION 1. Levee improvement commission—term—bond. The law as it appears in chapter sixty (60) acts of the thirty-third general assembly be and the same is hereby amended by adding at the end of said chapter the following:

“Any city acting under special charter may establish a levee improvement commission to consist of the mayor, who shall be its chairman, the commissioner of the board of public works, and not more than three other persons to be appointed by the mayor with the approval of the city council. The appointive members shall be residents and qualified electors of the city, and shall hold no other official position in the city, and no member shall receive any salary for his services as a member of such commission. Their term of office shall be fixed by ordinance and shall not exceed six years. Before entering upon their office the appointive members shall each execute a bond in favor of the city in the penal sum of two thousand (\$2,000.00) dollars, with approved fidelity company, surety for the faithful performance of their duties. The expense of this bond shall be paid out of the levee improvement fund.

“**SEC. 2. Powers and duties of commission—treasurer.** The levee improvement commission shall have full charge and supervision of all improvements of the water front along any river within the corporate limits of the city. It shall have exclusive charge and control of the levee improvement fund and of all moneys derived from the sale of bonds issued by the city council for the purpose of carrying on the work of making water front improvements. It shall pay out of these funds only for the purposes named. The city treasurer shall be the treasurer of the levee improvement commission. He shall keep the levee improvement funds and the moneys derived from the sale of bonds for water front improvements in a separate and distinct fund from which he shall pay no money except upon the order of the levee improvement commission signed by its chairman and secretary, and countersigned by the commissioner of the board of public works.”

SEC. 3. In effect. This act being deemed of immediate importance shall be in force and effect after its publication in the Register and Leader, and the Des Moines Capital, newspapers published in Des Moines, Iowa, without expense to the state.

Approved March 24, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 27, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 50.

PENSIONS FOR DISABLED AND RETIRED FIREMEN.

H. F. 9.

AN ACT to amend section five (5) of chapter sixty-one (61) of the acts of the thirty-third general assembly of Iowa, relating to pensions for disabled and retired firemen.

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

SECTION 1. **Firemen—how and when retired—monthly pension.** The law as it appears in section five (5) of chapter sixty-one (61) of the acts of the thirty-third general assembly is hereby amended by striking out all after the period in the thirty-seventh (37) line of said section up to and including the period in the forty-seventh (47) line at the end of the word "retirement", and inserting the following in lieu thereof:

"Any member of the fire department who may be entitled to benefits under the provisions of this act, and who has served twenty-two (22) years or more in such fire department, of which the last five (5) year's service shall have been continuous, and has reached the age of fifty (50) years, may make application to the board of trustees to be retired from such fire department and thereupon it shall be the duty of the board of trustees to order the retirement of such member, and upon retirement, he shall be paid a monthly pension equal to one-half ($\frac{1}{2}$) the amount of salary received by him as monthly compensation at the date of his retirement."

SEC. 2. **In effect.** This act being deemed of immediate importance shall be in force and effect from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 30, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 1, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 51.

PENSIONS FOR DISABLED AND RETIRED POLICEMEN.

H. F. 267.

AN ACT to amend chapter sixty-two (62) of the acts of the thirty-third general assembly relating to pensions to be paid to policemen.

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

SECTION 1. **Tax levy.** That section 1 of chapter 62 of the acts of the thirty-third general assembly be and the same is hereby amended by striking out the word "may" in line 3 thereof and substituting the word "shall" in lieu thereof.

Approved March 24, A. D. 1911.

CHAPTER 52.

CITIES UNDER COMMISSION PLAN OF GOVERNMENT.

S. F. 124.

AN ACT to amend chapter sixty-four (64) acts of the thirty-third (33) general assembly relating to the government of certain cities.

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

SECTION 1. **Petition—number of signers.** That section two (2) of chapter sixty-four (64) acts of the thirty-third (33) general assembly be and the same is hereby amended by inserting in line six (6) of section two (2) after the word "shall" the following: "Not less than thirty (30) days prior to the election to be held as herein provided"; and by striking from line nine (9) of section two (2) the words "any city is located in" and substitute in lieu thereof the following: "not less than ten per cent (10%) of the qualified electors of any city reside in each of"; and by striking from line ten (10) of section two (2) the word "twenty-five" and inserting in lieu thereof the words "not less than ten".

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

Approved March 21, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 22, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 53.

CITIES UNDER COMMISSION PLAN OF GOVERNMENT.

H. F. 512.

AN ACT to amend section one thousand fifty-six-a-nineteen (1056-a-19) of chapter fourteen-C (14-C) of title five (V) of the supplement to the code, 1907, relating to the government of certain cities and acts amendatory thereof.

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

SECTION 1. **Statutes applicable.** That section 1056-a19 (1056-a19) of chapter 14-C (14-C) of the supplement to the code, 1907, be, and the same is hereby amended, by inserting after the word "code" and before the word "now" in the third line thereof, the words, "chapter sixty (60) of the laws of the thirty-third general assembly, and acts amendatory thereof".

Approved April 11, A. D. 1911.

CHAPTER 54.

CITIES UNDER COMMISSION PLAN OF GOVERNMENT.

H. F. 333.

AN ACT to amend section eight (8) chapter sixty-four (64), acts of the thirty-third general assembly, and to repeal sub-divisions b, c and d of section one thousand fifty-six-a-thirty-two (1056-a-32) of the supplement to the code, 1907 and enact a substitute therefor, relating to the government of certain cities.

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

SECTION 1. Appointment of officers. Section eight, chapter sixty-four of the acts of the thirty-third general assembly be, and hereby is, amended by striking from line sixteen the words and language, to-wit: "chief of the fire department".

SEC. 2. Repeal—civil service commission—examinations—results certified—soldiers and sailors to have preference. Sub-divisions b, c, and d of section one thousand fifty-six-a-32 of the supplement to the code, 1907 be, and hereby are, repealed and the following enacted as a substitute therefor:

"Such commission shall, on the first Monday of April and October of each year, or oftener if they shall deem it necessary, under such rules and regulations as it may prescribe, hold examinations for the purpose of determining the qualifications of applicants for positions, including applicants for position of chief of the fire department, and for positions in the fire and police department, which examinations shall be practical in their character and shall relate to such matters as will fairly test the fitness of the person examined to discharge the duties of the position to which he seeks to be appointed. Such commission shall, as soon as possible after every such examination, certify to the city council the names of ten persons for each department who, according to its records, have the highest standing for the positions they seek to fill, as a result of such examination, and all vacancies in positions under civil service which shall occur before the holding of the next examination shall be filled from said list so certified; provided, however, if the list for any cause shall be reduced to less than three for any division or department, then the superintendent of the proper department may temporarily fill a vacancy until the next examination of the commission. In all examinations and appointments under the provisions of this act, honorably discharged soldiers, sailors or marines of the regular or volunteer army or navy of the United States shall be given a preference if otherwise qualified.

"**SEC. 3. Removals and discharges—appeal—hearing—witnesses—annual report—rules and regulations.** All persons subject to such civil service examination shall be subject to removal from office or employment by majority vote of such civil service commission for misconduct or failure to properly perform their duties under such rules and regulations as may be adopted by the council. The chief of police, the chief of the fire department, or any superintendent or foreman in charge of municipal work, may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty, disobedience of orders or misconduct, but shall, within twenty-four hours thereafter, report such suspension or discharge, with the reason therefor, to the superintendent of his department, who shall thereupon affirm or revoke such suspension or discharge according to the merits under the facts in the case. Every officer or employe so suspended or discharged and whose suspension or discharge has been affirmed, or the officer or person so suspending or discharging a subordinate when such suspension or discharge has been revoked, as the case may be, may, within five days from the affirmance or

revocation of any such suspension or discharge, appeal therefrom to the civil service commission, if the person taking the appeal was subject to such civil service, otherwise to the city council, and such commission or council, as the case may be, shall fully hear and determine the appeal upon the merits of the case, and if it be determined that any such suspension or discharge was unwarranted the appellant shall be reinstated, otherwise it shall be affirmed. Any such appeal may be taken by serving upon the proper department superintendent or his secretary or clerk a notice in writing, within said time, specifying the ruling appealed from, which notice shall be signed by the person taking the appeal. A true copy of such notice of appeal shall be filed with the chairman of the civil service commission or mayor, as the case may be. Within five days from the service of such notice of appeal, the proper department superintendent shall file with the civil service commission, or city council, as the case may be, a written specification of the charges or grounds upon which the affirmance or revocation of the suspension or discharge appealed from was based. Within five days after such specifications are filed as aforesaid the commission or council, as the case may be, shall fix the time and place for hearing the appeal and notify the appellant in writing of the time and place so fixed, which notice shall contain a copy of the specifications so filed. The time for hearing any such appeal shall not be fixed earlier than five days nor later than twenty days from the filing of such specifications. The council and commission shall have the power to enforce the attendance of witnesses, the production of books and papers, and to administer oaths in the same manner and with like effect, and under same penalties, as in the case of magistrates exercising criminal or civil jurisdiction under the statutes of Iowa. The hearings on such appeals shall be public and appellant may be represented by counsel. The council or commission, as the case may be, shall issue subpoenas for such witnesses as appellant may designate, which shall be signed by the mayor or chairman of the commission, as the case may be. Such commission shall make annual report to the council and it may require a special report from such commission at any time. Such commission may prescribe such rules and regulations for the proper conduct of its business as shall be found expedient and advisable.

“SEC. 4. Commission to appoint chief of fire department—qualifications of employees. Such commission shall appoint a chief of the fire department, but the tenure of any person holding such position at this time shall not be affected by this section; provided, however, that such officer may be removed for cause in accordance with the provisions of the next preceding section. No person shall be employed in any capacity in the fire or police department unless he is a citizen of the United States and has been a resident of such city more than one year and is of good moral character and can read and write the English language and is not addicted to the use of intoxicating liquors as a beverage. Nothing in this act shall be construed as limiting the powers conferred upon the city council and its members in section one thousand fifty-six-a25 of the supplement to the code, 1907.

“SEC. 5. Political contributions—penalty. No member of the fire or police department in any such city shall directly or indirectly contribute any money or anything of value to any candidate for nomination or election to any office or to any campaign or political committee. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed thirty days.”

Approved April 13, A. D. 1911.

CHAPTER 55.

CITIES UNDER THE COMMISSION PLAN OF GOVERNMENT.

H. F. 262.

AN ACT concerning the commission plan of government in certain cities, additional to chapter fourteen-C (14-C) title five (5) of the supplement to the code, 1907, and chapter sixty-four (64) of the laws of the thirty-third (33d) general assembly.

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

SECTION 1. Rights of cities not affected by reduction of population. Whenever any city shall have been heretofore or may be hereafter organized on the commission plan under the provisions of title five (V), chapter fourteen-C (14-C) of the supplement to the code, 1907, as amended by chapter sixty-four (64) of the laws of the thirty-third general assembly, no reduction of the population of such city shown by a subsequent census shall have any effect upon the organization, rights, powers, duties or obligations of such city or any of its officers, but the same shall continue and remain as though no such reduction or apparent reduction of population was made to appear.

Approved March 22, A. D. 1911.

CHAPTER 56.

CHANGE OF NAMES OF STREETS.

H. F. 217.

AN ACT authorizing cities and towns and cities acting under special charter to change the names of streets and provide for the filing of same with the county officers. [Additional to title five (V) of the code, relating to city and town government.]

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

SECTION 1. Change of name of street authorized—procedure. Cities and towns, and cities acting under special charter, shall have authority to change by ordinance the name of a platted street. The mayor and city or town clerk shall certify and file the ordinance after its passage with the county recorder and county auditor in the county where the said city or town is located, which shall be entered of record in the recorder's office and a reference made on the margin of the original plat referring to the record of such change of names.

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 Capital, newspapers published at Des Moines, Iowa.

Approved March 16, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital March 18, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 57.

DEPARTMENT OF PUBLICITY, DEVELOPMENT AND GENERAL WELFARE.

S. F. 226.

AN ACT authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. (Additional to title five (V) of the code.)

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

SECTION 1. Department authorized—superintendent—assistants. Any city in this state shall have power to establish by ordinance, upon the terms and conditions hereinafter prescribed, a department under control of the city council, said department to be known as the “department of publicity, development and general welfare,” and the mayor, with the approval of the council, shall have power to appoint a superintendent of such department, and may employ such assistants as may be necessary to perform the work of said department, upon such compensation as may be fixed by resolution of such city council.

SEC. 2. Purposes. Said department shall be for the purpose of collecting and distributing, by correspondence, advertising and other means, information relating to the industrial, commercial, manufacturing, residential, educational and other advantages and resources of such city; and for the purpose of encouraging and promoting the establishment and development of industries and manufacturing, commercial and other interests in such cities and the increase of population thereof; and for the purpose of investigating, promoting and doing such things as may be for the general welfare of such city and the inhabitants thereof; provided, however, nothing in this act shall be construed as authorizing cities to invest any funds raised by taxation in private enterprises or to pay from such funds any bonuses for same. The duties of the superintendent and other employes of said department shall be such as may be prescribed from time to time by the city council, and they shall be at all times under the supervision and control of the mayor in performing said duties.

SEC. 3. How established—question submitted—how re-established. The said department can only be established upon the approval of sixty per cent of the legal voters of said city who shall vote on said question, and which question may be submitted by the council of such city at any general, city, or special election for such purpose, at which election the question submitted shall be: “Shall the city of (naming it) establish a department of publicity, development and general welfare?” If said question shall be answered in the affirmative by not less than sixty per cent of the voters voting thereon, the said department may be established for a period of not to exceed five (5) years from the date of such election. Within one year of the end of such period or at any time thereafter the question may be re-submitted and said department re-established for a like period, provided that not less than sixty per cent of the voters thereon vote in favor thereof.

SEC. 4. Expenses—how paid. The expenses of said department may be defrayed out of any and all funds received by such city from fines and penalties and out of any funds that may be in the treasury of said city, not derived from general taxation nor from special taxes levied for other purposes.

SEC. 5. 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 Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 3, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 4, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 58.

PRIMARY ELECTIONS.

H. F. 353.

AN ACT to amend sections one thousand eighty-seven-a-four (1087-a-4) and one thousand eighty-seven-a-nineteen (1087-a-19) of the supplement to the code, 1907, as amended, relating to the holding of primary elections by political parties.

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

SECTION 1. When held. Section one thousand eighty-seven-a4 (1087-a4) of the supplement to the code, 1907, is hereby amended by striking out the last four words in the third line; and by inserting the word "twelve" in lieu of the word "eight" in the fourth line.

SEC. 2. Canvass by board of supervisors. Section one thousand eighty-seven-a19 (1087-a19) of the supplement to the code, 1907, is hereby amended by inserting after the word "on" in the first line and before the word "Tuesday" in the second line the words "the second".

Approved March 30, A. D. 1911.

CHAPTER 59.

PRIMARY ELECTIONS.

H. F. 474.

AN ACT to repeal section one thousand eighty-seven-a-nineteen (1087-a-19) chapter two-A (2-A) of title six (VI) of the supplement to the code, 1907, as amended by section ten (10) of chapter sixty-nine (69) acts of the thirty-third general assembly and to enact a substitute therefor, relating to canvass by board of supervisors and certificates in primary elections.

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

SECTION 1. Repeal—canvass by supervisors—certificates. That the law as it appears in section one thousand eighty-seven-a19 (1087-a19) of the supplement to the code, 1907, as amended by section ten (10) chapter sixty-nine (69) acts of the thirty-third general assembly, is hereby repealed and the following substitute enacted in lieu thereof:

"On the second Tuesday next following the primary election in June, the board of supervisors shall meet, open, and canvass the returns from each voting precinct in the county, and make abstracts thereof, stating in words written at length the number of ballots cast in the county by each political party, separately, for each office, the name of each person voted for and the number of votes given to each person for each different office and shall sign and certify thereto and file the same with the county auditor. Such canvass and certificate shall be final as to all candidates for nomination to any elective county

office or office of a sub-division of a county; and the candidate or candidates of each political party for each office to be filled by the voters of any sub-division of a county having received the highest number of votes shall be duly and legally nominated as the candidate of his party for such office. Provided, however, that no candidate whose name is not printed on the official primary ballot, who receives less than five per centum of the votes cast in such sub-division for governor on the party ticket with which he affiliates, at the last general election, nor less than five votes shall be declared to have been nominated to any such office; and the candidate or candidates of each political party for each office to be filled by the voters of the county having received the highest number of votes, and not less than thirty-five per centum of all the votes cast by the party for such office, shall be duly and legally nominated as the candidate of his party for such office. Provided, however, that no candidate whose name is not printed on the official ballot, who receives less than ten per centum of the whole number of votes cast in the county for governor on the party ticket with which he affiliates, at the last general election, shall be declared to have been nominated to any such office; and each candidate so nominated shall be entitled to have his name printed on the official ballot to be voted for at the general election without other certificate, and the board shall prepare and certify a list of the candidates of each party so nominated, separately, and deliver to the chairman of each party central committee for the county a copy of the list of candidates nominated by the party he represents; and shall also prepare, certify and deliver to such chairman a list of the offices to be filled by the voters of a county for which no candidate of his party was nominated, together with the names of the candidates for each of such offices voted for at the primary election and the number of votes received by each of such candidates."

Approved April 11, A. D. 1911.

CHAPTER 60.

REMOVAL OF OFFICERS FOR MISFEASANCE, MALFEASANCE OR NONFEASANCE IN OFFICE.

S. F. 201.

AN ACT to amend the law as it appears in chapter seventy-eight (78) acts of the thirty-third (33d) General Assembly relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office.

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

SECTION 1. Supervisors included. That the law as it appears in section one (1) chapter seventy-eight (78) acts of the thirty-third (33d) general assembly be and the same is hereby amended by adding after the word "county attorney" in line 1 of section 1 the following; "any member of the board of supervisors".

Approved April 12, A. D. 1911.

CHAPTER 61.

EXEMPTION OF PROPERTY FROM TAXATION.

S. F. 90.

AN ACT to amend the law as same appears in section thirteen hundred and four (1304), of the supplement to the code, 1907, relating to the exemption of property from taxation.

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

SECTION 1. Real estate owned by educational institution. Paragraph two (2) of the law as it appears in section thirteen hundred and four (1304), of the supplement to the code, 1907, is hereby amended by striking from said section and repealing the following words, found in lines 14, 15 and 16 of paragraph two (2), thereof: "provided, however, that real estate owned by an educational institution of this state as part of its endowment fund shall not be taxed", and substituting therefor the following words: "real estate to the extent of not to exceed one hundred sixty (160) acres in any civil township, owned by any educational institution of this state as a part of its endowment fund, shall not be taxed".

Approved April 11, A. D. 1911.

CHAPTER 62.

EXEMPTION OF PROPERTY FROM TAXATION.

S. F. 24.

AN ACT to repeal subdivision seven (7) of section thirteen hundred and four (1304) of the supplement to the code, 1907, and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged union soldier or sailor of the Mexican war or the war of the rebellion or of the widow of such soldier or sailor.

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

SECTION 1. Repeal—what property exempt. That sub-division seven (7) of section thirteen hundred and four (1304) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"The property not to exceed twelve hundred dollars in actual value, of any honorably discharged union soldier or sailor of the Mexican war or of the war of the rebellion or of the widow remaining unmarried of such soldier or sailor. It shall be the duty of every assessor annually to make a list of such soldiers, sailors, widows, and to return such list to the county auditor, upon forms to be furnished by such auditor for that purpose; but the failure on the part of any assessor so to do shall not affect the validity of any exemption. All soldiers, sailors or widows thereof referred to herein shall receive a reduction of twelve hundred dollars at the time said assessment is made by the assessor unless waiver thereof is voluntarily made of said exemption at said time."

Approved March 17, A. D. 1911.

CHAPTER 63.

TAXATION OF MONEYS AND CREDITS, BANK STOCKS AND BANKING CAPITAL.

S. F. 387.

AN ACT amending sections thirteen hundred and ten, (1310), and thirteen hundred and eleven, (1311), of the code, and the law as it appears in section thirteen hundred and twenty-one (1321), of the supplement to the code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in section thirteen hundred and twenty-two (1322), of the supplement to the code, 1907, and enacting a substitute therefor relating to the taxation of the shares of stock of national banks, state and savings banks and loan & trust companies, and defining moneyed capital, and providing for the taxation thereof.

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

SECTION 1. Millage tax on moneys and credits—moneyed capital—how and where assessed. Section thirteen hundred and ten (1310), of the code is hereby amended by striking from the last line thereof the words “as provided in this chapter”, and substituting therefor the words “and, excepting shares of stock of national, state and savings banks and loan and trust companies, and moneyed capital as hereinafter defined, shall be taxed upon the uniform basis throughout the state of five (5) mills on the dollar of actual valuation, same to be assessed and collected where the owner resides. The millage tax here provided for shall be in lieu of all other taxes upon moneys and credits and shall be levied by the board of supervisors, placed upon the tax list and collected by the county treasurer, and the amount collected in the various taxing districts of the state shall be divided between the various funds upon the same pro rata basis as other taxes collected in such taxing district are apportioned. All moneyed capital within the meaning of section five thousand two hundred and nineteen (5219) of the revised statutes of the United States shall be listed and assessed against the owner thereof at his place of business, and if a corporation at its principal place of business, at the same rate as state, savings, national bank and loan and trust company stock is taxed, in the same taxing district, and at the actual value of the moneyed capital so invested. The person or corporation using moneyed capital in competition with bank capital shall furnish the assessor upon demand a full and complete itemized sworn statement showing the amount of moneyed capital so used.”

SEC. 2. No deduction for debts on bank stocks or moneyed capital. Section thirteen hundred and eleven (1311), of the code is hereby amended by adding thereto the following words: “Provided, however, that no deduction for debts shall be allowed from the shares of stock of any state, savings or national bank or loan and trust company, nor from moneyed capital used in competition with banks, within the meaning of section five thousand two hundred and nineteen (5219), of the revised statutes of the United States.”

SEC. 3. Private banks. The law as it appears in section thirteen hundred and twenty-one (1321), of the supplement to the code, 1907, is hereby amended by striking from lines four and five of sub-division five thereof the words “and of debts owing by such bank, as provided in this chapter”, and by also striking from line six of said sub-division five the words “exempt, or”.

SEC. 4. National, state and savings banks. Section thirteen hundred and twenty-two (1322), of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof:

“Shares of stock of national banks and state and savings banks, and loan & trust companies, located in this state, shall be assessed to the individual stockholders at the place where the bank or loan and trust company is located.

At the time the assessment is made the officers of national banks and state and savings banks and loan and trust companies shall furnish the assessor with lists of all the stockholders and the number of shares owned by each, and the assessor shall list to each stockholder under the head of corporation stock the total value of such shares. To aid the assessor in fixing the value of such shares, the said corporations shall furnish him a verified statement of all the matter provided in section thirteen hundred and twenty-one (1321), of the supplement to the code, 1907, which shall also show separately the amount of the capital stock and the surplus and undivided earnings, and the assessor from such statement shall fix the value of such stock based upon the capital, surplus, and undivided earnings. In arriving at the total value of the shares of stock of such corporations, the amount of their capital actually invested in real estate owned by them and in the shares of stock of corporations owning only the real estate, (inclusive of leasehold interests, if any,) on or in which the bank or trust company is located, shall be deducted from the real value of such shares, and such real estate shall be assessed as other real estate, and the property of such corporation shall not be otherwise assessed."

SEC. 5. Bank stocks and moneyed capital—how assessed and taxed. For the purpose of placing the taxation of bank and loan and trust company stock and moneyed capital as nearly as possible upon a taxable value relatively equal to the taxable value at which other property is now actually assessed throughout the state as compared with the actual value thereof, it is hereby provided that state, savings and national bank stock and loan and trust company stock and moneyed capital shall be assessed and taxed upon the taxable value of twenty per cent of the actual value thereof, determined as herein provided, which twenty per cent of the actual value shall be taken and considered as the taxable value and shall be taxed as other property in such taxing district.

SEC. 6. Applicable to 1911 and subsequent assessments. The provisions of this act shall be in effect and govern the assessments made in the year 1911, and subsequent years. If assessment of any such stock or moneyed capital is not made during 1911 within the time now provided by law, or is illegally or irregularly made, the assessor of the taxing district is hereby granted until June 1, 1911 in which to rectify the irregularity or correct the illegality, or re-assess such stock or moneyed capital, and the board of review of the taxing district is during the month of June, 1911, authorized and directed to review such assessment following the proceedings now provided by law as to original assessments.

SEC. 7. Applicable to special charter cities. The provisions of this act, so far as applicable, shall apply to cities acting under special charter and in such cities stocks and moneyed capital referred to in section 5 hereof shall be assessed at the taxable value of eighty per cent (80%) of that applied to other property. If the taxable value of such other property is fixed at any portion thereof except twenty-five per cent (25%) of the actual value thereof, as shown by the assessment, the city council, when the levy for all city purposes has been determined, shall ascertain the equivalent thereof based upon such twenty-five per cent (25%) valuation and shall certify the aggregate of the levy so ascertained to the county treasurer of the county in which such city is located. When the millage tax provided in section 1 hereof is collected the county treasurer shall pay to the treasurer of such city such portion of said millage tax collected as the aggregate levy so certified is of the total levy obtained by adding such certified levy to the levy for all purposes except city purposes, and such city shall not be permitted to impose taxes upon the property referred to in section 1 hereof.

SEC. 8. **Not applicable to taxes levied for 1911.** The provisions of this act as to the assessment and taxation of moneys and credits other than moneyed capital and shares of stock of state, savings and national banks and loan and trust companies, shall not apply to taxes levied for the year 1911.

SEC. 9. **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 Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 6, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 8, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 64.

LOCAL BOARDS OF REVIEW.

S. F. 103.

AN ACT to amend section one thousand three hundred seventy (1370) of the code, relating to the time in which local boards of review may complete their duties.

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

SECTION 1. **Time of meeting in certain townships and cities.** That section one thousand three hundred seventy (1370) of the code is hereby amended by adding thereto after the period (.) following the word "done" in said section, the following:

"Provided, however, that in townships having a population of twenty thousand (20,000) or more, and situated entirely within the limits of a city under special charter, and in cities having a population of twenty thousand (20,000) or more, including cities under special charter, the board of review may begin the performance of the duties herein defined on and after the first day of March each year."

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect from and after its passage and approval and publication thereof had in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 25, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 28, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 65.

FOREST TREES.

H. F. 76.

AN ACT to amend section fourteen hundred-f (1400-f) of the supplement to the code, 1907, providing for additional forest trees.

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

SECTION 1. **What considered forest trees.** That section 1400-f of the supplement to the code, 1907, be and the same is hereby amended by adding thereto in the third line between the words, "honey locust" and "mulberry," the following words, "Norway and Carolina poplars".

Approved March 22, A. D. 1911.

CHAPTER 66.

PROHIBITING CONTRACTS FOR DISCOVERY OF PROPERTY NOT LISTED OR ASSESSED FOR TAXATION.

H. F. 71.

AN ACT making it unlawful for cities and towns, including cities acting under special charter and under the commission plan, or counties, to contract with persons, firms or corporations for the discovery of property not listed or assessed for taxation as required by law, and to repeal the law as it appears in sections fourteen hundred seven-a (1407-a), fourteen hundred seven-b (1407-b), fourteen hundred seven-c (1407-c), fourteen hundred seven-d (1407-d), and fourteen hundred seven-e (1407-e), of the supplement to the code, 1907.

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

SECTION 1. **Contracts for discovery of unassessed property prohibited.** It shall be unlawful for the council of any city or town, including cities under special charter and the commission plan, or for the board of supervisors of any county, to employ or contract with any person, corporation or firm to assist the proper officers in the discovery of property not listed or assessed for taxation as required by law. Any acts or parts of acts in conflict herewith are hereby repealed.

SEC. 2. **Repeal.** That the law as it appears in sections fourteen hundred seven-a (1407-a), fourteen hundred seven-b (1407-b), fourteen hundred seven-c (1407-c), fourteen hundred seven-d (1407-d), and fourteen hundred seven-e (1407-e), supplement to the code, 1907, be and the same is hereby repealed.

SEC. 3. **In effect.** This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved February 24, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital February 24, 1911, and in the Register and Leader February 25, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 67.

THE KEEPING OF AND ACCOUNTING FOR PUBLIC FUNDS.

H. F. 284.

AN ACT repealing section fourteen hundred sixty-two (1462) of the code and enacting a substitute therefor, relating to the keeping of and accounting for public funds in the state and county treasuries.

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

SECTION 1. **Repeal.** That section fourteen hundred sixty-two (1462) of the code be and the same is hereby repealed, and the following enacted in lieu thereof:

"SEC. 2. **Public funds—how kept and accounted for.** The state treasurer and each county treasurer shall at all times keep all funds coming into their possession as public money, in a vault or safe, to be provided for that purpose, or in some bank legally designated as a depository for such funds. At the time of any examination of any such office, or at the time of any settlement with the treasurer in charge of any such public funds, the treasurer shall produce and count in the presence of the officer or officers making such examination or settlement, all moneys or funds then on deposit in the safe or vault in his office, and shall produce a statement of all money or funds on deposit with any depository wherein he is authorized to deposit such funds, which statement shall be certified by one or more officers of such depository, and shall correctly show the balance remaining on deposit in such depository at the close of business on the day preceding the day of such settlement. The treasurer shall also file a statement setting forth the numbers, dates, and amounts of all outstanding checks, or other items of difference, reconciling the balances as shown by the treasurer's books with those of the depositories. It shall be the duty of the officer or officers making such settlement to see that the amount of money produced and counted together with the amounts so certified by the legally designated depositories, agrees with the balance with which such treasurer should be charged, and he shall make a report in writing of any such settlement or examination, and attach thereto the certified statement of all of such depositories. The report of any such settlement with the treasurer of state shall be filed in the office of the auditor of state, and the report of a settlement with a county treasurer with the auditor of the county."

SEC. 3. **False statements or reports—penalty.** Any officer or other person making a false statement or report or in any manner violating any of the provisions hereof, shall be guilty of a misdemeanor and shall be liable to a fine of not less than five hundred dollars.

SEC. 4. **In effect.** This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Register & Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved March 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital March 15, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 68.

ASSESSMENT AND COLLECTION OF A TAX UPON COLLATERAL ESTATES, ANNUITIES, LEGACIES, BEQUESTS, GIFTS, TRANSFERS AND INHERITANCES.

S. F. 336.

AN ACT relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, and repealing the law as it appears in chapter four (4), of title seven (7), of the supplement to the code, 1907, and chapter ninety-two (92) of the acts of the thirty-third (33) general assembly and to enact a substitute therefor.

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

N. 1913
 §. 120.

SECTION 1. **Property subject to tax—rate.** The estates of all deceased persons, whether they be inhabitants of this state or not, and whether such estate consists of real, personal or mixed property, tangible or intangible, and any interest in, or income from any such estate or property, which property is, at the death of the decedent owner, within this state or is subject to, or thereafter, for the purpose of distribution, is brought within this state and becomes subject to the jurisdiction of the courts of this state, or the property of any decedent, domiciled within this state at the time of the death of such decedent, even though the property of such decedent so domiciled was situated outside of the state, except real estate located outside of the state passing in fee from the decedent owner, which shall pass by will or by the statutes of inheritance of this or any other state or country, or by deed, grant, sale, gift, or transfer made in contemplation of the death of the donor, or made or intended to take effect in possession or enjoyment after the death of the grantor or donor, to any person, or for any use in trust or otherwise, other than to or for the use of persons, or uses exempt by this act shall be subject to a tax of five (5) per centum; provided, however, that when property or any interest therein shall pass to heirs, devisees or other beneficiaries subject to the tax imposed by this act who are aliens, non-residents of the United States, the same shall be subject to a tax of twenty (20) per centum of its true value except when such foreign beneficiaries are brothers or sisters of the decedent owner, when the rate of tax to be assessed and collected therefrom shall be ten (10) per centum of the value of the property or interest so passing. Any person beneficially entitled to any property or interest therein because of any such gift, legacy, devise, annuity, transfer or inheritance, and all administrators, executors, referees and trustees, and any such grantee under a conveyance, and any such donee under a gift, and any such legatee, annuitant, devisee, heir or beneficiary, shall be respectively liable for all such taxes to be paid by them respectively. The tax aforesaid shall be for the use of the state, shall accrue at the death of the decedent owner, and shall be paid to the treasurer of state within eighteen (18) months thereafter, except when otherwise provided in this act, and shall be and remain a legal charge against and a lien upon such estate, and any and all of the property thereof from the death of the decedent owner until paid.

SEC. 2. **Exceptions.** The tax imposed by this act shall not be collected,

1st. When the entire estate of the decedent does not exceed the sum of one thousand dollars (\$1,000) after deducting the debts as defined in this act.

2nd. When the property passes to the husband or wife.

3rd. When the property passes to the father, mother, lineal descendant, adopted child, or the lineal descendant of an adopted child of decedent.

4th. When the property passes to educational and religious societies or institutions, public libraries and public art galleries within this state and open to the free use of the public.

5th. Property passing to or for hospitals within this state open to the public, and not operated for gain, or to societies within this state organized for purposes of public charity, including cemetery associations, but not including societies maintained by fees, dues, or assessments in whose benefits the public may not share.

6th. Bequests for the care and maintenance of the cemetery or burial lot of decedent and his family, and bequests not to exceed five hundred dollars (\$500.00) in any estate, to or for the performance of a religious service or services by some person regularly ordained, authorized or licensed by any religious society to perform such service to be performed for or in behalf of the testator, or some person named in his last will, provided such person so named is, or would be exempt from the tax imposed by this act.

7th. When the property passes to a municipal or political corporation within this state for a purely public purpose.

SEC. 3. **"Debts" defined.** The term "debts" as used in this act shall include, in addition to debts owing by the decedent at the time of his death, the local or state taxes due from the estate in January of the year of his death, a reasonable sum for funeral expenses, court costs, the cost of appraisal made for the purpose of assessing the collateral inheritance tax, the statutory fees of executors, administrators, or trustees estimated upon the appraised value of the property, the amount paid by the executor or administrator for a bond, the attorney fee in a reasonable amount, to be approved by the court, for the ordinary probate proceedings in said estate and no other sum; but said debts shall not be deducted unless the same are approved and allowed by the court within eighteen (18) months from the death of the decedent, as established claims against the estate, unless otherwise ordered by the judge or court of the proper county.

SEC. 4. **Administrator appointed on application of treasurer of state—non-resident administrators or executors to file bond before appointed.** If upon the death of any person leaving an estate that may be liable to a tax under the provisions of this act, a will disposing of such estate is not offered for probate, or an application for administration made within four months from the time of such decease, the treasurer of state may, at any time thereafter, make application to the proper court, setting forth such fact and praying that an administrator may be appointed, and thereupon said court shall appoint an administrator to administer upon such estate. When the heirs or persons entitled to inherit the property of an estate subject to the tax hereby imposed, desire to avoid the appointment of an administrator as provided in this section, they or one of them shall, before the expiration of four months from the death of the decedent file under oath the inventories and reports and perform all the duties required by this act, of administrators, including the filing of the lien; proceedings for the collection of the tax when no administrator is appointed, shall conform as nearly as may be to the provisions of this act in other cases. A non-resident of this state shall not be appointed as executor, administrator or trustee of any estate that may be subject to the tax imposed by this act, unless such non-resident first file a bond conditioned upon the payment of all tax, interest and costs for which the estate may be liable, such bond to be signed by not less than two resident freeholders or by an approved surety company and in an amount not less than twenty-five per cent (25%) of the total value of the estate, or of the property within this state if the estate is a foreign estate.

SEC. 5. Appraisers—when appointed—term—removal—vacancies. In each county, the court shall annually at the first term of the court therein appoint three competent residents and freeholders of said county, to act as appraisers of all property within its jurisdiction which is charged or sought to be charged with the collateral inheritance tax. Said appraisers shall serve for one year, and until their successors are appointed and qualified. They shall each take an oath to faithfully and impartially perform the duties of the office, but shall not be required to give bond. They shall be subject to removal at any time at the discretion of the court, and the court or judge thereof in vacation, may also in its discretion, either before or after the appointment of the regular appraisers, appoint other appraisers to act in any given case. Vacancies occurring otherwise than by expiration of term, shall be filled by the appointment of the court or by a judge in vacation. No person interested in any manner in the estate to be appraised may serve as an appraiser of such estate.

SEC. 6. Issuance of commission to appraisers. Whenever it appears that an estate or any property or interest therein is or may be subject to the tax imposed by this act, the clerk shall issue a commission to the appraisers, who shall fix a time and place for appraisal, except that if the only interest that is subject to such tax is a remainder or deferred interest upon which the tax is not payable until the determination of a prior estate or interest for life or term of years, he shall not issue such commission until the determination of such prior estate, except at the request of parties in interest who desire to remove the lien thereon.

SEC. 7. Notice of appraisal—returns filed. It shall be the duty of all appraisers appointed under the provisions of this act, upon receiving a commission as herein provided, to forthwith give notice to the treasurer of state and other persons known to be interested in the property to be appraised, of the time and place at which they will appraise such property, which time shall not be less than ten days from the date of such notice. The notice shall be served in the same manner as is prescribed for the commencement of civil actions, and if not practicable to serve the notice provided for by statute, they shall apply to the court or a judge thereof in vacation for an order as to notice and upon service of such notice and the making of such appraisal, the said notice, return thereon and appraisal shall be filed with the clerk, and a copy of such appraisal shall at once be filed by the clerk with the treasurer of state. When property is located in more than one county, the appraisers of the county in which the estate is being administered may appraise the whole estate, or those of the several counties may serve for the property within their respective counties or other appraisers be appointed as the district court if in session, or judge thereof in vacation may direct.

SEC. 8. Objections—when filed—appraisal approved or set aside—appeal. The treasurer of state or any person interested in the estate or property appraised, may, within twenty (20) days thereafter, file objections to said appraisal and give notice thereof as in beginning civil actions, on the hearing of which as an action in equity either party may produce evidence competent or material to the matters therein involved. If upon such hearing the court finds the amount at which the property is appraised is its value on the market in the ordinary course of trade, and the appraisal was fairly and in good faith made, it shall approve such appraisal; but if it finds that the appraisal was made at a greater or less sum than the value of the property in the ordinary course of trade, or that the same was not fairly or in good faith made, it shall set aside the appraisal, appoint new appraisers and so proceed until a fair and good appraisal of the

property is made at its value in the market in the ordinary course of trade. The treasurer of state or any one interested in the property appraised, may appeal to the supreme court from the order of the district court approving or setting aside any appraisement to which exceptions have been filed. Notice of appeal shall be served within sixty days from the date of the order appealed from, and the appeal shall be perfected in the time now provided for appeals in equitable actions. In case of appeal the appellant, if he is not the treasurer of state, shall give bond to be approved by the clerk of the court, which bond shall provide that the said appellant and sureties shall pay the tax for which the property may be liable with cost of appeal. If upon the hearing of objections to the appraisement, the court finds that the property is not subject to the tax, the court shall upon expiration of time for appeal, when no appeal has been taken, order the clerk to enter upon the lien book a cancellation of any claim or lien for taxes. If at the end of twenty (20) days from the filing of the appraisement with the clerk, no objections are filed, the appraisement shall stand approved.

SEC. 9. Appraisement of transferred property—appraised value to be market value—deduction of debts. Within ninety (90) days after the transfer of any property that may be liable for a tax under the provisions of this act, except as hereinotherwise provided, the clerk of the proper county upon his own motion or upon the application of the treasurer of state, county attorney, or person interested in the property, shall cause the property to be appraised as provided herein. If there be an estate or property subject to said tax wherein the records in the clerk's office do not disclose that there may be a tax due under the provisions of this act, the person or persons interested in the property shall report the matter to the clerk with an application that the property be appraised. The appraised value of the property shall in all cases be its market value in the ordinary course of trade, and in domestic estates the tax shall be calculated thereon after deducting the debts as defined herein; provided, however, that the debt of a domestic estate owing for or secured by property outside of the state, shall not be deducted before estimating the tax, except when the property for which the debt is owing or by which it is secured is subject to the tax imposed by this act, or when the foreign debt exceeds the value of the property securing it or for which it was contracted, then the excess may be deducted provided that satisfactory proof of the value of the foreign property and the amount of such debt is furnished to the treasurer of state.

SEC. 10. Relief from appraisement. All estates subject in whole or in part to the tax imposed by this act shall be appraised for the purpose of computing said tax by the regular collateral inheritance tax appraisers; provided, that estates liable for the payment of the inheritance tax upon specific legacies, annuities, bequests of money or other property the value of which may be determined without appraisement, and estates which consist of money, book accounts, bank deposits, notes, mortgages and bonds, need not be appraised by the collateral inheritance tax appraisers if the administrator, executor or trustee or the persons entitled to or claiming such property are willing to charge themselves with the full face value of such bequests or property, together with the interest, earnings or undivided profits which may be due on said properties, at the time of death of the testator or intestate, as the basis for the assessment of said tax, but in all cases the relief from appraisement for the collateral inheritance tax is dependent upon the consent of the treasurer of state, and the subsequent approval thereof by the court or judge thereof in vacation. In the event that the estate has been duly appraised under the ordinary statutes of inheritance or the property has been sold and such appraisement or selling price is accepted by the treasurer of state as sat-

isfactory for collateral inheritance tax purposes, the court or judge thereof in vacation may, upon proper application, relieve the estate from the appraisal by the collateral inheritance tax appraisers; but in order to obtain such relief, the administrator, executor, trustee or other party interested must file an application for relief with the consent of the treasurer of state thereto in the office of the clerk of the court before said clerk issues a commission to the collateral inheritance tax appraisers. The court or judge thereof in vacation may, upon application of the representatives of the estate or parties interested, relieve the estate of the appraisal for collateral tax purposes if it be shown to said court that the market value of the entire estate will not exceed one thousand dollars; provided, that prior to the application to said court or judge the written consent of the treasurer of state to such relief is procured. In all cases where an estate is relieved from an appraisal for collateral inheritance tax purposes, the order granting relief shall be recorded in the clerk's office, and the fact of such relief and reasons therefor shall be duly noted in the decree or order of final settlement made by the court.

SEC. 11. Deferred estates in real property—how and when appraised. When any person, whose estate over and above the amount of his debts, as defined in this act, exceeds the sum of one thousand dollars, shall bequeath or devise any real property to or for the use of persons exempt from the tax imposed by this act, during life or for a term of years, and the remainder to a collateral heir, said property upon the determination of such estate for life or years, shall be appraised at its then actual market value from which shall be deducted the value of any improvements thereon, or betterments thereto, if any, made by the remainderman during the time of the prior estate, to be ascertained and determined by the appraisers and the tax on the remainder shall be paid by such remainderman as provided in the next succeeding section.

SEC. 12. Life, term and deferred estates in real property—appraisal—tax paid, when. Whenever any real property of a decedent shall be subject to such tax and there be an estate or interest for life or term of years given to a party other than those especially exempt by this act, the clerk shall cause such property to be appraised at the actual market value thereof, as is provided in ordinary cases, and the party entitled to such estate or interest shall within one (1) year from the death of decedent owner pay such tax, and in default thereof the court shall order such interest in said estate, or so much thereof as shall be necessary to pay such tax and interest, to be sold. Upon the determination of any prior estate or interest, when the remainder or deferred estate or interest or any part thereof is subject to such tax and the tax upon such remainder or deferred interest has not been paid, the person or persons entitled to such remainder or deferred interest shall immediately report to the clerk of the proper court the fact of the determination of the prior estate, and upon receipt of such report, or upon information from any source, of the determination of any such prior estate when the remainder interest has not been appraised for the purpose of assessing such tax, the clerk shall forthwith issue a commission to the collateral inheritance tax appraisers, who shall immediately proceed to appraise the property as provided in like cases in the next preceding section, and the tax upon such remainder interest shall be paid by the remainderman within one (1) year next after the determination of the prior estate. If such tax is not paid within said time the court shall then order said property, or so much thereof as may be necessary to pay such tax and interest, to be sold.

SEC. 13. Life, term and deferred estates in personal property—tax paid, when. Whenever any personal property shall be subject to the tax imposed

by this act and there be an estate or interest for life or term of years given to one or more persons and remainder or deferred estate to others, the clerk shall cause the property so devised or conveyed to be appraised as provided herein in ordinary estates and the value of the several estates or interests so devised or conveyed shall be determined as provided in section seventeen (17) of this act, and the tax upon such estates or interests as are liable for the tax imposed by this act shall be paid to the treasurer of state from the property appraised or by the persons entitled to such estate or interest within eighteen (18) months from the death of the testator, grantor, or donor, provided, however, that payment of the tax upon any deferred estate or remainder interest may be deferred until the determination of the prior estate by the giving of a good and sufficient bond as provided in the next succeeding section.

SEC. 14. Bond to secure payment of tax on deferred estates. When in case of deferred estates or remainder interests in personal property or in the proceeds of any real estate that may be sold during the time of a life, term or prior estate, the persons interested who may desire to defer the payment of the tax until the determination of the prior estate, shall file with the clerk of the proper district court a bond as provided herein in other cases, such bond to be renewed every two years until the tax upon such deferred estate is paid. If at the end of any two year period the bond is not promptly renewed as herein provided and the tax has not been paid, the bond shall be declared forfeited, and the amount thereof be forthwith collected. When the estate of a decedent consists in part of real and in part of personal property, and there be an estate for life or for a term of years to one or more persons and a deferred or remainder estate to others, and such deferred or remainder estate is in whole or in part subject to the tax imposed by this act, if the deferred or remainder estates or interests are so disposed that good and sufficient security for the payment of the tax for which such deferred or remainder estates may be liable can be had because of the lien imposed by this act upon the real property of such estate, then payment of the tax upon such deferred or remainder estates may be postponed until the determination of the prior estate without giving bond as herein required to secure payment of such tax, and the tax shall remain a lien upon such real estate until this tax upon such deferred estate or interest is paid.

SEC. 15. Bonds. All bonds required by this act shall be payable to the treasurer of state and shall be conditioned upon the payment of the tax, interest and costs for which the estate may be liable, and for the faithful performance of all the duties hereby imposed upon and required of the person whose acts are by such bond to be guaranteed, and shall be in an amount equal to twice the amount of the tax interest and costs that may be due, but in no case less than five hundred dollars (\$500.00) and must be secured by not less than two resident freeholders or by a fidelity or surety company authorized by the auditor of state to do business in this state.

SEC. 16. Removal of taxable property from state—penalty. It shall be unlawful for any person to remove from this state any property, or the proceeds thereof, that may be subject to the tax imposed by this act, without paying the said tax to the treasurer of state. Any person violating the provisions of this section shall be guilty of a felony and upon conviction shall be fined an amount equal to twice the amount of tax, interest and costs for which the estate may be liable, but in no case less than two hundred dollars (\$200.00) and imprisoned as the court shall direct, until the fine is paid. Provided, however, that the penalty hereby imposed shall not be enforced, if prior to the removal of such property or the proceeds thereof, the person desiring to effect such removal files with the clerk a bond conditioned upon

the payment of the tax, interest and costs, as is provided in the preceding section hereof.

SEC. 17. Value of annuities, life, term or deferred estates—how determined. The value of any annuity, deferred estate, or interest, or any estate for life or term of years, subject to the collateral inheritance tax, shall be determined for the purpose of computing said tax by the rule of standards of mortality and of value commonly used in actuaries' combined experience tables as now provided by law. The taxable value of annuities, life or term, deferred or future estates, shall be computed at the rate of four (4) per cent per annum of the appraised value of the property in which such estate or interest exists or is founded. Whenever it is desired to remove the lien of the collateral inheritance tax on remainders, reversions, or deferred estates, parties owning the beneficial interest may pay at any time the said tax on the present worth of such interests determined according to the rules herein fixed.

SEC. 18. Taxes due from devisees, grantees, etc.—how paid—suit for collection. It is hereby made the duty of all executors, administrators, trustees, or other persons charged with the management or settlement of any estate subject to the tax provided for in this act, to collect and pay to the treasurer of state the amount of the tax due from any devisee, grantee, donee, heir or beneficiary of the decedent, except in cases where payment of the tax is deferred until the determination of a prior estate in which cases the treasurer of state shall collect the same. Executors, administrators, trustees, or the state treasurer, shall have power to sell so much of the property of the decedent as will enable them to pay said tax, in the same manner as is now provided by law for the sale of such property for the payment of debts of testators or intestates. The treasurer of state may bring, or cause to be brought in his name of office, suit, for the collection of said tax, interest and costs, against the executor, administrator, or trustee, or against the person entitled to property subject to said tax, or upon any bond given to secure payment thereof, either jointly or severally and obtaining judgment may cause execution to be issued thereon as is provided by statute in other cases. The proceedings shall conform as nearly as may be to those for the collection of ordinary debt by suit. If because of necessary litigation or other unavoidable cause of delay enforced payment of the tax hereby imposed, by suit and execution, would result in loss or be to the detriment of the best interests of the estate, the court may extend the time for the payment of the tax. Such extensions of time shall not be granted except in cases where security is given for payment of the tax, interest and costs.

SEC. 19. Tax deducted from legacy or collected from legatee. Every executor, administrator, referee or trustee having in charge or trust any property of an estate subject to said tax, and which is made payable by him, shall deduct the tax therefrom or shall collect the tax thereon from the legatee or person entitled to said property and pay the same to the treasurer of state, and he shall not deliver any specific legacy or property subject to said tax to any person until he has collected the tax thereon.

SEC. 20. Settlement with executors, etc., void if taxes are not paid. No final settlement of the account of any executor, administrator, or trustee shall be accepted or allowed unless it shall show, and the court shall find, that all taxes imposed by the provisions of this act upon any property or interest therein, that is hereby made payable by such executors, administrators or trustees, and to be settled by said account, shall have been paid, and the receipt of the treasurer of state for such tax shall be the proper voucher for such payment. Any order contravening the provision of this section shall be void. Upon the filing of such receipt showing payment of the tax,

the clerk shall record the same upon the collateral inheritance tax lien book in his office.

SEC. 21. Jurisdiction. The district court in the county in which some part of the property is situated, of the decedent who was not a resident, or such court in the county of which the deceased was a resident at the time of his death or where such estate is administered, shall have jurisdiction to hear and determine all questions regularly brought before it in relation to said tax that may arise affecting any devise, legacy, annuity, transfer, grant, gift or inheritance, subject to appeal as in other cases, and the treasurer of state shall in his name of office, with all the rights and privileges of a party in interest, represent the state in any such proceedings.

SEC. 22. Bequests to executors or trustees subject to tax. Whenever a decedent appoints one or more executors or trustees and in lieu of their allowance or commission, makes a bequest or devise of property to them which would otherwise be liable to said tax, or appoints them his residuary legatees, and said bequests, devises or residuary legacies exceed the statutory fees as compensation for their services, such excess shall be liable to such tax.

SEC. 23. Legacies charged upon real estate. Whenever any legacies subject to said tax are charged upon or payable out of any real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom and pay it to the executor, administrator, trustee or treasurer of state, and the same shall remain a charge against and be a lien upon said real estate until it is paid; and payment thereof shall be enforced by the executor, administrator, trustee or treasurer of state in his name of office as herein provided.

SEC. 24. Delinquent taxes to draw interest. All taxes imposed by this act shall be payable to the treasurer of state, and except when otherwise provided in this act, shall be paid within eighteen (18) months from the death of the testator or intestate. All taxes not paid within the time prescribed in this act shall draw interest at the rate of eight per centum per annum thereafter until paid. *A. 1913 c. 121*

SEC. 25. Proofs furnished treasurer of state on demand. Before issuing his receipt for the tax, the treasurer of state may demand from administrators, executors, trustees or beneficiaries such information as may be necessary to verify the correctness of the amount of the tax and interest, and when such demand is made they shall send to said treasurer certified copies of wills, deeds, or other papers, or of such parts of their reports as he may demand, and upon the refusal or neglect of said parties to comply with the demand of the treasurer of state, it is the duty of the clerk of the court to comply with such demand, and the expenses of making such copies and transcripts shall be charged against the estate, as are other costs in probate, or the tax may be assessed without deducting debts for which the estate may be liable.

SEC. 26. Collateral inheritance tax and lien book. The clerk of the district court in and for each county shall provide and keep a suitable book, substantially bound and suitably ruled, to be known as the collateral inheritance tax and lien book, in which shall be kept a full and accurate record of all proceedings in cases where property is charged or sought to be charged with the payment of a collateral inheritance tax under the laws of this state, to be printed and ruled so as to show upon one page,

- (1) The name, place of residence, and date of death of the decedent.
- (2) Whether the decedent died testate, or intestate, and if testate, the record and page where the will was probated and recorded.
- (3) The name and postoffice address of the executor, administrator, trustee, or grantee, with the date of appointment or transfer.

- (4) The names, postoffice addresses and relationship, if known, of all the heirs, devisees and grantees.
- (5) The appraised valuation of the personal property.
- (6) The amount of inheritance tax due upon said personal property.
- (7) A record of payment with amount and date.
- (8) Date of filing objections and names of objectors.
- (9) Blank for index and reference to all proceedings and for memorandum entries of the court or judge in relation thereto.

Upon the opposite page of such record shall be printed:

- (1) Real estate derived from..... (naming decedent) which is subject to the lien prescribed by the statute for collateral inheritance tax.
- (2) A full and accurate description of such real estate, by forty-acre or fractional tracts, or by lots, or other complete individual description.
- (3) The appraised valuation as reported by the appraisers, with a reference to the record of their report, as to each piece of such real estate.
- (4) The amount of the inheritance tax due upon each such piece.
- (5) A record of payments, with dates and amounts.

SEC. 27. Report by executors, etc.—entry of tax lien. Upon the the appointment and qualification of such executor, administrator and testamentary trustee, the clerk issuing the letters shall at the same time deliver to him a blank form upon which he shall be required to make detailed report of the following facts:

- (1) Name and last residence of decedent.
- (2) Date of death.
- (3) Whether or not he left a will.
- (4) Name and postoffice of executor, administrator or trustee.
- (5) Name and postoffice of surviving wife or husband if any.
- (6) If testate, name and postoffice of each beneficiary under will.
- (7) Relationship of each beneficiary to the testator.
- (8) If intestate, name and postoffice of each heir at law.
- (9) Relationship of each heir at law to decedent.
- (10) Inventory of all the real estate of the decedent giving amount and description of each tract.
- (11) Whether the property passes in possession and enjoyment in fee for life or for a term of years.

Within thirty days after his qualification, each executor, administrator, and testamentary trustee shall make and return to the clerk, under oath, a full and detailed report as indicated in the preceding paragraph, any will to the contrary notwithstanding, and upon his failure to do so, the clerk shall forthwith report his delinquency to the district court if in session, or to a judge of said court if in vacation, for such order as may be necessary to enforce an observance of this section. If it appears from the inventory or report so filed that the real estate or any part of it is subject to an inheritance tax, it shall be the duty of the executor or administrator or of any person interested in the property if there be no administration, to cause the lien of the same to be entered upon the lien book in the office of the clerk of the court in each county where each particular tract of said real estate is situated, and when said real estate or any interest therein, is subject to such tax, no conveyance either before or after the entering of said lien, shall discharge the real estate so conveyed from said lien, no final settlement of the account of any executor, administrator or trustee shall be accepted or allowed unless a strict compliance with the provisions of this section has been had by such person.

Upon the filing of such report, the clerk of the court shall immediately forward a true copy thereof to the treasurer of state.

SEC. 28. Time of appraisal extended—when. Whenever, by reason of the complicated nature of an estate, or by reason of the confused condition of the decedent's affairs, it is impracticable for the executor, administrator, trustee or beneficiary of said estate to file with the clerk of the court a full, complete and itemized inventory of the personal assets belonging to the estate, within the time required by statute for filing inventories of the estates, the court may, upon the application of such representatives or parties in interest, extend the time for making the collateral inheritance appraisalment for a period not to exceed three months beyond the time fixed by this act.

SEC. 29. Heirs at law to report to clerk. Whenever any property passing under the intestate laws may be subject to the tax imposed by this act, the person or persons entitled to such property shall make or cause to be made to the clerk of the courts of the county wherein such property is located, within ninety (90) days next following the death of such intestate, a report in writing embodying therein substantially the information required by the second preceding section of this act. Failure to furnish such report or to probate the will in a testate estate shall not relieve the estate from the lien created hereby or the persons entitled to the property of such decedent from payment of the tax, interest or other penalties imposed by this act.

SEC. 30. Entries made by clerk. The clerk shall enter upon the collateral inheritance tax and lien book, the title of all estates subject to the inheritance tax as shown by the inventories or lists of heirs filed in his office, or as reported to him by the county attorney, treasurer of state, or other person, and shall enter in said book as against each estate or title at the appropriate place, all such information relating to the situation and condition of the estate as he may be able to obtain from the papers filed in his office, or from any other source, as may be necessary to the collection and enforcement of the tax. He shall also immediately index in the book kept in his office for that purpose, all liens entered upon the collateral inheritance tax and lien book. Failure to make such entries as are herein required, shall not operate to relieve the estate from the lien or defeat the collection of the tax.

SEC. 31. Probate record. In all cases entered upon the inheritance tax and lien book, the clerk shall make a complete record in the proper probate record, of all the proceedings, orders, reports, inventory, appraisements and all other matters and proceedings therein.

SEC. 32. Clerk to report estates subject to tax—fee. It shall be the duty of each clerk of the district court to make examination from time to time of all reports filed with him by administrators, executors and trustees, pursuant to law; also to make examination of all foreign wills offered for probate or recorded within his county, as well as of the record of deeds and conveyances in the recorder's office of said county, and if from such examination or from information or knowledge coming to him from any other source, he finds or believes that any property within his county, or within the jurisdiction of the district court of said county has, since July 4, 1896, passed by will or by the intestate laws of this or any other state, or by deed or other method of conveyance, made in anticipation of or intended to take effect, in possession or in enjoyment after the death of the testator, donor or grantor, to any person other than to or for the use of the persons, societies, or organizations exempt from the tax hereby imposed, he shall make report thereof in writing to the treasurer of state, embodying in such report such information as he may be able to obtain as to the name and residence of decedent, date of death, name and address of administrator, executor, or trustee, the description of any

property liable to said tax and the county in which it is located and name and relationship of all beneficiaries or heirs. Any citizen of the state having knowledge of property liable to such tax, against which no proceeding for enforcing collection thereof is pending, may report the same to the clerk and it shall be the duty of such officer to investigate the case, and if he has reason to believe the information to be true, he shall forthwith enter the estate and report the same substantially as above indicated. For reporting such estates or property the clerk shall receive a compensation of one dollar (\$1.00) for each one hundred dollars (\$100.00) or fraction thereof of tax paid, but not to exceed the sum of five dollars (\$5.00) in any one estate, the same to be in addition to the compensation now allowed him by law. Except when this information has first been received from another source, the treasurer of state, when he has issued his receipt for the tax in such estate, shall certify to the auditor of state the amount due the clerk for such service and the auditor of state shall issue his warrant on the treasurer of state in favor of said clerk for the sum due as herein provided.

SEC. 33. Duties of county attorney—compensation—another attorney employed, when. It shall be the duty of the county attorney of each county, when directed by the treasurer of state, to perform such legal services as shall be necessary in the enforcement of said tax, but such attorney shall have no authority to receipt for or receive any of such tax. He shall advise and assist the clerk and appraisers in the discharge of their duties in collateral inheritance tax matters, and see that the notices required by law are properly made and returned. In each estate where the county attorney has performed such legal services, he shall receive a compensation as follows, viz.: on the first one hundred dollars (\$100.00) or fraction thereof of tax paid, ten per cent; on the excess of one hundred dollars (\$100.00) to five hundred dollars (\$500.00) five per cent; on the excess of five hundred dollars (\$500.00) to one thousand dollars (\$1000.00) three per cent; on all sums in excess of one thousand dollars (\$1000.00) one per cent but not to exceed one hundred and fifty dollars (\$150.00) from any one estate. Provided, however, that except in cases of litigation requiring the filing of a petition or answer in court, the fee in any case shall not exceed the sum of fifty dollars (\$50.00). When the treasurer of state has issued his receipt for the tax in an estate, in which the county attorney has been directed to render legal services, and has performed such services, the treasurer of state shall certify the amount due for such services to the auditor of state, who shall issue his warrant on the treasurer of state in favor of the said county attorney for the sum due. If the county attorney is attorney for the executor, administrator or other person interested in the state, the treasurer of state may employ another attorney to represent the state.

SEC. 34. Conflicting claims for fees—how settled. In the event of uncertainty or of conflicting claims as to fees due county attorneys or clerks under this act, the treasurer of state is empowered to determine the amount of fees, to whom payable, and when the same are due, and as far as possible, such determination shall be in accord with fixed rules made by the treasurer of state.

SEC. 35. District court to enforce payment of tax. On the first day of each regular term, the court shall require the clerk to present for its inspection the inheritance tax and lien book hereinbefore provided for, together with all reports of administrators, executors and trustees which have been filed pursuant to this act, since the last preceding term. The county attorney shall also attend and make report to the court concerning the progress of all cases pending for the collection of such taxes, together with any other facts, which in his judgment may aid the court in enforcing the general observance of the

collateral inheritance tax law. If from information obtained from the records or reports, or from any other source, the court has reason to believe that there is property within its jurisdiction liable to the payment of an inheritance tax, against which proceedings for collection are not already pending, it shall enter an order of record, directing the county attorney to institute such proceedings forthwith. Should any estate, or the name of any grantee or grantees be placed upon the book at the suggestion of the county attorney, the treasurer of state, or other person, in which the papers already on file in the clerk's office do not disclose that an inheritance tax is due or payable, the county attorney shall forthwith give to all parties in interest such notice as the court or judge may prescribe, requiring them to appear on a day to be fixed by the said court or judge, and show cause why the property should not be appraised and subjected to said tax. At any such hearing any person may be required to appear and answer as to his knowledge of any such estate or property. If upon any such hearing the court is satisfied that any property of the decedent or any property devised, granted or donated by him, is subject to the tax, the same proceedings shall be had as in other cases, so far as applicable.

SEC. 36. Costs taxed to estate. In all cases where an estate or interest therein so passes as to be liable to taxation under this act, all costs of the proceedings had for the assessment of such tax shall be chargeable to such estate as other costs in probate proceedings and to discharge the lien, all costs, as well as the taxes must be paid. In all other cases the costs are to be paid as ordered by the court. When a decision adverse to the state has been rendered, with an order that the state pay the costs, it shall be the duty of the clerk of the court in which such action was pending to certify the amount of such costs to the treasurer of state, who shall, if said costs be correctly certified, and the case has been finally terminated, and the tax if any due has been paid, present the claim to the executive council to audit, and said claim being allowed by said council, the auditor of state is directed to issue a warrant on the treasurer of state in payment of such costs.

SEC. 37. Delivery of securities and assets to executors, etc.—liability of bank or trust company. No safe deposit company, trust company, bank or other institution, person or persons holding securities or assets of the decedent shall deliver or transfer the same to the executor, administrator or legal representative of said decedent unless the tax for which such securities or assets are liable under this act shall be first paid, or the payment thereof is secured by bond as herein provided. It shall be lawful for and the duty of the treasurer of state personally, or by any person by him duly authorized, to examine such securities or assets at the time of any proposed delivery or transfer. Failure to serve ten days notice of such proposed transfer upon the treasurer of state or to allow such examination on the delivery of such securities or assets to such executor, administrator or legal representative shall render such safe deposit company, trust company, bank or other institution, person or persons liable for the payment of the tax upon such securities or assets as provided in this act.

SEC. 38. Transfer of corporate stock—liability of corporation. If a foreign executor, administrator or trustee shall assign or transfer any corporate stock or obligations in this state standing in the name of a decedent, or in trust for a decedent, liable to such tax, the tax shall be paid to the treasurer of state on or before the transfer thereof; otherwise the corporation permitting its stock to be so transferred shall be liable to pay such tax, interest, and costs, and it is the duty of the treasurer of state to enforce the payment thereof.

SEC. 39. Corporations to report certain stock transfers to treasurer of state. All Iowa corporations organized for pecuniary profit, shall on July 1st of each year, by its proper officers under oath make a full and correct report to the treasurer of state of all transfers of its stocks made during the preceding year by any person who appears on the books of such corporation as the owner of such stock, when such transfer is made to take effect at or after the death of the owner or transferor, and all transfers which are made by an administrator, executor, trustee, referee, or any person other than the owner or person in whose name the stocks appeared of record on the books of such corporation, prior to the transfer thereof. Such report shall show the name of the owner of such stocks and his place of residence, the name of the person at whose request the stock was transferred, his place of residence and the authority by virtue of which he acted in making such transfer, the name of the person to whom the transfer was made, and the residence of such person; together with such other information as the officers reporting may have relating to estates of persons deceased who may have been owners of stock in such corporation. If it appears that any such stock so transferred is subject to tax under the provisions of this act, and the tax has not been paid, the treasurer of state shall notify the corporation in writing of its liability for the payment thereof, and shall bring suit against such corporation as in other cases herein provided unless payment of the tax is made within sixty (60) days from the date of such notice.

SEC. 40. Foreign estates—deduction of debts. Whenever any property belonging to a foreign estate, which estate in whole or in part passes to persons not exempt herein from such tax, the said tax shall be assessed upon the market value of said property remaining after the payment of such debts and expenses as are chargeable to the property under the laws of this state. In the event that the executor, administrator or trustee of such foreign estate files with the clerk of the court having ancillary jurisdiction, and with the treasurer of state, duly certified statements exhibiting the true market value of the entire estate of the decedent owner, and the indebtedness for which the said estate has been adjudged liable, which statements shall be duly attested by the judge of the court having original jurisdiction, the beneficiaries of said estate shall then be entitled to have deducted such proportion of the said indebtedness of the decedent from the value of the property as the value of the property within this state bears to the value of the entire estate.

SEC. 41. Property of foreign estates in Iowa not specifically devised. Whenever any property, real or personal, within this state belongs to a foreign estate and said foreign estate passes in part exempt from the tax imposed by this act and in part subject to said tax and there is no specific devise of the property within this state to direct heirs or if it is within the authority or discretion of the foreign executor, administrator or trustee administering the estate to dispose of the property not specifically devised to direct heirs or devisees in the payment of debts owing by the decedent at the time of his death, or in the satisfaction of legacies, devises, or trusts given to direct or collateral legatees or devisees or in payment of the distributive shares of any direct and collateral heirs, then the property within the jurisdiction of this state, belonging to such foreign estate, shall be subject to the tax imposed by this act, and the tax due thereon shall be assessed as provided in the next preceding section of this act relating to the deduction of the proportionate share of indebtedness. Provided, however, that if the value of the property so situated exceeds the total amount of the estate passing to other persons than those exempt hereby from the tax imposed by this act such excess shall not be subject to said tax.

SEC. 42. Compromise settlement—how approved. Whenever an estate charged or sought to be charged with the collateral inheritance tax is of such a nature, or is so disposed, that the liability of the estate is doubtful, or the value thereof cannot with reasonable certainty be ascertained under the provisions of law, the treasurer of state may, with the written approval of the attorney general, which approval shall set forth the reasons therefor, compromise with the beneficiaries or representatives of such estates, and compound the tax thereon; but said settlement must be approved by the district court or judge of the proper court, and after such approval the payment of the amount of the taxes so agreed upon shall discharge the lien against the property of the estate.

SEC. 43. Unknown heirs. Whenever the heirs or persons entitled to any estate, or any interest therein, are unknown or their place of residence cannot with reasonable certainty be ascertained, a tax of 5% shall be paid to the treasurer of state upon all such estates or interests, subject to refund as provided herein in other cases; provided, however, that if it be afterwards determined that any estate or interest passes to aliens, there shall be paid within sixty (60) days after such determination and before delivery of such estate or property, an amount equal to the difference between five per centum, the amount paid, and the amount which such person should pay under the provisions of this act.

SEC. 44. Surplus tax, how and when refunded. When within five years after the payment of the tax, a court of competent jurisdiction may determine that property upon which a collateral inheritance tax has been paid is not subject to or liable for the payment of such tax, or that the amount of tax paid was excessive, so much of such tax as has been overpaid to the treasurer of state shall be returned or refunded to the executor or administrator of such estate, or to those entitled thereto, when a certified copy of the record of such court showing the fact of non-liability of such property to the payment of such tax has been filed with the executive council of the state, the executive council shall if the case has been finally determined issue an order to the auditor of state directing him to issue a warrant upon the treasurer of state to refund such tax. Such order of court shall not be given until fifteen days notice of the application therefor shall have been given to the treasurer of state of the time and place of the hearing of such application, which notice shall be served in the same manner as provided for original notices.

SEC. 45. Contingent estates, devises or legacies. Estates in expectancy which are contingent or defeasible and in which proceedings for the determination of the tax have not been taken or where the taxation thereof has been held in abeyance, shall be appraised at their full, undiminished value when the persons entitled thereto shall come into the beneficial enjoyment or possession thereof, without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation, upon which said estates in expectancy may have been limited. When an estate, devise, or legacy can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting. When a devise, bequest or transfer is one in part contingent, and in part vested so that the beneficiary will come into possession and enjoyment of a portion of his inheritance on or before the happening of the event upon which the possible defeating contingency is based, a tax shall be imposed and collected upon such bequest or transfer as upon a vested interest, at the highest rate possible under the terms of this act if no such contingency existed; provided, that in the event such contingency reduces the value of the estate or interest so taxed, and the amount of tax so paid is in excess of the tax for which such bequest or transfer is liable upon the removal of such contingency, such

excess shall be refunded as is provided in section forty-four (44) of this act in other cases.

SEC. 46. Construction. In the construction of this act, the words "collateral heirs" shall be held to mean all persons who are not specifically exempt from the tax imposed by the provisions hereof. The word "person" shall include a plural as well as singular, and artificial as well as natural persons. This act shall not be construed to confer upon a county attorney authority to represent the state in any case, and he shall represent the treasurer of state only when especially authorized by him to do so. This act shall apply to all estates subject to taxation under the law repealed by this act if the tax for which such estates are liable shall not have been paid prior to the taking effect of this act.

SEC. 47. State treasurer to keep record of estates. The treasurer of state shall record in a book kept in his office for that purpose, all estates reported to him as liable for a tax under the provisions of this act, showing,—

1. The name of the decedent.
2. The place of his residence or county from which such estate was reported.
3. The date of his death.
4. The name of the administrator, executor or trustee.
5. The appraised value of the property, or the value of any taxable pecuniary legacy.
6. The amount of indebtedness that was deducted before estimating the tax.
7. The amount of tax collected.
8. The amount of fees paid for reporting and collecting such tax.
9. The amount of tax, if any refunded.

He shall also keep a separate record of any deferred estate upon which the tax due is not paid within eighteen (18) months from the death of the decedent, showing substantially the same facts as is required in other cases, and also showing,—

- a. The date and amount of all bonds given to secure the payment of the tax with a list of the sureties thereon.
- b. The name of the person beneficially entitled to such estate or interest, with place of residence.
- c. A description of the property or a statement of conditions upon which such deferred estate is based or limited.

SEC. 48. Repeal. Chapter four (4), of title seven (7), of the supplement to the code, 1907, and chapter ninety-two (92) of the acts of the thirty-third (33) general assembly, and all other acts or parts of acts in conflict herewith, are hereby repealed.

Approved May 2, A. D. 1911.

CHAPTER 69.

LAYING OF GAS PIPES AND MAINS IN HIGHWAYS.

H. F. 599.

AN ACT to authorize boards of supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating and heating purposes to lay mains and pipes in highways to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such person is located. [Additional to chapter one (1) of title eight (VIII) of the code, relating to establishment, alteration and vacation of roads.]

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

SECTION 1. **Supervisors may grant use of highway—conditions.** Upon application to the board of supervisors of any county by any individual or corporation engaged, in any city or town, in the manufacture and distribution of gas, for heating and illuminating purposes, asking permission to lay its mains and pipes in the public highways outside of such municipality for the purpose of supplying consumers beyond the territorial limits of the municipality, in which the manufacturing plant of such individual or corporation is located, said board may grant the same upon such conditions as it may prescribe but in all cases such mains and pipes shall be so laid as to not, in any manner, interfere with public travel or with the working of the public highway. The location of pipes and mains shall be changed upon reasonable notice whenever such change shall be made necessary by the working or improvement of the highway. The applicant shall be responsible for all damages that may arise from the construction or maintenance of such mains and pipes, and for any damages that may arise from the same not being kept in a proper state of repair.

Approved April 15, A. D. 1911.

CHAPTER 70.

DRAGGING OF PUBLIC HIGHWAYS.

H. F. 46.

AN ACT to repeal chapter one hundred one (101) of the laws of the thirty-third general assembly and to enact a substitute therefor relating to the dragging of public highways and providing penalty for failure to perform such duties.

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

SECTION. 1. **Repeal—permanent road dragging districts.** That the law as it appears in chapter one hundred one (101) of the acts of the thirty-third general assembly of Iowa be and the same is hereby repealed and the following enacted in lieu thereof:

“It shall be the duty of the township trustees at their regular meeting in April, 1911, or at a special meeting called for that purpose, to divide the public roads of the township into permanent road-dragging districts. The districts shall be numbered and designated as follows: Beginning at the northeast corner of section one (1), the public roads running through the township east and west shall be known as one-north (1-n), two-north (2-n), three-north (3-n), four-north (4-n), five-north (5-n), six-north (6-n), seven-north (7-n), eight-north (8-n), nine-north (9-n), ten-north (10-n), eleven-

north (11-n), twelve-north (12-n), thirteen-north (13-n), fourteen-north (14-n), fifteen-north (15-n), sixteen-north (16-n), seventeen-north (17-n), eighteen-north (18-n), nineteen-north (19-n), twenty-north (20-n), twenty-one-north (21-n), twenty-two-north (22-n), twenty-three-north (23-n), twenty-four-north (24-n), twenty-five-north (25-n), twenty-six-north (26-n), twenty-seven-north (27-n), twenty-eight-north (28-n), twenty-nine-north (29-n), thirty-north (30-n), thirty-one-north (31-n), thirty-two-north (32-n), thirty-three-north (33-n), thirty-four-north (34-n), thirty-five-north (35-n), thirty-six-north (36-n); the public road running along the south side of the township shall be numbered and designated as district thirty-six-south (36-s), thirty-five-south (35-s), thirty-four-south (34-s), thirty-three-south (33-s), thirty-two-south (32-s), thirty-one-south (31-s); beginning at the north-east corner of section one (1), the public roads running north and south through the township shall be numbered and designated as dragging districts one-east (1-e), twelve-east (12-e), thirteen-east (13-e), twenty-four-east (24-e), twenty-five-east (25-e), thirty-six-east (36-e), thirty-five-east (35-e), twenty-six-east (26-e), twenty-three-east (23-e), fourteen-east (14-e), eleven-east (11-e), two-east (2-e), three-east (3-e), ten-east (10-e), fifteen-east (15-e), twenty-two-east (22-e), twenty-seven-east (27-e), thirty-four-east (34-e), thirty-three-east (33-e), twenty-eight-east (28-e), twenty-one-east (21-e), sixteen-east (16-e), nine-east (9-e), four-east (4-e), five-east (5-e), eight-east (8-e), seventeen-east (17-e), twenty-east (20-e), twenty-nine-east (29-e), thirty-two-east (32-e), thirty-one-east (31-e), thirty-east (30-e), nineteen-east (19-e), eighteen-east (18-e), seven-east (7-e), six-east (6-e); the public road running along the west side of the township shall be numbered and designated as dragging districts six-west (6-w), seven-west (7-w), eighteen-west (18-w), nineteen-west (19-w), thirty-west (30-w), thirty-one-west (31-w); in townships having a meandered public highway, or highways, not laid out on section lines the district shall be numbered to correspond with the number of the government section through which they are laid out and such highway, or highways, shall constitute one district.

“Sec. 2. Duties of township trustees—return cards—dragging record—dragging fund. The township trustees shall from time to time designate what districts shall be dragged, which must include all mail routes and all the main traveled roads within the township; they shall at their regular meeting in April or at a special meeting called for that purpose, appoint a superintendent of dragging, who shall be a resident of the township, or any city or town within said township, who shall serve for one year unless sooner removed by the board; they shall fix the amount of his compensation which shall not exceed \$2.50 per day and actual expenses for each day of eight hours while engaged in necessary work for the township, and for giving notice to contractors who shall be required to drag he shall receive such additional compensation as the board may direct; they shall furnish suitable road drags for the township and pay for same out of the township road fund; they shall adopt a suitable form of notice to be given by the superintendent of dragging when ordering the roads dragged, stipulating the manner of serving same, and shall furnish each person contracted with to drag roads return cards which shall be substantially in the following form:

“To....., superintendent of drags for..... township.

I received your notice to drag district No..... on the day of..... 191..... and did on the day of..... 191..... comply with same and have charged said district..... for said dragging.

If not dragged, why not?.....

Signed.....

They shall provide a suitable book, in which the superintendent of dragging shall record the names of all persons who are entitled to compensation for dragging roads, said book to be known as the dragging record of the township and shall be substantially in the following form:

County of.....State of Iowa.

Dragging District No.....Township of.....

Dragged By Whom	Date	Date Notified	Date of Return Card	Amount Charged	Amount Allowed	Remarks

They shall allow all claims for dragging recorded therein, that are in accordance with the provisions of this act and have the approval of the superintendent of dragging. The township trustees shall at their regular meetings in November and April of each year, settle with the superintendent of dragging and pay all claims for dragging in each district that have the approval of the superintendent of dragging, and that are not inconsistent with this act, out of the dragging fund of the township, the amount to be paid for such dragging not to exceed the sum of fifty cents (50) per mile for each mile traveled back and forth while dragging the roads; they shall not allow any claim for dragging unless return card has been duly returned to the superintendent showing said work to have been done by his orders and within twenty-four (24) hours after receipt of notice to perform such service. The township trustees at the time of making the annual levy of the township for road purposes, as provided in section one thousand five hundred twenty-eight (1528) of the supplement to the code, 1907, shall each year levy one mill on the dollar on the amount of the township assessment for that year, which shall be designated as the dragging fund and shall be expended only for the purpose of dragging the roads within the township.

“SEC. 3. **Superintendent of dragging—duties.** It shall be the duty of the superintendent of dragging to keep the dragging records of the township, recording therein the names of all persons entitled to compensation for dragging, the date of such service, date of giving notice for such service, date of return card, the amount allowed for such service, but no person's name shall be recorded therein as being entitled to compensation for dragging unless his return card has been filed with the superintendent of dragging showing said service as having been performed by order of the superintendent of dragging, and within the time limit required for such service. It shall be the duty of the superintendent of dragging to cause all roads to be dragged that the township trustees may from time to time direct at such times as in his judgment is most beneficial. He shall cause the work to be done by giving the parties contracted with for the performance of such service such notice as the township trustees may deem sufficient; he shall on or before the fifteenth day of April in each year contract with as many suitable persons as he deems necessary to drag the roads in the township for that year, but shall not apportion the dragging of more than six miles of road to any one person. The superintendent may at any time cancel such contract, or contracts, for dragging the roads when the stipulations therein contained have not been properly complied with, or when the work is not done in a satisfactory manner.

"**SEC. 4. Roads within corporate limits.** It shall be the duty of the city or town council of cities and towns to cause the main traveled roads within the corporation limits leading into the city or town to be dragged, and so far as practicable and possible the provisions of this act shall apply.

"**SEC. 5. Penalties.** Any violation of any of the provisions of this act, by the superintendent of dragging, or any person, or persons, who may be required under contract to drag district roads, or neglect on the part of any township clerk to set aside the funds required by this act shall, on conviction thereof, be fined not less than ten dollars (\$10.00) or more than twenty-five dollars (\$25.00) for the first offense, and for each subsequent offense shall be fined not less than twenty-five dollars (\$25.00) nor more than fifty-dollars (\$50.00)."

SEC. 6. In effect. This act being deemed of immediate importance shall take effect and be in force from and after the date of its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 7, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 8, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 71.

OBSTRUCTIONS IN THE PUBLIC HIGHWAYS.

H. F. 406.

AN ACT making it unlawful to obstruct public highways and defining such obstructions and providing for the removal thereof. [Additional to chapter two (2) of title eight (VIII) of the code, relating to working roads.]

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

SECTION 1. Open ditches and water breaks. It shall be unlawful for any person, firm, corporation, road superintendent, township trustee, or board of supervisors, to construct open ditches, water breaks, or other obstructions of like character, on the travelled portion of any public highways, and such obstruction is hereby declared a nuisance and removable as such.

SEC. 2. Obstructions to be removed. It shall be the duty of the township trustees, board of supervisors or other officer responsible for the care of public highways in each township or county in this state to remove all open ditches, water breaks, and such like obstructions mentioned in section one (1) hereof, from the travelled portion of public highways within their several townships or counties, and to employ labor for this purpose in the same manner as for the repair of highways, and for neglect or failure to perform this work they shall be subjected to the penalties of this act.

SEC. 3. Penalty. Any person, firm, or corporation violating any of the provisions of this act, or any township trustee, road superintendent, inspector, member of the board of supervisors, or other officer, who neglects or fails to perform the duties incumbent upon him under the provisions of this act, or violates the provisions hereof, shall be guilty of a misdemeanor and shall be punished by a fine not exceeding ten (\$10.00) dollars.

SEC. 4. Authority of justice of the peace. In case of prosecution for any violation of the provisions of this act, any justice of the peace, within the county in which the violation is alleged to have been committed, shall have

authority to decide whether or not the obstructions, of which complaint is made, are of a nature to unreasonably interfere with the passing of vehicles, or can be removed without too much expense, and with a reasonable consideration of the topography of the locality.

SEC. 5. **Not applicable to roads or streets in cities or towns.** The provisions of this act shall not apply to roads or streets in incorporated cities or towns.

Approved April 15, A. D. 1911.

CHAPTER 72.

REGISTRATION OF MOTOR VEHICLES.

H. F. 27.

AN ACT to repeal chapter two-A (2-A), title eight (8), being sections fifteen hundred seventy-one-a (1571-a) to fifteen hundred seventy-one-l (1571-l), both inclusive, of the supplement to the code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees.

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

SECTION 1. **Repeal.** Chapter two-A (2-A), title eight (8), being sections fifteen hundred seventy-one-a (1571-a) to fifteen hundred seventy-one-l (1571-l), both inclusive, of the supplement to the code, 1907, as amended, is hereby repealed and the following enacted as a substitute therefor:

SEC. 2. **Terms defined.** The term "motor vehicle" as used in this act, except where otherwise expressly provided, shall include all vehicles propelled by any power other than muscular power, except motor trucks, motor drays, motor delivery wagons, traction engines, road rollers, fire wagons and engines, police patrol wagons, ambulances, and such vehicles as run only upon rails or tracks. The term "local authorities" shall include all officers of counties, cities or towns, as well as all boards, committees and other public officials of such counties, cities or towns. The term "chauffeur" shall mean any person operating or driving a motor vehicle as an employe or for hire. The term "owner" shall also include any person, firm, association or corporation renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period greater than thirty days. The term "public highways" shall include any highway, county road, state road, public street, avenue, alley, park, parkway or public place in any county, city, town or village, except any speedway which may have been or may be expressly set apart by law for the exclusive use of horses and light carriages.

SEC. 3. **Application—what to contain.** Every owner of a motor vehicle which shall be operated or driven upon the public highways of this state shall, except as herein otherwise expressly provided, cause to be filed in the office of the secretary of state, a verified application for registration on a blank to be furnished by the secretary of state for that purpose, containing:—(a) a brief description of the motor vehicle to be registered, including the name of the manufacturer and factory number of such vehicle, the character and, if the motive power be derived from the products of petroleum, the amount of the motive power stated in figures of horse power in accordance with the rating established by the Association of Licensed Automobile Manufacturers, and the number of cylinders, bore and stroke of each; (b) the name and postoffice address with street number if in a city, including county and business address of the owner of such motor vehicle.

SEC. 4. Operator must be 15 years of age. No person shall operate or drive a motor vehicle who is under fifteen years of age, unless such person is accompanied by the owner of the motor vehicle being operated.

SEC. 5. Application filed and indexed. Upon receipt of an application for registration of a motor vehicle, as provided in this act, the secretary of state shall file such application in his office and register such motor vehicle with the name, postoffice address and business address of the owner, manufacturer or dealer, as the case may be together with the facts stated in such application, in a book or index to be kept for the purpose, under the distinctive number assigned to such motor vehicles by the secretary of state, which book or index shall be open to public inspection during reasonable business hours.

SEC. 6. Registration number—two number plates—duplicate copies—fee. Upon the filing of such application and the payment of the fee hereinafter provided, the secretary of state shall assign to such motor vehicle a distinctive number and, without expense to the applicant, issue and deliver or forward by mail or express to the owner a certificate of registration, in such form as the secretary of state shall prescribe, and two number plates. In the event of the loss, mutilation, or destruction of any certificate of registration or number plate, the owner of a registered motor vehicle or manufacturer or dealer, as the case may be, may obtain from the secretary of state a duplicate thereof upon filing in the office of the secretary of state an affidavit showing such facts and the payment of a fee of one dollar.

SEC. 7. One-half fee for 1911—registration renewed annually. Registration applied for on or before July 4th; nineteen hundred eleven, shall take effect on that date and certificates issued on such application or under any application made prior to December thirty-first, nineteen hundred eleven, shall expire on the latter date. The fees for such registration shall be one-half of the annual fee provided herein. Registration thereafter shall be renewed annually in the same manner and upon payment of the same annual fee as provided in section eight (8) for registration, to take effect on the first day of January, in each year, beginning with that date in the year nineteen hundred twelve. All certificates of registration issued under the provisions of this act shall expire on the last day of the calendar year in which they were issued.

SEC. 8. Annual registration fees. The following fee shall be paid to the secretary of state upon the registration or re-registration of a motor vehicle in accordance with the provisions of this act; eight dollars upon the registration of a motor vehicle having a rating of twenty horse power and less; and for each such vehicle which shall exceed twenty horse power, the owner shall pay at the rate of forty cents per horse power; provided, that if a motor vehicle shall have been licensed for four separate years hereunder, and for which there shall have been paid the annual registration fee herein provided during said period, or any motor vehicle which shall have been in use for a period of not less than four years including the time before and after the taking effect of this act, the annual registration fee thereafter shall be one-half that amount; and further provided, that the annual fee for the registration or re-registration of any electric motor vehicle or any steam motor vehicle in accordance with the provisions of this act shall be fifteen dollars (\$15.00); and provided further that the annual fee for the registration or re-registration of a motor bicycle or motor cycle in accordance with the provisions of this act shall be three dollars (\$3.00).

SEC. 9. Fees in lieu of taxes—tax assessments for 1911 cancelled. The registration fees imposed by this act upon motor vehicles, other than those of manufacturers and dealers, shall be in lieu of all taxes, general or local, to which motor vehicles may be subject. It shall be the duty of the county auditor

of each county to cancel all assessments entered upon the assessor's books against automobiles for 1911, and no assessments upon automobiles, as made by assessors for 1911, shall be carried upon the tax lists.

SEC. 10. Change in ownership—transfer fee. Upon the sale or transfer of a motor vehicle registered in accordance with the provisions of this act, the vendor shall immediately give notice thereof with his name, postoffice address and registration number, and the name and address of the vendee, to the secretary of state, and the vendee shall, within ten days after the date of such sale or transfer, notify the secretary of state thereof upon a blank furnished promptly by him for that purpose, stating the name, postoffice address, and business address of the previous owner, the number under which such motor vehicle is registered, and the name, postoffice address, with street number if in a city, including county and business address, of the vendee. Upon filing such statement duly verified such vendee shall pay to the secretary of state a fee of one dollar, and upon receipt of such statement and fee the secretary of state shall file such statement in his office and note upon the registration book or index such change in ownership.

SEC. 11. May operate 15 days after purchase. Upon the sale of a motor vehicle by a manufacturer or dealer, the vendee shall be allowed to operate the same upon the public highways for a period of fifteen days after taking possession thereof, providing that during such period the motor vehicle shall have attached thereto, in accordance with the provisions hereof, a placard bearing the registration number of the manufacturer or dealer under which it might previously have been operated; and provided further, that application for registration shall be made by mail or otherwise before such vehicle shall be so used.

SEC. 12. Number plates conspicuously displayed. No person shall operate or drive a motor vehicle on the public highways of this state after the fourth of July, nineteen hundred eleven, unless such vehicle shall have a distinctive number assigned to it by the secretary of state, and two number plates with numbers corresponding to that of the certificate of registration conspicuously displayed, one on the front and one on the rear of such vehicle, each securely fastened so as to prevent the same from swinging.

SEC. 13. Plates different color each year. Such number plates shall be of a distinctively different color each year, and there shall be at all times a marked contrast between the colors of the number plates and that of the numerals or letters thereon, said colors to be designated by the secretary of state.

SEC. 14. Number plates described. Such number plates shall be of metal, at least six inches wide and not less than fifteen inches in length, on which there shall be the initials "Ia" and there shall be the distinctive number assigned to the vehicle set forth in numerals four inches long, each stroke of which shall be at least five-eighths of an inch in width; provided that in the case of a motor vehicle registered by a manufacturer or dealer there shall be on such plate in addition to the foregoing the letter "D", each stroke of such letter to be at least four inches long and five-eighths of an inch in width, provided that the number plates for use on a motor bicycle or a motor cycle shall be one-half the size above stated. No motor vehicle shall display the number plate of more than one state at any time.

SEC. 15. Dealers numbers—duplicates—fees. Every person, firm, association or corporation manufacturing or dealing in motor vehicles may, instead of registering each motor vehicle so manufactured or dealt in, make a verified application upon a blank to be furnished by the secretary of state, for a general distinctive number for all the motor vehicles owned or controlled by

such manufacturer or dealer, such application to contain: (a) a brief description of each style or type of motor vehicle manufactured or dealt in by such manufacturer or dealer, including the character of the motive power, the amount of such motive power stated in figures of horse-power in accordance with the rating established by the Association of Licensed Automobile Manufacturers; and (b) the name, residence, including county and business address, of such manufacturer or dealer. On the payment of a registration fee of fifteen dollars (\$15.00) such application shall be filed and registered in the office of the secretary of state in the manner provided in section three of this act. The secretary of state shall thereupon assign and issue to such manufacturer or dealer a general distinctive number, and without expense to the applicant, issue and promptly deliver to such manufacturer or dealer a certificate of registration in such form as the secretary of state shall prescribe, and two number plates with a number corresponding to the number of such certificate of registration. Such number plates or duplicates thereof shall be displayed by every motor vehicle of such manufacturer or dealer when the same is operated or driven on the public highways. Such manufacturer or dealer may obtain as many duplicates of such number plates as may be desired upon the payment to the secretary of state of one dollar for each duplicate, provided that if a manufacturer or dealer has an established place of business in more than one city or town, such manufacturer or dealer shall secure a separate and distinct certificate of registration and number plates for each such place of business. Nothing in this section shall be construed to apply to a motor vehicle operated by a manufacturer or dealer for private use or for hire.

SEC. 16. Dealers to register annually—delinquent lists. Registration provided for in section fifteen shall be renewed annually in the same manner and on the payment of the same fee as provided in section fifteen (15) for original registration, such renewal to take effect on the first day of January of each year. The provisions of section seven relating to first registrations made under this act, and duration of renewals, shall apply to registration and re-registration under this section. Within thirty (30) days after the first of July, 1911, and within thirty (30) days after the first of January annually thereafter, the secretary of state shall forward to the county attorney of each county a list of the owners of automobiles in said county, who may have failed or neglected to pay the license required by this act, whereupon the county attorney shall proceed to enforce the provisions of this act, as herein provided.

SEC. 17. Non-resident owners. The provisions of the foregoing sections relative to registration and display of registration numbers, shall not apply to a motor vehicle owned by a non-resident of this state, other than a foreign corporation, manufacturer or dealer doing business in this state, provided that the owner himself shall have complied with the provisions of the law of the foreign country, state, territory or federal district of his residence relative to registration of motor vehicles and the display of registration numbers thereon, and shall conspicuously display his registration numbers as required thereby. The provisions of this section, however, shall be operative as to a motor vehicle owned by a non-resident of this state only to the extent that under the laws of the foreign country, state, territory or federal district of his residence like exemptions and privileges are granted to motor vehicles duly registered under the laws of and owned by the residents of this state.

SEC. 18. Brakes—signal bell or horn—lights. Every motor vehicle, operated or driven upon the public highways of this state, shall be provided with adequate brakes in good working order and sufficient to control such motor vehicle at all times when the same is in use, and a suitable and adequate bell, horn or other device for signaling, and shall, during the period from one-half

hour after sunset to one-half hour before sunrise, display at least two lighted lamps on the front and one on the rear of such motor vehicle, which rear lamp shall also display a red light visible from the rear; provided that each motor cycle and each motor bicycle shall be required to display but one lighted lamp in the front of such motor cycle or motor bicycle. The rays of such rear lamp shall shine upon the number plate carried on the rear of such vehicle in such a manner as to render the numerals thereon visible for at least fifty feet in the direction from which the motor vehicle is proceeding. The light or lights of the front lamps shall be visible at least five hundred feet in the direction in which the motor vehicle is proceeding.

SEC. 19. Care in meeting and passing. A person operating or driving a motor vehicle shall, on signal by raising the hand, from a person driving, leading or riding a horse or horses, or other draft animals, bring such motor vehicle immediately to a stop, and if traveling in the opposite direction, remain stationary so long as may be reasonable to allow such horses or animals to pass, and if traveling in the same direction, use reasonable caution in thereafter passing such horse or animal; provided, that, in case such horse or animal appears badly frightened or the person operating such motor vehicle is so signalled to do, such person shall cause the motor of such vehicle to cease running so long as shall be reasonably necessary to prevent accident and insure the safety of others. In approaching or passing a car of a street railway which has been stopped to allow passengers to alight or embark, the operator of every motor vehicle shall slow down, and if it be necessary for the safety of the public he shall bring said vehicle to a full stop. Upon approaching a pedestrian who is upon the traveled part of any highway and not upon a sidewalk, and upon approaching a branch or intersecting highway or a curve or a corner or other place in a highway where the operator's view is obstructed for a distance of two hundred feet or less, every person operating a motor vehicle shall slow down and give a timely signal with his bell or horn or other device for signaling.

SEC. 20. Care and prudence in driving machine. Every person operating a motor vehicle on the public highways of this state shall drive the same in a careful and prudent manner, and at a rate of speed so as not to endanger the property of another, or the life or limb of any person; provided, that a rate of speed in excess of twenty-five miles an hour shall be presumptive evidence of driving at a rate of speed which is not careful and prudent in case of injury to the person or property of another.

SEC. 21. Powers of local authorities. Except as herein otherwise provided, local authorities shall have no power to pass, enforce, or maintain any ordinance, rule or regulation requiring from any owner to whom this act is applicable any fee license or permit for the use of the public highways, or excluding any such owner from the free use of such public highways, excepting such driveways, speedways or roads as have been expressly set apart by law for the exclusive use of horses and light carriages or in any other way regulating motor vehicles or their speed upon or use of the public highways; and no ordinance, rule or regulation contrary or in any wise inconsistent with the provisions of this act, now in force or hereinafter enacted, shall have any effect; provided, however, that the power given to local authorities to regulate vehicles offered for hire, and processions, assemblages or parades in the streets or public places, and all ordinances, rules and regulations which may have been or which may be enacted in pursuance of such powers shall remain in full force and effect, and provided further, that local authorities may set aside for a given time a specified public highway for speed contests or races, to be conducted under proper restrictions for the safety of the public; and provided further, that local authorities may exclude motor vehicles from any cemetery

or grounds used for the burial of the dead, and may by general rule, ordinance or regulation exclude motor vehicles used solely for commercial purposes from any park or part of a park system where such general rule, ordinance or regulation is applicable equally and generally to all other vehicles used for the same purpose; provided further, that the local authorities of cities and towns may limit by ordinance, rule or regulation the speed of motor vehicles on the public highways, such speed limitations not to be in any case less than one mile in six minutes, and the maintenance of a greater rate of speed for one-eighth of a mile shall be presumptive evidence of driving at a rate of speed which is not careful and prudent, and on further condition that each city or town shall have placed conspicuously on each main public highway where the city or town line crosses the same, and on every main highway where the rate of speed changes, signs of sufficient size to be easily readable by a person using the highway, bearing the words "City of——", "Town of——": "Slow down to——miles" (the rate being inserted), and also an arrow pointing in the direction where the speed is to be reduced or changed, and also on further condition that such ordinance, rule or regulation shall fix the punishment for violation thereof, which punishment shall, during the existence of such ordinance, rule or regulation, supercede those specified in section twenty-three.

SEC. 22. Penalty. The violation of any of the provisions of sections from three to fifteen both inclusive, of this act shall constitute a misdemeanor punishable by a fine not exceeding fifty dollars.

SEC. 23. Penalty. The violation of any of the provisions of section twenty of this act shall constitute a misdemeanor punishable by a fine not exceeding one hundred dollars.

SEC. 24. Penalties. Whoever operates a motor vehicle while in an intoxicated condition shall be guilty of a misdemeanor. Any person operating a motor vehicle who, knowing that injury has been caused to a person, due to the culpability of said operator, or to accident, leaves the place of said injury or accident without stopping and giving his name, postoffice address, including street and number, and registration number of said motor vehicle, to the injured party, or to a police officer, or in case no police officer is in the vicinity of the place of said injury or accident, then reporting the same to the nearest police station or to a peace officer, shall be guilty of a felony punishable by a fine of not more than five hundred dollars or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment; and if any person be convicted the second time of either of the foregoing offenses he shall be guilty of a felony punishable by imprisonment for a term of not less than one year and not more than five years. A conviction of a violation of this section shall be reported forthwith by the trial court or the clerk thereof to the secretary of state, who shall upon recommendation of the trial court suspend the certificate of registration of the motor vehicle operated by the person violating this section, or if he be an owner, the certificate of registration of his motor vehicle; and if no appeal therefrom be taken, or if an appeal duly taken be dismissed or the judgment affirmed, and upon notice thereof by said clerk, the secretary of state shall revoke the certificate of registration of said motor vehicle, or vehicle in which said accident may have happened, and shall order the certificate of registration delivered to the secretary of state and shall not reissue said certificate of registration or any other certificate of registration to such person unless the secretary of state in his discretion, after an investigation or upon a rehearing, decides to reissue or issue such certificate.

SEC. 25. Penalty. Any person who operates any motor vehicle while a certificate of registration of a motor vehicle issued to him is suspended or revoked, shall be guilty of a misdemeanor.

SEC. 26. **Penalty.** Upon a fourth or subsequent conviction of a chauffeur or owner for a violation of the provisions of section twenty, or of an ordinance, rule or regulation regulating speed of motor vehicles under section twenty-one, the secretary of state upon the recommendation of the trial court shall forthwith revoke the registration certificate of the owner of the motor vehicle used by the person violating said section, ordinance, rule or regulation, and no new certificate shall be issued to such person for at least six months after date of such conviction, nor thereafter except in the discretion of the said secretary of state.

SEC. 27. **Penalty.** Any person making a false statement in the verified application for registration shall be guilty of a misdemeanor punishable by a fine not exceeding fifty dollars.

SEC. 28. **Penalty.** Any person violating any of the provisions of any section of this act for which violation no punishment has been specified, shall be guilty of a misdemeanor punishable by a fine not exceeding twenty-five dollars.

SEC. 29. **Record of convictions.** Upon the conviction of any person for the violation of any of the provisions of this act, the trial court or the clerk thereof shall immediately certify the facts of the case, including the name and address of the offender, the judgment of the court and the sentence imposed, to the secretary of state, who shall enter the same either in the book or index of registration of owners of vehicles, opposite the name of the person so convicted, and in the case of any other person in a book or index of offenders to be kept for such purpose. If any such conviction shall be reversed upon appeal therefrom, the person whose conviction has been so reversed may serve on the secretary of state a certified copy of the order of reversal, whereupon the secretary of state shall enter the same in the proper book or index in connection with the record of such conviction.

SEC. 30. **Prosecutions—procedure.** In case any person shall be taken into custody charged with a violation of any of the provisions of this act, he shall forthwith be taken before the nearest magistrate and be entitled to an immediate hearing or admission to bail, and if such hearing cannot then be had, be released from custody on giving a bond executed by a fidelity or surety company authorized to do business in this state, or other bail in the form provided by law, such bond to be in amount not exceeding one hundred dollars, if the charge be for a misdemeanor, for his appearance to answer for such violation at such time and place as shall then be indicated. In case a person is taken into custody charged with being guilty of a felony in violation of any provisions of this act, such bond shall be in amount not less than one thousand dollars. On giving his personal bond to appear to answer any such violation at such time and place as shall then be indicated, secured by the depositing of a sum of money equal to the amount of such bond, or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor vehicle, or in case such person taken into custody is not the owner, by leaving the motor vehicle, as herein provided with a written consent given at the time by the owner who must be present with such officer; or in case such person is taken into custody because of the violation of any of the provisions of this act other than on a charge of violation of any of the provisions of section twenty-four, and such officer is not accessible, be forthwith released from custody on giving his name and address to the person making the arrest and depositing with such arresting officer the sum of one hundred dollars, or in lieu thereof, in case the person taken into custody is the owner, by leaving the motor vehicle, or in case such person taken into custody is not the owner, by leaving the motor vehicle with the written consent given at the time by the owner, who must be present; provided, that in any case the officer making the arrest shall give a

receipt in writing for such sum of money or vehicle deposited and notify such person to appear before the most accessible magistrate, describing him, and specifying the place and hour. In case such bond shall not be given or deposit made by the owner or other persons taken into custody, the provisions of law in reference to bail in case of misdemeanor shall apply. Where the charge is a violation of section twenty-four of this act the provisions of law in reference to bail in cases of a misdemeanor or felony as the case may be, shall apply exclusively.

SEC. 31. Conviction not a bar to prosecution. A conviction of a violation of any of the provisions of this act shall not be a bar to a prosecution for an assault or for a homicide committed by any person in operating motor vehicles.

SEC. 32. Fees—when paid into state treasury. The registration fees provided herein shall be paid by the secretary of state into the state treasury, on the fifteenth day of each month after same is received.

SEC. 33. Apportionment of fees—county motor vehicle road fund—how expended. Eighty-five (85) per cent of all moneys paid into the state treasury pursuant to the provisions of this act shall be apportioned among the several counties of the state in the same ratio as the number of townships in the several counties bear to the total number of townships in the state, said apportionment to be made by the state treasurer on the first day of April and the first day of August of each year. When such apportionment has been made the state treasurer shall forthwith remit to the county treasurers of the several counties of the state the amount of money so apportioned to the respective counties, and the county treasurer of each county immediately upon the receipt of such money shall charge himself therewith and credit the same to a fund to be designated as the "county motor vehicle road fund", and he shall forthwith give notice to the county auditor of the amount of money so received. The said county motor vehicle road fund shall be expended for the following purposes only; the crowning, draining, dragging, graveling or macadamizing of public highways outside of the limits of cities and towns, and for the building of permanent culverts on such highways. Such culverts shall be constructed of concrete or stone, and said fund shall be under the control of the board of supervisors for said purposes only, and shall be paid out on warrants on said fund drawn by the county auditor, duly authorized by the board of supervisors entered on record. Before undertaking any work of permanent improvement in accordance with the provisions of this act, the board of supervisors shall cause the roads proposed to be improved to be surveyed and the location of all culverts shall be designated and the width and height of grade established, which survey, with specifications of the proposed improvement, shall be filed for record in the office of the county auditor and the work shall be done in accordance therewith.

SEC. 34. Acts in conflict repealed. All acts or parts of acts inconsistent with this act or contrary thereto are hereby repealed.

SEC. 35. When in effect. This act shall take effect July fourth, nineteen hundred eleven, excepting that applications for registration may be made and number plates and licenses issued at any time within ninety days prior to said date, to be effective thereafter.

Approved April 17, A. D. 1911.

CHAPTER 73.

DOMESTIC AND DOMESTIC LOCAL BUILDING AND LOAN ASSOCIATIONS.

S. F. 272.

AN ACT to amend section one (1) and section three (3) chapter one hundred and four (104) acts of the thirty-third general assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation.

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

SECTION 1. **Incorporation fee.** That section one (1), chapter one hundred four (104), acts of the thirty-third general assembly be amended by inserting after the word "profits" and before the word "incorporations" in the 21st line thereof, the words, "domestic and domestic local building and loan associations," and by striking out the period after the word "herein" in the 24th line of said section and adding the words, "in excess of twenty-five dollars (\$25.00)".

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C. 135

SEC. 2. **Exempt from renewal fee.** That section three (3) of chapter one hundred and four (104) acts of the thirty-third general assembly, be and the same is hereby amended by adding to said section the following: "farmers' mutual co-operative creamery associations, domestic and domestic local building and loan associations, and corporations organized for the manufacture of sugar from beets grown in the state of Iowa, shall be exempt from the payment of the incorporation fee, provided herein."

SEC. 3. **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 Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 11, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 74.

CORPORATIONS FOR PECUNIARY PROFIT.

H. F. 271.

AN ACT to amend section three (3) chapter one hundred four (104) acts of the thirty-third general assembly, relating to corporations for pecuniary profit.

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

SECTION 1. **Purchase of stock voted against renewal.** That section three (3) chapter one hundred four (104) laws of the thirty-third (33rd) general assembly, is hereby amended by striking out all after the word "those" in the twelfth (12) line and down to and including the word "value" in the thirteenth (13) line and inserting in lieu thereof the following:

"voting for such renewal will purchase at its real value the stock voted against such renewal."

Approved April 11, A. D. 1911.

CHAPTER 75.

INCORPORATION FEE TO BE PAID BY FOREIGN CORPORATIONS.

S. F. 436.

AN ACT to amend section sixteen hundred and thirty-seven (1637), of the code, with reference to the incorporation fee to be paid by foreign corporations.

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

SECTION 1. Application for permit—what to contain—incorporation fee. Section sixteen hundred and thirty-seven (1637), of the code is hereby amended by striking therefrom the following words beginning with the word “before” in the fourteenth line, to-wit: “Before such permit is issued, the said corporation shall pay to the secretary of state the same fee required for the organization of corporations in this state, and if the capital of such corporation is increased, it shall pay the same fee as is in such event required of corporations organized under the law of this state.”, and inserting in lieu thereof the following:

“Said application shall also contain a statement subscribed and sworn to by at least two of the principal officers of the corporation, setting forth the following facts, to-wit:

1. The total authorized capital of the corporation.
2. The total paid up capital of the corporation.
3. The total value of all assets of the corporation, including money and property other than money, represented by capital, surplus, undivided profits, bonds, promissory notes, certificates of indebtedness, or other designation; whether carried as money on hand or in bank, real estate or personal property of any description.
4. The total value of money and all other property the corporation has in use or held as investment in the state of Iowa, at the time the statement is made (if any).
5. The total value of money and all other property the corporation proposes or expects to make use of in the state of Iowa, during the ensuing year.

The secretary of state can make such independent and further investigation as to the property within this state owned by any such corporation as he may desire, and upon the true facts determine the value thereof, and fix the fee to be paid by such company. Before a permit is issued authorizing such corporation to transact business in the state of Iowa, said corporation shall pay to the secretary of state a fee of ten cents per one hundred words for recording the certified copy of the articles of incorporation, with resolution and statement as previously set forth, and a filing fee of twenty-five dollars (\$25.00) upon ten thousand dollars (\$10,000.00) or less of money and property of such company, actually within the state of Iowa, and of one dollar (\$1.00) for each one thousand dollars (\$1,000.00) of such money or property within this state in excess of ten thousand dollars (\$10,000.00). If from time to time the amount of money or other property in use in the state of Iowa by said foreign corporation is increased, said corporation shall at the time of said increase, or at the time of making annual report to the secretary of state, in July of each year, file with the secretary of state a sworn statement showing the amount of such increase, and shall pay a filing fee thereon of one dollar for each one thousand dollars (\$1,000.00) or fraction thereof of such increase, together with a recording fee of ten cents per one hundred words, but not less than fifty cents. The secretary of state shall upon request furnish a blank upon which to make a report of such increase of capital in use within the state.”

SEC. 2. **In effect.** This act being deemed of immediate importance shall be in force and take effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 76.

ISSUANCE OF CAPITAL STOCK OF RAILWAY AND MANUFACTURING CORPORATIONS.

H. F. 25.

AN ACT to amend section one thousand six hundred forty-one-b (1641-b) of the supplement to the code, 1907, relating to the issuance of capital stock of railway and manufacturing corporations.

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

SECTION 1. **What to be considered in fixing amount of capital stock that may be issued.** That section one thousand six hundred forty-one-b (1641-b) of the supplement to the code, 1907, be and the same is hereby amended by adding thereto the following:

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“Provided that for the purpose of encouraging the construction of new steam or electric railways, and manufacturing industries within this state, the labor performed in effecting the organization and promotion of such corporation, and the reasonable discount allowed or reasonable commission paid in negotiating and effecting the sale of bonds for the construction and equipment of such railroad or manufacturing plant, shall be taken into consideration as elements of value in fixing the amount of capital stock that may be issued.”

Approved April 14, A. D. 1911.

CHAPTER 77.

PROPERTY OF EXTINCT RELIGIOUS SOCIETIES.

S. F. 229.

AN ACT to amend sections sixteen hundred forty-three (1643) and sixteen hundred forty-five (1645) of the code, and amendatory of chapter two (2) of title nine (9) of the code, and to provide for the control and disposition of property of extinct religious societies in this state.

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

SECTION. 1. **Rules for taking and controlling property.** That section 1643 of the code is hereby amended by adding thereto the following:

“State, diocesan or district religious organizations incorporated under this chapter, or those existing by voluntary association and having permanent funds, shall have the power to adopt and enforce rules as to the property of extinct local societies which at any time have been or which may be connected therewith and defining when such a local society shall be considered extinct,

and to take charge of and to control the real and personal property of such extinct society.”

SEC. 2. Local religious society—when deemed extinct. That section 1645 of the code is hereby amended by adding thereto the following:

“When a local religious society shall have ceased to support a minister or leader or regular services and work for two years or more, or as defined by the rules of any incorporated state, diocesan or district society with which it has been connected, it shall be deemed extinct, and its property may be taken charge of and controlled by such state or similar society of that denomination with which it had been connected.”

SEC. 3. Amendment. That chapter 2 title IX of the code is hereby amended by adding thereto sections 1652-a to 1652-f inclusive, as follows:

“**SEC. 1652-a. Trustees—how elected.** Any presbytery, synod, conference, state or diocesan convention, or other state or district representative body of any religious denomination in this state, now or hereafter incorporated under this chapter, or any assembly, synod, conference, convention or other general ecclesiastical body of any religious denomination in the United States having local societies in this state and wherever incorporated, may in its articles of incorporation or by amendment thereto create a board, committee or commission of three or more members for any endowment fund or other fund or property of the denomination represented by such body, and, at any regular meeting of such presbytery, synod, conference, state or diocesan convention or other representative assembly of such denomination in this state, or of such assembly, synod, conference, convention or other general ecclesiastical body in the United States, may elect not less than three members of such denomination, one of whom shall be a resident free-holder in this state, to serve as trustees of such fund or property; and a copy of such articles of incorporation and amendment, duly certified to by the officer with whom the same have been filed for record, shall be evidence in the courts of this state of the existence of such trust and of the powers of such trustees.

“**SEC. 1652-b. Powers and duties of trustees.** Such trustees, if chosen to take charge of any endowment or other like fund, may invest, manage and dispose of the same in accordance with the purpose for which it was created subject to such regulations as the body by which they were elected may from time to time prescribe; and shall have power to make contracts regarding, and to collect and sue for, and in all ways to control and protect, any property belonging or which should belong to any such funds.

“**SEC. 1652-c. Property—how taken charge of—action in equity.** When any local religious society shall have become extinct, such trustees of the denomination with which it shall have been at any time connected shall take charge of its property, whether real or personal, and control dispose of and use the same in trust, as part of the endowment or other like funds of such denomination within the territorial limits represented by such trustees and the corporation by which they were elected and especially for the work of such denomination at the place where such extinct local society shall have been situated. A transfer of such property by resolution or act of the remaining member or members, representative or representatives, of such extinct local society to such trustees shall operate to pass complete title. If on demand therefor there is a failure or refusal to transfer such property to such trustees, or if such trustees think proper so to do, they may commence action in equity in the district court of the county where such extinct local society was situated, making parties defendant thereto all persons known to have any interest in or claim upon such property; notice shall be given

as in other equitable actions, and said court shall have jurisdiction to enter a decree whereby the title to all the property of such extinct society shall be transferred to such trustees, or for the sale thereof and transfer of the proceeds of such sale to such trustees. Such decree or sale thereunder shall pass good title to such property. Provisions shall be made for the protection of all having claims against such local society or its property.

"**SEC. 1652-d. Property held in trust.** The property of any such extinct religious society shall be held and disposed of by such trustees in trust for the work of the denomination in the territorial limits represented by such trustees, and especially in trust for such work at the place where such extinct society was situated or its immediate vicinity within the judgment of the religious body by which such trustees were elected. Only income therefrom shall be used for the general work of such denomination in such territorial limits, but the principal shall be kept as a permanent fund except that it may be used in the locality where such extinct local society was situated or its immediate vicinity if thought best by such body. No local society of such denomination at such place shall be allowed to demand the use of such principal for its benefit until it has been recognized and approved by and has complied with the reasonable requirements of the body so electing such trustees.

"**SEC. 1652-e. Existing contracts and property rights.** Existing contract and property rights arising under the organization, rules, laws or canons heretofore adopted by any corporation or organization of a religious character, shall not be affected by the provisions of this act except by consent of the interested parties.

"**SEC. 1652-f. Acts in conflict repealed.** All acts and parts of acts in conflict with this act are hereby repealed."

Approved April 10, A. D. 1911.

CHAPTER 78.

ISSUANCE OF POLICY OF INSURANCE BY INSURANCE COMPANIES.

S. F. 284.

AN ACT to amend section three (3) of chapter one hundred and twelve (112) of the acts of the thirty-third (33d) general assembly, relating to the issuance of policy of insurance by insurance companies.

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

SECTION 1. Kinds of risks—limitation. That section three (3) of chapter one hundred and twelve (112) of the acts of the thirty-third (33d) general assembly is hereby amended by inserting after the word "accident" in the thirty-fourth (34) line thereof, the following words, to-wit:

"and if said company is possessed of a paid-up capital of five hundred thousand dollars (\$500,000), it may in addition to insuring against the casualty specified in subdivision five (5), insure against the casualty specified in subdivisions two (2) and six (6) and also insure plate glass against breakage from accident,"

Approved April 15, A. D. 1911.

CHAPTER 79.

CO-INSURANCE CLAUSES IN POLICIES OF FIRE INSURANCE COMPANIES.

H. F. 335.

AN ACT to amend section one thousand seven hundred forty-six (1746) of the code of Iowa, relating to co-insurance clauses in policies of fire insurance companies.

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

SECTION 1. **Co-insurance clause authorized—limitation.** That section seventeen hundred forty-six (1746) of the code be, and the same is, hereby amended by inserting after the period following the word "stipulation" and before the word "No" in line eleven of said section the following:

"Provided, that upon the written request of any person desiring insurance, a rider providing for co-insurance may be attached to and become a part of the policy, but in no case shall such rider apply to dwellings or farm property, nor to any risk where the total value of the property to be insured is less than twenty-five thousand dollars, except as to grain elevators and grain warehouses and their contents. The request for the application of the co-insurance clause or rider to any policy of insurance shall be written or printed on a single sheet of paper which shall contain nothing but the request hereinafter set out and said request must be signed by the insured and a copy thereof be left with him by the agent at the time the insurance is applied for.

No form of request for co-insurance except the following shall be used by any company doing business within this state:

REQUEST FOR THE APPLICATION OF THE CO-INSURANCE CLAUSE:

In consideration of a reduction from the established rate of.....per cent to.....per cent, in premiums to be paid to the.....Insurance Company for insurance upon the following described property..... I hereby request that a co-insurance rider be attached to the policy to be issued by said company and hereby agree, that during the life of the policy I will maintain insurance on said property to the extent of at least.....dollars, (or).....per cent (whichever may be agreed upon) of the actual cash value thereof at the time of fire, and that failing to do so, I shall become a co-insurer to the extent of such deficit.

Before signing this request or the co-insurance rider to be attached to the policy to be issued I carefully read each of them and fully understand that in case I shall fail to maintain insurance on the previously described property to the extent above provided then in the event of loss or damage this company shall not be liable for a greater per cent of the loss or damage to said property than—

1. The total amount of insurance maintained bears to.....dollars, or;
2. The total amount of insurance maintained bears to.....per cent of the actual cash value of the property insured at the time of fire.

Date..... Insured.

The co-insurance rider to be used shall be signed by both the agent and the insured and a copy thereof shall be left with the insured at the time the application is made for insurance. The rider shall be in form and restrictions as follows:

IOWA CO-INSURANCE AND REDUCED RATE CLAUSE.

(This clause must be signed by both the insured and the agent).

In consideration of the acceptance by the insured of a reduction in premiums from the established rate of.....per cent toper cent, it is hereby agreed that the insured shall maintain insurance during the life of this policy upon the property insured:

1. To the extent of.....dollars, or
2. To the extent of at least.....per cent of the actual cash value thereof at the time of fire (whichever may be agreed upon) and, that failing to do so the insured shall be a co-insurer to the extent of such deficit.

This clause at the request of the insured, is attached to and forms part of policy number.....of the.....Insurance Company of.....and shall in no case apply to dwellings or farm property, nor to any risk wherein the total value of the property shall be less than twenty-five thousand dollars, except grain elevators and grain warehouses, and the contents of the same.

Date..... Insured.
 Agent."

Approved April 15, A. D. 1911.

CHAPTER 80.

INSURANCE EXAMINERS.

H. F. 470.

AN ACT to amend section one thousand eight hundred twenty-one-c (1821-c) of the supplement to the code, 1907, relating to insurance examiner.

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

SECTION 1. Appointment—compensation. That section one thousand eight hundred twenty-one-c (1821-c) of the supplement to the code, 1907, be and the same is hereby amended by striking out lines [one] (1) to three (3) inclusive and that part of line four (4) ending with the word "year" and insert the following in lieu thereof: "For the purpose of carrying into effect the provisions of this act, the auditor of state is hereby authorized to appoint two insurance examiners, one of whom shall be an experienced actuary who shall receive for his services a salary of three thousand dollars (\$3000.00) per year, the other of whom shall be an experienced and competent fire insurance accountant, who shall receive for his services a salary of two thousand dollars (\$2000.00) per year,". Also said section one thousand eight hundred twenty-one-c (1821-c) is hereby further amended by adding the letter "s" to the word "examiner" in lines six (6), nine (9), thirteen (13). and at the end of line twenty-two (22), and at the beginning of line twenty-three (23).

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 Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 20, 1911, and in the Register and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 81.

BENEFICIARY ASSOCIATIONS COMPOSED OF THE MEMBERS OF ANY ONE RELIGIOUS DENOMINATION.

H. F. 423.

AN ACT to amend section eighteen hundred twenty-two (1822) of the code relating to beneficiary associations composed of the members of any one religious denomination and permitting any corporation heretofore organized, whose membership and plan of business permits, to bring its business under chapter nine, title nine, of the code.

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

SECTION 1. Beneficiary associations composed of members of one religious denomination. That section eighteen hundred twenty-two (1822) of the code, be, and the same is hereby amended, by adding the following words after the word "laws" in the eleventh line of said section, to-wit:

"Provided that beneficiary societies or associations, whose membership is confined to the members of any one religious denomination, shall only be required to have a branch system and a representative form of government, Such beneficiary societies or associations shall be governed by the provisions of chapter nine, title nine, of the code, and shall be exempt from the provisions of the statutes of this state, relating to life insurance companies, to the same extent as fraternal beneficiary associations."

SEC. 2. Corporations heretofore organized. Any corporation heretofore organized under the laws of this state, whose membership is confined to the members of any one religious denomination, and whose plan of business permits, may take advantage of this act by amendment to its articles of incorporation, and by complying with the provisions of section eighteen hundred thirty-two (1832) of the supplement to the code 1907; provided, that such corporations as on March 15, 1907, were and have since continuously been doing business under chapter seven (7), title nine of the code, may take advantage of this act without raising their mortuary assessment rates or showing that their said rates are such as are required by section eighteen hundred and thirty-nine-j (1839-j) of the supplement to the code, 1907.

Approved April 12, A. D. 1911.

CHAPTER 82.

INVESTMENT OF FUNDS AND DEPOSITING OF SECURITIES OF FRATERNAL BENEFICIARY SOCIETIES.

H. F. 50.

AN ACT amending section eighteen hundred thirty-nine-1 (1839-1) of the supplement to the code, 1907 relating to the investment of funds and depositing of securities of fraternal beneficiary societies.

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

SECTION 1. **Not applicable to certain auxiliary societies.** That section eighteen hundred thirty-nine-1 (1839-1) of the supplement to the code, 1907 be amended by adding after the period in the last line of said section the following words:

“Nor shall the provisions of this chapter be construed to apply to auxiliary societies or associations, the membership of which consists of female members of the families of members of any one occupation, guild, profession or religious denomination.”

Approved February 24, A. D. 1911.

CHAPTER 83.

EXAMINATION OF STATE AND SAVINGS BANKS.

H. F. 300.

AN ACT to repeal section one thousand eight hundred seventy-three (1873) of the code and section one thousand eight hundred and seventy-three (1873) of the supplement to the code, 1907, and to enact a substitute therefor relating to the examination of savings banks and state banks by the auditor and to the publication of the statements thereof in some newspaper.

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

SECTION 1. **Repeal—examination by auditor of state—reports.** That section one thousand eight hundred seventy-three (1873), of the code as amended by chapter ninety-two (92), acts of the thirty-second (32nd), general assembly, be and the same is hereby repealed and the following enacted in lieu thereof:

“The auditor of the state, may at any time he may see proper, make or cause to be made an examination of any savings or state bank, or he shall call upon it for a report of its condition upon any given day which has passed, as often as five times each year, which report shall contain the information under the preceding section, and the auditor shall cause it to be published, except as hereinafter provided, in one regular issue in some daily, semi-weekly or weekly newspaper in the city or town where such bank is located, or if there be none in such city or town, then, in one regular issue of some daily, semi-weekly, tri-weekly or weekly newspaper printed in said county, and the expense of such publication shall be paid by the bank. The statement published in the newspaper shall not contain the name of the bank or banks in which the bank making the statement, has on deposit, funds subject to be drawn at sight, nor shall said statement show the amount of liabilities due such bank on the part of the directors thereof.”

Approved April 7, A. D. 1911.

CHAPTER 84.

DEPOSITS IN BANKS OR TRUST COMPANIES.

H. F. 53.

AN ACT relating to deposits in banks or trust companies. [Additional to chapter twelve (12) of title nine (IX) of the code, relating to banks.]

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

SECTION 1. **Deposit made in names of two persons—how paid.** When a deposit shall hereafter be made in any bank or trust company in the names of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or interest or dividend thereon may be paid to either of said persons whether the other be living or not, and the receipt or acquittance of the person so paid shall be a valid and sufficient release and discharge to the bank, banker, or trust company for any payment so made.

Approved March 16, A. D. 1911.

CHAPTER 85.

LEVEES, DITCHES AND DRAINS.

H. F. 128.

AN ACT to amend section one thousand nine hundred eighty-six (1986) as it appears in the supplement to the code, 1907, relating to the maintaining of levees, ditches and drains.

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

SECTION 1. **Cost of maintaining.** That the law as it appears in section one thousand nine hundred eighty-six (1986) of the supplement to the code, 1907, be amended by inserting after the comma following the word "part" in line three of said section, the following: "established under the preceding sections of this chapter".

SEC. 2. **In effect.** This act being deemed of immediate importance shall go into force and be in effect from and after its publication in the Des Moines Register & Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 11, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 12, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 86.

GOVERNMENT LEVEES.

S. F. 252.

AN ACT to repeal section one thousand nine hundred eighty-nine (1989) of the code, 1897, relating to government levees, and to enact a substitute therefor.

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

SECTION 1. Repeal—levee through two or more counties. That section one thousand nine hundred eighty-nine (1989) of the code, 1897, be and the same is hereby repealed, and the following enacted in lieu thereof:

“The boards of supervisors of any two or more adjoining counties where a government levee has been constructed or partly constructed by the government and partly by other means, may carry on the work provided for in this chapter concurrently, provided that they first agree upon a plan or system and a basis of an equitable apportionment of the work to be done and the share of the cost and expense of the same to be borne by each of said counties; or when said levee has been built and separate districts have been heretofore formed the boards of supervisors may unite said districts into one district, but before said districts can be so united each board of supervisors acting separately must by resolution vote in favor of such consolidation and upon said separate votes being favorable the said levee districts shall be consolidated into one district and thereafter the same shall be governed in all respects as now provided, except all action governing the new district shall be by the boards of supervisors acting jointly.”

Approved March 16, A. D. 1911.

CHAPTER 87.

WATERS, WATER COURSES, LEVEES, DRAINS AND DRAINAGE DISTRICTS.

H. F. 369.

AN ACT to amend the law as it appears in sections nineteen hundred eighty-nine-a-two (1989-a2), nineteen hundred eighty-nine-a-eight (1989-a8), as amended by section eight (8), chapter one hundred eighteen (118), acts of the thirty-third general assembly, nineteen hundred eighty-nine-a-twelve (1989-a12) as amended by section eleven (11) chapter one hundred eighteen (118) acts of the thirty-third general assembly, nineteen hundred eighty-nine-a-fourteen (1989-a14) as amended by section thirteen (13) chapter one hundred eighteen (118) acts of the thirty-third general assembly, nineteen hundred eighty-nine-a-forty-nine (1989-a49), of the supplement to the code, 1907, and to amend the law as it appears in section three (3) and section ten (10), chapter one hundred eighteen (118) acts of the thirty-third general assembly relating to the subject of waters, water courses, levees, drains and drainage districts.

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

SECTION 1. Engineer to give bond. That section nineteen hundred eighty-nine-a2 (1989-a2) of the supplement to the code, 1907, as amended by section two (2) chapter one hundred eighteen (118) acts of the thirty-third general assembly be amended by adding immediately after the words “a disinterested and competent engineer” in the 16th line of said section nineteen hundred eighty-nine-a2 (1989-a2) the words “who shall give bond to the county for the use and benefit of the proposed levee or drainage district, if it be estab-

lished, in amount and with sureties to be approved by the county auditor and conditioned for the faithful and competent performance of his work,"

SEC. 2. Notice of hearing—proof of service. That section three (3) chapter one hundred eighteen (118), acts of the thirty-third general assembly be amended as follows: by inserting after the word "served" and before the word "by" in the 29th line of said section, the words, "except as otherwise hereinafter provided". Also by changing the period after the word "auditor" in the 33rd line of said section, to a comma, and inserting thereafter the following: "provided further, however, that when any resident, non-resident, corporation, railroad company, or other persons owning or having an interest in any land or property affected by the proposed improvement shall have filed with the county auditor of the county wherein such improvement is proposed, an instrument in writing, duly signed, and designating the name and post office address of his or its agent upon whom service of notice in said matter shall be made, the county auditor shall, at least twenty (20) days prior to the date set for hearing upon said petition, mail a true copy of said notice in a registered letter addressed to the person or agent so designated in said written instrument, as aforesaid. Proof of such service of said notice shall be made by affidavit of said county auditor and filed by him in said matter in his said office on or before the date of the hearing upon the petition, and such service shall be in lieu of all other service of notice to such residents, non-residents, corporations, railroad companies or other persons."

SEC. 3. Notice of letting work—how published. That section nineteen hundred eighty-nine-a8 (1989-a8) of the supplement to the code, 1907, as amended by section eight (8) chapter one hundred eighteen (118) acts of the thirty-third general assembly be amended by inserting immediately after the word, "thereof" in the seventh line of said section nineteen hundred eighty-nine-a8 (1989-a8) the following: "and when the estimated cost of said improvement exceeds \$15,000.00 the board shall make additional publication for two consecutive weeks in some contracting journal of general circulation, of such notice as they may prescribe".

SEC. 4. Changes in dimensions. That section ten (10), chapter one hundred eighteen (118), laws of the thirty-third general assembly is hereby amended by inserting immediately after the word "taken" and before the word "thereby" in the eleventh line the words and language, "or whose assessments shall be increased"; and by inserting immediately after the comma following the word "chapter" and before the word "and" in the fifteenth line, the words, language and punctuation marks, "or file objection to such assessment as provided in section nineteen hundred eighty-nine-a12 (1989-a12) of this chapter, as the case may be,"; and by changing the period at the end of the section to a comma and adding the following: "or section nineteen hundred eighty-nine-a14 (1989-a14) of this chapter, as the case may be,"; and by inserting after the comma following the word "district" and before the word "it" in the fifth line, the words and language, "and before the completion of the drainage improvements therein,".

SEC. 5. Assessment of costs and damages—how levied. That section nineteen hundred eighty-nine-a12 (1989-a12) of the supplement to the code, 1907, as amended by section eleven (11) chapter one hundred eighteen (118), acts of the thirty-third general assembly be amended by adding the following immediately after the word "date" in the eleventh line of said section eleven (11), chapter one hundred eighteen (118), acts of the thirty-third general assembly: "provided that if the owner of any parcel of land, lot or premises against which any such levy shall have been made and certified, shall, within twenty (20) days from the date of such assessment, promise and agree in

writing filed in the office of the county auditor that in consideration of his having the right to pay his assessments in installments he will not make any objection of illegality or irregularity as to the assessment of benefits or levy of such taxes upon or against his property, but will pay said assessment, then said taxes levied against said land, lot or premises of such owner shall be payable as follows; one-third (1-3) of the amount of said assessment at the time of filing the above agreement; one-third (1-3) within ten (10) days after the engineer in charge of said drainage improvement shall file a certificate in the office of the county auditor that said improvement is one-half completed, and the remaining one-third (1-3) within ten (10) days after the said improvement shall have been accepted by the board of supervisors, and if said installments are not paid as above provided, the failure to pay any installment shall cause the whole sum to become due and payable at once with interest at the rate of one per cent (1%) per month from the date of filing said agreement, and such assessments shall thereupon be collected as other taxes on real estate". And by striking out the period (.) between the word "district" in the forty-fourth line of said section and the word "if" in the forty-fifth line of said section and inserting in lieu thereof the following: "and in case the board of supervisors shall increase said apportionment service of notice thereof shall be made upon the owner of such tract or lot of land as shown by the transfer books in the auditor's office, in the same manner in which original notices are required to be served, where such owner is a resident of the county, and in case such owner is a non-resident of the county such notice as to him shall be served on the actual occupant of the tract or lot of land, provided that in case any railroad company shall be affected by such increased apportionment said notice shall be served upon the station agent of the said railroad company nearest the proposed improvement."

SEC. 6. Appeal from order increasing apportionment. That section nineteen hundred eighty-nine-a14 (1989-a14) of the supplement to the code, 1907, be amended by striking out the period (.) at the end of the first sentence and inserting a comma (,) in lieu thereof and adding immediately thereafter the following, "and such appeal may be taken from the order of the board of supervisors increasing the apportionment within twenty (20) days after the completed service of notice of such increased apportionment in the same manner as herein provided for appeals in assessment for damages, whether objection was made to the report of the commissioner or not."

SEC. 7. Pumping stations. That section nineteen hundred eighty-nine-a49 (1989-a49) be amended by adding after the word "district" in the seventh line the words "or any portion thereof" and by adding after the word "district" in the ninth line the words, "or the lands benefited by such pumping station or stations" and by striking out the period (.) at the end of said section and inserting a semi-colon (;) in lieu thereof and adding the following:

"provided that such pumping station or stations shall not be established or maintained unless a petition therefor shall be presented to the board of supervisors signed by not less than one-third of the owners of lands benefited thereby, and the lands benefited by such pumping station or stations shall be determined by the board of supervisors on the report of the engineer, nor shall additional land be taken into any such drainage district after the improvements therein have been substantially completed, unless thirty-three and one-third per cent (33 1-3%) of the owners of the land proposed to be taken in shall have petitioned therefor of [or] consented in writing thereto."

SEC. 8. Pending litigation or proceedings heretofore had. Nothing contained in this act shall be held to affect pending litigation or any proceedings heretofore had under the laws hereby amended.

SEC. 9. 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 Capital, newspapers published at Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 19, 1911, and in the Register and Leader April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 88.

LEVEES, DRAINS AND DITCHES.

H. F. 266.

AN ACT to amend section nineteen hundred eighty-nine-a-two (1989-a2), section nineteen hundred eighty-nine-a-four (1989-a4), section nineteen hundred eighty-nine-a-five (1989-a5), and section nineteen hundred eighty-nine-a-six (1989-a6) of the supplement to the code, 1907, relating to securing right of way for levees, drains and ditches.

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

SECTION 1. Engineer to report number of acres to be appropriated. That section nineteen hundred eighty-nine-a2 (1989-a2) of the supplement to the code, 1907, be amended by placing a comma after the word "land" in the twenty-eighth line, and inserting the following: "together with the number of acres appropriated from said tract for construction of said improvement".

SEC. 2. Claims for damages. That section nineteen hundred eighty-nine-a4 (1989-a4) of the supplement to the code, 1907, be amended by striking out the period at the end thereof and adding the following: "provided, however, that it shall not be necessary to file claims covering value of land appropriated for right of way for construction of proposed improvements."

SEC. 3. Appraisers to be freeholders of state. That section nineteen hundred eighty-nine-a5 (1989-a5), of the supplement to the code, 1907, be amended by striking out the word "county" in the twenty-fifth line thereof, and inserting the word "state".

SEC. 4. Appraisers to place valuation on right of way acreage. That section nineteen hundred eighty-nine-a6 (1989-a6), of the supplement to the code, 1907, be amended by placing a comma after the word "entitled" in the third line thereof, and inserting the following: "and shall place a valuation upon all acreage taken for right of way as shown by plat of engineer".

Approved April 6, A. D. 1911.

CHAPTER 89.

LEVEES, DRAINS AND DITCHES.

H. F. 164.

AN ACT to amend section one thousand nine hundred eighty-nine-a-eight (1989-a8) of the supplement to the code, 1907, relating to the letting of contracts for levees, drains and ditches.

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

SECTION 1. Letting of contracts. That section one thousand nine hundred eighty-nine-a8 (1989-a8) of the supplement to the code, 1907, be and hereby is,

amended by striking from said section the words and language in the ninth, tenth and eleventh lines beginning with the second "or" of the ninth line and down to and including the word "sections" in the eleventh line and substituting therefor the following: "bids to be submitted, received and acted upon separately as to the main drain and each of the laterals, exercising their own discretion as to letting such work as to the main drain as a whole, or as to each lateral as a whole, or by sections as to both main drain and laterals".

SEC. 2. In effect. This act being considered of immediate importance shall take effect and be in full force from and after its publication in the Register and Leader and Des Moines Capital, papers published at Des Moines, Iowa.

Approved April 13, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 15, 1911, and in the Register and Leader April 17, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 90.

TAKING OF PRIVATE PROPERTY FOR WORKS OF INTERNAL IMPROVEMENT.

H. F. 61.

AN ACT to amend section one thousand nine hundred ninety-five (1995) of the code relative to taking private property for works of internal improvement and to prohibit the condemnation of cemeteries or any portion thereof.

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

SECTION 1. Condemnation of cemeteries prohibited. That section one thousand nine hundred ninety-five of the code be and the same is hereby amended by inserting after the comma following the word "railway" and before the word "and" in the fifth line of said section, the following: "providing no part of any territory actually platted, used and devoted to cemetery purposes shall be taken without the consent of the proper officers or owners thereof".

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 Capital, newspapers published in Des Moines, Iowa.

Approved February 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital February 17, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 91.

INTERURBAN RAILWAYS.

S. F. 134.

AN ACT to amend the law as it appears in section two thousand eighty-eight (2088) of the supplement to the code, 1907, relieving interurban railroads from the provisions of said section.

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

SECTION 1. Not applicable to taxes voted for interurban railways. The law as it appears in section two thousand eighty-eight of the supplement to the code, 1907, is hereby amended by adding thereto the following:

“Provided, that the provisions of this section shall not be applicable to taxes that are voted and paid in aid of the construction of railroads that are interurban in character.”

Approved April 17, A. D. 1911.

CHAPTER 92.

TROLLEY OR ELECTRIC RAILWAYS.

S. F. 136.

AN ACT to amend section two thousand ninety-one-a (2091-a) of the supplement to the code, 1907, relative to trolley or electric railways.

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

SECTION 1. **What statutes apply.** Section two thousand ninety-one, a, of the supplement to the code, 1907, is amended by striking from line three (3) the last three words, to-wit: “two thousand and” and by striking from line four (4) the first two words, to-wit: “eighty-eight”.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its passage and approval and its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 17, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 20, 1911, and in the Register and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 93.

CABOOSE CARS.

H. F. 210.

AN ACT to regulate the size and construction of caboose cars, and providing penalties for the violation thereof. [Additional to chapter five (5) of title ten (X) of the code, relating to the construction and operation of railways.]

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

SECTION 1. **Applicable to all railways except interurban.** That the provisions of this act shall apply to any corporation or to any person or persons while engaged as common carriers in the transportation by railroads of passengers or property within this state except inter-urban to which the regulative power of this state extends.

SEC. 2. **Caboose—minimum length—how constructed and equipped.** That from and after the 1st day of Jan. 1912, it shall be unlawful, except as otherwise provided in this act, for any such common carrier by railroad to use on its lines any caboose car or other car used for like purposes, unless such caboose or other car shall be at least twenty-four feet in length, exclusive of the platform and equipped with two four-wheel trucks, and shall be provided with a door in each end thereof and an outside platform across each end of said car: each platform shall not be less than eighteen inches in width and shall be equipped with proper guard rails, and with grab irons and hand

brakes, and steps for the safety of persons getting on and off said car, said steps shall be equipped with a suitable rod, board, or other guard at each end and at the back thereof, properly designed to prevent slipping from said step. Said caboose shall be provided with cupola, and necessary closets and windows. And be it further enacted that each caboose car be equipped with an emergency air valve, and air gage which shall be placed on inside of said car. Provided that the provisions hereof shall not apply to work trains, transfer service or emergencies not exceeding thirty-six hours.

SEC. 3. **Cabooes now in use.** Whenever any such caboose cars or other cars now in use by such common carriers as provided by section 1 herein, shall, after this act goes into effect, be brought into any shop for general repairs, it shall be unlawful to again put the same into service of such common carriers within this state, unless it be equipped as provided in section 2 of this act.

SEC. 4. **Reasonable extension of time.** That the state railroad commission is hereby authorized to give to any common carrier aforesaid, upon full hearing, and for good cause shown, a reasonable extension of time in which to comply with the provisions of this act; provided that in no case shall such extension in the aggregate exceed a period of one year from the time herein limited for compliance with this act.

SEC. 5. **Penalty.** Any common carrier as provided in section 1 of this act violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars for each offense.

Approved April 15, A. D. 1911.

CHAPTER 94.

COMMERCE COUNSEL.

H. F. 103.

AN ACT to establish the office of commerce counsel and defining the powers and duties of the same. [Additional to chapter six (6) of title ten (X) of the code, relating to the board of railroad commissioners.]

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

SECTION 1. **Appointment—term—removal.** That there is hereby created and established the office of commerce counsel, which shall be filled by an attorney of the state of Iowa, who shall be appointed by the board of railroad commissioners, subject to the approval of two-thirds (2-3) of the members of the senate in executive session. During the session of the thirty-fourth general assembly, and every four years thereafter, an attorney shall be appointed as said commerce counsel, whose term of office shall be for a period of four (4) years commencing on the first (1) day of July in the year appointed, or until his successor is appointed and qualified. The board of railroad commissioners may, by and with the consent of the senate, during a session of the general assembly, remove said counsel for malfeasance or non-feasance in office, or for any cause that renders him ineligible for appointment, or incapable or unfit to discharge the duties of his office; and his removal, when so made, shall be final. A vacancy in said office occurring while the general assembly is in session, shall be filled for the unexpired term, by an appointment made by the board of railroad commissioners, with the approval of two-thirds (2-3) of the members of the senate in executive session. If the general assembly is not

in session, then the said vacancy shall be filled by an appointment made by the board of railroad commissioners, which appointment shall expire thirty (30) days from the time the next general assembly convenes.

SEC. 2. Eligibility. No person in the employ, or owning any bonds, stock or property in, or who has, in any way or manner, pecuniary interest in any corporation, or business subject to the jurisdiction of the state board of railroad commissioners or interstate commerce commission, shall be eligible to said office; and the entering into the employ of, or acquiring of any stock or other interest in, any such corporation or business by said attorney, after his election or appointment, shall disqualify him from holding said office or performing the duties thereof. Said commerce counsel shall not engage in any other business, vocation or employment, than herein specified; nor shall he be a member of any political committee, or contribute to any political campaign fund, or take any part in political campaigns or be a candidate for any political office, during his term as commerce counsel.

SEC. 3. Office—salary—assistants—rate clerks—traveling expenses. Said commerce counsel shall have his office in the quarters assigned to the board of railroad commissioners and he shall have free access to all the files, documents, reports and papers in said offices. He shall have the power and authority to appoint and remove, subject to the approval of the board of railroad commissioners, assistants, stenographers and rate clerks to assist him in the performance of his duties, the salaries and expenses of said employes to be paid out of the funds at the disposal of the board of railroad commissioners and subject to the order of said board. The annual salary of the said commerce counsel shall be five thousand dollars (\$5000.00). Compensation of all assistants, stenographers and rate clerks shall be fixed by the board of railroad commissioners. The commerce counsel and other necessary agents and experts shall have reimbursed to them all the actual and necessary traveling, and all other expenses and disbursements incurred or made by him in the discharge of his official duties, such expenditures to be approved by the board of railroad commissioners, and paid out of such funds as shall be appropriated for said purpose by the general assembly.

SEC. 4. Appropriation. There is hereby appropriated from any funds in the state treasury, not otherwise appropriated, sufficient amount thereof to pay the salary of said commerce counsel.

SEC. 5. Duties. It shall be the duty of the commerce counsel to diligently investigate the reasonableness of the rates charged, or to be charged for services rendered, or to be rendered by the railroad companies, express companies, and all other individuals, parties, or corporations, subject to the jurisdiction of the said board of railroad commissioners, and it shall also be his duty to diligently investigate the reasonableness of the rates, charges, rules and practices of common carriers on interstate transportation, and whenever he is so directed by the board of railroad commissioners, or whenever in the judgment of the said attorney, any of the said rates, charges, rules or practices are undue, unjust, unreasonable, unlawful, unduly prejudicial, or unjustly discriminatory against any of the citizens or industries of the state of Iowa, it shall be the duty of the said attorney, if they pertain to intrastate business, to institute proceedings relative to said matters and to prosecute the same before the board of railroad commissioners; if they concern interstate transportation, he shall assist the board of railroad commissioners, when so directed by the said board, and in such manner as the said board shall specify, in the prosecution of cases involving said matters before the interstate commerce commission.

SEC. 6. **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 Capital, newspapers published at Des Moines, Iowa.

Approved April 11, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 12, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 95.

SWITCHING SERVICE.

H. F. 523

AN ACT to amend section twenty-one hundred twenty-five (2125) of the code and section twenty-one hundred forty-five (2145) of the code defining switching service by railway carriers and giving the railroad commissioners certain powers therein.

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

SECTION 1. **Switching service defined.** That section twenty-one hundred twenty-five of the code be and the same is hereby amended by adding to said section after the word "commissioners" at the end of said section the following:

"The switching service of common carriers is hereby defined to be the shifting of loaded or empty cars from one main line or siding to another main line or siding at an industry, or at a group of industries, or at a station, village or city and within its industrial vicinity, as may be defined by the board of railroad commissioners, by means of switches and connecting tracks."

SEC. 2. **Schedule of reasonable charges.** That section twenty-one hundred forty-five of the code be and the same is hereby amended by adding to said section after the word "therefor" at the end of said section the following:

"Provided, however, that nothing in this section shall be so construed as to prevent railroad companies or the board of railroad commissioners from establishing schedules of reasonable charges applicable to switching services only, and which shall be independent of any schedule of charges which may be provided for the regular line haul freight service of common carriers."

SEC. 3. **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 Capital, newspapers published at Des Moines, Iowa.

Approved April 8, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 12, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 96.

ISSUANCE OF FREE PASSES AND FREE TRANSPORTATION TO CERTAIN CLASSES OF PERSONS.

H. F. 186.

AN ACT to amend the law as it appears in section twenty-one hundred fifty-seven-g (2157-g), supplement to the code, 1907, in relation to the issuance, furnishing and giving of free tickets, free passes and free transportation to certain classes of persons.

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

SECTION 1. Mail carriers excepted. That the law as it appears in section twenty-one hundred fifty-seven (2157-g), supplement to the code, 1907, be and the same is hereby amended by adding after the word "policeman" in line twenty-four of said section the words "mail carriers".

SEC. 2. In effect. This act being deemed of immediate importance shall be in force immediately after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 15, 1911, and in the Register and Leader April 17, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 97.

SUPPORT OF THE STATE HOSPITALS FOR THE INSANE.

S. F. 286.

AN ACT to provide for the support of the state hospitals for the insane and repealing the law as it appears in section twenty-two hundred ninety-one-b (2291-b), chapter two (2), title twelve (XII), supplement to the code, 1907.

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

SECTION 1. Repeal—amount allowed for care of patients. That the law as it appears in section 2291-b, chapter 2, title XII, supplement to the code, 1907, be and the same is hereby repealed and in lieu thereof is enacted the following:

"The board of control of state institutions of Iowa may from time to time fix the monthly sum for the board and care of each patient in the state hospitals for the insane, which sum for the hospitals at Mt. Pleasant and Clarinda shall not exceed fourteen dollars and for the hospitals at Independence and Cherokee shall not exceed fifteen dollars. Said sum shall be placed to the credit of the hospital entitled thereto upon the certificate of the board of control of state institutions, based upon reports of the superintendent, and paid from the state treasury as provided by the law as it appears in section 2727-a1 and subsequent sections to and including section 2727-a51, chapter 2, title XII, supplement to the code, 1907, and acts amendatory thereof, and the certificate of the board shall be competent evidence of the amount due for the time therein stated."

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 Capital, newspapers published in Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 98.

NON-RESIDENT INSANE PATIENTS.

S. F. 255.

AN ACT making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals. [Additional to 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. Estates and relatives liable. That the estates of all patients who are provided for and treated in state hospitals for the insane in this state but who are non-residents of this state, and all persons legally bound for the support of such patients shall be liable to the state for the reasonable value of the care, maintenance and treatment of such patients while in such hospitals, and the certificate of the superintendent of the state hospital in which any non-resident is or has been a patient, showing the amounts drawn from the state treasury or due therefrom as provided by law on account of any non-resident patient, shall be presumptive evidence of the reasonable value of the care, maintenance and treatment furnished such patient.

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 Capital, newspapers published in Des Moines, Iowa.

Approved April 1, A. D., 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 4, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 99.

REGULATION AND CONTROL OF INMATES OF THE STATE HOSPITAL FOR INEBRIATES.

H. F. 561.

AN ACT to amend section twenty-three hundred ten-a-twenty-one (2310-a21) of the supplement to the code, 1907, relating to the regulation and control of the inmates of the hospital for the treatment of dipsomaniacs, inebriates, and those addicted to the excessive use of narcotics.

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

SECTION 1. Powers of institution officers and employes. That section twenty-three hundred ten a21 (2310-a21) of the supplement to the code, 1907, be and the same is hereby amended by adding thereto the following:

"For the purpose of enforcing any of the laws, rules, or regulations established for the government of said hospital or the patients therein, the superintendent thereof and all assistants and employes of the institution while employed as such are hereby clothed with the powers of peace officers so far as the management and government of such hospital and the patients therein is concerned: and such superintendent, assistants and employes, or any one thereof, shall have power to protect the property of such institution, to suppress riots, disturbances, and breaches of the peace, and to enforce all laws, rules or regulations established for the regulation and government of the hospital and the patients therein, and may upon view or information without warrant arrest any person violating any of such laws, rules or regulations and may hold any such offender to be dealt with as provided by law or the rules and regulations established for the government of such institution. This act shall not be construed to authorize any additional employes in such institutions or any increase of compensation to any employes on account thereof."

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect on and after its publication in the Register & Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 19, 1911, and in the Register and Leader April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 100.

STALLIONS, JACKS AND REGISTERED OR PEDIGREED STOCK.

S. F. 129.

AN ACT regulating the keeping, offering for public service and sale of stallions, jacks and registered or pedigreed stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing sections twenty-three hundred forty-one-a (2341-a), twenty-three hundred forty-one-b (2341-b), twenty-three hundred forty-one-c (2341-c), twenty-three hundred forty-one-d (2341-d) and twenty-three hundred forty-one-e (2341-e), supplement to the code, 1907.

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

SECTION 1. **Enrollment—annual certificates of soundness—fee.** No person, firm, company or corporation shall offer for public service, sale, exchange or transfer in this state as registered any stallion or jack over two years old unless and until he shall have caused the name, age, color and pedigree of the animal to be enrolled by the secretary of the state board of agriculture and shall have procured from him a certificate of such enrollment. The secretary of the state board of agriculture shall recognize as registered only such animals as have been recorded in some stud book recognized by the department of agriculture of the state of Iowa, and the certificate of pedigree shall accompany the application for enrollment. The state of Iowa shall be paid the sum of one dollar for each annual certificate of soundness issued by the secretary of the state board of agriculture according to the methods hereinafter provided.

SEC. 2. **Oath of owner or keeper or certificate of veterinarian.** The owner or keeper of each and every stallion or jack over two years old kept for public service or for sale, exchange or transfer shall make oath before an officer

duly authorized to administer an oath that the stallion or jack is to the best of his knowledge free from hereditary, contagious or transmissible disease, or in lieu thereof a certificate signed by a duly qualified veterinarian who shall be a regular graduate of a recognized veterinarian college, certifying that such animal is free from hereditary, contagious or transmissible disease, and shall file the same with the secretary of the state board of agriculture. Any veterinarian who knowingly or wilfully makes a false report upon the disease or freedom from disease, or soundness or unsoundness of the animal brought to him for examination shall be punished by the revocation of his veterinarian certificate. The owner or keeper of each and every stallion or jack over two years old kept for public service or for sale, exchange or transfer shall between the dates of January first (1) and April first (1) of each year after their first registration make application for the renewal of the certificate in the form and manner as above described.

SEC. 3. Disqualification. The presence of any one of the following named diseases shall disqualify a stallion or jack for public service and no certificate shall be issued by the secretary of the state board of agriculture: Glanders, farcy; maladie du coit; coital exanthema; urethral gleet; mange, melanosis; blindness, cataract, bone spavin, bog spavin and periodic ophthalmia (moon blindness). Stallions or jacks possessing any of the following named unsoundnesses may receive a certificate but each certificate and every advertisement shall state in large type or writing that the stallion or jack is unsound and shall specify the unsoundness or unsoundnesses which said stallion or jack has: amaurosis; laryngeal hemiplegia (roaring or whistling); pulmonary emphysema (heaves, broken wind); ringbone; side bone; navicular disease; curb, with curby formation of hock; chorea (St. Vitas' dance, crampiness, shivering, string halt.) In cases where stallions or jacks possess any of the above named unsoundnesses in a very aggravated or serious form, the department of agriculture may upon investigation disqualify such stallion or jack from public service, if they consider him so unsound as to be unfit for breeding purposes.

SEC. 4. Certificates to be posted and contained in advertisements. Any owner or keeper of a registered stallion or jack over two years old offered for public service or for sale, exchange or transfer who represents or holds such animal as registered shall keep a copy of the state registration and certificate of soundness upon the door or stall of the stable where such animal is usually kept, and where such animals are advertised each and every advertisement shall contain a copy of such certificates or the substance thereof. Where certificates of registration have heretofore been issued by the state board of agriculture an additional certificate of registration shall not be required, but application for certificate of soundness shall be made as heretofore provided. Any owner or keeper of a stallion or jack over two years old other than registered offered for public service or for sale, exchange or transfer must secure certificates of soundness from the secretary of the state board of agriculture and advertise said stallion or jack by having and posting handbills or posters not less than five by seven inches in size, and said bills or posters must have printed thereon, immediately preceding or above the name of the stallion the words "grade stallion" (or jack) in type not smaller than one inch in height, said bills or posters to be posted in a conspicuous manner at all places where the said stallion or jack is kept for public service, sale, exchange or transfer, together with a copy of the certificate of soundness issued by the secretary of the state board of agriculture, and where such animals are advertised each and every advertisement shall contain a copy of

the said certificate or the substance thereof and the words "grade stallion" (or jack).

SEC. 5. Examination upon complaint—expenses, how paid. When complaint is made to the state board of agriculture that a stallion or jack is diseased and on investigation it is by the department deemed necessary, an examination shall be made by the state veterinarian or his duly authorized deputy; the owner of such stallion or jack shall select some recognized graduate veterinarian to act with the state veterinarian and the said veterinarian shall, on receipt of a notice act jointly with the state veterinarian, and these two shall appoint a third graduate veterinarian to act with them and their decision shall be final. In case all three or any two of the experts declare the stallion or jack is eligible to receive or retain a license, then the expense of the consultation shall be paid by the state board of agriculture out of funds collected for registration fees, or if three or any two of the experts declare the stallion or jack not to be eligible in accordance with the provisions of this act, the expense incurred shall be paid by the person owning the animal and it may be collected in the same manner as in any case of appeal in civil action.

SEC. 6. Transfer of certificate—fee. If the owner of any registered animal shall sell, exchange or transfer the same, he shall file certificate, accompanying the same with a fee of fifty cents, with the secretary of the state board of agriculture, who shall, upon receipt of the original state certificate, properly transferred, and the required fee, issue a new certificate to the then new owner of the animal, and all fees provided by this act shall go into the treasury of the department of agriculture.

SEC. 7. Imported stallions or jacks. Every person, firm, company or corporation importing any stallion or jack into the state of Iowa for use or public service, sale, exchange or transfer shall first secure certificate of freedom from disease from a recognized state or federal veterinarian, certifying that said animal is free from any or all diseases referred to in section three of this act. The federal admission certificate shall be accepted for horses imported from foreign countries.

SEC. 8. Publishing false pedigrees, etc.—penalty. Any person who shall fraudulently represent any animal, horse, cattle, sheep or swine to be registered, or any person who shall post or publish or cause to be posted or published any false pedigree or certificate of soundness, or shall use any stallion or jack over two years old for public service, or sell, exchange or transfer any stallion or jack over two years old, representing such animal to be registered, without first having such animal registered, and obtaining the certificate of soundness from the state board of agriculture, as hereinbefore provided, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and be punished by a fine of not more than one hundred dollars, or imprisoned in the county jail not exceeding thirty days or both by fine and imprisonment.

SEC. 9. When effective—repeal—pending litigation. This act shall take effect and be in force from and after the first day of January, nineteen hundred twelve (1912), and sections twenty-three hundred forty-one-a (2341-a), twenty-three hundred forty-one-b (2341-b), twenty-three hundred forty-one-c (2341-c), twenty-three hundred forty-one-d (2341-d) and twenty-three hundred forty-one-e (2341-e) of the supplement to the code, 1907, are hereby repealed on and after the first day of January, nineteen hundred twelve (1912). Nothing in this act shall be construed so as to affect litigation arising prior to the first day of January, nineteen hundred twelve (1912).

Approved April 15, A. D. 1911.

CHAPTER 101.

BOUNTY ON POCKET GOPHERS.

S. F. 341.

AN ACT to amend section two thousand three hundred forty-eight-a (2348-a), of the supplement to the code, 1907, relating to bounties.

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

SECTION 1. Amount of bounty. Section two thousand three hundred forty-eight-a (2348-a) of the supplement to the code, 1907, is hereby amended by striking out the words "not exceeding" following the word "bounty" in the second line of said section, and inserting in lieu thereof the word "of".

Approved April 5, A. D. 1911.

CHAPTER 102.

SALE OF INTOXICATING LIQUORS.

H. F. 30.

AN ACT to repeal section two thousand three hundred eighty-three (2383) of the code of Iowa, and to enact a substitute therefor, relative to the penalty for the violation of the laws relating to the sale or keeping for sale of intoxicating liquors.

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

SECTION 1. Repeal—penalties. That section two thousand three hundred and eighty-three (2383) of the code of Iowa be and the same is hereby repealed, and the following enacted in lieu thereof.

"Whoever is found guilty of violating any of the provisions of the preceding section, for the first offense shall pay a fine of not less than fifty (\$50.00) dollars nor more than two hundred (\$200.00) dollars and cost of prosecution, and stand committed to the county jail until such fine and costs are paid; for the second and each subsequent offense he shall pay, upon conviction thereof, a fine of not less than three hundred (\$300.00) dollars nor more than five hundred (\$500.00) dollars and costs of prosecution, or be imprisoned in the county jail not to exceed one (1) year."

Approved April 13, A. D. 1911.

CHAPTER 103.

SALE OF INTOXICATING LIQUORS BY PERMIT HOLDERS.

H. F. 214.

AN ACT to amend section one of chapter one hundred thirty-nine (139) of the laws of the thirty-third general assembly, relating to the sale of intoxicating liquors by permit holders.

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

SECTION 1. Permit holders to fill out blank requests. That section one (1), chapter one hundred thirty-nine (139), acts of the thirty-third general assembly, be and the same is hereby amended by striking therefrom all that part of said section beginning with the period in the twelfth line thereof to

and including the second word "ink" in the fourteenth line thereof, and inserting in lieu thereof the following: "Such blank requests and the corresponding stubs shall be filled out by the person making the sale in ink and in the presence of the applicant for such liquors and prior to the applicant's signature thereof."

Approved April 15, A. D. 1911.

CHAPTER 104.

SALE OF INTOXICATING LIQUORS BY WHOLESALE DRUGGISTS.

H. F. 278.

AN ACT relating to the sale of intoxicating liquors by wholesale drug corporations, additional to chapter six (VI) of title twelve (XII) of the code.

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

SECTION 1. What permitted—written requests. Any corporation doing a general wholesale drug business within the state and having a registered pharmacist who holds a permit to sell intoxicating liquors, and is financially interested in and actually engaged in the conduct of said business, may sell and dispense intoxicating liquors, not including malt liquors, for the purpose of compounding medicines, tinctures, and extracts, none of which can be used as a beverage, to any registered pharmacist conducting a general drug business within the state, or to any firm or corporation having a registered pharmacist financially interested therein and doing a general drug business within the state, and to physicians duly licensed under the laws of the state; and for resale, to registered pharmacists holding a permit to sell intoxicating liquors. Such sales of intoxicating liquors shall be made only upon the written request of the registered pharmacist or physician desiring to purchase the same, said request to be signed by the applicant for the purchase and countersigned by the permit holder of the corporation making the sale with his name and the date the goods are delivered for transportation, and shall be in the following form:

..... Iowa 19....

To..... Reg. Phar. No.....

I hereby make request for the purchase of the following intoxicating liquors:

Amount.	Kind.
.....
.....

My true name is....., I am (1) a pharmacist registered under the laws of the state of Iowa, my registry number is....., I am conducting a general drug business in....., Iowa; (2) a physician duly licensed under the laws of the state of Iowa, and have my office at....., Iowa, where I am engaged in the practice of medicine.

The actual purpose for which this request is made is for.....

I do not habitually use intoxicating liquors as a beverage.

.....
Signature of Purchaser.

SEC. 2. Requests—how signed. Requests for intoxicating liquors made under the provisions of the foregoing section need not be filled out and signed

in the presence of the permit holder countersigning the same for the wholesale drug corporation, but may be done by the applicant at his place of business and forwarded to the corporation of whom the request is made. Said request shall be preserved and returns made to the county auditor in accordance with the provisions of section two thousand three hundred and ninety-seven (2397) of the code, but said requests need not be consecutively numbered.

SEC. 3. Shipments—how made. Intoxicating liquors shipped under the provisions of this act may be enclosed in the same box, package, or carton containing other drugs or merchandise. In all cases of such shipments of intoxicating liquors the bill of lading shall set out that intoxicating liquors are in the shipment with the kind and amount of the same, and one copy of the bill of lading shall be signed for the wholesale drug corporation by the permit holder provided for in section one (1) of this act, or any officer of such drug corporation.

SEC. 4. Common carriers to receive goods for shipment—when. All railway, transportation and express companies, and other common carriers shall receive intoxicating liquors from corporations conducting a wholesale drug business and ship to registered pharmacists and physicians. Before receiving such shipments, the common carrier shall require the corporation to file with it a copy of the permit of the permit holder connected with the wholesale drug corporation making the shipment, said copy to be certified by the clerk of the district court: the affidavit of any officer of the corporation that said corporation is actually and in good faith engaged in the wholesale sale of drugs in this state, and that the permit holder is a stockholder in the drug corporation; and with each shipment of intoxicating liquors a bill of lading made out and signed as provided for in section (3) of this act. The foregoing provisions having been complied with, the common carrier shall be relieved from all liabilities otherwise imposed by law for the transportation of intoxicating liquors.

SEC. 5. Failure to comply. A failure to comply with all or any of the provisions of this act shall render the person who so fails to comply liable to all the penalties otherwise imposed by law for the sale and transportation of intoxicating liquors within the state.

SEC. 6. "Corporation" defined. The term corporation, as used in this act shall be construed to include corporations, firms and persons engaged in the general wholesale drug business within this state.

SEC. 7. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register & Leader and Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 7, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 10, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 105.

CERTIFIED LIST OF FEDERAL LIQUOR LICENSE HOLDERS.

H. F. 436.

AN ACT authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties, other than registered pharmacists holding valid permits to keep and sell intoxicating liquors for medicinal and pharmaceutical purposes and persons engaged in selling intoxicating liquors under the mulct law, and making such certified copies competent evidence, and the payment therefor. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.]

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

SECTION 1. County attorney to secure certified copy of names. That the several county attorneys of this state are hereby authorized and directed to secure from the federal internal revenue collectors for Iowa, on or before the fifteenth day of January, April, July and October of each year, a certified copy of the names of all persons who have paid to the federal government special taxes imposed upon the business of selling intoxicating liquors within their respective counties, except such persons within their counties as are engaged in the sale of intoxicating liquors under the mulct law and registered pharmacists who hold valid permits to keep and sell intoxicating liquors for medicinal purposes, and to pay to the internal revenue collector the fee prescribed by the statutes of the United States. Said county attorney shall file with the county auditor of his county a certified statement of the amount paid to such internal revenue collector, and the board of supervisors shall audit and allow the same at their next regular or special meeting.

SEC. 2. Certified copy filed and recorded. Upon receipt by the county attorney of certified copies of the names of all persons in his county who have paid the federal government the special tax imposed on the business of selling intoxicating liquors as aforesaid, the county attorney shall, after examination of said list, file the same with the auditor of his county, who shall record the same in a book kept therefor, which shall be open to public inspection.

SEC. 3. Prima facie evidence. The certified copy furnished by the internal revenue collector of the name of any person who has paid to the federal government the special tax imposed upon the business of selling intoxicating liquors shall be prima facie evidence that said person is engaged in the sale of, or keeping with intent to sell, intoxicating liquors in violation of law, unless said person by way of defense shows that he has complied with all the terms and conditions of the mulct law, or that he is a registered pharmacist, actually engaged in business as such and said certified copy shall be competent evidence in any court within this state.

Approved April 15, A. D. 1911.

CHAPTER 106.

MINES AND MINING.

S. F. 282.

AN ACT to amend section twenty-four hundred seventy-eight (2478), of the code; to repeal section twenty-four hundred eighty-four (2484), of the code, and enact a substitute therefor; to repeal section twenty-four hundred eighty-five (2485), of the code, and enact a substitute therefor, to amend section twenty-four hundred eighty-six (2486), of the code, to repeal section twenty-four hundred eighty-seven (2487), of the code, and enact a substitute therefor, to repeal section twenty-four hundred eighty-eight (2488), supplement to the code 1907, and enact a substitute therefor, to repeal section twenty-four hundred eighty-nine (2489), of the code, and enact a substitute therefor, to amend the law as it appears in section twenty-four hundred eighty-nine-a (2489-a), of the supplement to the code 1907, to repeal section twenty-four hundred ninety-three (2493), of the code, and enact a substitute therefor, to repeal section twenty-four hundred ninety-four (2494), supplement to the code 1907, and enact a substitute therefor, relating to mines and mining, safety appliances, means, methods and equipments thereof, the appointment of mine inspectors, defining their powers and duties, requiring surveys of mines and records to be kept thereof, requiring escape and air shafts and equipments and location thereof, fire proof buildings for boiler and engine rooms, safe and convenient traveling ways and equipments thereof, the amount of ventilation, stoppings and breaks-through, means of communication from top to bottom of shaft, slope or drift, and from bottom thereof to the working parts and providing safety equipments for shafts, slopes or drifts and fixing the age within which boys may work in the mine, and providing for the safety of employes where explosives are used, the location of stables, gasoline engines and pumps, and the revocation of certificates of mine foreman in certain cases, defining the duties of mine foreman and definition of mine foreman, the duties of workmen in mines and mining and defining the power and duties of mine owners, lessees, operator and person in charge, the character and kind of illuminating oils and other substances and providing penalties.

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

SECTION 1. Mine inspectors—appointment—vacancies—bond. Section twenty-four hundred seventy-eight (2478), of the code, is hereby amended and when so amended to read as follows:

“The governor shall appoint three (3), mine inspectors from those receiving certificates of competency from the board of examiners as by law provided, who shall hold their office for a term of three (3) years and until their successor shall be appointed and qualified, subject to removal by him for cause, their term to commence on the fourth day of July, 1911, and at three (3), year periods thereafter, the present incumbents shall continue in office until their successors are appointed and qualified. Any vacancies occurring shall be filled in the same manner as original appointments and the appointee to hold for the unexpired term only. Each inspector shall in no way be financially interested in or connected with any mining property, or directly or indirectly act as the agent, officer or representative of any person, firm or corporation, and shall devote his entire time and attention to the duties incumbent upon him as inspector of mines in the state of Iowa, and shall before entering upon the discharge of his duties, give a bond in the sum of two thousand (\$2000.00) dollars and take an oath to be endorsed upon his bond, with sureties to be approved by the secretary of state, conditioned in accordance with the tenor of the oath. The bond shall be conditioned to faithfully and impartially without fear or favor perform the duties incumbent upon him, which shall be filed with the oath and commission and recorded in the office of the secretary of state.”

SEC. 2. Removal of inspector. Section twenty-four hundred eighty-four (2484) of the code, is hereby repealed and the following enacted in lieu thereof:

“Charges of gross neglect of duty or malfeasance in office against any inspector may be made in writing, sworn to and filed with the governor, and must be made by five miners, or one or more mine operators; they shall be accompanied with a bond in the sum of five hundred dollars, running to the state, executed by two or more freeholders, approved and accepted by the clerk of the district court of the county of their residence, conditioned for the payment of all costs and expenses arising from the investigation of the charges, and thereupon the governor shall convene the board of examiners at such time and place as he may designate, giving the inspector and the person whose name first appears in the charge ten days notice thereof. The board, at the time and place fixed, shall proceed to hear, try and determine the matter, and for this purpose shall summon any material witness desired, by either party, and may administer the proper oath to all witnesses. Evidence may also be taken by deposition as in other cases, and continuances of the hearing may be granted in the furtherance of justice and upon the application of either party. After the evidence has been fully heard, the board shall report to the governor the results of its investigation, and if the charges are sustained the inspector shall be forthwith removed by the governor, and in that event the costs and expenses of the hearing shall be awarded against the inspector or the bondsmen as the case may be, with the right, however, upon the part of the aggrieved party to appeal from such findings and order to the district court of any county in the inspector’s district against whom charges were made, by giving notice in writing to the board, or any member thereof, served in the same manner as original notices are served, within ten days from the time of filing the findings with the governor, or if the order of removal is made within ten days therefrom. Upon such appeal all matters shall be heard bearing upon the charges made, and the pleadings may be amended within the discretion of the court in the furtherance of justice. The appeal shall be tried as an equitable action and such order made as the evidence supports and justice demands. Provided that nothing herein contained shall be construed to prevent the governor from proceeding under the law provided for the suspension or removal of state officers for malfeasance or non-feasance in office.”

SEC. 3. Standard form of reports. The board of inspectors shall prepare a standard form of reports which shall be uniform for and throughout the state and which shall be used in all cases where reports are required to be made to the district mine inspectors or the board of inspectors as the case may be.

SEC. 4. Maps of mines—copies furnished mine inspector—surveys ordered—when. Section twenty-four hundred eighty-five (2485), of the code, is hereby repealed and the following enacted in lieu thereof:

“The owner, operator, lessee or person in charge of any mine shall make or cause to be made an accurate map or plan of such mine drawn to a scale not more than two hundred (200) feet to the inch, on which shall appear the name of the state, county and township in which the mine is located, the designation of the mine, the name of the company or owner, operator, lessee or person in charge, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made. Every such map or plan shall correctly show the surface boundary lines of the coal rights pertaining to each mine and all sections or quarter section lines or corners within the same; the lines of town lots and streets; the tracks and sidetracks of all railroads, the location of all wagon roads, rivers, streams, ponds, reservations made of coal and mineral. For the underground workings said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a

contiguous mine; all excavations, entries, rooms and crosscuts; the location of the escape ways, and of the fan or furnace or other means of ventilation and the direction of air currents and the location of permanent pumps, hauling engines, engine planes, abandoned works, fire walls and standing water. A separate and similar map drawn to the same scale in all cases shall be made of each and every seam of coal operated in any mine in this state. A separate map shall also be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map shall be drawn upon transparent cloth or paper so that it can be laid upon the map of the underground workings and thus truly indicate the local relation of lines and objects on the surface to the excavations of the mine, together with any other principal workings of the mine. Each map shall also show by profile drawing and measurement, the last one hundred fifty (150) feet approaching the boundary lines, showing the rise and dip of the seam. The original or true copies of all such maps shall be kept at the office of the mine and true copies thereof shall also be furnished the state mine inspector for the district in which said mine is located within thirty (30) days after the completion of the same. The maps so delivered to the inspector shall be the property of the state and shall remain in the custody of the said inspector during his term of office, and be delivered to his successor in office. They shall be kept at the office of the inspector and be open to examination of all persons interested in the same, but such examination shall only be made in the presence of the inspector or his office assistant, and he shall not permit any copies of the same to be made without the written consent of the operator or the owner of the property, except as herein and otherwise provided. An accurate extension of the last preceding survey of every mine in active operation shall be made once in every twelve (12) months prior to July 1st of every year and the result of such survey with the date thereof, shall be promptly and accurately entered upon the original map and a true, correct and accurate copy of said extended map shall be forwarded to the inspector of mines in the district in which said mine is located so as to show all changes in plan of new work in the mine, and all extensions of the old workings to the most advanced face or boundary of said workings which have been made since the last preceding survey, and the parts of the mine abandoned or worked out after the last preceding survey shall be clearly indicated and shown by colorings, which copy must be delivered to the inspector of mines within thirty (30) days after the last survey is made. When any coal mine is worked out or is about to be abandoned or indefinitely closed, the owner, operator, lessee or person in charge of the same shall make or cause to be made a completed and extended map of said mine and the result of the same shall be duly extended on all maps of the mine and copies thereof so as to show all excavations and the most advanced workings of the mine, and their exact relation to the boundary or section lines on the surface, and deliver to the inspector a copy of the completed map. The state inspector of mines shall order a survey to be made of the workings of any mine and the result to be extended on the maps of the same and the copies thereof whenever in his judgment the safety of the workmen, the support of the surface, the conservation of the property or the safety of an adjoining mine requires it; and if not made by the owner, operator, lessee or person in charge when ordered by the inspector it shall be made or caused to be made by the inspector and paid for by the state and the amount collected from the owner, operator, lessee or person in charge as other debts are collected."

SEC. 5. Failure to furnish map—penalty. Whenever the owner, operator, lessee or person in charge of any mine neglects and refuses for a period of three (3) months to furnish to said inspector the map or plan of such mine or a copy thereof or of the extension thereof as provided for by this act, such owner, operator, lessee, or person shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined one hundred (\$100) dollars and shall stand committed to the county jail until such fine is paid, and in addition thereto the inspector shall make or cause to be made an accurate map or plan of such mine or extension as the case may be, at the expense of the owner, operator, lessee or person in charge thereof; the cost to be paid by the state and recovered by law from the said owner, operator, lessee or person in charge in the same manner as other debts by suit; and it shall be the duty of the county attorney of the county in which such mine is located, at the request of the inspector, to bring such action in the name and for the benefit of the state.

SEC. 6. Examination or survey upon affidavit of adjoining property owner—expenses, how paid. Upon affidavit of an adjoining landowner in the vicinity of said mine, or his agents, filed with the inspector of the district stating that it is necessary for the protection of his property to know how near his land the excavations in the mine extend, the inspector shall make an examination or employ a surveyor therefor if necessary, to determine the length and direction of entries and other works toward the land of the applicant and the extent of excavation of same on all of his land, if any, and make report to the inspector to whom the application may have been made; the inspector may in such case permit examination of such map or copies thereof as may be in the possession of the inspector for the purpose of and to aid and assist in determining the location of the workings as herein contemplated. The necessary expenses incurred and compensation of five (\$5.00) dollars per day to the inspector in favor of the state and ten (\$10.00) dollars per day to the surveyor shall be paid by the applicant except when it shall be shown that said applicant's property has been undermined, in which case the expense shall be paid by the mine owner, operator, lessee or person in charge; and in any case where any owner, operator, lessee or person operating a mine, who without permission takes coal from adjoining land he shall be liable for double damages therefor and for all expense caused thereby. If it be found necessary to survey the premises to discover the facts as contemplated by this act the owner or person filing the affidavit shall first give a bond or other security to the inspector in favor of the state in the sum of one hundred (\$100.00) dollars conditioned to pay all costs and expenses incurred thereby.

SEC. 7. Two places of egress. Section twenty-four hundred eighty-six (2486) of the code, is hereby amended, and when so amended to read as follows:

“The owner, operator, lessee or person in charge of any mine hereafter constructed and operated by shaft, or one having a slope or drift opening in which five or more persons are employed, shall construct and maintain at least two distinct openings for each seam of coal worked, which in mines operated by shaft shall be separated by natural strata of not less than three hundred (300) feet in breadth, and in mines operated by slope or drift not less than two hundred (200) feet in breadth, through which ingress and egress at all times shall be unobstructed to the employes and persons having occasion to use the same as escape ways or place of exit from the mine.”

SEC. 8. Escape shafts equipped with stairway—how constructed. All escape shafts hereafter constructed not provided with hoisting appliances

as hereinafter provided shall have stairs at an angle of not more than sixty (60) degrees in ascent; nor less than two and one-half (2 1-2) feet in width with proper, safe and substantial landings at convenient and easy distances, and equipped with good and substantial hand rails or banisters. If a shaft be used for an escape shaft and air shaft, that part of the shaft used as an escape way shall be divided and partitioned closely with good and substantial material from the part used as an air shaft, all of which shall be kept in safe condition as by this act provided.

SEC. 9. Escape shafts equipped with hoisting apparatus. All escape shafts not provided with stairs shall be provided with suitable appliances for hoisting under ground workmen at all times ready for use both day and night, while the workmen are at labor, which hoisting apparatus shall be separate and apart from the hoisting shaft, and the equipment shall include a depth indicator, brake on the drum, steel or iron cage, safety catches on cages, and covers on cages to securely protect any person while on the cage.

SEC. 10. Underground connections with adjacent mines. Where two or more mines are connected underground the several owners by joint agreement may use the hoisting shaft, slope or drift of the one as an escape for the other, and the road or traveling ways to the boundary on either side shall be kept clear of every obstruction to travel by the respective operators and the intervening doors, if any, shall remain unlocked and ready at all times for immediate use, and when such communication has once been established between contiguous mines it shall be unlawful for the owner, operator, or person in charge of either mine to close the same without the consent both of the contiguous operators and of the state inspector of mines of the district, provided, that when either operator desires to abandon mining operations, the expense and duty of maintaining such communication shall devolve upon the party continuing operation.

SEC. 11. Location and construction of escape and air shafts. No escape shaft or other place of exit or any air shaft or opening for ventilation not including hoisting shafts shall be located or constructed without first giving notice to the state mine inspector and obtain his approval thereof in writing, who shall retain a copy and file in his office and preserve with other records of that mine. The state mine inspector of the district in which any mine is located shall have the right at any time to order any additional air and escape way, shaft or openings therefor or other place of exit as may be deemed necessary for the purpose of furnishing additional ventilation or reasonably necessary means of escape and such additional air and escape ways shall only be used in cases of emergency; but if the owner, operator, lessee or person in charge of the mine feels aggrieved with the order as made by the mine inspector of the district in which the mine is located he shall have the right to appeal from the decision or the order of the mine inspector in such case to the district court, where the action shall be tried as an equitable action, and shall have precedence over any and all other cases, and the first term of such court held after the taking of such appeal shall be the appearance term; provided, however, that in any case the state mine inspector may elect by giving four days' notice to the party taking the appeal, to bring said cause on for hearing before any judge of the judicial district in which such mine is located, who shall make such order as the case demands; provided, however, that from and after the fourth day of July, 1911, it shall be unlawful to construct a furnace shaft in connection with an escape shaft or other means of exit for the employes of a mine, and all furnace shafts hereafter constructed shall be separate and apart from the escape way or means of exit.

SEC. 12. Escape ways—kept free from foul air, ice and obstructions. The escape way shall be ventilated and be kept free from vitiated air, accumula-

tion of ice and obstructions of every kind; nor shall steam or heated air be discharged therein during the daytime unless an attendant be kept in charge thereof and the equipment so arranged that the steam or warm air may be readily turned off at any time when required and a conspicuous sign-board placed in plain view indicating the point where the steam or warm air may be turned off as by this act contemplated; and all surface or other water which flows therein shall be conducted by rings or otherwise to receptacles for the same so as to keep the stairway reasonably free from falling water.

SEC. 13. Traveling ways—how constructed—signboards—inspection—appeal from order of mine inspector. In any mine affected by this act and every seam of coal or other mineral worked therein, there shall be constructed, kept and maintained safe and accessible traveling ways to and from any and all escape ways or place of exit, which shall be maintained free from falls of roof, standing water or other obstructions and made at least five (5) feet high and seven (7) feet wide. At all points where the passage or traveling ways to the escapement shaft or place of exit intersect, other roadways or entries, conspicuous signboards shall be placed thereat indicating the way to such place of exit. All traveling ways shall be inspected by the mine forman or his assistant at least once each week, and written report of its condition made and filed in the office at the mine which shall be open for examination to all the employes of the mine and such other persons entitled thereto at all reasonable times. Provided, however, that in any case, when in the judgment of the mine inspector of the district where the mine is located it is deemed impracticable by reason of the conditions or strata, to make the traveling way herein referred to five (5) feet in height, then and in that case the traveling way may be made and maintained less than five (5) feet in height and seven (7), feet in width, but in no case shall the traveling way be less than three (3) feet in height or six (6) feet in width. But if any dispute or difference should arise as to the findings or orders of the mine inspector, in the premises, between such inspector and employer operating the mine, or between such inspector and at least five operatives working in the mine, then and in that case the inspector shall furnish, on demand, to the aggrieved party or parties a copy of the findings or orders complained of and he shall also file the originals thereof in the office of the board of state mine inspectors and the aggrieved party or parties may have the right to appeal from said findings and orders to the district court of any county in which said mine is located on the same terms and conditions, so far as applicable, as those provided for the trial and appeal under section 2 hereof. When appeal is taken as herein provided the case shall be docketed and precedence given over all other cases excepting criminal cases where the party is in jail, and the inspector may bring the case on for hearing before any judge of the judicial district where the mine is located by giving five days notice in writing to the opposite party and if the evidence fails to show that the order was not a reasonable one as made by the inspector the findings and order of the inspector shall stand as made by him.

SEC. 14. Location of buildings. It shall be unlawful to erect, keep or maintain any inflammable structure or buildings or other material in the space intervening between the main or hoisting shafts, slopes or drifts, and the escapement shaft or other place of exit or any powder magazine in such location or manner as to jeopardize the free and safe exit of the employes from the mine by said escapement shaft or other place of exit in case of fire or other casualty to the main shaft, slope or drift buildings.

SEC. 15. Boiler and engine rooms to be fire proof—location. All boiler and engine rooms erected or constructed on the surface at any mine from and after July 4th, 1911, shall be constructed of fire-proof material and in no

case shall the boiler room be placed within sixty (60) feet of the hoisting shaft, slope or drift.

SEC. 16. Lights at the top and openings of shaft. In all cases, after twilight, or when by reason of steam or other causes obscuring the plain view of the top and openings of any shaft, there shall be maintained a good and substantial light, but in no case shall an open light or torch be used.

SEC. 17. Traveling way around bottom of hoisting shaft. At the bottom of each hoisting shaft there shall be constructed a safe and convenient traveling way around the shaft for employes and animals, and it shall be unlawful for any person to pass across the shaft bottom in any other manner than by the traveling way herein contemplated; except such employes as may be necessary to perform the work at the bottom of the shaft or those engaged in making repairs.

SEC. 18. Places of refuge—signals—light on front of trip. On all single track haulage roads wherever hauling is done by machinery or other mechanical device, and on all gravity or inclined planes in mines where it is impractical to construct a separate traveling way and which persons employed in the mines must use while performing their work or travel on foot to and from their work, places of refuge must be cut in the side wall not less than three (3) feet in depth and four (4) feet wide and five (5) feet high, and not more than twenty yards apart unless there be a clear space of not less than two and one-half feet between the car when on the track and the rib or side of the entry of the haulage way; but in no case shall such haulage way be used as a traveling way unless it shall first be determined by the inspector that it is impracticable to construct, keep or maintain a separate traveling way, and in all such cases, unless otherwise determined by the inspector to be impracticable, there shall be kept and maintained a separate traveling way for the employes which shall at all times be maintained in good and safe condition and free from falls of roof and other obstructions. On every such haulage road which is more than one hundred (100) feet in length a code of signals shall be established between the hauling engineer and all points on the road, except where hauling is done by motor; and a conspicuous light shall be carried on the front of every trip or train of trip cars moved by machinery.

SEC. 19. Entries in which hauling is done by draft animals—how maintained. All entries hereafter constructed in which the hauling is done by draft animal and wherein the employes perform their work or use as a means of ingress and egress to and from their working places, shall be maintained substantially eight (8) feet in width from one rib or side of the entry or haulage way to the opposite side, which shall be kept free from timbers or other refuse and as reasonably even on the surface of each side of the track as may be reasonably practicable, provided, however, that this section of this act shall not apply to such haulage ways in long-wall work when the inspector of the district where the mine is located shall determine that it is impracticable to maintain the width of the entry or haulage way as herein provided.

SEC. 20. Time for constructing escape shafts or other exits. Section twenty-four hundred eighty-seven (2487) of the code, is hereby repealed and the following enacted in lieu thereof:

“In all mines there shall be allowed one year to make escape shafts or other means of exit as provided by law, but not more than twenty persons shall be employed in such mine at any one time until the provisions of the law relating to escape shafts or other means of exit shall have been complied with and after the expiration of the period above mentioned it shall not be

operated until made to conform to the provisions of law with reference to the escape shafts or other means of exit.”

SEC. 21. Ventilation—measurements of air currents. The law as it appears in section twenty-four hundred eighty-eight (2488) of the supplement to the code 1907, is hereby repealed and the following enacted in lieu thereof:

“The owner, operator, lessee or person in charge of any mine, whether operated by shaft, slope or drift shall provide and maintain an amount of ventilation of not less than one hundred cubic feet of air per minute for each person employed in the mine, nor less than five hundred cubic feet of air per minute for each mule, horse or other animal used therein, which shall be so circulated throughout the mine so as to dilute, render harmless and expel all noxious and poisonous gases in all working parts of the same; but in no case shall the air current be a greater distance than sixty feet from the working face except when making cross-cuts in entries for an air course, then in that case the distance shall not be greater than seventy feet; provided, however, that in a special case requiring it, the state mine inspector may, in writing grant permission to go beyond the limit herein mentioned. When the air current is carried to the working face of the room in double room mining, such air current shall be treated as that contemplated in this act. The measurements of the air currents as herein contemplated shall be taken at the bottom of the intake and near the mouth of each split thereof, and also near the working face of the entries; and the person in charge of the mine shall be furnished with an anemometer by the owner or lessee of the mine, who shall take the measurements of the air as herein contemplated at least once each week and make a record thereof showing the time and place and when and where measurements were taken, copy thereof shall be retained at the office of the mine where operated, and report sent each month to the state mine inspector of the district in which said mine is operated.”

SEC. 22. Air currents to be split. In every mine the air current shall be split and so conducted that not more than eighty employes at any time shall be employed on or in each split except in case of emergency. Provided that the inspector of the district where the mine is located may in writing grant permission for a greater number not to exceed fifty when the required number of cubic feet of air per minute is properly circulated therein.

SEC. 23. Contrivances for supplying air current. Artificial means of exhaust steam, fans, furnaces or other contrivances of sufficient capacity shall be kept in operation to supply the air current, but if a furnace is used it shall be so constructed by lining the upcast for a distance for not less than fifty feet or for such greater distance as special cases may be required and determined by the state mine inspector, with indestructible material so that fire cannot be communicated to any part of the works.

SEC. 24. Doors maintained for directing air current to be closed. On all haulage ways where doors are maintained to direct the air current, it shall be the duty of the driver or other employes, passing through the same, to see that the same are properly closed.

SEC. 25. Breaks-through in entries. All breaks-through in entries except the last one shall be securely closed and all stoppings in breaks-through except the one next to the last in the entries shall be made with some substantial material so as to securely and completely close the same, and thereby prevent the air from passing through or in any part thereof, which shall be subject to the state mine inspector's approval, who is hereby authorized and empowered to require any change to be made in the material or construction for the purpose of and to reasonably comply with the provisions of law and for the purposes intended. The stoppings in the next to the last

break-through in entries may be constructed temporarily of some suitable material until one additional break-through has been made when the temporary stoppings shall be replaced with material as by this act contemplated.

SEC. 26. Breaks-through in the rooms. All breaks-through in the rooms, except the last one shall be closed and securely fastened so as to prevent the air from passing through the same, which stoppings shall be of suitable material and subject to the approval of the state mine inspector of the district in which the mine is operated. The mouth or openings of all abandoned rooms shall be securely closed in the manner as provided for permanent stoppings in entries and all abandoned works shall be closed in like manner. All breaks-through in entries must be of an area of not less than twenty-five (25) feet and in rooms not less than twenty (20) feet for the purpose of and to accommodate the air current as herein contemplated.

SEC. 27. Mine inspector authorized to order changes or cessation of work—failure to comply—penalty. When the state mine inspector finds the air insufficient or the employes working in unsafe or under improper health conditions, he shall at once give notice to the mine owner or his agent or person in charge, and upon failure to make the necessary changes within such reasonable time as said mine inspector may fix, he shall then and there order the employes, except such as may be necessary to correct the defect and make the repairs, to cease work and remain out of the mine until the defects are corrected and the mine put in proper condition, and any person, employer or employe failing to comply with the order of the state mine inspector relating thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five (\$5.00) dollars and not more than one hundred (\$100.00) dollars.

SEC. 28. Adequate means of communication—competent men in charge of signals. Section twenty-four hundred eighty-nine (2489), of the code, is hereby repealed and the following enacted in lieu thereof:

“The owner, lessee, operator or person in charge of any mine shall in all mines operated by shaft, slope or drift, where the voice cannot be distinctly heard, provide and maintain a metal speaking tube or other adequate means of communication and keep the same in complete order from the bottom or interior to the top or exterior, and in all cases where mechanical means are used in any shaft, slope or drift, to hoist or lower employes, the owner, lessee, operator or person in charge of such mine shall keep and maintain a suitable, sober and competent person at the top and bottom in charge of the signals during such time of lowering and raising the employes, who shall be and remain on duty for at least thirty (30) minutes before and after the usual hours for beginning and stopping the ordinary work of the mine.”

SEC. 29. Safety appliances—other regulations. In all shafts where the employes are raised and lowered by machinery or otherwise, there shall be provided a good and sufficient brake on the drum so adjusted that it may be operated by the engineer without leaving his post at the levers. Flanges shall be so attached or arranged to the sides of the drum of any engine used, with a clearance of not less than four inches when the whole rope is wound on the drum. The ends of the hoisting cables shall be well secured on the drum and at least two and one-half (2 1-2) laps of the same shall remain on the drum when the cage is at rest at the lowest caging place in the shaft. An index dial or indicator shall be so arranged to show at all times the true position of the cages in the shaft which shall be so attached to the machinery as to furnish constant information and guidance to the engineer; and all

cages used in any shaft shall be equipped with good safety catches and must be suspended between good substantial guides, the cages so constructed over head with boiler iron that falling objects cannot strike persons being hoisted therein, and at all landings and openings at the top of all shafts there shall be maintained an approved safety gate constructed in such manner as to at all times close the opening or entrance to the shaft when the cage is not at rest at that point, and proper or adequate springs at the top of each slope and a trail or dog attached to each train used therein, and not more than ten persons shall be allowed to descend or ascend in any cage at one time or such less number as may be fixed by the state mine inspector; but no person at any time shall be allowed to ride in the shaft or any cage with a car, tools or other material or when such car, tools or material is on the opposite cage, except when absolutely necessary in the performance of work in the making of repair; and no person shall ride upon a loaded trip while in any part of the mine, except the conductor or person in charge thereof or any person in the performance of his duty.

SEC. 30. Speed of cages—other regulations. Cages on which employes are riding shall not be lifted or lowered at a rate of speed greater than four hundred (400) feet per minute, and no cage having any unstable or self-dumping platform or device shall be used for the carriage of employes or material other than coal or mineral unless the same is provided with some convenient device by which the cage platform can be securely locked when employes are being conveyed thereon.

SEC. 31. Competent and sober engineers—duties. The owner, lessee or operator or any person in charge of any mine shall not place in charge of any engine in and around the mine any but competent and sober engineers who shall not permit any person but those designated to handle, operate, or interfere with it or any part of the machinery except such as may be necessary in making proper and needed repairs, or an apprentice and then only when the engine or machinery is not in use in hoisting or lowering employes or hoisting coal or mineral; and no person shall be permitted to talk to the engineer while in the performance of his duty in hoisting or lowering employes, coal or mineral. There shall be placed in plain view of the engineer while at his post of duty at some conspicuous point, a code of signals as by this act provided, and which shall be in like manner placed at the top and bottom of each shaft, slope or drift; and it shall be the duty of the engineer at least once each day to carefully inspect all of the machinery and apparatus under his charge and carefully note all of its parts, and if any defects appear which will endanger the life or limb of any employe in the use thereof he shall cease operating the machinery until the defects are corrected. No person but the engineer shall be allowed in the engine room except on business connected with the operation of the mine or to repair machinery, and in such case shall immediately retire therefrom when the work is completed or business transacted.

SEC. 32. Code of signals. In all mines operated by shaft, slope or drift where machinery is used in the operation of the plant, the following code of signals shall be used between the engineer and other employes for the purpose of operation:

One ring or whistle shall signify to hoist coal or empty cage; and also to stop when the cage is in motion.

Two rings or whistles shall signify to lower cage.

Three rings or whistles shall signify that employes are coming up; when return signal or one ring or whistle is received from the engineer employes shall then be permitted to enter the cage but not before, when one ring or whistle shall be given to start.

Four rings or whistles shall signify to hoist slowly; implies danger.

Five rings or whistles shall signify accident within the mine and a call for stretcher and supplies.

Six rings or whistles shall call for a reversal of the fan.

From top to bottom one ring or whistle shall signify all ready, get on cage.

Two rings or whistles from top to bottom shall signify send away empty cage which shall be answered from the bottom with one ring or whistle and the cage may then be moved.

Provided that the owner, lessee or operator in charge of such mine may with written consent of the state mine inspector add to this code of signals in his discretion when deemed necessary for the efficiency of the mine or the safety of the employes, but any addition thereto shall be posted as by this act provided for the information of the engineer and employes.

SEC. 33. Caps, timbers and props. The owner, lessee, operator or person in charge of any mine shall at all times keep a sufficient supply of caps and timbers to be used as props or otherwise, convenient and ready for use and shall send such caps, timbers and props down when requested and deliver them to the places where needed.

SEC. 34. Sand, soil or clay for tamping purposes. In all mines where coal is blasted from the solid, the owner, lessee, operator or person in charge shall furnish sand, soil or clay to be used for tamping which shall be delivered to the employe and placed at a convenient distance from the working places ready for use, and so as not to obstruct the employe in the performance of his ordinary duties as a workman; and in such work no person shall be permitted to use any substance or material other than sand, soil or clay for tamping.

SEC. 35. Sprinkling of dusty roadways. The owner, operator, lessee or person in charge of any mine shall not permit the accumulation of dust upon and along the roadways; and where the roadway is dry and dusty shall cause the same to be sprinkled at least once each week and as much oftener as conditions may require.

SEC. 36. Stables—location—construction—not used for storage purposes. The owner, lessee, operator or person in charge of any mine shall not be allowed to locate a stable, at a point in any mine where the air current supplied to the employes passes through such place and in no case shall such stable be located without first having given notice to the state mine inspector who shall determine the suitability of the place proposed for the location of the stable in any mine in this state; and if approved shall consent thereto in writing, a copy thereof shall be retained and filed in the office of the inspector of mines of the district where the mine is located. The material used in the construction of the stables herein contemplated, shall as near as reasonably practicable be incombustible and such stables shall not be used as a place for storing, or any inflammable material stored therein, except such hay as may be reasonably necessary for one day's use.

SEC. 37. Gasoline engines—location—approval—and fire extinguishers. No gasoline engine except gasoline haulage motors where the exhaust is properly cared for or supplies of gasoline therefor shall be located in or near the air current which supplies the employes of any mine with air, but in all cases shall be placed upon the return and located at least twenty (20) feet from any and all traveling ways, but in no case shall any gasoline engine or place for supply of gasoline therefor be located without first having the approval in writing of the state mine inspector who shall determine the suitability of the location of said engine or supplies. The supply of gasoline required for the operation of said engine shall be kept at the place selected, and shall

not exceed twelve gallons at any one time, except that in case of emergency such engine may be temporarily placed where needed and the inspector of the district where the mine is located immediately notified thereof, who shall at once proceed to the mine and determine as to the safety of the employes of the mine while the engine is so operated at the place required, and if in his judgment the operation thereof can be continued with reasonable safety to the employes of the mine at the place required, the owner, lessee or person in charge of the mine may continue the operation thereof while the employes of the mine are at work until the emergency therefor shall have ceased; otherwise the inspector shall order the employes, except such as are required to operate the engine and work connected therewith, to leave the mine until the same is made safe. At all hoisting shafts, air shafts, escape shafts and places of exit, boiler and engine rooms, stables in mines and places where gasoline engines are used, there shall be kept ready for use at all times at least two (2) good, hand fire extinguishers, conveniently placed for immediate use when needed.

SEC. 38. **Telephone system in certain mines.** In all mines where the working parts thereof exceed three thousand (3000) feet from the foot of the slope, shaft or the mouth of a drift as the case may be, a good and substantial telephone system or other like suitable means of communication shall be maintained from the bottom to some suitable and convenient point at all times ready for use, which shall be extended as the works of the mine progress three thousand (3000) feet therefrom.

SEC. 39. **Stretchers, blankets and bandages.** The owner, operator, or person in charge of any mine shall at all times keep in readiness for use in case of accident and at the mine at some convenient place, one good and substantial stretcher for each fifty (50) employes engaged in the operation of the mine, and proper and sufficient blankets for each stretcher, together with a sufficient and reasonable supply of bandages.

SEC. 40. **Annual report—reports of accidents.** The owner, lessee, operator or person in charge of any mine shall on or before the first day of August in each year send to the office of the inspector of the district where the mine is located upon blanks furnished by the state a correct return with respect to the year ending July first of each year, the quantity of coal mined and the number of persons ordinarily employed at, in and around such mine designating the number of persons below and above ground and such other information as required by such blank. In all cases, the owner, operator, lessee, or person in charge of any mine in this state, upon the happening of any accident, by which injury occurs to any of the employes above or below ground, shall immediately report the same to the state mine inspector of the district in which said mine is located, which report shall contain a detailed statement of the extent of the accident, and the manner in which it occurred, which report shall conform to the standard form of reports, as provided by the state mine inspector in such cases.

SEC. 41. **Duties of mine foreman or pit boss.** It shall be the duty of the mine foreman or pit boss in charge of any mine or part thereof to make careful inspection of the mine from day to day by himself or assistant and at such other times as in his judgment conditions may require. He shall give such directions and formulate such rules for the guidance of the men employed in the mine as skillful and safe operation of the mine may require. He shall see that the mines are supplied with props of proper lengths, caps and other timbers necessary to securely prop the roof of such mine, and the rooms wherein the men are employed, and such material shall be conveniently placed for the use of the miners. He shall keep a careful watch over the ventilating apparatus and air-ways, together with all of the stoppings, doors

and other means of directing the air current. He shall keep a record of the boys under sixteen (16) years of age employed by him during the time of school vacation, showing their ages, names and residence of parents or guardian and character of employment, which record shall be kept at the office of the mines and open for inspection at all reasonable times. He shall examine the escape shaft, man-way, the traveling ways leading thereto, or cause them to be examined by his assistant once each day, and written report of the conditions shall be made and filed in the office at the mine, which shall be open for examination at all reasonable times to representatives of the employes and such other persons entitled thereto. A copy of such report shall be sent each month to the state mine inspector of the district in which said mine is operated. If he finds the condition of the escape shaft, man-way or traveling ways impassable or dangerous, he shall immediately notify the employes of the mine thereof, and shall immediately upon the discovery of the defect, place such obstructions at the defective place as may be reasonably necessary to apprise the employes of the danger.

SEC. 42. **"Mine foreman" defined.** The term "mine foreman", as mentioned in this act, and the law of this state, shall mean and be construed to be one in charge of the underground workings or department of the mine or any part thereof, either by day or night.

SEC. 43. **Revocation of certificates.** In any case where the mine foreman, pit-boss, engineer or other person receiving a certificate under the law pertaining to mines and mining within this state, shall have wilfully disobeyed the orders of the mine inspector or have been convicted of a misdemeanor as by this act provided, his certificate shall be revoked, if the evidence warrants upon complaint being filed with the board of examiners who shall proceed to hear the case at such time and place as they may determine, which shall be as soon as practicable after the charges are filed and notice by them given to the accused. The board shall have power to subpoena the witnesses and administer oaths and a majority of the board required to determine the questions at issue; the costs incurred shall be taxed to the losing party and collected as in other cases.

SEC. 44. **Duties of miners or other employes.** It shall be the duty of each employe to examine his working place upon entering the same and shall not commence to mine or load coal or other mineral until it is made safe. Each miner or other employe employed in a mine shall securely prop and timber the roof of his working place therein and shall obey any order or orders given by the superintendent or mine foreman relating to the width of the working place and to the security of the mine in the part thereof where he is at work. Each miner or other person shall avoid waste of props, caps, timbers and other material and when he has props, caps, timbers or other material not suitable for his purpose, he shall place the same at some convenient point near the track and where the same may be readily seen, and inform the mine foreman or other person in charge, of their being unsuitable for the purpose intended. When draw-slate or other like material is over the coal he shall see to it that proper timbers are placed thereunder for his safety before working under the same, and it shall be unlawful and a violation of this act for any person working in a mine at any time to leave any of the doors open that direct the air current after he has passed through the same, but shall closely observe after passing through such doors that the same are properly closed.

SEC. 45. **Caution as to property, doors, etc.** No workmen or other person shall knowingly injure a water guage, barometer, air course, brattice, equipment, machinery or live stock; obstruct or throw open any air-way, handle

or disturb any part of the machinery of the hoisting engine of the mine; open a door of a mine and neglect to close it; endanger the mine or those working therein; disobey any order given in pursuance of law or do a wilful act whereby the lives of persons working therein or the security of the mine or the machinery connected therewith may be endangered; and it shall be unlawful for any workmen or person to place any refuse material or any obstruction in any part of the air-course or any part of the breaks-through in the entries or rooms other than as by this act provided.

SEC. 46. Intoxicated persons and intoxicants. No persons shall go into, at or around a mine or the buildings, tracks or machinery connected therewith while under the influence of intoxicants and no person shall use, carry or have in his possession, at in or around the mine or the buildings, tracks or machinery connected therewith, any intoxicants.

SEC. 47. Examination of drill holes and shots or blasts. It shall be unlawful for any miner or other person to charge a drill hole with powder or other explosive until the shot examiner shall have first examined the same, and the shot examiner shall forbid the charging of any drill hole with powder or other explosive, if in his judgment he believes it would be unsafe to the employes to discharge the shot as herein contemplated; and in any case where the shot examiner forbids the charging of any drill hole as by this act provided, he shall immediately make a cross with chalk markings at the mouth of the hole when condemned and make an entry thereof in a book retained by him for that purpose, stating the name of the person working in such place, the number of drill holes in such place which he forbids being charged with powder or other explosives and the date thereof, which record shall be retained and kept in-tact for at least one week; and it shall be unlawful for any shot firer or any other person to discharge any shot or blast until it has first been examined; nor shall any person fire a shot or blast which has been condemned by the shot examiner as by this act provided, and in any case when the mine-foreman shall have forbidden the charging of any drill hole or the firing of any shot, no person shall be permitted to charge such hole or fire such shot, and if the shot examiner forbids the charging of a hole or the firing of a shot, the mine-foreman shall not cause the hole to be charged or the shot fired.

SEC. 48. Certificate of competency. The law as it appears in section twenty-four hundred eighty-nine-a (2489-a) supplement to the code 1907, is hereby amended by striking out the words "whose daily out-put is in excess of twenty-five (25) tons," as found in the fourth and fifth lines thereof, and substitute therefor, the following: "employing five (5) or more persons therein".

SEC. 49. Purity of oil. Section twenty-four hundred ninety-three (2493), of the code, is hereby repealed and the following enacted in lieu thereof:

"Only pure animal or vegetable oil or other means for illuminating purposes equally as safe and free from smoke or offensive odor shall be used in any mine in this state; and for the purpose of determining the purity of oils the state board of health shall fix a standard of purity of the said oils and establish regulations for testing the same, and when so determined and established shall be recognized by all of the courts of this state. And in any case where any material, substance or other means of illumination is used for illuminating purposes as by this act contemplated any refuse part thereof remains after use which gives off any gas or offensive odor shall by the person using it be removed from the mine at the end of his day's work."

SEC. 50. Sale or use of impure oil—penalty. That the law as it appears in section twenty-four hundred ninety-four (2494) supplement to the code 1907, is hereby repealed and the following enacted in lieu thereof:

"Any person, firm or corporation either by themselves, agents, or employes selling or offering to sell for illuminating purposes in any mine in this state any adulterated or impure oil, or oil not recognized by the state board of health as suitable for illuminating purposes or other substance to be used for illuminating purposes not equally as safe and free from smoke or offensive odor as oils contemplated by this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five (\$25.00) dollars or more than one hundred (\$100.00) dollars for each offense; and any mine owner, lessee, operator or employe thereof who shall knowingly use, or any mine owner, lessee, or operator who shall knowingly permit to be used, for illuminating purposes in any mine in this state, any impure or adulterated oil or any oil or other means of illuminating, the use of which is forbidden by this act, shall, upon conviction thereof be fined not less than five (\$5.00) dollars or more than twenty-five (\$25.00) dollars."

SEC. 51. Failure to make changes or improvements ordered by inspector. In all cases arising when not covered by statute it is found necessary that some change, improvement or device is required to reasonably protect the life, health or limb of the employes of any mine or works connected therewith, and the owner, lessee, operator or person in charge, fails or refuses to make the change or the improvement or supply the device needed within a reasonable time after written notice thereof, having been given by the inspector of the district within the district where the mine is located, the inspector shall file a verified petition with the clerk of the district court of the county where the mine is located setting out the facts and thereupon give five days' notice to the accused in the same manner as original notices are given and served, stating the time and place and the name of the judge before whom the case will be tried, who shall hear the evidence offered by either party, and when and where the defaulting party shall be required to appear at the time and place mentioned in the notice which may be at any place convenient for the judge in the judicial district. The proceedings shall be entitled the State of Iowa as plaintiff and the owner, operator or person in charge as defendant, who shall plead on or before noon of the fourth day after notice. At the time and place fixed in the notice the case shall be heard and tried by the judge as in equity, who shall make such order as the evidence supports. The burden of proof shall rest upon the plaintiff to show that the order of the inspector was a reasonable one or the proposed change, improvement or device reasonably required for the purpose intended; and if the evidence in the whole case fails to prove that the order as made by the inspector was a reasonable one or the proposed change, improvement or device necessary for the purposes intended, the judge shall forthwith issue a mandatory order for compliance therewith, and enter the same of record in the district court of the county in which the hearing is had or the mine in controversy located. If the defendant has failed to comply with the order made by the judge, such defendant may be charged with contempt of court and upon conviction thereof be fined not to exceed five hundred dollars (\$500.00) and committed to the county jail until such fine is paid. The clerk of the district court where such petition has been filed shall issue subpoenas at the request of either party, and witnesses shall be required to respond thereto as in other cases, and it shall be a part of the county attorney's official duty to represent the plaintiff in all matters pertaining to the proceedings. Pending such proceedings, the judge may, if in his judgment it is deemed advisable for the safety of the employes, order the mine closed until such changes are made as have been directed by him.

SEC. 52. Penalties. In all cases the penalties as provided by the law in sections twenty-four hundred ninety-one (2491) and twenty-four hundred ninety-

two (2492) of the code, shall apply to this act, except when otherwise herein provided.

Approved May 6, A. D. 1911.

CHAPTER 107.

EXPENSES OF MINE INSPECTORS.

S. F. 202.

AN ACT amending section two thousand four hundred eighty-two (2482), supplement to the code 1907, relating to the expense of mine inspectors.

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

SECTION 1. **Expenses and supplies—how paid.** The law as it appears in section two thousand four hundred eighty-two (2482), supplement to the code 1907, is hereby amended by adding thereto after the period following the word "duties", at the end of said section, the following:

"The costs and expenses of the office of the mine inspector other than at the capitol, including rental, telephone, office supplies and necessary fixtures shall be paid for by the state, and the bills audited and allowed by the executive council, who shall direct a warrant to issue therefor. The bills for current expense shall be presented monthly and shall not exceed the sum of fifteen dollars (\$15.00) per month for each inspector, whose office is maintained at a place other than at the capitol."

Approved March 25, A. D. 1911.

CHAPTER 108.

INSPECTION AND TEST OF ILLUMINATING OILS.

S. F. 449.

AN ACT to amend the law as it appears in section twenty-five hundred and five (2505) supplement to the code, 1907, as amended by chapter one hundred and forty-seven (147) acts of the thirty-third general assembly, relating to the inspection and test of all illuminating oils kept for sale or sold within this state.

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

SECTION 1. **Oil rejected—when.** That the law as it appears in section twenty-five hundred and five (2505) supplement to the code, 1907, as amended by chapter one hundred forty-seven (147) acts of the thirty-third general assembly, be and the same is hereby amended by striking from the seventh line of section twenty-five hundred and five (2505) supplement to the code, 1907, the figures "105" and inserting in lieu thereof the figures "100".

Approved April 15, A. D. 1911.

CHAPTER 109.

LABELING AND INSPECTION OF GASOLINE, BENZINE OR NAPHTHA.

S. F. 2.

AN ACT to provide for the labeling of any of the products of petroleum known as gasoline, benzine or naphtha, sold or kept for sale within this state, to fix a punishment for the violation thereof and to provide when and the manner in which gasoline, benzine or naphtha may be inspected. [Additional to chapter eleven (11) of title twelve (XII) of the code, relating to inspection of petroleum products.]

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

SECTION 1. Gasoline, benzine and naphtha—how labeled or branded. That all products of petroleum, known as gasoline, benzine or naphtha, sold or kept for sale within this state, shall be labeled or branded in plain, clear, legible letters in English and figures showing the Baume gravity test at a temperature of 60 degrees Fahrenheit. If such petroleum products are sold by the barrel, half barrel or cask, the label shall be placed in a conspicuous place on each barrel, half barrel or cask. If sold from a tank wagon, the person selling or delivering the same shall show on each sale ticket the gravity test as hereinbefore provided.

SEC. 2. Failure to brand—use of false labels. Any person, firm, company, association or corporation, or any employe or agent of any such person, firm, company, association or corporation, who shall sell or cause to be sold or keep for sale within this state, any products of petroleum known as gasoline, benzine or naphtha, which has not been branded as above required or which shall be falsely or incorrectly branded, or which is labeled so as to mislead or deceive the purchaser, or which is not equal to the gravity test as stated therein, shall be guilty of a misdemeanor.

SEC. 3. Inspection. It shall be the duty of the chief oil inspector, or such state inspector or deputy as may be directed by him, upon complaint, to inspect gasoline, benzine or naphtha for the purpose of determining as to whether the same is up to the standard and quality as shown by the label thereon; or said chief oil inspector may at his own option inspect, or cause to be inspected, such petroleum products.

SEC. 4. Authority of inspectors. The chief oil inspector, or any state inspector or deputy, is hereby invested with authority and jurisdiction to enter upon the premises of anyone selling or keeping for sale within this state any gasoline, benzine or naphtha for the purpose of inspecting the same as herein provided.

Approved March 23, A. D. 1911.

CHAPTER 110.

RAW AND BOILED LINSEED OIL.

H. F. 198.

AN ACT to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the state food and dairy commissioner in relation thereto; fixing penalties for the violation thereof; amending sections twenty-five hundred and ten-b (2510-b), and twenty-five hundred and ten-d (2510-d) of the supplement to the code, 1907, amending the title to chapter eleven-A (11-A) of title twelve (XII) of the supplement to the code, 1907, and repealing sections twenty-five hundred and ten-e (2510-e), and twenty-five hundred and ten-f (2510-f) of the supplement to the code, 1907.

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

SECTION 1. **Raw linseed oil.** That no person, firm or corporation shall expose for sale, sell, or take orders for sale and delivery within this state, any "raw linseed oil," unless the same is wholly obtained from the seeds of the flax plant (*Linum usitatissimum*), and unless the same fulfills all the requirements recognized by the United States Pharmacopoeia.

SEC. 2. "**United States Pharmacopoeia.**" The term "United States Pharmacopoeia" as used in this act, shall refer to the latest revision of the United States Pharmacopoeia official at the time of the sale in question.

SEC. 3. **Boiled linseed oil.** That no person, firm or corporation shall expose for sale, sell, or take orders for sale and delivery within this state, any "boiled linseed oil" or so-called "boiled oil", unless the same shall have been prepared by heating pure raw linseed oil to a temperature of at least 107 degrees Centigrade, and, if desired, incorporating not to exceed three per cent. by weight of dryer. And for the purpose of this act, it shall also be deemed a violation hereof if boiled linseed oil does not conform to the following requirements:

First—Its specific gravity at $\frac{3}{2}$ ° degrees Centigrade must be not less than 0.935 and not greater than 0.945.

Second—Its saponification number must not be less than 186.

Third—Its iodine absorption number shall not be less than 160.

Fourth—Its acid value must not exceed 10.

Fifth—The volatile matter expelled at 100 degrees Centigrade must not exceed one-half of one per cent.

Sixth—No mineral oil shall be present, and the amount of unsaponifiable matter as determined by standard methods, shall not exceed two per cent.

Seventh—The film left after flowing the oil over glass and allowing it to drain in a vertical position, must dry free from tackiness in not to exceed twenty hours, at a temperature of about 20 degrees Centigrade.

SEC. 4. **Labels.** That no person, firm or corporation shall expose for sale or sell any flaxseed or linseed oil unless it is exposed for sale or sold under its true name, and each original unbroken tank car, tank, barrel, keg or vessel containing such oil has distinctly and durably marked thereon the true name of such oil, and the name and place of business of the manufacturer thereof, in ordinary bold-faced capital letters not less than five lines pica in size, the words "pure linseed oil—raw", "pure linseed oil—boiled", as the case may be.

SEC. 5. **Substitutes—how labeled.** That no person, firm or corporation shall expose for sale, sell, or take orders for sale and delivery within this state, any compound or mixture of linseed oil (raw or boiled) with other products, or any product which is intended to be used as a substitute for linseed oil (raw or boiled), unless it is exposed for sale and sold under the name, "substitute

for linseed oil", and, if the words "linseed" or "flaxseed" are used other than in the name, the true name of each and every ingredient of said product shall also appear, giving preference of order to the ingredients present in the greater proportion, but all letters used in naming the ingredients shall be of the same size and color, using the style of type as hereinafter specified. Each tank car, tank, barrel, keg, can, jug or vessel, (both wholesale and retail), also all storage receptacles containing said product, shall be distinctly and durably marked in a conspicuous place, using the English language and kind of type as hereinafter specified giving, the name under which it is sold the names of ingredients when required and the name and place of business of the manufacturer thereof, in continuous list, with no intervening matter of any kind, using ordinary bold-faced capital letters not less than five lines pica in size and there shall be such a contrast between the color of the type and the background of the label as to render the same easily and plainly legible; provided that nothing in this section shall be construed as interfering with the sale of boiled linseed oil containing not to exceed three per cent. by weight of dryer as defined in section three (3) of this act.

SEC. 6. Failure to label or use of false labels. Any failure to label said article as above specified or any erasures, defacements or carelessness in printing or stamping labels or any statement regarding the composition of said article or any statements of any kind which are misleading, deceptive or which are not true are hereby declared a violation of this act.

SEC. 7. Enforcement. It is hereby made the duty of the state food and dairy commissioner to enforce the provisions of this act. The inspectors, assistants and chemists appointed by the state food and dairy commissioner shall perform the same duties and have the same authority under this act as are prescribed by chapter ten-A (10-A) page 1086 of the supplement to the code, 1907. The state food and dairy commissioner may, from time to time, with the approval of the executive council, publish bulletins, giving the results of inspections and analysis, together with such additional information as he may deem suitable.

SEC. 8. Penalty. Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars (\$100.00).

SEC. 9. Amendments—repeal. Section two thousand five hundred and ten-b (2510-b) of the supplement to the code, 1907 is hereby amended by striking out the words "or linseed oil" in the third line and inserting the word "or" between the words "lead" and "paint", in the same line of said section. Section two thousand five hundred and ten-d (2510-d) of the supplement to the code, 1907, is hereby amended by striking out the word "oils" in the eleventh line of said section. Sections two thousand five hundred and ten-e (2510-e) and two thousand five hundred and ten-f (2510-f) of the supplement to the code, 1907, are hereby repealed. The title of chapter eleven-A (11-A) page 559 supplement to the code, 1907 is hereby amended by striking out the words "linseed and other oils" and inserting in lieu thereof the word "paint".

Approved March 28, A. D. 1911.

CHAPTER 111.

PURE OIL OF TURPENTINE.

H. F. 199.

AN ACT to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the state food and dairy commissioner in relation thereto; and fixing penalties for the violation thereof. [Additional to chapter eleven-A (11-A), of title twelve (XII) of the supplement to the code, 1907, relating to pure paints and oils.]

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

SECTION 1. Oil of turpentine defined. That no person, firm or corporation shall expose for sale, sell, or take orders for sale and delivery within this state, any "oil of turpentine" or so called "spirits of turpentine," "turpentine" or "turps," unless the same is wholly the volatile portion obtained by distillation of the oleo-resinous exudation from various species of coniferous trees. And for the purpose of this act, it shall also be deemed a violation hereof if oil of turpentine does not conform to the following requirements:

First—Its specific gravity at $\frac{5}{9}$ ° degrees Centigrade must be not less than 0.860 and not greater than 0.875.

Second—Its index of refraction at 20 degrees Centigrade must not be less than 1.4680 and not greater than 1.4725.

Third—Its iodine absorption number must not be less than 340.

Fourth—The undissolved (unpolymerized) residue, or treatment of 10 c. c. with 40 c. c. of a sulphuric acid containing 20 per cent. of the fuming acid, should not exceed ten per cent. by volume of the sample.

Fifth—The initial boiling point must not be lower than 150 degrees Centigrade under ordinary atmospheric pressure, and ninety-five per cent. by volume must distill below 166 degrees Centigrade.

Sixth—The residue left after evaporation over a steam bath must not exceed two per cent.

Seventh—No mineral oil shall be present.

SEC. 2. Duty of dealers—labels. That no person, firm or corporation shall expose for sale or sell any oil of turpentine unless it is exposed for sale or sold under its true name, and each original unbroken tank car, tank, barrel, keg or vessel containing such oil has distinctly and durably marked thereon the true name of such oil, and the name and place of business of the manufacturer thereof, in ordinary bold-faced capital letters not less than five lines pica in size.

SEC. 3. Substitutes—how labeled. That no person, firm or corporation shall expose for sale, sell, or take orders for sale and delivery within this state, any compound or mixture of oil of turpentine with other products, or any product which is intended to be used as a substitute for oil of turpentine unless it is exposed for sale and sold under the name, "substitute for oil of turpentine", and, if the word "turpentine" is used other than in the name, the true name of each and every ingredient of said product shall also appear, giving preference of order to the ingredients present in the greater proportion, but all letters used in naming the ingredients shall be of the same size and color, using the style of type as hereinafter specified. Each tank car, tank, barrel, keg, can, jug or vessel, (both wholesale and retail), also all storage receptacles containing said product, shall be distinctly and durably marked in a conspicuous place, using the English language and kind of type as herein-

after specified, giving the name under which it is sold, the names of ingredients when required and the name and place of business of the manufacturer or jobber thereof, in continuous list, with no intervening matter of any kind, using ordinary bold-faced capital letters not less than five lines pica in size and there shall be such a contrast between the color of the type and the background of the label as to render the same easily and plainly legible.

SEC. 4. **Failure to label or use of false labels.** Any failure to label said article as above specified or any erasures, defacements or carelessness in printing or stamping labels or any statement regarding the composition of said article or any statements of any kind which are misleading or deceptive or which are not true are hereby declared a violation of this act.

SEC. 5. **Enforcement—bulletins.** It is hereby made the duty of the state food and dairy commissioner to enforce the provisions of this act. The inspectors, assistants and chemists appointed by the state food and dairy commissioner shall perform the same duties and have the same authority under this act as are prescribed by chapter ten-A (10-A) page 1086 of the supplement to the code, 1907. The state food and dairy commissioner may from time to time, with the approval of the executive council, publish bulletins giving the results of inspections and analysis, together with such additional information as he may deem suitable.

SEC. 6. **Penalty.** Whoever shall violate any of the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars (\$100.00).

Approved March 28. A. D. 1911.

CHAPTER 112.

PASSENGER BOATS.

H. F. 243.

AN ACT to amend title twelve (12), chapter twelve (12), supplement to the code, 1907, requiring certain boats to be provided with life preservers, and providing a penalty where life preservers are not furnished.

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

SECTION 1. **Boats supplied with life preservers.** That every boat for which a certificate of inspection is issued as provided in this chapter shall at all times when in service be supplied with a number of life preservers of recognized standard make and efficiency equal to one-half the number of passengers that may be carried by such boat under its certificate of inspection; said life preservers to be kept within view and easy reach of the passengers.

SEC. 2. **Inspection.** At the time of inspecting the boat under the provisions of this chapter the life preservers shall be inspected and if found in proper condition such fact shall be included in the certificate of inspection; and no certificate of inspection shall be issued to the owner, agent, or master of any boat unless supplied with the life preservers as above provided.

SEC. 3. **Penalty.** Any owner, agent or master of any such boat who shall violate the terms of this act shall be subjected to the penalties provided for in section 2513, title XII, chapter 12 of the 1907 supplement to the code.

SEC. 4. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after the date of its publication in the

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

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 13, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 113.

STATE DAIRY AND FOOD COMMISSIONER AND ASSISTANTS; SALE OF MILK AND CREAM.

H. F. 129.

AN ACT to amend chapter thirteen (13) title twelve (12) of the supplement to the code, 1907, to repeal sections twenty-five hundred fifteen (2515), forty-nine hundred eighty-nine (4989), forty-nine hundred ninety (4990), forty-nine hundred ninety-nine-a-seventeen (4999-a17) and fifty hundred seventy-seven-a-1 (5077-a1) of the supplement to the code, 1907, and sections twenty-five hundred twenty-five (2525) and twenty-five hundred twenty-eight (2528) of the code, and enact substitutes therefor, and providing for the appointment of dairy commissioner, deputy commissioner, and state dairy inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

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

SECTION 1. Repeal. That sections twenty-five hundred and fifteen (2515), supplement to the code, twenty-five hundred and twenty-five (2525) of the code, twenty-five hundred and twenty-eight (2528) of the code, four thousand nine hundred and eighty-nine (4989), supplement to the code, 1907, four thousand nine hundred and ninety (4990), supplement to the code, 1907, four thousand nine hundred and ninety-nine-a-17 (4999-a-17), supplement to the code, 1907, and five thousand seventy-seven-a-1 (5077-a1), supplement to the code, 1907, are hereby repealed and the following enacted in lieu thereof, provided, however, this bill shall not operate to remove from office the dairy commissioner or his assistants who may be serving when this bill becomes a law.

SEC. 2. Appointment, bond, powers and duties of commissioner—deputy—inspector—assistants—state chemist—salaries—expenses—report. On or before the first day of April of each even numbered year, the governor shall appoint a dairy and food commissioner, who shall have practical knowledge of, and experience in the manufacture of dairy products, and hold his office for two years from the first day of May following his appointment, and until his successor is appointed and qualified, subject to removal by the governor for inefficiency, neglect or violation of duty. He shall give bond in the sum of ten thousand dollars conditioned for the faithful performance of his duties, with sureties to be approved by and filed with the secretary of state. He shall keep on hand a supply of standard test tubes or bottles and milk measures or pipettes adapted for use by each milk testing machine. He shall furnish to any firm or corporation desiring the same one such tube or bottle, and such milk measure or pipette for each factory, of the kind adapted for the machine operated therein, upon request therefor, certifying it to be reliable, accurate and standard, placing thereon the words "D. C." as a permanent mark; the tubes or bottles and pipettes to be furnished at the actual cost thereof. He shall have and keep an office in the capitol, and preserve therein all correspondence,

documents, records, and all property of the state pertaining thereto, and shall have authority to take all proper educational measures to foster and promote the manufacture and sale of pure food and dairy products. The commissioner shall be allowed necessary postage, stationery, and office supplies, and shall receive an annual salary of twenty-seven hundred dollars and necessary expenses, which shall not exceed four thousand five hundred dollars per year including expenses, such expenses to be itemized, verified by him, and when examined and approved by the executive council, to be paid by warrant of the state auditor drawn upon the state treasurer. The commissioner may appoint a deputy commissioner at a salary of \$1,800 per year, a state dairy inspector at a salary of \$1,600 per year. He may also appoint, with the approval of the Iowa state college of agriculture and mechanic arts, the director of the Iowa experiment station and the professor of dairying, two assistants at a salary of sixteen hundred dollars per year, and two assistants at a salary of fourteen hundred dollars per year, who shall perform such duties as may be assigned to them by the commissioner. Such deputy, dairy inspector and assistants shall be allowed in addition to their salaries, actual and necessary traveling expenses, when in the performance of their official duties, said expenses to be itemized, verified under oath, and when audited and approved by the executive council to be paid upon warrant of the state auditor upon the state treasurer provided that such expenditure shall not exceed the appropriation made for this purpose. The commissioner shall with the approval of the executive council appoint a state chemist, who shall be an expert analytical, food and pharmaceutical chemist, who shall be the official chemist of the dairy and food department. He shall devote his whole time to the duties of such office. He shall receive a salary of twenty-four hundred dollars per year, to be paid in the same manner as the salaries of other state officers. He shall make all the examinations necessary in enforcing the provisions of the various laws enforced by the dairy and food department, shall be allowed actual and necessary traveling expenses, and shall be furnished necessary laboratory, apparatus supplies and chemicals, to be paid for in the same manner as the accounts of assistants. The commissioner shall during his term of office hold no other official position or any professorship in any state educational institution, and on or before the first day of November he shall make annual report to the governor, which shall contain a detailed account of all of his doings as commissioner and the receipts and disbursements of his office since the preceding report, with such facts and statistics in regard to the production, manufacture and sale of dairy products, with such suggestions as he may regard of public importance in connection therewith. In the conduct of his office, he shall have power to issue subpoenas for witnesses, enforce their attendance and examine them under oath by him to be administered, such witnesses to be allowed fees as in justice courts, to be paid by the commissioner as part of the expenses of his office and do such other acts and things as are necessary and proper in the enforcement of the provisions of this chapter.

SEC. 3. Milk license—fee. No person, firm or corporation shall sell milk or cream in, or to be used in, any municipal corporation except for the purpose of supplying the same to an establishment for the purpose of manufacture, without being licensed by the state dairy and food commissioner, and the fee for such license shall be \$1 for each place or vehicle from which sale is made. Every such license shall expire July 4th next after its issue; shall be given only to a person owning or leasing the vehicle or place from which sales are to be made, and shall not be transferrable. No license shall be issued for less than one dollar. Each license shall be numbered and shall contain the name, residence and place of business of the licensee and the number of vehicles and places to be used. The name of the dairy or the name of the person, firm or

corporation to whom the license is issued shall appear on both sides of each vehicle, in letters not less than two inches in height and there shall be such contrast between the color of the letters and the background as shall render the letters plainly legible. Every sale from a vehicle not so inscribed shall be deemed a violation of this act. But nothing herein shall be construed as requiring persons to procure such license unless such person shall sell milk or cream from a store or vehicle. The commissioner may withhold a license from any applicant therefor whom he may deem unworthy and he may revoke any license issued by him to any person who has violated the terms thereof, or who has failed to comply with any requirements of this chapter, or refused or failed to obey his lawful request or direction, and every conviction of the licensee for an offense punishable under this chapter shall be sufficient grounds for such revocation.

SEC. 4. Sale of impure or skimmed milk—skimmed milk cheese—how labeled. If any person shall sell, exchange, or expose for sale or exchange or deliver or bring to another, for domestic or potable use, or to be converted into any product of human food, any unclean, impure, unhealthy, adulterated, unwholesome or skimmed milk, or milk from which has been held back what is commonly known as strippings, or milk taken from an animal having disease, sickness, ulcers, abscess or running sore, or which has been taken from the animal within fifteen days before or five days after parturition; or if any person shall purchase, to be converted into any product of human food, any unclean, unhealthful, adulterated or unwholesome milk or cream, or shall manufacture any such milk or cream into any product of human food, or if any person having cows for the purpose of producing milk or cream for sale, shall stable them in any unhealthy place or in crowded manner, or shall knowingly feed them food which produces impure, unwholesome milk, or shall feed them distilled glucose or brewery waste in any state of fermentation, or upon any substance in a state of putrefaction or rottenness or of an unhealthy nature, or shall sell or offer for sale cream which has been taken from milk the sale of which is prohibited or who shall sell or offer for sale as cream, an article, which shall contain less than the amount of butter fat as prescribed in this chapter; or if any person shall sell or offer for sale any cheese manufactured from skimmed milk, or from milk that is partially skimmed, without the same being plainly branded, stamped or marked on the side or top of both cheese and package, in a durable manner, in the English language, the words "skimmed milk cheese," the letters of the words to be not less than one inch in height and one-half inch in width, he shall be fined as provided in section nine hereof, and be liable for double damages to the person or persons upon whom such frauds shall be committed.

SEC. 5. Skimmed milk—how labeled. No person shall offer or expose for sale or sell any skimmed milk or partially skimmed milk unless each receptacle and carrying can containing the same shall be kept plainly marked on the same with the words "skimmed milk" in the English language in letters not less than one inch in height.

SEC. 6. What deemed adulterated, impure or skimmed milk—terms "milk" and "cream" defined. For the purpose of this chapter, the addition of water or any other substance or thing to cream or whole milk or skimmed milk or partially skimmed milk is hereby declared an adulteration, and milk which is obtained from animals fed upon waste as defined in this chapter, or upon any substance of an unhealthy nature, is hereby declared to be impure and unwholesome, and milk which is proved by any reliable method of test or analysis to contain less than twelve per cent of milk solids to the one hundred pounds of milk, or less than three pounds of milk fat to one hundred pounds of milk,

shall be regarded as skimmed or partially skimmed milk. Milk is the fresh, clean, lacteal secretion obtained by the complete milking of one or more healthy cows properly fed and kept excluding that obtained within fifteen days before, and five days after calving and contains no less than twelve per cent of milk solids and not less than three per cent of milk fat. Cream is the portion of milk, rich in milk fat, which rises to the surface of milk on standing, or is separated from it by a centrifugal force, is fresh and clean, and contains not less than sixteen per cent of milk fat.

SEC. 7. Manipulation or misreading of milk or cream tests. It shall be unlawful for any person, firm or corporation by himself, or as the officer, servant, agent or employe of any person, firm or corporation to falsely manipulate or underread or over-read the Babcock test or any other contrivance used for the purpose of determining the amount of milk fat in milk or cream, or to make any false determination of any test or contrivance used for the purpose of determining the amount of milk fat in any dairy products. For the purpose of this act the writing of a check or payment of money for cream or milk at any given test shall constitute prima facie evidence that such test was made.

SEC. 8. Operator of milk tester to secure license—fee. No person shall operate a milk or cream testing apparatus duly approved by the state dairy and food commissioner, to determine the percentage of milk fat in milk or cream for the purpose of purchasing the same either for himself or another without first securing a license from the dairy and food commissioner of this state, or from his duly appointed agent or representative, authorizing such person to so operate such tester. Any person desiring to secure such license shall make application therefor on a blank to be prepared and provided by the dairy and food commissioner, and such applicant before being issued such license may be required to pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same. Such license shall be valid until May 31st next after its issue and a fee of two and one-half dollars shall be paid by the licensee to the state dairy and food commissioner before such license shall be issued; licenses issued to operators of the Babcock or other approved test under this act shall take effect and be in force from and after May 31st, 1911. The dairy and food commissioner shall have authority to revoke any license issued under this act. The testing of each lot of milk or cream by any such unlicensed person shall constitute a separate offense, provided that any licensed person may for valid reasons appoint a substitute for a period not to exceed six days, subject to the approval of the dairy and food commissioner. The fees collected under the provisions of this act shall be paid into the state treasury by the dairy and food commissioner.

SEC. 9. Penalty. Any person violating any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than twenty-five nor more than one hundred dollars or by imprisonment for not less than thirty days in the county jail.

SEC. 10. State dairy and food commissioner—powers and duties. The state food and dairy commissioner shall, by this act, become the state dairy and food commissioner, and wherever the title food and dairy commissioner appears in the statutes of the state of Iowa, it shall be construed to mean state dairy and food commissioner. He shall on and after taking effect of this act have all the powers and allowances and shall be charged with all the duties now imposed by law upon the state food and dairy commissioner.

SEC. 11. Acts in conflict repealed. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 12. 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 Capital, newspapers published in Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 114.

MANUFACTURE AND SALE OF HOG CHOLERA SERUM.

H. F. 372.

AN ACT to amend section one (1) of chapter one hundred fifty-one (151) of the acts of the thirty-third general assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of five thousand dollars (\$5,000) for the maintenance of the laboratory for the manufacture of such serum.

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

SECTION 1. Serum, how sold. That the law as it appears in section one of chapter one hundred fifty-one of the acts of the thirty-third general assembly be, and the same is hereby amended as follows: By striking out all the words following the word "at" in the ninth line of said section down to the comma in the tenth line of said section, and inserting in lieu thereof the words, "twenty cents per fluid ounce".

SEC. 2. Appropriation. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of five thousand dollars, or so much thereof as may be necessary to carry out the provisions of this chapter.

Approved April 13, A. D. 1911.

CHAPTER 115.

COMMISSION OF ANIMAL HEALTH.

H. F. 329.

AN ACT to abolish the state board of veterinary medical examiners, to transfer the powers and duties of said board to the state veterinary surgeon, and to establish a commission of animal health. [Additional to chapter fourteen-A (14-A) of title twelve (XII) of the supplement to the code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.]

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

SECTION 1. State board of veterinary medical examiners abolished—powers and duties transferred. That the board known as the state board of veterinary medical examiners is hereby abolished, and all of the powers and duties thereof are hereby transferred to and enjoined upon the state veterinary surgeon, except as hereinafter provided. All of the books, documents, records, stationery and office equipment now in possession of the board or of any officer or employe thereof shall, upon the taking effect of this act, be turned over to the state veterinary surgeon.

SEC. 2. Commission of animal health—how constituted and appointed—terms. There is hereby created a commission to be known as a commission of animal health, which commission shall consist of the state veterinary surgeon, who shall be the chairman and executive officer thereof, two veterinarians and two stock raisers, all of whom shall be appointed by the governor. The veterinarians shall possess the same qualifications required for the state veterinary surgeon. One such veterinarian shall be appointed to serve until June 30, 1912 and one until June 30, 1913 and as their terms expire their successors shall be appointed for three years. The state veterinary surgeon shall be appointed to serve until June 30, 1914 and thereafter his term shall be three years. The other members of the commission shall be appointed, one to serve until June 30, 1912 and the other until June 30, 1913 and as their terms expire their successors shall be appointed for a term of two years.

SEC. 3. Meetings—rules and regulations for prevention and spread of disease among animals. The commission shall hold at least two meetings each year, one in July and one in January, at the office of the state veterinary surgeon, and may meet at such other times and places, in the state, as may seem necessary. It shall have the power and authority to make such rules and regulations as it shall deem necessary for the prevention, suppression, or against the spread of any contagious or infectious disease among animals in or being driven or transported through or brought into the state, and may provide for quarantining against animals thus diseased or that have been exposed to others so diseased, whether within or without the state. When such rules and regulations have been submitted to and approved by the executive council they shall be published and enforced by the veterinary surgeon and in the performance of his duties he may call to his assistance any peace officer.

SEC. 4. Examining board. The state veterinary surgeon and the two veterinarians upon the commission shall constitute a board for the examination of applicants to practice veterinary medicine surgery and dentistry in the state.

SEC. 5. Compensation—expenses. The members of the commission, other than the state veterinary surgeon shall receive as compensation for their services one hundred dollars each per annum, together with their actual and necessary traveling, hotel, and other expenses and in addition thereto the veterinarians upon the commission shall receive one hundred dollars each per annum for their services as members of the examining board. All of which shall be paid upon vouchers duly approved by the executive council.

SEC. 6. Acts in conflict amended. All acts or parts of acts in conflict with the provisions of this act are hereby amended to conform to the provisions hereof.

Approved April 15, A. D. 1911.

CHAPTER 116.

FISH AND GAME WARDEN.

H. F. 392.

AN ACT amending the law as it appears in section two thousand five hundred thirty-nine (2539) of the supplement to the code, 1907, as amended by chapter one hundred fifty-two (152), acts of the thirty-third general assembly, fixing the salary of the fish and game warden and providing for the payment of his expenses.

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

SECTION 1. **Compensation—traveling and other expenses.** That the law as it appears in section two thousand five hundred thirty-nine (2539) of the supplement to the code, 1907, as amended by chapter one hundred fifty-two (152) acts of the thirty-third general assembly, be amended by striking out of the fourth and fifth lines thereof the words, "He shall receive a salary of twelve hundred dollars (\$1200.00) annually, together with his necessary traveling, contingent and office expenses to be paid out of the state treasury", and inserting in lieu thereof the words, "He shall receive a salary of sixteen hundred (\$1600.00) dollars annually, together with his necessary traveling, contingent and office expenses to be paid out of moneys collected under the provisions of chapter one hundred fifty four (154), acts of the thirty-third general assembly."

SEC. 2. **In effect.** This act being deemed of immediate importance shall be in full force and effect on and after its publication in the Des Moines Capital and Register and Leader, newspapers published at Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 117.

FISHING IN CERTAIN WATERS OF THE STATE.

H. F. 513.

AN ACT to amend sections two (2), three (3) and four (4) of chapter one hundred fifty-five (155) of the acts of the thirty-third general assembly, providing for fishing in certain waters, and the care and propagation of fish.

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

SECTION 1. **Use of nets, seines, etc., in certain boundary rivers—annual license—fee.** That section two of chapter one hundred fifty-five, of the acts of the thirty-third general assembly, be and the same is hereby amended by striking out all of said section preceding the word "before" in the sixth line of said section and inserting in lieu thereof the following: "It shall be unlawful for any person to take from the waters of that part of the Des Moines river forming a part of the boundary between this state and Missouri, or from the waters of the Big Sioux river within the jurisdiction of this state, any fish with net, seine, trap, contrivance, material or substance whatsoever except by rod, line, hook and bait. It shall be unlawful for any person to take from the Mississippi or Missouri rivers within the jurisdiction of this state any fish with nets or seines without first procuring from the state fish and game warden an annual license for the use of such nets and seines." Also

by striking out of the twenty-second line of said section the period (.) following the words "cents" and placing in lieu thereof a semi-colon (;) and inserting after the same the words "for each three hundred (300) lineal feet of trammel net used for floating fishing, five dollars (\$5.00)."

SEC. 2. Funds—how expended. Amend said chapter by inserting after the word "thereto" in the sixth line and before the word "he" in the same line of section three the following: "And where practicable cleaning the channel from said dead and cut-off waters so that young fish can escape therefrom."

SEC. 3. Fishing—what prohibited. Said chapter is hereby amended by repealing section four and the following enacted in lieu thereof:

"It shall be unlawful for any person to take from the waters described in section two of this act, except by hook and line and spear, any of the following fish in lengths less than as follows, to-wit: carp, fifteen inches; buffalo, fifteen inches; black bass, eleven inches; striped or white bass, eight inches; pike, fifteen inches; croppies, eight inches; pickerel, eighteen inches; catfish, thirteen inches; and the following fish weighing less than as follows, to-wit: sand sturgeon, one pound; rock sturgeon, three pounds; and no pike, bass or croppies between and including March 31st and June 1st of each year."

SEC. 4. 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 Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 118.

FISH AND GAME.

H. F. 588.

AN ACT to establish in the state of Iowa the title and ownership of all wild game, animals, birds and fish, and to provide for distraining and disposing of wild deer now running at large. [Additional to chapter fifteen (15) of title twelve (XII) of the code, relating to fish, birds and game.]

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

SECTION 1. Ownership and title in the state. The ownership and title of all wild game, animals, and birds, found in the state of Iowa, except deer in parks and public and private preserves the ownership of which has been acquired prior to taking effect of this act and all fish in any of the public waters of the state, including all ponds, sloughs, bayous, or other waters adjacent to any public waters, which ponds, sloughs, bayous and other waters are stocked with fish by overflow of public waters, is hereby declared to be in the state, and no wild game, animals, birds, or fish shall be taken, killed, or caught in any manner at any time or had in possession, except the person so catching, taking, killing, or having in possession, shall consent that the title to said wild game, animals, birds, or fish, shall be and remain in the state of Iowa for the purpose of regulating and controlling the use and disposition of the same after such catching, taking or killing.

SEC. 2. What deemed consent to title of the state. The catching, taking, killing, or having in possession, wild game, animals, birds, or fish at any time, or in any manner, or by any person, except as provided in section 1 hereof shall be deemed a consent of said person that the title of the state shall be and remain in the state for said purpose of regulating the use and disposition of the same and said possession shall be consent to such title in the state.

SEC. 3. Distraint and disposition of wild deer. When it shall become necessary to distraint any deer now running at large within this state, it shall be done under the authority and direction of the state fish and game warden, who shall distribute such deer so captured to persons within this state, and the expense of said capture and distribution shall be paid by the persons receiving such deer.

SEC. 4. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 119.

QUARANTINE.

H. F. 120.

AN ACT to amend the law as it appears in section one (1) of chapter one hundred fifty-six (156) of the session laws of the thirty-third general assembly, relating to the quarantine of communicable diseases.

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

SECTION 1. Infantile paralysis included—premises disinfected after death from tuberculosis. That the law as it appears in section one of chapter one hundred fifty-six (156) of the session laws of the thirty-third general assembly, be and the same is hereby amended by striking out of lines twelve and thirteen the words "or fumigation required", and by inserting between the word "meningitis" and the word "and" in the fifteenth line, a comma and the words "anterior poliomyelitis", and by inserting after the word "work" in the fifty-third line the following: "The undertaker or person in charge of the funeral of any person, dying of tuberculosis, shall within forty-eight hours after the death of such person report to the mayor of the city or town, or to the township clerk, the name and residence of the deceased person, together with the cause of death. Upon receipt of the notice as herein provided, the mayor of the city or town, or clerk of the township shall cause said premises to be disinfected in accordance with the regulations of the state board of health."

Approved April 3, A. D. 1911.

CHAPTER 120.

STATE BOARD OF HEALTH.

S. F. 327.

AN ACT to repeal section twenty-five hundred seventy-four (2574) of the code, relating to the compensation of the secretary and members of the state board of health and enacting a substitute therefor.

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

SECTION 1. Compensation of secretary—members to receive traveling and other necessary expenses. [That section twenty-five hundred seventy-four (2574) of the code, be repealed and the following enacted in lieu thereof:]

“The secretary of the state board of health shall receive such salary as the board shall fix, not to exceed three thousand (\$3,000) dollars per annum, payable upon the certificate of the president to the state auditor, who shall issue his warrant for the amount due, upon the state treasurer, provided however, that the aforesaid three thousand (\$3,000.00) dollars shall be in lieu of any and all other compensation he may receive in any official capacity. Each member of the board shall receive only actual traveling and other necessary expenses incurred in the performance of his duties, said expenses to be itemized, verified, certified, audited, and a warrant drawn therefor in the same manner as the secretary’s salary.”

SEC. 2. In effect. This act shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 19, 1911, and in the Register and Leader April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 121.

NURSES.

H. F. 248.

AN ACT to amend the law as it appears in section two thousand five hundred seventy-five-a-twenty-eight (2575-a28) and section two thousand five hundred seventy-five-a-thirty-one (2575-a31) as amended, supplement to the code, 1907, relating to graduated and registered nurses.

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

SECTION 1. Repeal—certificate required. That section twenty-five hundred, seventy-five-a-twenty-eight (2575-a28) of chapter sixteen D (16-D) of the supplement to the code, 1907, be, and the same is hereby repealed and the following enacted in lieu thereof:

“It shall be unlawful for any person to profess to be a registered or graduated nurse without first obtaining from the state board of health a certificate authorizing him or her to practice nursing in this state, except as hereinafter provided.”

SEC. 2. Repeal—unlawful practice. That section twenty-five hundred, seventy-five-a thirty-one (2575-a31) supplement to the code, 1907, as amended by chapter one hundred fifty-seven (157), acts of the thirty-third general

assembly, be and the same is hereby repealed, and the following enacted in lieu thereof:

“On and after the taking effect of this act, no person, except one holding a certificate under chapter 16-D of title twelve, supplement to the code, 1907, as amended, shall advertise to be, or assume, or use the title of registered or graduated nurses, or use the abbreviations “R. N.” or “G. N.” or any other figures or letters to indicate that the person using the same is a registered or graduated nurse, and it shall be unlawful for any nurse to practice nursing as registered or graduate nurse within this state without having first registered as provided in chapter 16-D, title 12, supplement to the code, 1907, as amended by this act.”

Approved April 6, A. D. 1911.

CHAPTER 122.

ANTITOXIN DEPARTMENT.

S. F. 377.

AN ACT to establish an antitoxin department under the control and direction of the state board of health for the purpose of aiding in the distribution of antitoxin to the people of the state of Iowa and making an appropriation therefor. [Additional to chapter sixteen (16) of title twelve (XII) of the code, relating to the state board of health.]

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

SECTION 1. Antitoxin department. That for the purpose of furnishing antitoxin to the people of the state of Iowa, an antitoxin department is hereby established to be under the control and direction of the state board of health.

SEC. 2. Iowa state board of health antitoxin. All antitoxin furnished or distributed under the provisions of this act shall be labeled “Iowa state board of health antitoxin.”

SEC. 3. Distributing stations. It shall be the duty of the state board of health to establish such distributing stations throughout the state as will enable physicians, druggists and other persons to secure the “Iowa state board of health antitoxin” at the reduced rates established by the board.

SEC. 4. Appropriation—how expended. For the purpose of carrying into effect the provisions of this act and the payment of all expenses connected therewith, including necessary clerical assistance, there is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of two thousand dollars (\$2,000) per annum, or so much thereof as may be necessary to pay for clerical assistance and such other expenses as may be incurred by the state board of health in establishing antitoxin stations and providing for the distribution of “Iowa state board of health antitoxin” under the provisions of this act; provided that not to exceed nine hundred dollars (\$900) of said sum shall be expended for clerical assistance. All bills for expenses of whatever nature or character are to be itemized, verified, certified, audited and paid as other expenses of the board.

SEC. 5. 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 Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 11, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 123.

PRACTICE OF PHARMACY.

S. F. 456.

AN ACT to amend section twenty-five hundred and eighty-five (2585) of the supplement to the code 1907, to repeal section twenty-five hundred and eighty-nine-a (2589-a) of the supplement to the code 1907, and enact a substitute therefor and to amend section twenty-five hundred and eighty-seven (2587) of the code, all relating to the practice of pharmacy.

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

SECTION 1. Secretary of pharmacy commission—duties. That section twenty-five hundred and eighty-five (2585) of the supplement to the code 1907, be and the same is hereby amended by adding thereto the following:

“The secretary shall have charge of the office of the commission and of all books, documents, records and other appurtenances thereof. He shall keep a full and complete record of the proceedings of the commission and of all matters required by law or by the rules of the commission to be made of record and shall conduct and carry on all correspondence pertaining to the affairs of the commission and when unable to adjust any matter by correspondence, he shall refer the same to a member of the commission for investigation and determination.”

SEC. 2. Repeal—examinations. That section twenty-five hundred and eighty-nine-a (2589-a) of the supplement to the code 1907, be repealed and the following enacted in lieu thereof:

“To enable persons to engage in and conduct business as registered pharmacists within the meaning of section twenty-five hundred and eighty-eight (2588) of the code, the commission shall hold not more than five (5) examinations each year, one (1) of which may be held at Iowa City and the others at the state house at Des Moines. Not more than three (3) days previous to the holding of each such examination, the commission shall meet at its office in Des Moines and prepare lists of questions for such examination. When the examination is completed, the commission shall remain in session until all of the papers have been graded and passed upon and the record of the grades turned over to the secretary of the commission. Following any examination held at Iowa City, the commission shall repair to its office in Des Moines and complete the work of the examination as above provided.”

SEC. 3. Compensation of commissioners. That section twenty-five hundred and eighty-seven (2587) of the code be amended by inserting between the words “employed” and “in” in line six (6) thereof, the following: “in attending meetings of the commission, in conducting examinations and while away from his place of residence”.

Approved April 12, A. D. 1911.

CHAPTER 124.

SALE OF INSECTICIDES AND FUNGICIDES.

S. F. 173.

AN ACT to amend section two thousand five hundred eighty-eight (2588) of the code, relating to the sale of drugs, medicines, poisons and chemicals, and providing for the sale of insecticides and fungicides by persons other than registered pharmacists.

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

SECTION 1. Sale by others than registered pharmacists. Section two thousand five hundred eighty-eight (2588) of the code is hereby amended by adding thereto the following:

“No one shall be prohibited by the provisions of this chapter, relating to the practice of pharmacy from selling insecticides or fungicides, consisting of hellebore, Paris green, nicotine preparations, arsenical preparations, copper sulphate, formaldehyde and crude carbolic acid in original packages, provided the package or parcel containing same has plainly written or printed thereon its true name and if poisonous it shall be conspicuously marked with the word ‘Poison’ and its poisonous contents, correctly and conspicuously stated in conformity with the national insecticide act of June, 1910. Said insecticides and fungicides shall comply with the law of the state as to strength and purity and the sales of such preparations when marked as specified above need not be registered.”

SEC. 2. In effect. This act being deemed of immediate importance shall be in force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Polk county, Iowa.

Approved March 25, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 28, 1911.

W. C. HAYWARD,
Secretary of State

CHAPTER 125.

REGISTRATION OF PHARMACISTS OF OTHER STATES.

H. F. 97.

AN ACT to amend section twenty-five hundred eighty-nine-b (2589-b) of the supplement to the code of 1907, relating to the practice of pharmacy.

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

SECTION 1. Registration—fee. That section twenty-five hundred eighty-nine-b (2589-b) of the supplement to the code of 1907, be, and the same is hereby amended by adding at the end thereof the following:

“A certificate of registration, or license, as pharmacist or assistant pharmacist, issued by the proper board or commission of any state, or foreign country, may be accepted as evidence of qualification for registration in this state, provided the holder thereof shall present satisfactory evidence of qualifications equal to those required of licentiates in this state, that he was registered or licensed by examination in such other state or foreign country, and that the standard of competency required in such other state or foreign country accords similar recognition to the licentiates of this state. Applicants

for license under this section shall, with their application, forward to the secretary of the board of pharmacy a fee of ten dollars (\$10.00)."

Approved February 23, A. D. 1911.

CHAPTER 126.

SALE OF COCAINE AND CERTAIN OTHER DRUGS.

H. F. 96.

AN ACT to repeal section twenty-five hundred ninety-six-a (2596-a) of the supplement to the code, 1907 as amended by chapter one hundred sixty-three (163) of the acts of the thirty-third general assembly, relating to the sale of cocaine and certain other drugs and to enact a substitute therefor.

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

SECTION 1. Repeal—sale of cocaine and certain drugs. That section twenty-five hundred ninety-six-a (2596-a) of the supplement to the code, 1907 as amended by chapter one-hundred sixty-three (163) of the laws of the thirty-third general assembly, be and the same is hereby repealed and the following enacted in lieu thereof:

"SEC. 2. No person, firm or corporation shall sell, exchange deliver or have in his possession with intent to sell, exchange or expose or offer for sale or exchange any coca (erythrolyz coca) cocaine, alpha or beta eucaine or derivatives of any of them, or any preparation containing coca, cocaine, alpha or beta eucaine or derivatives of any of them or cotton root, ergot, oil of tansy, oil of savin or derivatives of any of them, except upon the original written prescription of a registered physician or veterinarian or licensed dentist, who is personally known to such person, firm or corporation, for medical, dental or veterinary purposes only, and no such prescription shall be refilled. Provided that nothing in this act shall prevent the sale thereof to a wholesale or retail dealer in drugs, nor to a registered physician or veterinarian or licensed dentist—for use in practice of his profession."

Approved February 27, A. D. 1911.

CHAPTER 127.

PRACTICE OF OPTOMETRY.

S. F. 281.

AN ACT to amend the law as it appears in chapter one hundred sixty-seven (167) of the acts of the thirty-third general assembly relating to the practice of optometry, and for the creation of a board of examiners in optometry.

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

SECTION 1. Repeal—qualifications—examination—license—certificate for practitioners from other states—fee. Section six, of chapter one hundred sixty-seven (167) of the acts of the thirty-third general assembly is hereby repealed, and the following enacted in lieu thereof:

"On and after October 1st, 1909, every person desiring to begin or continue the practice of optometry in this state must furnish satisfactory evidence that he is twenty-one years of age, and of good moral character; that he has a preliminary education equivalent to at least two years study in an

accredited high school; that he has studied three years in the office of a registered optometrist, or is a graduate from a standard school of optometry before he shall be eligible to examination by the board. The standard school of optometry shall include a course of instruction of not less than two years duration, and the terms of school shall not be less than three months actual attendance each year. The requirements of a standard school of optometry shall be that each student shall devote seventy-eight hours to each subject named in this section during each three months course. He shall not be entitled to be registered, or to receive a license from the board unless he shall show proficiency in the following subjects; physiology of the eye, optical physics, anatomy of the eye, ophthalmology, and practical optometry. Any person successfully passing such examination, and meeting all of the requirements in this section shall be registered by the board, and receive a license. The board of examiners may issue a certificate to any person taking up a permanent residence in the state of Iowa, and desiring to practice optometry, providing satisfactory evidence is furnished of his qualifications, including credentials from the state board of examiners in optometry of the state in which he formerly resided, and upon payment of a fee of fifteen dollars."

SEC. 2. **Disposition of unappropriated funds.** Section 13, of chapter 167, of the acts of the thirty-third (33d) general assembly is hereby repealed and the following enacted in lieu thereof:

"All unappropriated funds arising under this act, shall be accounted for and turned into the state treasury on June thirtieth of each year, except the sum of five hundred dollars (\$500.00), which shall be placed to the credit of the optometry fund, by the state treasurer, to defray current expenses of the board of optometry examiners."

Approved April 15, A. D. 1911.

CHAPTER 128.

STATE FIRE MARSHAL.

H. F. 41.

AN ACT to create the office of state fire marshal and deputy fire marshal, prescribing their duties and providing for their compensation and for the maintenance of the state fire marshal's office. [Additional to title twelve (XII) of the code, relating to the police of the state.]

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

SECTION 1. **Office created—appointment—term—removal—office—bond.** There is hereby created the office of state fire marshal and upon the taking effect of this act the governor shall appoint a citizen of the state versed in the cause of fires and having a knowledge of improved methods of preventing fires, to fill the position hereby created. The term of office of the state fire marshal shall be four years and the term of the first incumbent of the office shall end July 1st, 1915. During the thirty-sixth session of the general assembly and quadrennially thereafter the governor with the consent of the senate shall appoint a citizen of the state possessing the above requirements as state fire marshal, and the person so appointed shall assume the duties of his office July 1st following the date of his appointment. The state fire marshal may be removed for cause at any time by the governor and vacancies arising shall be filled by appointment by the governor, which ap-

pointment shall be for the unexpired term. The state fire marshal shall maintain an office at the seat of government and for that purpose the executive council shall provide him with suitably furnished rooms, furniture, books, supplies, printing and stationery necessary to the proper conduct of his office. Before entering upon the discharge of his duties he shall give a bond in the penal sum of five thousand (\$5,000.00) dollars conditioned as provided in section eleven hundred eighty-three (1183) of the code.

SEC. 2. Deputy fire marshal—additional deputies and clerks. The state fire marshal is hereby empowered to appoint a deputy fire marshal to assist him in his work, and with the approval of the executive council may appoint and fix the compensation of such additional deputies, clerks and assistants as may be necessary to properly and efficiently conduct the affairs of his office.

SEC. 3. Duties of fire marshal performed by deputy—when. While any vacancy shall exist in the office of state fire marshal or during his absence or inability to perform his duties, the same shall devolve upon and be performed by the deputy fire marshal.

SEC. 4. State inspectors—powers. With the approval of the executive council the state fire marshal may, in addition to the provisions of section two (2), appoint any person, or persons, as state inspector, or inspectors, who may be known to him to be competent and skilled in the inspection of buildings and their contents. Such person, or persons, shall have all the powers of a deputy fire marshal to enter and inspect buildings, including their contents and occupancies, as provided in section nine (9) hereof, and it shall be the duty of such inspector to report to the fire marshal any faulty or dangerous condition found. Such state inspector, or inspectors, shall be duly commissioned and shall receive such compensation as is provided for in section fifteen (15) of this act.

SEC. 5. Investigation of causes of fires—reports. The state fire marshal either by himself or through other persons as in this act provided shall investigate the cause, origin and circumstances of every fire occurring within the state and it shall be the duty of the chief of the fire department of every city, town or village in which a fire department is established, and of the mayor of every incorporated town, or village in which no fire department exists, and of the township clerk of every organized township, outside the limits of any organized city, town or village, to investigate the cause, origin and circumstances of every fire occurring in such city, town, village or township by which property has been destroyed, or damaged, and to specially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the state fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said fire marshal, and shall within one week of the occurrence of the fire furnish to the said fire marshal a written statement of all facts relating to the cause and origin of the fire and such other information as may be called for by the blanks provided by said fire marshal.

SEC. 6. Record of fires. The state fire marshal shall keep in his office a record of all fires occurring in the state, showing the name of the owners and name or names of occupants of the property at the time of the fire, the sound value of the property, and amount of insurance thereon, the total amount of insurance collected, and the total amount of loss to the property owner, together with all the facts, statistics, and circumstances, including the origin of

the fire, which may be determined by the investigation provided by this act. Such record shall at all times be opened to public inspection.

SEC. 7. Testimony under oath—arrest and prosecution for arson, etc. The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony under oath of all persons supposed to have knowledge of any facts, or to have means of knowledge in relation to the matter in which an examination is herein required to be made, and shall cause the same to be reduced to writing. If the state fire marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with the offense, or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by same, including a copy of all matter and testimony taken in the case.

SEC. 8. Power to compel witnesses to attend and testify—penalty for violations. The state fire marshal and his deputy shall each have power in any county in the state to administer an oath and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any books, papers, or documents necessary for such investigation. False swearing in any matter of proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or refuses to testify, or who disobeys any lawful order of said state fire marshal, or deputy state fire marshal, or who fails to produce any books, papers or documents touching any matter under examination, or who is guilty of any contentious conduct after being summoned by them, or either of them to appear before them or either of them to give testimony in relation to any matter or subject under investigation as aforesaid, shall be guilty of a misdemeanor, and it shall be the duty of the state fire marshal or deputy state fire marshal, or either of them to make or compel said person, or persons, so refusing to comply with the summons or orders of said state fire marshal, or deputy state fire marshal, before any justice of the peace, police magistrate, or any court of record in the county in which said investigation is being had, and upon the filing of such complaint for such cause, shall proceed in the same manner as other criminal cases. Any person convicted of the violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined in a sum not exceeding one hundred dollars (\$100.00) or imprisoned not to exceed thirty days, or both, in the discretion of the court; provided, however, any person so convicted shall have the right of appeal.

SEC. 9. Authority to enter or examine buildings after a fire. Said state fire marshal and his deputy, or either of them, shall have the right and authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon, or examine any buildings or premises, where any fire has occurred, and other buildings or premises adjoining or near the same.

SEC. 10. Examination of buildings—may order removal or changes—appeal—penalty. The state fire marshal, his deputy and assistants, the chief of the fire department of all cities, towns or villages where a fire department is established, and the clerk of each township in the territory outside the limits of an organized city, or village, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall

have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find any buildings or structure, which by want of proper repair or by reason of age and dilapidated condition, or for any cause, is especially liable to fire, and is so situated as to endanger other buildings or property therein, and whenever any such official shall find in any building or upon any premises combustible or explosive matter or inflammable conditions dangerous to the safety of certain buildings or premises, they shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises, providing, however, that if said occupant or owner shall deem himself aggrieved by such order he may within forty-eight (48) hours appeal to the state fire marshal, and the cause of complaint shall be at once investigated under the direction of the latter, and unless by his authority the order is rejected, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant of buildings or premises failing to comply with the order of the authorities above specified shall be punished by a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each day's neglect; such penalty to be sued in the name of the state of Iowa upon complaint of the fire marshal, deputy fire marshal or county attorney, or of any officer named herein in the county in which such building or buildings shall be situated, before any justice of the peace or any court of record; right of appeal shall be granted, and such penalty, when recovered, shall be paid into the county treasury of the county wherein such recovery is had; provided, however, that in municipalities having building inspection and limit ordinances, nothing herein shall be construed to affect such local regulations, but the jurisdiction of the state fire marshal shall be concurrent with that of the municipal authorities.

SEC. 11. Duties of school teachers—bulletin—penalty. It shall be the duty of the state fire marshal and his deputies to require teachers of public and private schools, in all buildings of more than one story, to have at least one fire drill each month, and to require all teachers of such schools, whether occupying buildings of one or more stories, to keep all doors and exits of their respective rooms and buildings unlocked during school hours. The state fire marshal shall prepare a bulletin upon the causes and dangers of fires, arranged in not less than four divisions or chapters, and under the direction of the executive council shall publish and deliver the same to the public schools throughout the state and the teachers thereof shall be required to instruct their pupils in at least one lesson each quarter of the school year with reference to the causes and dangers of fires. Any teacher failing to comply with the provisions of this section shall be guilty of a misdemeanor and shall be punishable by a fine of not to exceed ten (\$10.00) dollars for each offense.

SEC. 12. Salaries and expenses. The state fire marshal shall receive an annual salary of twenty-five hundred (\$2500.00) dollars and the deputy fire marshal shall receive an annual salary of fifteen hundred (\$1500.00) dollars. The said fire marshal, his deputies and assistants shall be entitled to their actual and necessary traveling, hotel and other expenses while away from the city of Des Moines on business of the office; and the said fire marshal may contract such other expenses as may be necessary in the performance of his official duties, but the total amount to be expended for all purposes, including salaries, compensation, fees and expenses, except the office expenses provided in section one (1) hereof, shall not exceed the sum of twelve thousand five hundred (\$12,500.00) dollars annually.

SEC. 13. **Fire marshal to devote entire time to duties of office.** The state fire marshal shall devote his entire time to the duties of his office and he or his deputy shall except when engaged elsewhere in the performance of his duties at all times be at the office of the state fire marshal, ready for such duties as are required by this act.

SEC. 14. **Annual report to the governor.** The state fire marshal shall file with the governor annually, as early as consistent with full and accurate preparation and not later than the first day of February each year, a detailed report of his official action and of the affairs of his office, which report shall be published and distributed as the reports of other state officers.

SEC. 15. **Fees and mileage for reporting fires.** There shall be paid to the chiefs of the fire department, and to mayors of incorporated villages, who do not receive compensation for their services as such chiefs and mayors, and to the township clerk of every organized township, who are by this act required to report fires to the state fire marshal, the sum of fifty cents (50) for each fire so reported to the satisfaction of the state fire marshal, and in addition thereto mileage at the rate of ten cents (10) per mile for each mile traveled to the place of fire. Said allowance shall be paid by the state fire marshal out of any funds appropriated for the use of the office of said state fire marshal.

SEC. 16. **Appropriation.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twelve thousand, five hundred (\$12,500.00) dollars annually, or so much thereof as may be necessary for the purpose of maintaining the department of the state fire marshal and paying all expenses thereof. The said fire marshal shall keep on file in the office an itemized statement of all expenses incurred by his department and shall approve all vouchers issued, and said vouchers shall be allowed and paid out of the funds hereby appropriated in the same manner that other claims against the state are paid, upon approval of the executive council.

Approved April 11, A. D. 1911.

CHAPTER 129.

PREVENTION OF THE PROCREATION OF HABITUAL CRIMINALS, IDIOTS, FEEBLE-MINDED AND INSANE.

H. F. 317.

AN ACT to prevent the procreation of habitual criminals, idiots, feeble-minded and imbeciles. [Additional to title twelve (XII) of the code, relating to the police of the state.]

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

SECTION 1. **Unsexing of criminals, idiots, etc.** That it shall be the duty of the managing officer of each public institution in the state, intrusted with the custody or care of criminals, idiots, feeble-minded, imbeciles, drunkards, drug-fiends, epileptics and syphilitics, and they are hereby authorized and directed to annually, or oftener, examine into the mental or physical condition of the inmates of such institutions, with a view of determining whether it is improper or inadvisable to allow any of such inmates to procreate; and to annually, or oftener, call into consultation the members of the state board of parole. The members of such board and the managing officer and the surgical superintendent of such institution shall judge of such matters. If a majority of them decide that procreation by any such inmate would produce children

with a tendency to disease, crime, insanity, feeble-mindedness, idiocy or imbecility, and there is no probability that the condition of any such inmate so examined will improve to such an extent as to render procreation by any such inmate advisable, or if the physical or mental condition of any such inmate will be materially improved thereby, or if such inmate is an epileptic or syphilitic, or gives continued evidence while an inmate of such institution that he or she is a moral or sexual pervert, then the surgeon of the institution shall perform the operation of vasectomy or ligation of the fallopian tubes, as the case may be, upon such person. Provided, that such operation shall be performed upon any convict or inmate of such institution who has been convicted of prostitution or violation of the law, as laid down in chapter two hundred sixteen (216), acts of the thirty-third general assembly, or who has been twice convicted of some other sexual offense, or has been three times convicted of felony, and each such convict or inmate shall be subjected to this same operation of vasectomy or ligation of the fallopian tubes, as the case may be, by the surgeon of the institution.

SEC. 2. Penalty. Except as authorized in this act, every person who shall perform, encourage, assist in or otherwise promote the performance of either of the operations described in section 1 of this act, for the purpose of destroying the power to procreate the human species, or any person who shall knowingly permit either of such operations to be performed upon such persons, unless the same shall be a medical necessity, shall be fined not more than one thousand (\$1000.00) dollars, or imprisoned in the county jail not to exceed one year, or both.

Approved April 10, A. D. 1911.

CHAPTER 130.

TEACHERS' CERTIFICATES.

S. F. 77.

AN ACT to amend the law as it appears in sections twenty-six hundred thirty-c (2630-c), twenty-six hundred thirty-four-d (2634-d), twenty-seven hundred thirty-four-e (2734-e), twenty-seven hundred thirty-four-g (2734-g), twenty-seven hundred thirty-four-q (2734-q), and twenty-seven hundred thirty-eight (2738) of the supplement to the code 1907, to repeal sections twenty-six hundred thirty-four-h (2634-h) of the supplement to the code, 1907, and section twenty-seven hundred thirty-four-h (2734-h), of the supplement to the code 1907, as amended by chapter one hundred eighty-one (181) acts of the thirty-third general assembly, and to enact substitutes therefor, to repeal section twenty-seven hundred thirty-four-i (2734-i) and section twenty-seven hundred thirty-four-k (2734-k), of the supplement to the code, 1907, relating to the issuance, validation and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates.

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

SECTION 1. Validated certificates. That section twenty-six hundred thirty-c (2630-c) of the supplement to the code 1907, be and the same is amended by adding at the end thereof the following words:

“Such validated certificate shall authorize the holder to teach in any public school in the state for five years after the date of such validation.”

SEC. 2. Renewal of certificates—proofs required. That section twenty-six hundred thirty-four-d (2634-d) of the supplement to the code, 1907, be and the

same is hereby amended by striking out of line four (4) thereof, the words "under such rules as the board may prescribe", and by substituting therefor the words, "provided the applicant shall show by testimonials from superintendents or principals who had immediate supervision of their professional study that at least one line of professional inquiry has been successfully conducted during the life of the certificate, it being the duty of the board to forward with each certificate subject to renewal, outlines setting forth various lines of professional study. The application shall also be accompanied by proof of successful teaching for at least thirty-six weeks during the term of the certificate."

SEC. 3. Repeal—renewal for life—fee. That section twenty-six hundred thirty-four-h (2634-h) of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof:

"All certificates referred to in sections twenty-six hundred twenty-nine (2629), twenty-six hundred thirty-b (2630-b), twenty-six hundred thirty-c (2630-c), twenty-six hundred thirty-four-d (2634-d), twenty-six hundred thirty-four-f (2634-f), and twenty-six hundred thirty-four-g (2634-g), of the supplement to the code, 1907, shall be renewed for life by the state board of educational examiners upon the payment of a fee of five dollars (\$5.00) and proof of at least five years successful teaching, three of which shall have been during the time the said certificate (with renewals) has been in force."

SEC. 4. Special certificates. That section twenty-seven hundred thirty-four-e (2734-e) of the supplement to the code, 1907, is hereby amended by striking out of line-three (3) thereof the words, "under such regulations as the board of examiners may adopt", and by substituting in lieu thereof the words, "upon examination in such special subject or group of subjects and per cents therein such as are required for the issue of a first grade county certificate."

SEC. 5. First grade certificates—renewal. That section twenty-seven hundred thirty-four-g (2734-g) of the supplement to the code, 1907, as amended by section one (1) of chapter one hundred eighty-one (181) of the acts of the thirty-third general assembly, is hereby amended by inserting after the word "superintendents", in the sixth line of said section one (1), the words, "or principals".

SEC. 6. Repeal—second grade certificates—renewal. That section twenty-seven hundred thirty-four-h (2734-h) of the supplement to the code, 1907 as amended by chapter one hundred eighty-one (181) of the acts of the thirty-third general assembly, is hereby repealed and the following enacted in lieu thereof:

"Applicants whose examination entitles them to second grade certificates only, shall receive the same for not to exceed two years with the privilege of renewal of the same without further examination under the same conditions as govern the renewal of first grade certificates. The holder of a second grade certificate, may at any of the examinations provided for in section twenty-seven hundred thirty-four-c (2734-c) of the supplement to the code, 1907, take an examination in any one or more of the additional branches, required for the issue of a first grade certificate, or he may at any such time be re-examined in any branch or branches in which he desires to raise his grade, and in each case the new per cent shall be placed on his certificate, and when he has thus successfully passed in all the branches required for the issue of a first grade certificate, such certificate shall then be issued to him, provided he has had at least thirty-six weeks successful experience in teaching, if not, then at the conclusion of such experience. In like manner third grade cer-

tificates may be changed into those of the second or first grade, and in all cases whether the certificate be of the first, second or third grade, credit shall be given for all examinations taken under the auspices of the board, it being the intention of the law that an examination once taken shall be final unless the certificate holder desires to be re-examined in any one or more branches with a view of raising his per cent in such branches or his general average."

SEC. 7. Renewal for life—conditions—fee. All certificates referred to in sections twenty-seven hundred thirty-four-d (2734-d) and twenty-seven hundred thirty-four-e (2734-e) of the supplement to the code, 1907, in section twenty-seven hundred thirty-four-g (2734-g) of the supplement to the code, 1907, as amended by chapter one hundred eighty-one (181) of the acts of the thirty-third general assembly and by section five (5) of this act, and in section six (6) of this act, shall be renewed for life by the state board of educational examiners upon compliance by the holder with the following conditions:

1. The applicant shall show by testimonials from county or city superintendents or from the principals having immediate supervision of his school work and from a member of the local school board that he has had at least five years continuous successful teaching experience (which may have been before or after the passage of this act) at least three of which shall have been immediately prior to the time validation is sought and under the grade of certificate for which such validation is desired.

2. The standing of such applicant in the several branches shown upon his certificate shall average not less than eighty-five per cent. and in no branch shall the per cent. be less than eighty per cent., provided that in case the standing is less than the per cent. required, either average or special, the holder of the certificate may, at any of the times provided in section twenty-seven hundred thirty-four-c (2734-c) of the supplement to the code, 1907, take an examination in any branch or branches he may desire and the per cent then received shall be entered upon his certificate.

3. The applicant shall furnish proof of professional study during the entire five year period such as is made necessary in the case of term renewals of certificates.

Upon the issue of a life certificate as herein contemplated, the applicant shall pay a fee of five dollars (\$5.00) to be turned into the state treasury.

SEC. 8. Third grade certificates. That section twenty-seven hundred thirty-four-i (2734-i) of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof:

"Applicants whose examination entitles them to third grade certificates only, shall receive the same for one year, at the end of which time upon proof of successful teaching and the payment of a fee of one dollar (\$1.00), one renewal shall be granted."

SEC. 9. Repeal. That section twenty-seven hundred thirty-four-k of the supplement to the code, 1907 is hereby repealed.

SEC. 10. Life certificates to lapse—when. All life certificates provided for in this act shall lapse provided the holder shall not teach during a period of five successive years.

SEC. 11. Registration fee. That section twenty-seven hundred thirty-eight (2738) of the supplement to the code, 1907, is hereby amended by striking out of lines seven (7) and eight (8) thereof, the words, "attending the normal institute", and inserting in lieu thereof the words, "desiring to secure a certificate, or teach in his county for the ensuing year".

SEC. 12. Same. That section twenty-seven hundred thirty-four-q (2734-q) of the supplement to the code, 1907, is hereby amended by striking therefrom all of said section beginning with the article "a" in the third line and ending with the word "fund" in the sixth line thereof.

SEC. 13. Acts in conflict repealed. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed.

Approved April 10, A. D. 1911.

CHAPTER 131.

TRAINING OF TEACHERS FOR RURAL SCHOOLS.

S. F. 101.

AN ACT to repeal sections twenty-six hundred and thirty-four-b (2634-b), twenty-six hundred and thirty-four-c (2634-c) and twenty-six hundred and thirty-four-d (2634-d), supplement to the code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor.

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

SECTION 1. Repeal. Section twenty-six hundred and thirty-four-b (2634-b), twenty-six hundred and thirty-four-c (2634-c) and twenty-six hundred and thirty-four-d (2634-d) of the supplement to the code 1907 are hereby repealed and the following enacted in lieu thereof:

"SEC. 2. Normal courses in certain high schools. For the purpose of increasing the facilities for training teachers for the rural schools, by requiring a review of such common branches as may be deemed essential by the superintendent of public instruction and for instruction in elementary pedagogy and the art of teaching elementary agriculture and home economics, provision is hereby made for normal courses of study and training in the eleventh and twelfth grades in such accredited four year high schools as the superintendent of public instruction may designate, provided that such high schools shall be selected and distributed with regard to their usefulness in supplying trained teachers for the rural schools of all portions of the state, and with regard to the number of teachers required for the rural schools in each portion of the state. It is further provided that where a county high school or a township high school can meet the requirements of the superintendent of public instruction, it shall be given preference over a city high school.

"SEC. 3. Private and denomination schools. Private and denomination schools are eligible to the provisions of this act, except as to receiving state aid.

"SEC. 4. State aid—reports—limitations. Each high school approved under the provisions of this act shall receive state aid to the amount of five hundred dollars (\$500.00) per annum, payable in two equal installments at the close of each semester as hereinafter provided. The superintendent of each approved training school shall at the close of each semester file such report with the superintendent of public instruction as said officer may require. Upon receipt of a satisfactory report, the superintendent of public instruction shall issue a requisition upon the auditor of state for the amount due the school corporation of said high school for said semester, whereupon the auditor of state shall draw a warrant on the state treasury payable to said school corporation for the amount of said requisition and forward the same to the secretary of said school corporation. It is further provided that in case more than one high school in any county shall be approved under the provisions of this act

that the total state aid distributed in such county shall not exceed eight hundred dollars (\$800.00) to be divided equally among said high schools. No high school shall be approved as entitled to state aid unless a class of ten (10) or more shall have been organized, maintained and instructed during the preceding semester in accordance with the provisions of this act and the regulations of the superintendent of public instruction.

"**SEC. 5. Inspector—salary—traveling expenses.** The appropriation provided by this act for instruction of pupils in high schools in the science and practice of rural school teaching and the teaching of elementary agriculture and home economics, may be expended in part for inspection and supervision of such instruction by the superintendent of public instruction and by such person as he may designate, and the expense of such inspection and supervision shall be paid out of said appropriation on vouchers certified by the superintendent of public instruction. In accordance with the foregoing provisions of this section, the superintendent of public instruction is authorized to appoint an inspector of normal training in high schools and private and denominational schools at a salary of not to exceed two thousand dollars (\$2,000.00) per year and necessary traveling expenses while in the discharge of his duties.

"**SEC. 6. State superintendent to prescribe conditions of admission, etc.** The superintendent of public instruction shall prescribe the conditions of admission to the normal training classes, the course of instruction, the rules and regulations under which such instruction shall be given and the requirements for graduation subject to the provisions of this act.

"**SEC. 7. Examinations for graduation—fee.** On the first Friday in February and the Wednesday and Thursday immediately preceding and on the second Friday in May and the Wednesday and Thursday immediately preceding, each year, in each high school approved under this act, an examination for graduation from the normal training course shall be conducted under such rules as the state board of examiners shall prescribe, but the county superintendent of the county in which an approved high school may be located shall be designated as the conductor of said examination. Each applicant for a certificate of graduation shall pay a fee of one dollar (\$1.00), one-half of which shall be paid into the state treasury on or before the first day of the succeeding month, and one-half of which shall be paid into the institute fund of the county wherein the examination is held.

"**SEC. 8. Certificate of graduation.** A certificate of graduation from the normal training course provided for in this act shall be issued by the superintendent of public instruction, and shall be a valid license to teach in any public school in the state for a term of two years, subject to registration as provided for other teachers' certificates. After thirty-six weeks of successful teaching experience, which shall be certified by the county superintendent of the county under whose supervision the applicant may have taught, any person holding a normal training certificate issued under the provisions of this act shall receive a uniform county certificate of such grade as the requirements governing the issuance of uniform county certificates would entitle said person to receive.

"**SEC. 9. Appropriation.** For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of twenty-five thousand (\$25,000.) dollars available for the period ending July 1st, 1912, and the sum of fifty thousand (\$50,000.) dollars annually thereafter."

Approved April 11, A. D. 1911.

CHAPTER 132.

POWERS AND DUTIES OF STATE BOARD OF EDUCATION.

S. F. 318.

AN ACT to amend chapter one hundred seventy (170) of the acts of the thirty-third (33rd.) general assembly, in relation to the powers and duties of the state board of education.

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

SECTION 1. Chairman of finance committee. That section 6 of chapter 170 of the acts of the thirty-third general assembly be amended by striking out of line 3 thereof the words "as president" and inserting in lieu thereof the words "as chairman".

SEC. 2. Publication of pamphlets, bulletins and reports. That section 8 of said act be amended by adding thereto the following: "and the board may publish from time to time, and distribute, such circulars, pamphlets, bulletins, and reports as may by it be deemed necessary for the best interests of the institutions under its control; but the board shall secure the approval of the executive council therefor before incurring such expense, which shall be paid out of any funds in the treasury not otherwise appropriated."

SEC. 3. Employes. That section 9 of said act be amended as follows: insert after the word "necessary" in the third line thereof the following words "to enable the board to carry out the purposes of its creation, and".

SEC. 4. Official residences—traveling expenses. That section 11 of said act be amended by striking therefrom the last sentence and inserting in lieu thereof the following:

"The members of the finance committee and other employes shall maintain their official residences at the places designated by the board, and shall be entitled to the necessary traveling expenses therefrom, by the nearest traveled and practicable route, incurred in visiting the different institutions and other places and returning therefrom when on official business; and to such other expenses as are actually and necessarily incurred in the performance of their official duties."

Approved April 15, A. D. 1911.

CHAPTER 133.

PLACING OF CHILDREN RECEIVED IN THE SOLDIERS' ORPHANS' HOME.

S. F. 248.

AN ACT making all children received in the soldiers' orphans' home wards of the state, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in section twenty-six hundred ninety-b (2690-b), of the supplement to the code, 1907.

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

SECTION 1. Repeal—children to be home wards of state—placing by contract. That the law as it appears in section twenty-six hundred ninety-b (2690-b) of the supplement to the code, 1907, is hereby repealed and in lieu thereof is enacted the following:

"All children received in the soldiers' orphans' home, whether admitted on application of a parent, guardian or other person or committed as de-

pendent or neglected under the law as it appears in chapter five-B (5-B) of title three (III) of the supplement to the code, 1907, shall when received become wards of the state. Any child so received unless adopted as authorized under the law as it appears in section twenty-six hundred ninety-a (2690-a) of the supplement to the code, 1907, may be placed by the superintendent with any person or family of good standing and character where it will be cared for and educated properly. Such child shall be placed under articles of agreement to be signed by the person or persons taking the child and the superintendent, approved in writing by the board of control of state institutions, which articles shall provide for the custody, care, education, maintenance and earnings of the child for a time to be therein fixed which shall not extend beyond the time when the child shall attain its majority."

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 Capital, newspapers published in Des Moines, Iowa.

Approved March 28, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 29, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 134.

SALARIES AND EXPENSES OF STATE AGENTS.

S. F. 293.

AN ACT making an appropriation for the salaries and expenses of state agents and repealing section two (2) of chapter one hundred seventy-two (172) of the acts of the thirty-third general assembly and the law as it appears in section twenty-six hundred ninety-two-c (2692-c) of the supplement to the code, 1907, as amended.

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

SECTION 1. Repeal—annual appropriation—money advanced. That section two (2) of chapter one hundred seventy-two (172) of the acts of the thirty-third general assembly and the law as it appears in section twenty-six hundred ninety-two-c (2692-c) as amended are hereby repealed and in lieu thereof is enacted the following:

"There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five thousand (\$5,000.00) dollars annually for the payment of salaries and expenses of the state agents and other expenses incurred under the provisions of this act, such salaries and expenses to be paid in the manner provided by section twenty-seven hundred twenty-seven-a six (2727-a6) of the supplement to the code, 1907. Provided, that the board of control may cause to be advanced from the funds hereby appropriated to each agent from time to time the sums to be used in defraying the official expenses of such agent, but the aggregate amount of money so advanced and not expended at any time shall not exceed the sum of two hundred fifty (\$250.00) dollars, and the agent shall give security to be approved by the board for the proper use and accounting each month of all money so advanced."

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 Capital, newspapers published in Des Moines, Iowa.
Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 14, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 135.

PLACING UNDER CONTRACT BOYS AND GIRLS COMMITTED TO THE INDUSTRIAL SCHOOL.

S. F. 249.

AN ACT authorizing the placing with persons or in families and in places of employment of boys and girls committed to the industrial school, under contract for care, education, maintenance and service, and repealing the law as it appears in section twenty-seven hundred four (2704) of the supplement to the code, 1907.

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

SECTION 1. Repeal—placing under contract of boys and girls—conditions. That the law as it appears in section twenty-seven hundred four (2704) of the supplement to the code, 1907, is hereby repealed and in lieu thereof is enacted the following:

“All boys and girls committed to and received in the industrial school may be placed by the superintendent, with the approval in writing of the board of control of state institutions, with any persons or in any families of good standing and character where they will be properly cared for and educated. They shall be so placed under articles of agreement to be signed by the person or persons taking them and the superintendent, approved by said board of control, which shall provide for their custody, care, education, maintenance and earnings for a time to be fixed in said articles which shall not extend beyond the time when the persons bound shall attain their majority. In case a boy or girl so placed be not given the care, education, treatment and maintenance required by such agreement, the board of control may cause the boy or girl to be taken from the person or persons with whom placed and returned to the institution, or may replace, release, or finally discharge him or her as may seem best. It shall not be lawful for any parent or other persons not a party to the placing of a boy or girl to interfere in any manner or assume or exercise any control over such boy or girl or his or her earnings which shall be used, held or otherwise applied for the exclusive benefit of such boy or girl. In case legal proceedings are necessary to enforce any right hereby conferred on any boy or girl, the county attorney of the county in which such proceedings should be instituted shall on request of the superintendent, approved by the board of control, institute and carry on in the name of the superintendent, the proceedings in behalf of the superintendent.”

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 Capital, newspapers published in Des Moines, Iowa.

Approved April 6, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 8, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 136.

COMMITMENT OF BOYS AND GIRLS TO THE INDUSTRIAL SCHOOL.

H. F. 485.

AN ACT providing for the commitment of boys and girls to the industrial school and repealing the law as it appears in sections twenty-seven hundred eight (2708) and twenty-seven hundred nine (2709) of the supplement to the code, 1907, and chapter one hundred seventy-four of the acts of the thirty-third (33) general assembly.

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

SECTION 1. **Repeal.** That the law as it appears in section twenty-seven hundred eight (2708) of the supplement to the code, 1907, and chapter one hundred seventy-four (174) of the acts of the thirty-third (33) general assembly is hereby repealed and in lieu thereof is enacted the following:

“SEC. 2708. **Commitment.** When a boy over the age of ten years and under eighteen, or girl over the age of ten years, and under eighteen, of sound mind, excepting married women, prostitutes, or any girl who is pregnant, shall be found guilty in any court of record of any crime excepting that of murder, the court in its discretion may, instead of entering judgment of conviction, order and direct the party to be sent to the industrial school, if a boy to the department at Eldora, if a girl, to that at Michellville, which order, certified by the clerk of the court and under its seal, shall be sufficient authority for his or her transfer to and confinement in said school. If such a boy or girl is convicted before any inferior court of a crime, or shall be found to be guilty of being a disorderly person, he or she may be forthwith sent by the court, accompanied with all the papers filed in his office upon the subject, in custody of an officer, to a judge of a court of record, who shall thereupon issue an order, directed to the parent or guardian of the party, or to such person as may have him or her in charge, or with whom he or she last resided, or one known to be nearly related to him or her, or if he or she be alone and friendless, then to any person the judge may appoint to act as guardian for the purposes of the case, requiring him or her to appear at a time and place stated and show cause why the party should not be committed to the industrial school, which order shall be served by an officer by delivering a copy to the party to whom it is addressed, or by leaving it with some person of full age at the residence or place of business of said party, and immediate return shall be made to the judge of the service. At the time and place mentioned in the order, or to which the hearing may be adjourned, on the appearance of the parent or guardian, or, in case of their failure to appear, then after the appointment of some suitable person as guardian for the purposes of the case, the judge shall proceed to take the voluntary examination of the boy or girl, to hear the statements of the party appearing for him or her, and such testimony in relation to the case as may be produced, and if upon such examination and hearing he shall be satisfied that the boy or girl is a fit subject for the industrial school, he may commit him or her to said school, until he or she arrives at the age of twenty-one (21) years, by warrant, which warrant shall state the place in which the party resided at the time of arrest, and his or her age, as near as can be ascertained, and shall command the officer to take and deliver without delay to the superintendent of said school or other person in charge thereof the said boy or girl, and the statement as to residence or age shall be conclusive thereof for the purposes of this chapter. With the warrant, the judge shall also transmit a statement of the nature of the complaint, and such other particulars concerning the accused as he may be able to ascertain, including the date of birth, and a brief statement of the habits and environment of the accused, arrests if any for misconduct, influence

and conduct of parents and other members of the family, and the substance of the evidence submitted. If the judge is of the opinion that the boy or girl is not a fit subject for the school, or if said boy or girl shall appeal from the decision of the court in which the conviction was had, he shall remand him or her to the custody of the officer who had him or her in charge, to be returned to the magistrate before whom the conviction was had, to be dealt with according to law."

SEC. 2. Repeal. The law as it appears in section twenty-seven hundred nine (2709) of the supplement to the code, 1907, is hereby repealed and in lieu thereof is enacted the following:

"**SEC. 2709. Complaint by parent or guardian.** If any parent or guardian shall make complaint to a judge of a court of record that any boy over the age of ten years and under eighteen, or girl over the age of ten years and under eighteen, the child or ward of such parent or guardian, is habitually vagrant, disorderly or incorrigible, said judge shall issue a warrant to the sheriff or constable to cause said boy or girl to be brought before him at such time and place as he may appoint, when and where he shall examine the parties, and if in his judgment the boy or girl is a fit subject for the industrial school, he may issue an order, with the consent of said parent or guardian indorsed thereon, to be executed by the sheriff or constable, committing said boy or girl to the custody of the superintendent of said school for reformation and instruction until he or she attains the age of twenty-one (21) years; but security for the payment of the expenses of said complaint, commitment and transportation to the school, and the expenses of board thereat, may, in the discretion of the judge, be required of said parent or guardian before such order is executed. Provided, however, that no married woman, prostitute, or girl who is pregnant shall be committed under the provisions of this section, and provided further that with the order the judge shall also transmit a statement of the nature of the complaint, and such other particulars as he may be able to ascertain, including the date of birth and a brief statement of the habits and environment of the accused, arrests if any for misconduct, influence and conduct of parents and other members of the family, and the substance of the evidence submitted."

SEC. 3. 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 Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 20, 1911, and in the Register and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 137.

SUPPORT OF THE INDUSTRIAL SCHOOLS.

S. F. 254.

AN ACT to provide for the support of the industrial schools and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in section twenty-seven hundred thirteen (2713) of the supplement to the code, 1907.

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

SECTION 1. Repeal—support fund. That the law as it appears in section twenty-seven hundred thirteen (2713) of the supplement to the code, 1907, is hereby repealed and in lieu thereof is enacted the following:

“For the support of the industrial school there is hereby appropriated out of any money in the state treasury not otherwise appropriated, or so much thereof as may be necessary, thirteen dollars monthly for each boy and sixteen dollars monthly for each girl actually supported in said school, counting the average number therein for each month; the monthly statement for each department to be verified by its superintendent and presented to the state auditor who shall draw his warrant upon the state treasurer for the same; provided however that when the average number of inmates in the department for boys shall be less than four hundred seventy for any month said department shall be credited by the auditor of state and the treasurer of state with the sum of six thousand one hundred dollars, and when the average number of inmates in the department for girls shall be less than two hundred twenty-five for any month said department shall be credited by the auditor of state and the treasurer of state with the sum of thirty six hundred dollars, and any sum which shall be credited to either department as aforesaid shall be drawn from the state treasury as the regular monthly per capita allowance is drawn.”

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 Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 19, 1911, and in the Register and Leader April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 138.

COMMITMENT OF GIRLS TO INSTITUTIONS FOR DETENTION AND REFORMATION OF WAYWARD AND FALLEN GIRLS.

H. F. 180.

AN ACT amendatory of and additional to chapter eight (8) title thirteen (XIII) of the code and supplement to the code, 1907, providing that whenever females may be committed to the industrial school, the court or judge may commit said females to any reputable institution within this state conducted for the detention and reformation of wayward and fallen girls, fixing the compensation to be paid such institutions therefor, and providing that sections thirty-two hundred and sixty-g (3260-g), thirty-two hundred and sixty-j (3260-j) and thirty-two hundred and sixty-k (3260-k) supplement to the code, 1907, relating to the authority and supervision of the court and board of control, shall govern so far as applicable.

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

SECTION 1. Commitments to reformatory institutions authorized—what statutes applicable. Whenever under the provisions of chapter eight (8)

title thirteen (XIII) of the code, the supplement to the code, 1907, and amendments thereto, any court or judge is authorized to commit any female within the ages therein prescribed to the state industrial school, said court or judge may, instead of committing said female to said industrial school as therein provided, commit the said female to the care of any reputable institution within this state devoted to the detention and reformation of wayward and fallen girls, in which event the provisions of chapter 8, title 13 of the code, the supplement to the code, 1907, and amendments thereto, and sections 3260-g, 3260-j and 3260-k, supplement to the code, 1907, shall govern so far as applicable.

SEC. 2. Monthly allowance. The institution receiving and caring for any female under the provisions of this act shall be entitled as compensation not to exceed a monthly allowance of sixteen dollars (\$16) from the county of the legal settlement of such female, the same to be allowed by the board of supervisors and paid in the manner as other claims against said county are paid.

SEC. 3. Annual report to the governor. Each institution above referred to shall, on or before the first day of January in each year, make a report to the governor of the state showing the number of inmates in such institution admitted under the provisions of this act, and the total amount paid for each inmate.

Approved April 15, A. D. 1911.

CHAPTER 139.

SUPPORT OF THE COLLEGE FOR THE BLIND.

S. F. 265.

AN ACT to provide for the support of the college for the blind, fixing a minimum monthly allowance and repealing the law as it appears in section twenty-seven hundred eighteen-a (2718-a) of the supplement to the code, 1907.

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

SECTION 1. Repeal—appropriation—support. That the law as it appears in section twenty-seven hundred eighteen-a (2718-a) of the supplement to the code, 1907, is hereby repealed and in lieu thereof is enacted the following:

“For the support of the college and to meet the ordinary and current expenses thereof, including the compensation of officers, teachers and other employes, the purchase of supplies of food, clothing, furniture and furnishings, books, maps and apparatus, and other incidental expenses, there is hereby appropriated out of any money in the state treasury not otherwise appropriated, or so much thereof as may be needed, twenty-two dollars per month for nine months each year for each resident pupil actually supported in the college. Said sum shall be placed to the credit of the college on the certificate of the board of control of state institutions, which shall show the average number of pupils in the college for the preceding month, and shall be paid from the state treasury as provided by the law as it appears in section twenty-seven hundred twenty-seven-a-one (2727-a1) and subsequent sections to and including section twenty-seven hundred twenty-seven-a fifty-one (2727-a51) of the supplement to the code, 1907, and acts amendatory thereof. Provided, however, that when the average number of resident pupils shall be less than one hundred sixty for any one of the nine months the sum of thirty six hundred dollars shall be placed to the credit of the college and paid as herein provided.”

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 Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 19, 1911, and in the Register and Leader April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 140.

MEMBERS OF THE BOARD OF CONTROL OF STATE INSTITUTIONS.

H. F. 355.

AN ACT to amend the law as it appears in section twenty-seven hundred twenty-seven-a1 (2727-a1) of the supplement to the code, 1907, relating to the term of office of the members of the board of control of state institutions.

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

SECTION 1. **Terms extended one year.** That the law as it appears in section 2727-a1 of the supplement to the code, 1907 be and the same is hereby amended by adding thereto the following:

“The term of office of the member of the board whose term expires April, 1912 is hereby extended to June 30, 1913; the term of office of the member of the board whose term expires April 1914 is hereby extended to June 30, 1915, and the term of office of the member of the board whose term expires April 1916 is hereby extended to June 30, 1917.”

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 Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 7, 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 10, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 141.

COLLEGE FOR THE BLIND.

S. F. 225.

AN ACT to transfer the control and management of the college for the blind at Vinton from the board of control of state institutions to the state board of education and granting all of the powers held by the board of control over such institution to the state board of education; and amending the law as it appears in section two thousand seven hundred twenty-seven-a-eight (2727-a-8) of the supplement to the code, 1907, and amending chapter one hundred seventy (170) of the law as it appears in the acts of the thirty-third general assembly.

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

SECTION 1. **Taken from board of control.** That the law as it appears in section two thousand seven hundred twenty-seven-a-eight (2727-a-8) of the

supplement to the code, 1907, be and the same is hereby amended by striking from the fourth line thereof the following: "the college for the blind".

SEC. 2. Placed under state board of education. That section one (1) of the chapter one hundred seventy (170) of the law as it appears in the acts of the thirty-third general assembly be amended by striking out the first word of the third line, "and", and inserting after the words "Cedar Falls" a comma (,) and the words "and the college for the blind at Vinton".

SEC. 3. Powers transferred. That said chapter one hundred seventy (170) of the acts of the thirty-third general assembly be further amended by adding to said chapter the following:

"That all the powers heretofore granted to and exercised by the board of control over the college for the blind are hereby transferred to the state board of education and the state board of education is authorized and empowered to take charge of, manage and control said college for the blind."

SEC. 4. Transfer of funds. All funds now in the hands of the treasurer of state to the credit of the said college for the blind are transferred from the board of control to the state board of education.

Approved April 6, A. D. 1911.

CHAPTER 142.

CHANGE OF BOUNDARIES OF SCHOOL CORPORATIONS.

S. F. 25.

AN ACT to amend the law as it appears in section two thousand seven hundred ninety-three (2793) of the supplement to the code, 1907, relating to the change of boundaries of school corporations.

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

SECTION 1. Boundary lines changed. Section two thousand seven hundred ninety-three (2793) of the supplement to the code, 1907, is hereby amended by striking out the words "in the same county" as they appear in lines four and eleven thereof.

Approved March 17, A. D. 1911.

CHAPTER 143.

ORGANIZATION OF CONSOLIDATED INDEPENDENT SCHOOL DISTRICTS.

H. F. 33.

AN ACT to amend section two thousand seven hundred ninety-four-a (2794-a) of the supplement to the code, 1907, relating to the organization of consolidated independent school districts.

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

SECTION 1. Amended. That section two thousand seven hundred ninety-four-a (2794-a) of the supplement to the code, 1907, be and the same is hereby amended to read as follows:

"(A) **Petition for consolidation—question submitted—organization completed.** When a petition describing the boundaries of contiguous territory containing not less than sixteen (16) sections within one or more counties is

signed by one-third (1-3) of the electors residing on such territory, and approved by the county superintendent, if of one county, and the superintendent of each if of more than one county, and by the state superintendent of public instruction if the county superintendents do not agree, and filed with the board of the school corporation in which the portion of the proposed district having the largest number of voters is situated, requesting the establishment of a consolidated independent district, it shall be the duty of said board, within ten (10) days to call an election in the proposed consolidated district, for which they shall give the same notices as are required in section twenty-seven hundred and forty-six (2746) of the code, and twenty-seven hundred and fifty (2750) of the supplement to the code, 1907, at which election all voters residing in the proposed consolidated district shall be entitled to vote by ballot for, or against such separate organization. When it is proposed to include in such district a city, or town or village, the voters residing upon the territory outside the incorporated limits of such city, town or village shall vote separately upon the proposition for the creating of such new district. The judges of said election shall provide separate ballot boxes in which shall be deposited the votes cast by the voters from their respective territory, and if a majority of the votes cast by the electors residing either within or without the limits of such city, town or village, is against the proposition to form a consolidated independent corporation, then the proposed corporation shall not be formed. If a majority of the votes so cast in each territory shall be in favor of such independent organization, the organization of the proposed consolidated independent school corporation shall be completed by the election of a board of directors for said school corporation, as provided in section twenty-seven hundred and ninety-five (2795) of the code, and when so organized shall not be reduced to less than sixteen sections unless dissolved as provided by this act. No school corporation from which territory is taken to form such a consolidated independent corporation shall, after the change contain less than four government sections, which territory shall be contiguous and so situated as to form a suitable corporation.

“(B) **School board to organize—when—tax levy.** The organization of the school board in consolidated independent school corporations shall be effected on or before the first day of July, following their election, and when completed, all taxes previously certified shall be void so far as the property within the limits of the consolidated independent school corporation is concerned, and the board of said consolidated independent school corporation shall at a regular meeting or a special meeting called for the purpose, at any time prior to the third Monday in August of each year, levy for the general fund of said school the amount of all necessary taxes for all school purposes, which, including the amount received from the semi-annual apportionment shall not exceed thirty-two (32) dollars for each person of school age, the amount so levied to be certified by them to the county board of supervisors on or before the first Monday of September, in each year, and the board of supervisors shall levy said tax at the same time, and in the same manner that other school taxes are required to be levied.

“(C) **Transportation to and from school.** It shall be the duty of the school board of any consolidated independent school corporation and school townships maintaining a central school to provide suitable transportation to and from school, for every child of school age living within said district, and outside the limits of any city, town or village, but the board shall not be required to cause the vehicle of transportation to leave the public highway to receive or discharge occupants thereof. The board shall from time to time, by resolution regularly adopted, number and designate the route to be traveled by each conveyance in transporting children to and from school. The school

board may require that children living an unreasonable distance from school shall be transported by the parent, or guardian, a distance of not to exceed two miles to connect with any vehicle of transportation to and from school; or may, in the discretion of the board contract with an adjoining school corporation for the instruction of any child living an unreasonable distance from school, and they shall allow a reasonable amount of compensation for the transportation of children to and from the point where they are taken over, or discharged from, the vehicle used to convey them to and from school, or for transporting to an adjoining district. In determining what an unreasonable distance would be, consideration shall be given to the number and age of the children, the condition of the roads, and the number of miles to be traveled in going to and from school. The board shall have the right on account of inclemency of the weather to suspend the transportation of any route upon any day, or days, when in the judgment of the said board, it would be a hardship on the children, or when the roads to be traveled are unfit or impassable.

“(D) **Transportation contracts—rules and regulations.** The school board of any consolidated independent school corporation shall contract with as many suitable persons as they may deem necessary for the transportation of children of school age to and from school, such contract to be in writing and shall state the number of the route, the length of time contracted for, the compensation to be allowed per week of five school days, or per month of four school weeks, and may provide that two week’s salary shall be retained by the board pending full compliance therewith by the party contracted with, and shall always provide that any party or parties to said contract and every person in charge of vehicles conveying children to and from school, shall be at all times subject to any rules or regulation said board shall adopt for the protection of the children, or to govern the conduct of the person in charge of said conveyance.

“(E) **School building—location.** It shall be the duty of the school board of any consolidated independent district to provide a suitable school building within such district, and shall at any regular meeting or at a special meeting called for that purpose submit the question of levying a tax for the building of any school building suitable for the needs of the district, or for the repairing of any school building where the cost of such repairs exceeds the sum of two thousand (2000) dollars to the qualified voters of said district, and all moneys received from such source to be placed in the school house fund of said corporation and to be used for such purposes only. In locating said building they shall take into consideration the geographical position, number and convenience of the scholars, and may submit the question of location to the voters of the district at any regular meeting or special meeting called for that purpose; providing, that whenever a city, town or village containing a school population of twenty-five (25) or more, is included within any consolidated independent district, then said building shall be located within the incorporated limits of said city, town or village, on such a site as the school board may determine.

“(F) **Petition for dissolution—question submitted—dissolution effected.** Whenever a petition signed by one-third (1-3) of the electors in a consolidated independent school corporation asking that said district be dissolved and describing the boundaries of the district, or districts, proposed to be organized out of the territory then included in such consolidated independent school corporation and having the approval of the county superintendent, if one county and the superintendent of each if more than one county, and by the state superintendent of public instruction if the county superintendents do not agree, and filed with the board of said consolidated independent district, it shall be the duty of said board within ten (10) days to call an election for which they

shall give the same notices as are required in section two thousand seven hundred forty-six (2746) of the code, and two thousand seven hundred fifty (2750) of the supplement to the code, 1907, at which election all voters residing within the district shall be allowed to vote by ballot for or against such dissolution. If a majority of all votes cast at said election be in favor of dissolving the consolidated district, same shall be dissolved and the organization of a new district or districts be forthwith completed by the election of a board of directors as provided by statute; provided, however, that such dissolution shall become effective only when the reorganization of the territory included in the original consolidated district is completed. The assets and liabilities of any such school corporation thus dissolved shall be equitably divided as provided in section two thousand eight hundred two (2802) of the supplement to the code, 1907.

“(G) **Violation of rules and regulations—penalty.** Any person driving, managing, or in charge of any vehicle used in transporting children to and from school, in any consolidated independent school corporation, who shall be found guilty of violating any of the rules and regulations adopted by the board of said school, for the guidance of any person in charge of such conveyance, shall be guilty of a misdemeanor, and for the first offense shall be fined not less than five dollars (\$5.00) or more than ten dollars (\$10.00) and for a subsequent offense shall be fined not less than twenty-five (\$25.00) dollars or more than fifty dollars (\$50.00) and shall be dismissed from the service.”

(H) **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after the date of its publication in the Register & Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 25, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 28, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 144.

TITLE AND DISPOSITION OF REAL ESTATE ACQUIRED BY A SCHOOL CORPORATION.

H. F. 177.

AN ACT to amend section twenty-eight hundred and sixteen (2816) of the code, relative to the title and disposition of real estate acquired by a school corporation.

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

SECTION 1. Repeal—reversion in case of non-user. Section twenty-eight hundred and sixteen (2816) of the code is hereby repealed and the following enacted in lieu thereof:

“In any school district wholly outside any city or incorporated town, in the case of non-user for school purposes for two years continuously of any real estate acquired for a school house site it shall revert, with improvements thereon, to the owner of the tract from which it was taken, upon repayment of the purchase price without interest, together with the value of the improvements, to be determined by arbitration, and upon such payment the school corporation shall make formal conveyance to such owner. During its use the

owner of the right of reversion shall have no interest in or control over the premises.”

Approved April 17, A. D. 1911.

CHAPTER 145.

INDEBTEDNESS OF INDEPENDENT SCHOOL DISTRICTS.

H. F. 11.

AN ACT to amend sections one (1), and two (2), of chapter one hundred and eighty-four (184), acts of the thirty-third general assembly, relative to the limit of indebtedness of independent school districts.

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

SECTION 1. Indebtedness authorized. Section one (1), of chapter one hundred and eighty-four (184) of the acts of the thirty-third general assembly is hereby so amended as to read as follows, to-wit:—

“Any independent district containing, or contained in, any city, town or village, or any consolidated independent district shall be allowed to become indebted, for the purpose of building and furnishing a school house or houses and procuring a site therefor, to an amount not to exceed in the aggregate, including all other indebtedness, four per centum of the actual value of the taxable property within such independent school district, such value to be ascertained by the last county tax list previous to the incurring of such indebtedness, anything contained in section one thousand three hundred and six-b (1306-b) of the supplement to the code, 1907, to the contrary notwithstanding.”

SEC. 2. Petition for election. Section two (2) of chapter one hundred and eighty-four (184) of the acts of the thirty-third general assembly is hereby so amended as to read as follows, to-wit:—

“Provided, that before such indebtedness can be contracted in excess of one and one-quarter per centum of the actual value of the taxable property ascertained as provided in this act, a petition signed by a number equal to twenty-five (25%) per cent of those voting at the last school election shall be filed with the president of the board of directors, asking that an election shall be called, stating the purpose for which the money is to be used, and that the necessary school house or houses cannot be built and furnished within the limit of one and one-quarter per centum of the valuation.”

SEC. 3. In effect. This act being deemed of immediate importance shall be in full force and effect on and after its publication in the Des Moines Capital and the Register and Leader, newspapers published in Des Moines, Iowa.

Approved March 21, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital and the Register and Leader March 22, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 146.

PAYMENT OF TUITION OF PUPILS ATTENDING HIGH SCHOOLS LOCATED IN OTHER DISTRICTS.

H. F. 28.

AN ACT to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to four-year high schools of Iowa. [Additional to chapter fourteen (14) of title thirteen (XIII) of the code, relating to the common schools.]

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

SECTION 1. Pupils permitted to attend high school outside of home district. Any person of school age, who is a resident of a school corporation not offering a four-year high school course, and who has completed the course of study offered in such school corporation shall be permitted to attend any high school that will receive him, provided the average cost of tuition allowed shall not exceed the average cost of tuition in the nearest high school, under the conditions and provisions of section two (2) of this act.

SEC. 2. Applicant to present certificates as to qualifications. Any person applying for admission to any high school under the provisions of this act shall present to the officials of said high school a certificate from the president or secretary of the school corporation in which he resides stating that the said applicant is of school age and that he is a resident of said school corporation, which certificate shall be issued on application therefor. He shall also present a certificate signed by the county superintendent showing proficiency in the common school branches, reading, orthography, arithmetic, physiology, grammar, civics, geography, United States history, penmanship and music; provided, however, that such person may be admitted to any grade in such high school upon his passing a satisfactory examination before the officers thereof, or under their direction.

SEC. 3. Tuition fee—how paid. The school corporation in which such student resides shall pay to the treasurer of the school corporation in which such student shall be permitted to enter, a tuition fee equal to the average cost of tuition and the average proportion of contingent expenses in the high school department in the latter corporation during the time he so attend, not exceeding, however, a total period of four (4) school years. Such payment to be made out of the teachers fund and contingent fund of the debtor corporation.

SEC. 4. Refusal or neglect to pay—how collected. If payment is refused or neglected the board of the creditor corporation shall file with the auditor of the county of the pupil's residence a statement certified by its president specifying the amount due for tuition and for contingent expenses respectively, and the time for which the same is claimed; and the auditor shall transmit to the county treasurer an order directing such treasurer to transfer the amount of such account from the debtor corporation to the creditor corporation, and the treasurer shall pay the same out in accordance therewith."

Approved March 10, A. D. 1911.

CHAPTER 147.

APPROPRIATIONS AND SALARIES FOR THE STATE LIBRARY AND THE HISTORICAL DEPARTMENT.

H. F. 367.

AN ACT to repeal the law as it appears, in sections twenty-eight hundred eighty-one-e (2881-e), twenty-eight hundred eighty-one-f (2881-f), and twenty-eight hundred eighty-one-g (2881-g), chapter seventeen-A (17-A), title thirteen (XIII) of the supplement to the code, 1907, and enact substitutes therefor, relative to salaries and appropriations for the state library and the historical department.

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

SECTION 1. Repeal—appropriations. That section twenty-eight hundred eighty-one-e (2881-e), of the supplement to the code, 1907, be and the same is hereby repealed, and the following enacted in lieu thereof:

“There shall be annually appropriated from any money in the state treasury, not otherwise appropriated, the sum of six thousand dollars (\$6000.00) for the use of the law department and legislative reference bureau; six thousand dollars, (\$6000.00) for the use of the miscellaneous department, and six thousand dollars (\$6000.00) for the historical department; the money to be expended under the direction of the board of trustees of the state library and historical department.”

SEC. 2. Repeal—state librarian—curator—law librarian—salaries. That section twenty-eight hundred eighty-one-f (2881-f) of the supplement to the code, 1907, be, and the same is hereby repealed, and the following enacted in lieu thereof:

“From and after the taking effect of this act the salary of the state librarian shall be the sum of two thousand four hundred dollars (\$2400.00) per annum; of the curator of the museum and art gallery, the sum of eighteen hundred dollars (\$1800.00), per annum; and the law librarian the sum of eighteen hundred dollars, (\$1800.00) per annum.”

SEC. 3. Repeal—assistants—salaries. That section two thousand eight hundred and eighty-one-g, (2881-g), of the supplement to the code, 1907, be, and the same is hereby repealed, and the following enacted in lieu thereof:

“As assistants (in addition to the curator of the museum and art gallery and the law librarian), the state librarian may employ one first assistant at an annual salary of eleven hundred dollars, (\$1100.00); and one second assistant at an annual salary of ten hundred dollars, (\$1000.00); and one third assistant at an annual salary of nine hundred dollars, (\$900.00).”

Approved April 14, A. D. 1911.

CHAPTER 148.

PUBLIC ARCHIVES.

S. F. 333.

AN ACT to amend the law as it appears in section two thousand, eight hundred eighty-one-l (2881-l) of the supplement to the code, 1907, relating to the public archives, authorizing the curator of the historical collections to make and certify copies of records and documents in the public archives.

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

SECTION 1. Authenticated copies of records—fees. The law as it appears in section two thousand, eight hundred eighty-one-l (2881-l) of the supple-

ment to the code, 1907, is hereby amended by adding at the end of said section the following words:

“Upon and after said receipt from the executive council of any of such public archives copies thereof may be made, certified and authenticated by the curator of the historical collections in the same manner and with the same validity as the officer or officers from whom they were received. Said curator shall charge and collect for certified copies the same fees as are allowed by law to the secretary of state for certified copies, which fees shall be turned into the state treasury.”

Approved April 1, A. D. 1911.

CHAPTER 149.

APPROPRIATION FOR THE STATE HISTORICAL SOCIETY.

H. F. 115.

AN ACT making appropriation to the state historical society of Iowa. [Additional to section twenty-eight hundred eighty-two-a (2882-a) of the supplement to the code, relating to annual appropriation for state historical society.]

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

SECTION 1. Appropriation for additional permanent support. That there is hereby appropriated to the state historical society of Iowa, out of any money in the state treasury not otherwise appropriated, the sum of four thousand dollars (\$4,000) annually hereafter as additional permanent support for historical research and publication.

SEC. 2. Paid in quarterly installments. That the said sum shall be paid in quarterly installments on the order of the board of curators of the said state historical society of Iowa, the first installment to be paid July, 1911.

Approved April 14, A. D. 1911.

CHAPTER 150.

SALES OF STOCKS OF GOODS, WARES OR MERCHANDISE IN BULK.

H. F. 56.

AN ACT to regulate the sale or disposal of stocks of goods, wares, or merchandise in bulk, and to provide a penalty for the violation thereof. [Additional to chapter four (4) of title fourteen (XIV), relating to transfer of personal property.]

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

SECTION 1. Creditors to be notified. No person, firm, or corporation engaged in the retail or wholesale business of buying and selling merchandise for profit shall at a single transaction, and not in the regular course of business sell, assign, or deliver the whole, or a major part of his stock in trade unless he shall, not less than three days previous to such sale, assignment, or delivery, send or cause to be sent to his creditors by registered mail, a notice of his intention to make such transfer, assignment or delivery, which notice shall be in writing describing in general terms the property to be sold, assigned, or delivered, and the parties thereto.

SEC. 2. Sales and assignments fraudulent, when. All such sales, assignments, or deliveries of commodities which shall be made without the formalities

required by the provisions of section 1 hereof, will be presumed to be fraudulent and void as against all persons who were creditors of the vendor at the time of such transaction.

SEC. 3. Not applicable to transfers by or to executors, etc. Transfers under this act shall include sales, exchanges and assignments, but nothing in this act shall apply to transfers by or to executors, administrators, receivers, assignees under voluntary assignment for the benefit of the creditors, trustees in bankruptcy or any public officer under judicial process.

Approved April 10, A. D. 1911.

CHAPTER 151.

ACKNOWLEDGEMENTS OF INSTRUMENTS IN WRITING HERETOFORE TAKEN BY NOTARIES PUBLIC.

S. F. 195.

AN ACT to legalize acknowledgements of instruments in writing heretofore taken by notaries public, additional to section twenty-nine hundred and forty-two (2942) of the code.

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

SECTION 1. Acknowledgments legalized. That the acknowledgments of all deeds, mortgages, or other instruments in writing heretofore taken or certified, and which instruments have been recorded in the recorder's office of any county of this state, including acknowledgments of instruments made by any private or other corporation, or to which such corporation was a party, or under which such corporation was a beneficiary, and which have been acknowledged before or certified by any notary public who was at the time of such acknowledgment or certifying a stockholder or officer in such corporation, be and the same are hereby declared to be legal and valid official acts of such notaries public, and to entitle such instruments to be recorded, anything in the laws of the state of Iowa in regard to acknowledgments to the contrary notwithstanding.

SEC. 2. Pending litigation. This act shall not affect the rights of parties in any action or suit now pending in any court of this state.

SEC. 3. In effect. This act being deemed of immediate importance shall be in force and take effect from and after its publication in the Register & Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved March 23, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 25, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 152.

CONVEYANCES OF REAL ESTATE BY EXECUTORS, ADMINISTRATORS, TRUSTEES, GUARDIANS, REFEREES AND COMMISSIONERS.

S. F. 151.

AN ACT to repeal chapter one hundred ninety-two (192) of the acts of the thirty-third general assembly and to enact a substitute therefor relating to the conveyance of real estate by executor, administrator, trustee, guardian, referee, or commissioner.

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

SECTION 1. Repeal—certain conveyances of real estate legalized. That chapter 192 of the acts of the thirty-third general assembly be repealed and the following enacted in lieu thereof:

“In all cases where, prior to the year A. D. eighteen hundred ninety (1890), an executor, administrator, trustee, guardian, referee or commissioner, duly appointed and qualified, and acting as such in this, or any other state, has conveyed in such trust capacity, real estate lying in this state, and such conveyance has been of record since prior to the first day of January, A. D. eighteen hundred ninety (1890) in the county where the real estate so conveyed is located, and the possession of said real estate since said date has rested in the grantee thereunder, or parties claiming by, through or under him, such conveyance shall not be held void or insufficient by reason of the fact that due and legal notice of all proceedings with reference to the making of any such conveyance was not served upon all interested or necessary parties, or that such executor, administrator, trustee, guardian, referee, or commissioner is not shown to have been duly authorized by an order of court to make and execute such conveyance, or that a bond was not given therefor; or that no report of the sale was made; or such sale or deed of conveyance was not approved by order of court, or that any such foreign executor, administrator, trustee, guardian, referee, or commissioner was not appointed or qualified in the state of Iowa, prior to the making of such conveyance, and all such conveyances are hereby legalized and declared valid, legal and binding and of full force and effect.”

Approved April 3, A. D. 1911.

CHAPTER 153.

REGISTRATION OF FARM NAMES.

S. F. 220.

AN ACT providing for registration of farm names. [Additional to title fourteen (XIV) of the code, relative to rights of property.]

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

SECTION 1. Registration of farm name authorized—certificate. Any owner of a farm in the state of Iowa may have the name of his farm, together with a description of his lands to which said name applies, recorded in a register kept for that purpose in the office of the county recorder of the county in which said farm is located, and such recorder shall furnish to such land owner a proper certificate setting forth said name and a description of such lands. That when any name shall have been recorded as the name of any farm in such county, such name shall not be recorded as the name of any other farm in the same county.

SEC. 2. **Fee.** Any person having the name of his farm recorded as provided in this act shall first pay to the county recorder a fee of one dollar, which fee shall be paid to the county treasurer as other fees are paid to the county treasurer by such recorder.

SEC. 3. **Transfer of farm may include registered name.** When any owner of a farm, the name of which has been recorded as provided in this act, transfers by deed or otherwise, the whole of such farm, such transfer may include the registered name thereof; but if the owner shall transfer only a portion of such farm, then in that event, the registered name thereof shall not be transferred to the purchaser unless so stated in the deed of conveyance.

SEC. 4. **Cancellation of registered name—fee.** When any owner of a registered farm desires to cancel the registered name thereof, he shall state on the margin of the record of the register of such name the following: "This name is cancelled and I hereby release all rights thereunder," which shall be signed by the person cancelling such name and attested by the county recorder: That for such latter service the county recorder shall charge a fee of twenty-five cents, which shall be paid to the county treasurer as other fees are paid to the county treasurer by him.

Approved March 14, A. D. 1911.

CHAPTER 154.

INSPECTION OF WEIGHTS AND MEASURES.

S. F. 542.

AN ACT to provide for the inspection of weights and measures, and to punish the keeping of false weights and measures. [Additional to chapter one (1) of title fifteen (XV) of the code, relating to weights and measures and inspection.]

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

SECTION 1. **Inspection—by whom made.** That the state food and dairy commissioner and his assistants are each hereby empowered and it is hereby made their duty, to make an inspection of scales, weights and measures wherever the same are kept for use in connection with the sale of merchandise or other commodities sold by weight or measurement, or where the price to be paid for producing or manufacturing any article or commodity is based upon the weight or measurement thereof, within this state, and he is hereby authorized and directed to procure from the state superintendent of weights and measures such standards of weights and measures as may be necessary to enable him and his assistants to perform the duties conferred upon them by this act.

SEC. 2. **When made.** Whenever complaint shall be made to the state food and dairy commissioner that any false or incorrect scales, weights or measures are being made use of by any person, firm or corporation in the purchase or sale of merchandise or other commodities or in weighing any article or commodity, the piece price paid for producing which is determined by weight or measure, it shall be his duty to cause the same to be inspected as soon as the duties of his office will permit, and he shall make such other inspection of weights and measures as in his judgment is necessary or proper to be made.

SEC. 3. **Keeping of false weights and measures—penalty.** If any person engaged in the purchase or sale of merchandise or other commodities by weight or measurement or in the employment of labor where the price thereof is to be determined by weight or measurement of the articles or thing upon which such labor is bestowed, as specified in section one (1) of this act, be

found having in his place of business any scales, weights, measures or other apparatus for determining the quantity of any commodity, which does not conform to the standards of weight and measurement of this state, shall be guilty of a misdemeanor and for the first offense shall be fined not less than ten nor more than one hundred dollars, and for each subsequent offense, not exceeding five hundred dollars, or imprisonment in the county jail not exceeding ninety days.

SEC. 4. **Expense of procuring standards of weights and measures—how paid.** The state food and dairy commissioner shall pay from the appropriations for his office, any and all expense incurred in procuring the necessary standards from the state superintendent of weights and measures.

Approved April 15, A. D. 1911.

CHAPTER 155.

UNIFORM BILLS OF LADING.

S. F. 154.

AN ACT describing and defining negotiable and non-negotiable bills of lading, and providing for the issuing, transfer and endorsement thereof, defining the rights and duties of common carriers and all persons issuing and receiving the same, providing for the shipment and delivery of goods and property thereunder and for conviction and punishment for the violation of the provisions thereof. [Additional to title fifteen (XV) of the code, relating to commerce and trade.]

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

SECTION 1. **Bills of lading.** Bills of lading issued by any common carrier shall be governed by this act.

SEC. 2. **Terms to be embodied in bill.** Every bill must embody within its written or printed terms—

- (a) The date of its issue,
- (b) The name of the person from whom the goods have been received,
- (c) The place where the goods have been received,
- (d) The place to which the goods are to be transported.
- (e) A statement whether the goods received will be delivered to a specified person, or to the order of a specified person,
- (f) A description of the goods or of the packages containing them which may, however, be in such general terms as are referred to in section 23, and
- (g) The signature of the carrier.

A negotiable bill shall have the words "order of" printed thereon immediately before the name of the person upon whose order the goods received are deliverable.

A carrier shall be liable to any person injured thereby for the damage caused by the omission from a negotiable bill of any of the provisions required in this section.

SEC. 3. **Certain terms may be inserted.** A carrier may insert in a bill, issued by him, any other terms and conditions, provided that such terms and conditions shall not—

- (a) Be contrary to law or public policy, or
- (b) In any wise impair his obligation to exercise at least that degree of care in the transportation and safe-keeping of the goods intrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

SEC. 4. Non-negotiable or straight bill. A bill in which it is stated that the goods are consigned or destined to a specified person, is a non-negotiable or straight bill.

SEC. 5. Negotiable or order bill. A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill, is a negotiable or order bill. Any provision in such a bill that it is non-negotiable shall not affect its negotiability within the meaning of this act.

SEC. 6. Certain negotiable bills not to be issued in parts or sets. Negotiable bills issued in this state for the transportation of goods to any place in the United States on the continent of North America, except Alaska, shall not be issued in parts or sets. If so issued the carrier issuing them shall be liable for failure to deliver the goods described therein to any one who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts.

SEC. 7. Duplicate bills to be so marked. When more than one negotiable bill is issued in this state for the same goods to be transported to any place in the United States on the continent of North America, except Alaska, the word "duplicate" or some other word or words indicating that the document is not an original bill shall be placed plainly upon the face of every such bill, except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to any one who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill.

SEC. 8. Non-negotiable bill to be so marked. A non-negotiable bill shall have placed plainly upon its face by the carrier issuing it "non-negotiable" or "not negotiable." This section shall not apply, however, to memoranda or acknowledgments of an informal character.

SEC. 9. Certain insertions not to limit negotiability of bill. The insertion in a negotiable bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill, or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

SEC. 10. Certain persons not allowed to deny being bound by terms and conditions. Except as otherwise provided in this act, where a consignor received a bill and makes no objection to its terms or conditions at the time he receives it, neither the consignor nor any person who accepts delivery of the goods, nor any person who seeks to enforce any provision of the bill, shall be allowed to deny that he is bound by such terms and conditions, so far as they are not contrary to law or public policy.

SEC. 11. Delivery of goods by carrier. A carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods, or if the bill is negotiable, by the holder thereof, if such demand is accompanied by—

(a) An offer in good faith to satisfy the carrier's lawful lien upon the goods,

(b) An offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is negotiable, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier.

In case the carrier refuses or fails to deliver the goods in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

SEC. 12. Carrier justified in delivering goods to certain persons. A carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is

- (a) A person lawfully entitled to the possession of the goods, or
- (b) The consignee named in a non-negotiable bill for the goods, or
- (c) A person in possession of a negotiable bill for the goods by the terms of which the goods are deliverable to his order, or which has been indorsed to him or in blank by the consignee or by the mediate or immediate indorsee of the consignee.

SEC. 13. Liability of carrier in certain cases. Where a carrier delivers goods to one who is not lawfully entitled to the possession of them the carrier shall be liable to any one having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he—

- (a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or
- (b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

A request or information to be effective within the meaning of this section must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

SEC. 14. Same. Except as provided in section 27, and except when compelled by legal process, if a carrier delivers goods for which a negotiable bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to any one who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier, and notwithstanding delivery was made to the person entitled thereto.

SEC. 15. Same. Except as provided in section 27, and except when compelled by legal process, if a carrier delivers part of the goods for which a negotiable bill had been issued and fails either—

- (a) To take up and cancel the bill, or
- (b) To place plainly upon it a statement that a portion of the goods has been delivered, with a description, which may be in general terms, either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill, to any one who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

SEC. 16. Alterations, additions, etc., in bills without authority to be void. Any alteration, addition or erasure in a bill after its issue without authority from the carrier issuing the same either in writing or noted on the bill shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

SEC. 17. Court may order delivery. Where a negotiable bill has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient surety to be approved by the court to protect the carrier or any person injured by such delivery from any liability or loss, in-

curred by reason of the original bill remaining outstanding. The court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees. The delivery of the goods under an order of the court as provided in this section, shall not relieve the carrier from liability to a person to whom the negotiable bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

SEC. 18. Liability of carrier. A bill upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

SEC. 19. Same. No title to goods or right to their possession, asserted by a carrier for his own benefit, shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

SEC. 20. Claimants may be required to interplead. If more than one person claims the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate.

SEC. 21. Carrier excused from liability—when. If some one other than the consignee or person in possession of the bill, has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods either to the consignee or person in possession of the bill, or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

SEC. 22. No right or title of third person a defense to an action against carrier. Except as provided in the two preceding sections and in section 12, no right or title of a third person unless enforced by legal process shall be a defense to an action brought by the consignee of a non-negotiable bill or by the holder of a negotiable bill against the carrier for failure to deliver the goods on demand.

SEC. 23. Liability of carrier. If a bill of lading has been issued by a carrier or on his behalf by an agent or employe of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to

(a) The consignee named in a non-negotiable bill, or

(b) The holder of a negotiable bill, who has given value in good faith relying upon the description therein of the goods, for damages caused by the non-receipt by the carrier or a connecting carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

If, however, the goods are described in the bill merely by a statement of marks or labels upon them or upon packages containing them, or by a statement that the goods are said to be goods of a certain kind or quantity, or in a certain condition, or it is stated in the bill that packages are said to contain goods of a certain kind or quantity or in a certain condition, or that the contents or the condition of contents of packages are unknown, or words of like purport are contained in the bill, such statements if true, shall not make liable the carrier issuing the bill, although the goods are not of the kind or quantity or in the condition which the marks or labels upon them indicate, or of the kind or quantity or in the condition they were said to be by the consignor. The carrier may, also, by inserting in the bill the words "shipper's load and count" or other words of like purport indicate that the goods were loaded by the shipper

and the description of them made by him; and if such statement be true, the carrier shall not be liable for damages caused by the improper loading or by the non-receipt or by the misdescription of the goods described in the bill.

SEC. 24. Goods not to be attached unless bill be surrendered or negotiation enjoined. If goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner and a negotiable bill is issued for them, they cannot thereafter, while in the possession of the carrier, be attached by garnishment or otherwise, or be levied upon under an execution, unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

SEC. 25. Creditor entitled to aid from courts in attaching bill. A creditor whose debtor is the owner of a negotiable bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such bill, or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

SEC. 26. Carrier not to have a lien on goods except for certain charges. If a negotiable bill is issued the carrier shall have no lien on the goods therein mentioned, except for charges on those goods for freight, storage, demurrage and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier.

SEC. 27. Carrier not liable for failure to deliver—when. After goods have been lawfully sold to satisfy a carriers lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be negotiable.

SEC. 28. Negotiable bill negotiated by delivery. A negotiable bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank.

SEC. 29. Negotiation by indorsement. A negotiable bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner.

SEC. 30. Bill may be transferred. A bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby. A non-negotiable bill cannot be negotiated, and the indorsement of such a bill gives the transferee no additional right.

SEC. 31. By whom negotiated. A negotiable bill may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the bill, the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

SEC. 32. Acquisition by negotiation. A person to whom a negotiable bill has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value, and

(b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him.

SEC. 33. Acquisition by transfer—title defeated by garnishment—negotiation effective—when. A person to whom a bill has been transferred but not negotiated acquires thereby as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor. If the bill is non-negotiable, such person also acquires the right to notify the carrier of the transfer to him of such bill, and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification. Prior to the notification of the carrier by the transferor or transferee of a non-negotiable bill, the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor. A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time with the exercise of reasonable diligence to communicate with the agent or agents having actual possession or control of the goods.

SEC. 34. Transferee may compel transferor to indorse bill. Where a negotiable bill is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

SEC. 35. What warranted. A person who negotiates or transfers for value a bill by indorsement or delivery, including one who assigns for value a claim secured by a bill, unless a contrary intention appears, warrants—

- (a) That the bill is genuine,
- (b) That he has a legal right to transfer it,
- (c) That he has knowledge of no fact which would impair the validity or worth of the bill, and
- (d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a bill the goods represented thereby.

In the case of an assignment of a claim secured by a bill, the liability of the assignor shall not exceed the amount of the claim.

SEC. 36. Liability of indorsers. The indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.

SEC. 37. Holder of bill for security does not warrant genuineness. A mortgagee or pledgee, or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall

not be deemed by so doing to represent or to warrant the genuineness of such bill or the quantity or quality of the goods therein described.

SEC. 38. Validity of negotiation not impaired by certain facts. The validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor, in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress or conversion.

SEC. 39. Effect of subsequent negotiations received in good faith. Where a person having sold, mortgaged, or pledged goods which are in a carrier's possession and for which a negotiable bill has been issued, or having sold, mortgaged, or pledged the negotiable bill representing such goods, continues in possession of the negotiable bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

SEC. 40. Right to possession of goods—how indicated. Where goods are shipped by the consignor in accordance with a contract or order for their purchase, the form in which the bill is taken by the consignor shall indicate the transfer or retention of the property or right to the possession of the goods as follows:

(a) Where by the bill the goods are deliverable to the buyer or to his agent, or to the order of the buyer or of his agent, the consignor thereby transfers the property in the goods to the buyer.

(b) Where by the bill the goods are deliverable to the seller or to his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(c) Where by the bill the goods are deliverable to the order of the buyer or of his agent, but possession of the bill is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods, as against the buyer.

(d) Where the seller draws on the buyer for the price and transmits the draft and bill together to the buyer to secure acceptance or payment of the draft, the buyer is bound to return the bill if he does not honor the draft, and if he wrongfully retains the bill he acquires no added right thereby. If, however, the bill provides that the goods are deliverable to the buyer, or to the order of the buyer, or is indorsed in blank or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill or goods from the buyer, shall obtain the title to the goods, although the draft has not been honored, if such purchaser has received delivery of the bill indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

SEC. 41. What buyer may assume in certain cases. Where the seller of goods draws on the buyer for the price of the goods and transmits the draft and a bill of lading for the goods either directly to the buyer or through a bank or other agency, unless a different intention on the part of the seller appears, the buyer and all other parties interested shall be justified in assuming:

(a) If the draft is by its terms or legal effect payable on demand or presentation or at sight, or not more than three days thereafter (whether such three days be termed days of grace or not), that the seller intended to require payment of the draft before the buyer should be entitled to receive or retain the bill.

(b) If the draft is by its terms payable on time, extending beyond three days after demand, presentation or sight (whether such three days be termed days of grace or not), that the seller intended to require acceptance, but not payment of the draft before the buyer should be entitled to receive or retain the bill.

The provisions of this section are applicable whether by the terms of the bill the goods are consigned to the seller, or to his order, or to the buyer, or to his order, or to a third person, or to his order.

SEC. 42. Right of purchaser for value in good faith not to be defeated. Where a negotiable bill has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

SEC. 43. Rights and remedies of mortgagee or lienholder not limited. Except as provided in section 42, nothing in this act shall limit the rights and remedies of a mortgagee or lienholder whose mortgage or lien on goods would be valid, apart from this act, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

SEC. 44. Penalty for intent to defraud. Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill knowing that all or any part of the goods for which such bill is issued have not been received by such carrier, or by an agent of such carrier or by a connecting carrier, or are not under the carrier's control at the time of issuing such bill, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

SEC. 45. Penalty for false statement. Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a bill for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

SEC. 46. Penalty for issuing duplicate bill. Any officer, agent, or servant of a carrier, who with intent to defraud issues or aids in issuing a duplicate or additional negotiable bill for goods in violation of the provisions of section 7, knowing that a former negotiable bill for the same goods or any part of them is outstanding and uncanceled, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

SEC. 47. Penalty for shipping goods without title. Any person who ships goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable bill which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage, shall be guilty of a crime, and upon

conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

SEC. 48. Penalty for negotiating bill with intent to deceive. Any person who with intent to deceive negotiates or transfers for value a bill knowing that any or all of the goods which by the terms of such bill appear to have been received for transportation by the carrier which issued the bill, are not in the possession or control of such carrier, or of a connecting carrier, without disclosing this fact, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

SEC. 49. Penalty for securing issue of bill with intent to defraud. Any person who with intent to defraud secures the issue by a carrier of a bill knowing that at the time of such issue, any or all of the goods described in such bill as received for transportation have not been received by such carrier, or an agent of such carrier or a connecting carrier, or are not under the carriers control, by inducing an officer, agent, or servant of such carrier falsely to believe that such goods have been received by such carrier, or are under its control, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

SEC. 50. Penalty for issuing non-negotiable bill not so marked. Any person who with intent to defraud issued or aids in issuing a non-negotiable bill without the words "not negotiable" placed plainly upon the face thereof, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

SEC. 51. Rules of law and equity to govern—when. In any case not provided for in this act, the rules of law and equity including the law merchant, and in particular the rules relating to the law of principal and agent, executors, administrators and trustees, and to the effect of fraud, misrepresentation, duress or coercion, accident, mistake, bankruptcy, or other invalidating cause, shall govern.

SEC. 52. Interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

SEC. 53. Terms defined. (1) In this act, unless the context or subject matter otherwise requires—

"Action" includes counter claim, set-off, and suit in equity.

"Bill" means bill of lading.

"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.

"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.

"Goods" means merchandise or chattels in course of transportation, or which have been or are about to be transported.

"Holder" of a bill means a person who has both actual possession of such bill and a right of property therein.

"Order" means an order by indorsement on the bill.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee and to take as pledgee.

"Purchaser" includes mortgagee and pledgee.

“Value” is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a bill is taken either in satisfaction thereof or as security therefor.

(2) A thing is done “in good faith”, within the meaning of this act, when it is in fact done honestly, whether it be done negligently or not.

SEC. 54. **Application.** The provisions of this act do not apply to bills made and delivered prior to the taking effect thereof.

SEC. 55. **Acts in conflict repealed.** All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 56. **When in effect.** This act shall take effect on the fourth day of July one thousand nine hundred and eleven.

SEC. 57. **Uniform bills of lading act.** This act may be cited as the uniform bills of lading act.

Approved April 12, A. D. 1911.

CHAPTER 156.

TRADE MARK FOR IOWA MANUFACTURED PRODUCTS.

S. F. 380.

AN ACT to encourage the business of manufacturing in Iowa, and providing for an official trade-mark for Iowa manufactured products and prohibiting the unlawful use of the same and providing a penalty therefor. [Additional to title fifteen (XV) of the code, relating to trade and commerce.]

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

SECTION 1. **The Iowa state manufacturers' association.** Whenever the organization now existing in the state of Iowa, and known as the Iowa state manufacturers association shall have filed with the secretary of state of Iowa verified proofs of its organization and the name of its president, vice-president, secretary and treasurer, and that it has one-hundred (100) bona fide members, such association shall be recognized as the Iowa state manufacturers' association, and be entitled to the benefits of this act.

SEC. 2. **Trade-mark “Made in Iowa”—registration.** For the purpose of aiding in the promotion and development of manufacturing in Iowa, such association may adopt a label or trade-mark bearing the words “Made in Iowa”, together with any other appropriate design or inscription, and this label or trade-mark shall be registered in the office of the secretary of state of Iowa. Said association shall have the right to register or file such label or trade-mark under the laws of the United States or any foreign country which permits such registration, making such registration as an association or through an individual for the use and benefit of the association.

SEC. 3. **Board of awards—uniform regulations—fee.** The said association shall by its articles of association provide for the election or appointment of a board of not less than fifteen (15) manufacturers, who are residents of Iowa, which board shall be known as a board of awards. The said board of awards shall then establish uniform regulations and shall then grant to any manufacturer in the state of Iowa, who conforms to such regulations, the right to use said label or trade-mark. In making such regulations the said board of awards may make requirements as to good quality of such products, both as to materials and workmanship, and it may also fix a charge to be paid by such manufacturer for the use of such label. Upon failure to comply with any requirements established by the board of awards such

privilege may be by them revoked. It being the purpose of this act to make the said label or trade-mark stand for Iowa made goods, and also for goods of quality and merit.

SEC. 4. **Use of label or trade-mark without permission.** No person, firm or corporation shall use the said label or trade-mark or advertise the same, or attach, or stamp the same upon any article or product except under permission obtained in accordance with the provisions of this act. Any person or persons who shall use the said label or trade-mark except as herein authorized shall be guilty of a misdemeanor.

SEC. 5. **Moneys collected—how expended.** All moneys collected by the said association under the provisions of this act shall be expended by the said association in advertising and promoting the sale of Iowa made goods bearing the said label or trade-mark in the state of Iowa.

SEC. 6. **“Manufacturer” defined.** Where the word “manufacturer” is used in this act it shall be construed to mean any person, firm, or corporation engaged in manufacturing in the state of Iowa.

Approved April 12, A. D. 1911.

CHAPTER 157.

CONVEYANCES OF REAL ESTATE BY EXECUTORS OR TRUSTEES UNDER FOREIGN WILL.

S. F. 398.

AN ACT to legalize conveyances of real property by executors or trustees under foreign wills where the provisions of section thirty-two hundred and ninety-five (3295) of the code were not observed or complied with.

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

SECTION 1. **Conveyances legalized.** All conveyances of real property made prior to January 1, 1911, by executors or trustees under foreign wills and 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 the provisions of section thirty-two hundred and ninety-five (3295) of the code, are hereby legalized and declared as valid and effective in law as though the provisions of said section had been strictly followed, provided the proper proof of authority was a matter of record in the office of the clerk of the district court in the county where the real property is situated, at the time the conveyance was executed, or was made a matter of record prior to the passage of this act; provided, that nothing in this act shall affect pending litigation.

Approved April 5, A. D. 1911.

CHAPTER 158.

ACTIONS ON JUDGMENTS IN COURTS OF RECORD.

H. F. 38.

AN ACT to amend section three thousand four hundred thirty-nine (3439) of the supplement to the code, 1907, relating to the time when actions may be brought on judgments in courts of record.

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

SECTION 1. Actions on judgments. That section thirty-four hundred and thirty-nine (3439) of the supplement to the code, 1907, be and the same is hereby amended by striking out all of said section beginning with the word "no" in the first line down to and including the word "party" in the fourth line, and by inserting in lieu thereof the following: "No action shall be brought upon any judgment against a defendant therein, rendered in any court of record of this state, within fifteen years after the rendition thereof, without leave of the court, or a judge thereof, for good cause shown, and, if the adverse party is a resident of this state, upon reasonable notice of the application therefor to him."

SEC. 2. In effect. This act being deemed of immediate importance shall take effect from and after its publication in the Register and Leader and Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 17, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital March 18, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 159.

RECOVERY OF INTEREST IN REAL ESTATE WHEN SPOUSE FAILED TO JOIN IN CONVEYANCE.

H. F. 6.

AN ACT to repeal section three thousand four hundred forty-seven-b (3447-b) of the supplement to the code, 1907, and to enact a substitute therefor relative to the recovery of interest in real estate when spouse failed to join in conveyance.

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

SECTION 1. Repeal—action for recovery of interest—when and by whom brought. That section three thousand four hundred forty-seven-b (3447-b) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof.

"In all cases where the holder of the legal or equitable title or estate to real estate situated within this state, prior to the first day of January, 1890, conveyed said real estate or any interest therein by deed, mortgage, or other instrument which has been recorded, and the spouse failed to join therein, such spouse or the heirs at law, personal representatives, devisees, grantees, or assignees of such spouse shall be barred from recovery unless suit is brought therefor within one year after the taking effect of this act. But in case the right to such distributive share has not accrued by the death of the spouse making such instrument, then the one not joining is hereby authorized to file in the recorder's office of the county where the

land is situated, a notice with affidavit, setting forth affiants claim, together with the facts upon which such claim rests, and the residence of such claimants; and if such notice is not filed within two years from the taking effect of this act, such claim shall be barred forever. Any action contemplated in this section may include land situated in different counties, by giving notice thereof as provided by section three thousand five hundred forty-four (3544) of the code. Provided, that the repeal of said section shall not affect any act done, any right accruing or which has accrued or been established, nor any suit or proceeding had or commenced in any civil cause before the time when such repeal takes effect; but the proceedings in such cases shall be conformed to the provisions of said repealed section as far as consistent."

Approved March 17, A. D. 1911.

CHAPTER 160.

RECOVERY OF INTEREST IN REAL ESTATE WHEN SPOUSE FAILED TO JOIN IN CONVEYANCE.

H. F. 543.

AN ACT to amend house file number six(6) of the thirty-fourth general assembly relating to the recovery of interest in real estate when spouse failed to join in conveyance.

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

SECTION 1. **Not restricted to recorded instruments.** That section one (1) of house file number 6 of the thirty-fourth (34th) general assembly of Iowa, as the same appears in the record of enrolled bills be amended by striking out the words "which has been recorded" in the seventh (7th) line thereof.

Approved May 2, A. D. 1911.

CHAPTER 161.

FORECLOSURE OF REAL ESTATE MORTGAGES.

S. F. 253.

AN ACT to repeal section three thousand four hundred forty-seven-c (3447-c) of the supplement to the code, 1907, and enacting a substitute therefor relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.

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

SECTION 1. **Repeal—limitation of action to foreclose or enforce real estate mortgage or contract.** That section three thousand four hundred forty-seven-c (3447-c) of the supplement to the code, 1907, is hereby repealed and the following enacted in lieu thereof:

"No action shall be maintained to foreclose or enforce any real estate mortgage, bond for deed, trust deed or contract for the sale or conveyance of real estate, after twenty (20) years from the date thereof, as shown by the record of such instrument, unless the record of such instrument shows that less than ten (10) years have elapsed since the date of maturity of the indebtedness or part thereof, secured thereby, or since the right of action

has accrued thereon, or unless the record shows an extension of the maturity of the instrument or of the debt or a part thereof, and that the time of such extension has not yet expired. The date of maturity, when different than as appears by the record of the instrument, and the date of maturity of any extension of said indebtedness or part thereof, may be shown at any time prior to the expiration of the above periods of limitation by the holder of the debt or the owner or assignee of the instrument filing an extension agreement, duly acknowledged as the original instrument was required to be acknowledged, in the office of the recorder where the instrument is recorded, or by noting on the margin of the record of such instrument in the recorder's office an extension of the maturity of the instrument or of the debt secured, or any part thereof. Each notation to be witnessed by the recorder and entered upon the index of mortgages in the name of the mortgagor and mortgagee; provided that the holder or assignee of any such instrument, or the holder of any debt or part thereof, secured by any instrument, shall have until July 4, 1912 in which to file such extension agreement or to note the marginal extension as to any instrument executed prior to the taking effect of this act and coming within the provisions hereof. This act shall in no case revive the rights or claims barred by section three thousand four hundred forty-seven-c (3447-c) of the supplement to the code, 1907."

Approved April 11, A. D. 1911.

CHAPTER 162.

APPEARANCE IN COURT.

S. F. 160.

AN ACT to repeal section three thousand five hundred and forty-one (3541) of the code and to enact a substitute therefor, relating to appearance in court.

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

[SECTION 1.] **Repeal—mode of appearance—when required.** That section three thousand five hundred and forty one (3541) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

"SEC. 3541. The mode of appearance may be:

1. By delivering to the plaintiff or the clerk of the court, a memorandum in writing to the effect that the defendant appears, signed either by the defendant in person or his attorney, dated the day of its delivery and filed in the case;

2. By entering an appearance in the appearance docket or judges calendar or by announcing to the court an appearance which shall be entered of record;

3. By taking part either personally or by attorney in the trial of the case;

4. Any defendant may appear specially for the sole purpose of attacking the jurisdiction of the court.

Such special appearance shall be announced at the time it is made and shall limit the party to jurisdictional matters only and shall give him no right to plead to the merits of the case.

5. No member of the general assembly shall be held to appear or answer in any civil or special action in any court while such general assembly is in

session, nor shall any person be held to answer or appear in any court on any day now or hereafter made a legal holiday.”

Approved April 17, A. D. 1911.

CHAPTER 163.

RECOVERY BY A WOMAN OR HER ESTATE FOR INJURIES CAUSED BY NEGLIGENCE OF ANOTHER.

S. F. 27.

AN ACT providing for an award to a woman or her estate arising from an injury caused by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation. [Additional to chapter three (3) of title eighteen (XVIII) of the code, relating to parties to an action.]

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

SECTION 1. Recovery authorized—maximum amount. When any woman receives an injury caused by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation, she may recover for loss of time, medical attendance and other expenses incurred as a result thereof in addition to any elements of damages recoverable by common law; and if such injury result in causing death, her administrator may sue and recover for her estate, the value of her services as a wife or mother or both in such sum as the jury may deem proportionate to the injury resulting in her death, in addition to such damages as are recoverable by common law; also loss of services and expenses incurred, before death if not previously recovered, and in such case of injury arising from wilful, gross, or wanton negligence, punitive damages may be allowed by the jury in addition to other damages herein provided, but in no event shall the amount recovered exceed the sum of six thousand dollars (\$6000.00).

Approved April 3, A. D. 1911.

CHAPTER 164.

PLACE OF BRINGING ACTIONS.

H. F. 80.

AN ACT fixing the place of bringing suit against companies or corporations furnishing surety bonds in the state of Iowa. [Additional to chapter four (4) of title eighteen (XVIII) of the code, relating to place of bringing action.]

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

SECTION 1. Actions against surety companies. Suit may be brought against any company or corporation furnishing or pretending to furnish surety, fidelity, or other bonds in this state, in any county in which the principal place of business of such company or corporation is maintained in this state, or in any county wherein is maintained its general office for the transaction of its Iowa business, or in the county where the principal resides at the time of bringing suit, or in the county where the principal did reside at the time the bond or other undertaking was executed, and in the case of bonds furnished by any such company or corporation for any building or

improvement, either public or private, action may be brought in the county wherein said building or improvement, or any part thereof is located.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and approval, and its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved February 24, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital February 25, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 165.

DISPOSITION OF PROCEEDS OF REAL ESTATE SOLD IN ACTIONS OF PARTITION.

S. F. 418.

AN ACT to amend section four thousand two hundred sixty-eight (4268) of the code, in relation to the disposition of the proceeds of real estate sold in actions of partition.

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

SECTION 1. When parties are married. That section four thousand two hundred sixty-eight (4268) of the code be and the same is hereby amended by adding thereto the following:

“Provided that in case the amount of any share shall not exceed the sum of one thousand (\$1000) dollars the court may in its discretion direct the same to be paid to the owner or two-thirds to the owner and one-third to the spouse; and provided further, that in all cases when it is shown to the satisfaction of the court that the owner has been abandoned by the husband or wife, the whole amount shall be paid to the owner and no agreement therefor shall be required.”

Approved April 6, A. D. 1911.

CHAPTER 166.

FORFEITURE OF CONTRACT.

H. F. 26.

AN ACT to amend section four thousand two hundred ninety-nine (4299) of the code, relating to the declaration of forfeiture of contract and the service of notice relating thereto, and to amend section four thousand three hundred (4300) of the code relating to the recording of notice of forfeiture of contract.

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

SECTION 1. Notice served personally or by publication. That section four thousand two hundred ninety-nine (4299) of the code be and the same is hereby amended by striking out all of the said section after the word “notice” in line (7) thereof, and inserting in lieu thereof the following:

“shall contain a declaration of an intention to forfeit said contract and the reason therefor and may be served personally or by publication, on the same conditions, and in the same manner as is provided for the service of original notices. If such notice is served by publication no affidavit therefor shall be

required and the forfeiture shall not take place until thirty (30) days after the last publication day.

SEC. 2. Notice filed and recorded—fee. That section four thousand three hundred (4300) of the code be and the same is hereby amended by adding thereto the following:

“If said payments are not made, or the conditions broken, are not performed within said period of thirty (30) days the vendor may file for record in the recorder’s office the notice of forfeiture with the proof of service thereto attached, and if service was by publication also file his affidavit that personal service of the notice could not be had within this state; and when so filed and recorded the record thereof shall be constructive notice to all persons of the declaration of forfeiture and service of notice thereof. The recorder shall receive the same fee therefor as for recording other instruments.”

Approved April 8, A. D. 1911.

CHAPTER 167.

SECURITY FOR COSTS IN JUSTICE COURTS.

H. F. 162.

AN ACT relating to security for costs in justice courts. [Additional to chapter one (1) of title twenty-two (XXII) of the code, relating to justices of the peace and their courts.]

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

SECTION 1. Security for costs. If a defendant in any cause of action in the justice court at any time within two days before the commencement of the trial of the cause, shall make and file an affidavit stating that he has a good defense in whole or in part, the plaintiff, if he is a nonresident of this state, or a private or foreign corporation, before any other proceedings in the action, must file with the justice of the peace before whom such action is pending, a bond with sureties to be approved by such justice in an amount to be fixed by the justice for the payment of all costs which may accrue in the action in the court in which it is brought, or in any other justice court to which it may be carried, either to the defendant or to the officers of the court. The application for such security shall be by motion, filed with the case, and the facts supporting it must be shown by affidavit annexed thereto, which may be responded to by counter affidavits on or before the hearing of the motion, and each party shall file all his affidavits at once and none thereafter.

Approved March 25, A. D. 1911.

CHAPTER 168.

MALICIOUS THREATS TO EXTORT.

S. F. 52.

AN ACT to amend section four thousand seven hundred sixty-seven (4767) of the code, relating to the crime of malicious threats to extort and to provide the penalty therefor.

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

SECTION 1. Malicious threats to extort—penalty. That section four thousand seven hundred sixty-seven (4767) of the code, is hereby amended by striking out the word "two" in the sixth line of said section and inserting the word "five" in lieu thereof; and by striking out the words "five hundred" in the seventh line and inserting the words "one thousand" in lieu thereof; and by striking out the period at the end of said section and inserting a comma in lieu thereof; by further amending said section by adding at the end thereof the following words: "or be imprisoned in the county jail not exceeding one year, or both such fine and imprisonment."

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 Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 20, 1911, and in the Register and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 169.

FORGERY.

S. F. 144.

AN ACT to amend section four thousand eight hundred and fifty-three (4853) of the code, relating to the subject of forgery, and providing penalty for the violation thereof.

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

[SECTION 1.] **Forgery—penalty.** That section four thousand eight hundred and fifty-three (4853) of the code is hereby amended by striking out the period, (.) after the word "years", in the last line thereof, and substituting a comma (,) therefor, and adding thereto the following words:

"or imprisoned in the county jail not exceeding one (1) year, or fined not exceeding one thousand (\$1,000.00) dollars."

Approved March 23, A. D. 1911.

CHAPTER 170.

OBSCENE LITERATURE AND ARTICLES OF INDECENT OR IMMORAL USE.

S. F. 165.

AN ACT to amend section four thousand nine hundred fifty-two (4952) of the code relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use.

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

SECTION 1. **Obscene literature—articles of immoral use.** That section four thousand nine hundred fifty-two (4952) of the code is hereby amended to read as follows:

“Whoever sells, or offers for sale, or gives away, or has in his possession with intent to sell, loan, or give away any obscene, lewd, indecent, lascivious, or filthy book, pamphlet, paper, drawing, lithograph, engraving, picture, photograph, writing, card, postal card, model, cast, or any instrument or article of indecent or immoral use, or any medicine, article or thing designed or intended for procuring abortion or preventing conception, or advertise the same for sale, or writes or prints any letter, circular, hand-bill, card, book, pamphlet, advertisement or notice of any kind, giving information, directly or indirectly, when, where, how or by what means any of the articles or things hereinbefore mentioned can be purchased, or otherwise obtained or made, shall be guilty of a misdemeanor and be fined not more than one thousand nor less than fifty dollars, or be imprisoned in the county jail not more than one year, or both.”

Approved February 27, A. D. 1911.

CHAPTER 171.

WATER CLOSETS OR PRIVIES AND WASHING FACILITIES IN FACTORIES, MILLS AND WORKSHOPS.

H. F. 155.

AN ACT to amend section forty-nine hundred and ninety-nine-a-1 (4999-a-1), of the supplement to the code, 1907, relative to water closets or privies.

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

SECTION 1. **Water closets or privies—washing facilities.** That the law as it appears in section forty-nine hundred and ninety nine-a-1, (4999-a-1), of the supplement to the code, 1907 be and the same is hereby amended by inserting after the word “condition” at the end of the fifth line of said section, the following: “and free from all obscene writing or marking; and such water closets or privies shall be supplied in the proportion of at least one, (1), to every twenty, (20), employes;” and by inserting after the word “men” in the eighth, (8), line of said section the following: “in factories, mercantile establishments, mills, and workshops, adequate washing facilities shall be provided for all employes; and when the labor performed by the employes is of such character as to require or make necessary a change of clothing, wholly or in part, by the employes, there shall be provided a dressing-room, or rooms, lockers for keeping clothing and suitable washing facilities separate for each sex, and no person, or persons, shall be allowed to use the facilities assigned to the opposite sex; a sufficient supply of water suitable for drinking purposes shall be provided.”

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 Capital, newspapers published at Des Moines, Iowa.

Approved April 3, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 4, 1911.

W. C. HAYWARD,
Secretary of State.

*CHAPTER 172.

SAFEGUARDS FOR MACHINERY.

H. F. 280.

AN ACT to amend section forty-nine hundred and ninety-nine-a-five (4999-a-5), supplement to the code, 1907, and section forty-nine hundred and ninety-nine-a-ten (4999-a-10), supplement to the code, 1907, relating to the penalty for failure to provide safeguards for machinery and equipment and fire escapes, and to provide penalty for removing such safeguards.

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

SECTION 1. Safeguards installed within 30 days after notice—removal—penalty. That section forty-nine hundred and ninety-nine-a-5, (4999-a-5), supplement to the code, 1907, be and the same is hereby amended by striking out the word "ninety" following the word "within" and before the word "days" in the seventh line thereof, and inserting in lieu thereof the word "thirty"; that section forty-nine hundred and ninety-nine-a-5, (4999-a-5), supplement to the code, 1907, be and the same is hereby further amended by adding to said section the following:

"Whenever any person, in any manufacturing or other establishment wherein machinery is used and wherein or whereon guards or safety appliances have been provided, shall remove such guards or safety appliances from any machine or other equipment or shall so adjust such guards or safety appliances as to destroy their purpose of preventing bodily injuries, excepting whenever it becomes necessary to remove some or all of the guards, including springs or pressure bars that may properly come under this act, to enable the employe operating said machine to perform certain special work that cannot be performed with guard, it shall be the duty of said employe or employer to immediately replace them after said work has been completed. Any person, who may neglect or refuse to comply with the provisions of this act, shall be punished by a fine of not less than five, (\$5.00), dollars, or more than one hundred, (\$100.00), dollars, or by imprisonment in the county jail not to exceed thirty, (30), days."

Approved April 15, A. D. 1911.

*The reference to section 4999-a-10 and to "fire escapes" in the title to this act is superfluous. The provision amending said section with reference to fire escapes was stricken from the original bill before passage, but the title was not amended to conform to the change.

CHAPTER 173.

PROTECTION AGAINST FIRE.

S. F. 232.

AN ACT to amend section forty-nine hundred and ninety-nine-a-ten (4999-a-10), of the supplement to the code, 1907, relating to protection against fire and providing a penalty.

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

SECTION 1. Failure to equip buildings with doors opening outward—penalty. That section forty-nine hundred and ninety-nine-a-10 (4999-a-10) of the supplement to the code, 1907, be amended by adding to such section as follows:

“Any owner, agent, trustee or leasee having charge of any building that is not equipped as provided in section forty-nine hundred and ninety-nine-a-9 (4999-a-9) of the supplement to the code, 1907, as amended, who shall refuse or neglect to comply with the provisions of said section, shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not to exceed one hundred dollars (\$100.00).”

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 Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 13, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 174.

PURE FOODS.

S. F. 335.

AN ACT to repeal sections four thousand nine hundred and ninety-nine-a-fifteen (4999-a-15), four thousand nine hundred and ninety-nine-a-sixteen (4999-a-16), four thousand nine hundred ninety-nine-a-twenty-one (4999-a-21), four thousand nine hundred and ninety-nine-a-twenty-two (4999-a-22), four thousand nine hundred and ninety-nine-a-twenty-three (4999-a-23), four thousand nine hundred and ninety-nine-a-twenty-seven (4999-a-27), and four thousand nine hundred and ninety-nine-a-twenty-eight (4999-a-28) of the supplement to the code, 1907, and enact substitutes therefor, and defining duties of the state food and dairy commissioner under the pure food law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term “misbranded,” and making appropriation therefor, and repealing acts and parts of acts in conflict therewith.

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

SECTION 1. Repeal. That sections four thousand nine hundred and ninety-nine-a fifteen (4999-a15), four thousand nine hundred and ninety-nine-a sixteen (4999-a16), four thousand nine hundred and ninety-nine-a twenty-one (4999-a21), four thousand nine hundred and ninety-nine-a twenty-two (4999-a22), four thousand nine hundred and ninety-nine-a twenty-three (4999-a23), four thousand nine hundred and ninety-nine-a twenty-seven (4999-a27), four thousand nine hundred and ninety-nine-a twenty-eight (4999-a28), supplement to the code, 1907, are hereby repealed and the following enacted in lieu thereof:

“SEC. 2. State food and dairy commissioner—duties—seal—assistants—salaries and expenses. The state food and dairy commissioner shall be charged with the duty of carrying into effect the provisions of this act and shall have an official seal. He may, with the approval of the executive council, appoint such assistants as he may deem necessary, who may exercise the powers now provided by law in the case of milk inspectors together with those conferred by this act, and they shall perform such duties as may be assigned to them by the state food and dairy commissioner. They shall be paid a salary of not to exceed sixteen hundred dollars (\$1600) per annum, said salary to be paid in the same manner as the salaries of other state officers and they shall be allowed the expenses necessarily incurred by them in the discharge of their duties. Their accounts shall be itemized and sworn to, and when approved by the commissioner and the executive council, shall be paid by warrant of the auditor upon the treasurer out of a sum hereinafter appropriated for carrying out the provisions of this act.

“SEC. 3. Terms defined—food deemed misbranded—when. The word “commissioner,” whenever used in this act, shall be taken to mean the state food and dairy commissioner. The word “food,” as used herein, shall include all articles used for food, drink, confectionery or condiment, by man or domestic animals, whether simple, blended, mixed or compound. The term “misbranded,” as used herein, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, designed, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory or country in which it is manufactured or produced, or if in package form, which bears any statement of the weight or measure unless the same be a correct statement of the net weight or measure of the contents.

For the purpose of this act an article of food shall be deemed to be “misbranded:”

First. If it be offered for sale under the specific name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so.

Third. Baking powders if each can or package is not plainly labeled so as to show the name of each and every ingredient contained therein.

Fourth. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends, and the word “mixture,” “compound,” “combination,” “imitation” or “blend,” as the case may be is plainly stated on the package in which it is offered for sale, unless the name of each ingredient shall appear on the main label, in continuous list with no intervening matter of any kind, immediately following the phrase, “mixture of,” “compound of,” “combination of,” “blend of,” as the case may be, such names of ingredients to appear in the order in which they are present in quantity in said article of food, beginning with the ingredient present in the greater proportion. All letters used in naming the ingredients shall be of the same size, style, and color as the letters used in the phrase “mixture of,” “compound of,” “combination of,” or “blend of” and shall appear on a background of one color. Labels required by this act shall be distinctly printed in the English language in legible type no smaller than eight point heavy gothic caps. Such label shall be placed upon the outside of the package and shall contain the name and place of business of the manufacturer, packer or dealer. The term “blend” as used herein shall be construed to mean a mixture of like substances. Provided, that nothing in this act shall be construed as requiring or compelling proprietors or

manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 4. Food deemed adulterated—when. For the purpose of this act, an article of food shall be deemed to be adulterated:

First: If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it does not conform to the standards established by law.

Fifth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Sixth. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to health or if it contains saccharine or formaldehyde.

Seventh. If it consist of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

Eighth. Candies and chocolates if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

Ninth. Vinegar if it contain any added coloring matter.

“SEC. 5. Appropriation. For the purpose of enabling the commissioner to enforce the provisions of the various laws, the enforcement of which is vested with the state food and dairy commissioner, for the making of such analysis for other state departments as may be authorized by the executive council, for necessary traveling and miscellaneous expenses of assistants and experts and for all other expenses herein provided, the sum of twenty-one thousand (\$21,000.00) dollars annually, or so much thereof as may be necessary, is hereby appropriated from the treasury not otherwise appropriated.

SEC. 6. Acts in conflict repealed. All acts and parts of acts in conflict herewith are hereby repealed.

Approved April 14, A. D. 1911.

CHAPTER 175.

FOOD STANDARDS.

H. F. 247.

AN ACT to amend section four thousand nine hundred and ninety-nine-a-thirty-one (4999-a31) of the supplement to the code, 1907, relating to food standards.

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

SECTION 1. Ice cream. That section four thousand nine hundred and ninety-nine-a-thirty-one (4999-a31) of the supplement to the code, 1907, is hereby amended by adding thereto the following:

"ICE-CREAM.

"1. *Ice-cream.* Ice-cream is the frozen product made from pure wholesome sweet cream, and sugar, with or without flavoring, and if desired, the addition of not to exceed one per cent. (1%) by weight of a harmless thickener, and contains not less than twelve per cent. (12%) by weight of milk fat, and the acidity shall not exceed three-tenths (3-10) of one per cent. (1%).

"2. *Fruit ice-cream.* Fruit ice-cream is the frozen product made from pure wholesome sweet cream, sugar, and sound, clean, mature fruits, and, if desired, the addition of not to exceed one per cent. (1%) by weight of a harmless thickener, and contains not less than ten per cent. (10%) by weight of milk fat.

"3. *Nut ice-cream.* Nut ice-cream is the frozen product made from pure wholesome, sweet cream, sugar, and sound, non-rancid, nuts, and, if desired, the addition of not to exceed one per cent. (1%) by weight of harmless thickener, and contains not less than ten per cent. (10%) by weight of milk fat."

Approved March 23, A. D. 1911.

CHAPTER 176.

PURE DRUGS.

S. F. 279.

AN ACT to amend the law as it appears in section four thousand nine hundred ninety-nine-a-thirty-five (4999-a35) of chapter ten-B (10-B) of title twenty-four (XXIV) of the supplement to the code, 1907, relating to pure drugs and the misbranding thereof.

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

SECTION 1. **Misbranding—exceptions.** The law as it appears in section four thousand nine hundred ninety-nine a-thirty-five (4999-a35) of chapter ten-B (10-B) of the supplement to the code, 1907, be, and the same is hereby amended by adding thereto, after the last line in said section the following, to-wit:

"Provided that nothing in this sub-division contained shall be construed to apply to such drugs and preparations as are specified and recognized by the United States pharmacopoeia and national formulary, which are in accordance therewith, and which are sold under the name by which they are so recognized, or the filling of prescriptions furnished by practicing physicians, dentists or veterinarians, the originals of which prescriptions are retained and filed by the pharmacists compounding or filling the same; and provided further, that nothing in this sub-division contained shall be construed to apply to such drugs or medicines as are personally dispensed by legally licensed physicians, dentists or veterinarians in the course of their practice as such physicians, dentists or veterinarians."

Approved April 6, A. D. 1911.

CHAPTER 177.

PURE DRUGS.

S. F. 262.

AN ACT repealing section four thousand nine hundred ninety-nine-a-thirty-eight (4999-a38) of chapter ten-B (10-B) of title twenty-four (XXIV) of the supplement to the code, 1907, and enacting a substitute therefor relating to the enforcement of the pure drug laws.

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

SECTION 1. **Repeal—enforcement—annual appropriation—chemical analyses.** Section four thousand nine hundred ninety-nine a-38 (4999-a38) of chapter ten-B (10-B) of the supplement to the code, 1907, is hereby repealed, and the following enacted in lieu thereof:

“It is hereby made the duty of the pharmacy commissioners to enforce the provisions of this act, and for the purpose of enabling them to perform this duty, the sum of two hundred and fifty dollars (\$250.00) annually for two years, or so much thereof as may be deemed necessary, is hereby appropriated from the funds in the state treasury not otherwise appropriated. To further enable the state board to enforce the provisions of this act, any chemical analysis deemed necessary by them shall, upon request, be performed by the chemist now provided for in section four thousand nine hundred ninety-nine a-17 (4999-a17) of chapter ten-A (10-A) of the supplement to the code, 1907.

Approved April 10, A. D. 1911.

CHAPTER 178.

EXHIBITION OF DEFORMED, IDIOTIC AND ABNORMAL PERSONS.

H. F. 67.

AN ACT to prohibit the exhibition of deformed, idiotic and abnormal persons, and providing penalties for the violation thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.]

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

SECTION 1. **What prohibited—penalty.** Any person, firm or corporation who shall exhibit, place on exhibition or cause to be exhibited in any public place in the state, or in any tent, shed, booth, building or in any theatre hall or within any inclosure in the state, any deformed, maimed, idiotic or abnormal person or human monstrosity, and receive any fee or compensation therefor, shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than ten (\$10.00) dollars nor more than one hundred (\$100.00) dollars or be imprisoned in the county jail for a term not less than ten days or more than thirty days, or by both such fine and imprisonment.

Approved February 23, A. D. 1911.

CHAPTER 179.

ROULETTE WHEELS, POKER TABLES AND OTHER GAMBLING DEVICES.

H. F. 37.

AN ACT to prohibit the possession of roulette wheels, klondyke tables, poker tables, faro, and keno layouts, and to provide for the seizure and destruction thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.]

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

SECTION 1. Possession of roulette wheels, etc., prohibited. No one shall, in any manner or for any purpose whatever, except under proceeding to destroy the same, have, keep or hold in possession or control any roulette wheel, klondyke table, poker table, faro or keno layouts.

SEC. 2. Seizure—hearing—destruction ordered. If any person make oath before a magistrate that he has probable cause to suspect and does suspect, that articles or things mentioned in section one hereof are stored or kept or had in possession at any place within the county in any house, building or other place of any description whatever, describing the house or place as near as may be and naming the occupant thereof, if known, such magistrate shall issue his warrant for the purpose of searching such house or place for and seizing such articles or things. Such warrant may be served at any time of the day or night. The officer may break open any part of building, or anything therein in order to execute the warrant, if after notice of his authority and purpose he is refused admittance. Said articles or things shall be carried before such magistrate to be dealt with as herein provided. The officer shall make return at once after the warrant is served. Within three days after the return is made, notice shall be served upon the party from whose possession said articles or things were taken, if known, and if not known, said notice shall be posted on the premises from which the articles were taken, notifying the possessor of such seizure and that the matter of the destruction of said articles or things will come on for hearing at a certain time and place before the court or magistrate issuing the warrant, or in his absence or inability to serve, before the next nearest and accessible magistrate in the county, which time shall be within ten days after said notice is served or posted. Any person may appear at said hearing and show that the articles or things seized are not of the character specified in section one hereof and if such claim is established, shall be returned to the place from which taken. If the court finds that the articles or things seized are of the character mentioned in section one hereof, it shall enter judgment commanding the immediate destruction of the same. Execution shall issue thereon accordingly. The officer shall forthwith carry out the orders of said execution and make immediate return thereon of his acts, which return shall be entered on the docket of said court.

Approved April 8, A. D. 1911.

CHAPTER 180.

WEIGHT OF FLOUR.

H. F. 452.

AN ACT relating to the weight of flour and providing a penalty for the violation thereof, and to repeal section five thousand seventy (5070) of the code of Iowa.

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

SECTION 1. **Net weight certified on barrel, bag or package—penalty.** Every barrel, bag, parcel or package of flour, containing one pound or more, offered or exposed for sale in the state of Iowa, for use within this state, shall have affixed thereto in a conspicuous place on the outside thereof, distinctly printed in the English language, in legible type not smaller than eight point heavy gothic capital letters, a statement certifying the number of net pounds contained in the package. Any person who shall sell any package of flour which shall be stamped or labeled with a greater number of pounds net than such package actually contains, or shall sell flour in any manner contrary to the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than ten dollars nor more than one hundred dollars, provided, that in determining the net weight at the time of sale, the reasonable and ordinary shrinkage, if any, may be included.

SEC. 2. **Repeal.** That section five thousand seventy (5070) of the code of Iowa be and the same is hereby repealed.

Approved April 15, A. D. 1911.

CHAPTER 181.

THE REGULATION OF THE MARKING OF ARTICLES OF MERCHANDISE MADE IN WHOLE OR IN PART OF GOLD OR SILVER OR THEIR ALLOYS.

H. F. 295.

AN ACT defining the terms "gold", "alloy of gold", "silver", "alloy of silver", "sterling silver", or "sterling", as applied to any article of merchandise made in whole or part of gold or silver or any alloy of gold or silver, and made for sale or offered for sale or disposition, and also providing a means of making tests thereof, and also defining the terms "rolled gold plate", "gold plate", "gold filled", and "gold electroplate", and the words "silver plate", and "silver electroplate", "sterling" and "coin", as applied to any article of merchandise made in whole or part of any inferior metal manufactured for sale, sold or kept for sale or disposition or offered for sale and disposition, and prohibiting the false marking of such merchandise, and providing a penalty for the violation thereof. [Additional to chapter thirteen (13) of title twenty-four (XXIV) of the code, relating to cheating by false pretenses, gross fraud and conspiracy.]

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

SECTION 1. **Marking articles made of gold or alloy of gold—tests for fineness.** Any person, firm, corporation, or association who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of gold or any alloy of gold, and having stamped branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed any mark, indicating, or designed or intended to indicate, that the

gold, or alloy of gold, in such article is of a greater degree of fineness than the actual fineness or quality of such gold or alloy, unless the actual fineness of such gold or alloy, in the case of flat ware and watch cases, be not less by more than three one-thousandths parts, and in the case of all other articles be not less by more than one-half karat than the fineness indicated by the marks stamped, branded, engraved or imprinted upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover or wrapper in which such article is encased or enclosed according to the standards and subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; provided that, in any test for the ascertainment of the fineness of the gold or its alloy in any such article, according to the foregoing standards, the part of the gold or of its alloy taken for the test, analysis or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said articles; provided further, and in addition to the foregoing tests and standards, that the actual fineness of the entire quantity of gold and of its alloys contained in any article mentioned in this section (except watch cases and flat ware) including all solder or alloy of inferior metal used for brazing or uniting the parts of the article (all such gold, alloys and solder being assayed as one piece) shall not be less, than the fineness indicated by the mark stamped, branded, engraved or imprinted upon such article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed.

SEC. 2. Marking articles made in whole or in part of silver or alloy of silver.

(a) *Marking certain articles sterling or sterling silver.* Any person, firm, corporation or association, who or which makes for sale, or sells or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of silver or of any alloy of silver and having marked, stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto or upon any box, package, cover or wrapper in which said article is encased or enclosed, the words "sterling silver" or "sterling" or any colorable imitation thereof, unless 925-1,000ths of the component parts of the metal appearing or purporting to be silver, of which such article is manufactured are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor, provided that in the case of all such articles there shall be allowed a divergence in fineness of 4-1,000ths parts from the foregoing standard.

(b) *Marking certain articles coin or coin silver.* Any person, firm, corporation or association who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of silver or of any alloy of silver and having marked, stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which such article is encased or enclosed, the words "coin" or "coin silver", or any colorable imitation thereof, unless 900-1,000ths of the component parts of the metal appearing or purporting to be silver, of which such article is manufactured are pure silver, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor; provided that in the case of all such articles there shall be allowed a divergence in fineness of 4-1,000ths parts from the foregoing standards.

(c) *Marking certain articles falsely as to fineness of silver.* Any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of silver or of any alloy of silver, and having stamped, branded, engraved or imprinted

thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, any mark or word (other than the word "sterling" or the word "coin") indicating, or designed or intended to indicate, that the silver or alloy of silver in said article, is of a greater degree of fineness than the actual fineness or quality of such silver or alloy, unless the actual fineness of the silver or alloy of silver of which said article is composed be not less by more than 4-1,000ths parts than the actual fineness indicated by the said mark or word (other than the word "sterling" or "coin") stamped, branded, engraved or imprinted upon any part of said article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, subject to the qualifications hereinafter set forth, is guilty of a misdemeanor.

(d) *Tests for ascertaining fineness.* Provided that, in any test for the ascertainment of the fineness of any such article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis or assay, shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior metal used for brazing or uniting the parts of such article, and provided further and in addition to the foregoing test and standards, that the actual fineness of the entire quantity of metal purporting to be silver contained in any article mentioned in this section, including all solder or alloy of inferior fineness used for brazing or uniting the parts of any such article (all such silver, alloy or solder being assayed as one piece) shall not be less by more than 10-1,000ths parts than the fineness indicated according to the foregoing standards, by the mark stamped, branded, engraved or imprinted upon such article, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed.

SEC. 3. Marking certain articles "gold plate", "gold filled", etc. Any person, firm, corporation or association, who or which makes for sale, or sells or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of inferior metal having deposited or plated thereon or brazed or otherwise affixed thereto a plate, plating, covering or sheet of gold or of any alloy of gold and which article is known in the market as "rolled gold plate" "gold plate" "gold filled" or "gold electroplate", or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed, any word or mark usually employed to indicate the fineness of gold, unless said word be accompanied by other words plainly indicating that such article or some part thereof is made of rolled gold plate, or gold plate, or gold electroplate, or is gold filled, as the case may be, is guilty of a misdemeanor.

SEC. 4. Marking certain articles "silver plate" or "silver electroplate." Any person, firm, corporation or association, who or which makes for sale, or sells, or offers to sell or dispose of, or has in his, her or its possession with intent to sell or dispose of, any article of merchandise made in whole or in part of inferior metal having deposited or plated thereon or brazed or otherwise affixed thereto, a plate, plating, covering or sheet of silver or of any alloy of silver, and which article is known in the market as "silver plate" or "silver electroplate" or by any similar designation, and having stamped, branded, engraved or imprinted thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover or wrapper in which said article is encased or enclosed the word "sterling" or the word "coin" either alone or in conjunction with any other words or marks, is guilty of a misdemeanor.

SEC. 5. Penalty. Every person, firm, corporation or association guilty of a violation of any one of the preceding sections of this act, and every officer, manager, director or managing agent of any such person, firm, corporation or association directly participating in such violation or consenting thereto, shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than three months or both, at the discretion of the court; provided that if the person charged with violation of this act shall prove that the article concerning which the charge is made was manufactured prior to the 13th day of June, 1907, then the charge shall be dismissed.

SEC. 6. When effective. This bill [act] shall not take effect and be in force until January 1st 1912.

Approved April 15, A. D. 1911.

CHAPTER 182.

NUISANCES.

H. F. 569.

AN ACT to amend the law as it appears in section five thousand eighty-one (5081) of the code, relating to the penalty for nuisances.

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

SECTION 1. Penalty. That the law as it appears in section five thousand eighty-one (5081) of the code, be and the same is hereby amended by adding after the comma (,) following the word "dollars" in the fifth (5th) line of said section the following; "or be imprisoned in the county jail not exceeding one year".

Approved April 15, A. D. 1911.

CHAPTER 183.

VAGRANTS.

H. F. 29.

AN ACT to repeal section five thousand one hundred nineteen (5119) of the code, relating to vagrants, and enacting a substitute therefor.

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

SECTION 1. Who deemed vagrants. That section five thousand one hundred nineteen (5119) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

"The following persons are vagrants: All common prostitutes and keepers of bawdy houses or houses for the resort of common prostitutes; all habitual drunkards, gamesters or other disorderly persons; all persons wandering about and lodging in barns, outbuildings, tents, wagons or other vehicles, and having no visible calling or business to maintain themselves; all persons begging in public places, or from house to house, or inducing children or others to do so; all persons representing themselves as collectors of alms for charitable institutions under any false or fraudulent pretenses; all persons playing or betting in any street or public or open place at any game, or pretended game, of chance, or at or with any table or other instrument of gaming."

Approved March 22, A. D. 1911.

CHAPTER 184.

SUSPENSION OF EXECUTION OF SENTENCE OF CERTAIN CONVICTS.

S. F. 200.

AN ACT to provide for suspending of the execution of sentence of certain convicts on first conviction by the district court in which such conviction is had, or any judge thereof. [Additional to chapter thirty-one (31) of the title twenty-five (XXV) of the code, relating to execution.]

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

SECTION 1. Trial judge may suspend execution of sentence—when—guardian—monthly reports. That whenever any person over the age of sixteen (16) years, and under the age of twenty-five (25) years, shall be convicted of any crime against the laws of this state, excepting treason, murder, rape, robbery and arson, if such conviction shall be the first conviction of the defendant for a felony, the trial judge before whom such conviction is had, and by whom the judgment of the court is pronounced, shall have the power to suspend the execution of the sentence of such person so convicted and place such person in custody and under the care and guardianship of any suitable person a resident and citizen of the state of Iowa, during good behavior of such person so convicted, and the judge so exercising this power of suspension of the execution of sentence shall enter same upon the calendar and cause the same to be journalized and made of record in the court in which such conviction is had, and the person having such custody, care and guardianship of the person, the execution of whose sentence has been suspended, shall make a full and complete report every thirty days, in writing, to the district court wherein such conviction was had, showing the whereabouts and conduct of the person thus placed in his care, custody and guardianship.

SEC. 2. Suspension order may be revoked. That after any such suspension of the execution of sentence shall have been granted the same may be revoked by the district court wherein such conviction was had or any judge thereof without notice, and the defendant committed in obedience to such judgment.

SEC. 3. In effect. This act shall be in force and effect on and after its passage and publication in the Des Moines Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 17, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 20, 1911, and in the Register and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 185.

FORFEITURE OF BAIL.

S. F. 53.

AN ACT to amend section five thousand five hundred and eighteen (5518) of the code, relating to forfeiture of bail.

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

SECTION 1. Action to recover—amount recovered paid to what county. Section five thousand five hundred and eighteen (5518) of the code is hereby amended by striking out all that part preceding the semi-colon in the third line

and inserting in lieu thereof the following: "The action on the undertaking must be in the court in which the defendant was or would have been required to appear by the undertaking, and if suit is brought, any recovery thereon shall be paid to the county in which the defendant was indicted, less the costs of suit;".

Approved February 27, A. D. 1911.

CHAPTER 186.

PARDONS.

S. F. 139.

AN ACT to amend section fifty-six hundred and twenty-six (5626) of the supplement to the code, 1907, referring to the matter of pardons and remission of fines and forfeitures, and the powers of the board of parole.

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

SECTION 1. Board of parole to recommend pardons. Section fifty-six hundred and twenty-six (5626) of the supplement to the code 1907, is hereby amended by striking out of lines five (5) and seven (7) the words "general assembly" and inserting in lieu thereof the words "board of parole"; and by striking out of lines twelve (12) and thirteen (13) in said section the words "commencement of the session of the general assembly," and inserting in lieu thereof the words "session of the board of parole".

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 Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved February 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital February 17, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 187.

COMMITMENT OF FEMALES TO CERTAIN BENEVOLENT OR CHARITABLE INSTITUTIONS.

H. F. 156.

AN ACT to provide for the commitment of females to certain benevolent or charitable institutions, in certain cases, for the violation of laws, ordinances or police regulations and to require work from such persons so committed, and to provide for the supervision of such institutions by the board of control. [Additional to title twenty-five (XXV) of the code, relating to criminal procedure.]

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

SECTION 1. Commitments authorized—conditions. In all cases in which any court, for the violation of any law, ordinance or police regulation has power to commit the accused to a county, city or town jail, such court in lieu of ordering the accused committed to such jail, shall have power to order the accused, if a female, committed to any institution as herein provided, which is situated within the judicial district, within any part of which such court has juris-

diction, provided such institution is willing to receive the accused under such commitment without expense to the state. No female shall be so committed for a time longer than would be legal if committed to a jail. If the court has already committed such female to a jail and thereafter it appears that any such institution is willing to receive such female under a commitment, and under the conditions herein imposed, then, in such case, the court shall have power to make an additional order, releasing such female from such jail and ordering her committed to such institution for the unexpired time of the original commitment. Any such female may be surrendered at any time to the court, judge or presiding magistrate, making the original order, which court, judge or magistrate may make a further order committing the accused to a proper jail for the unexpired term of the original commitment.

SEC. 2. **Release.** If, after any female is so committed to such institution, a bond is given under which such female is entitled to a release from such commitment, then such female shall be released by an order issued by the officer approving said bond.

SEC. 3. **Under custody and control of manager—labor—"institution" defined.** Any female committed to an institution as herein provided shall be in the legal custody and control of the person residing therein, and who is the immediate managing head of said institution, and such female, whether the commitment so provides or not, shall, while being held under such commitment, do and perform such reasonable, fit and proper labor as such managing head may direct, which labor shall be the sole compensation to such institution for the keep of such female. The term "institution" as herein used shall embrace any institution, society, association, corporation or organization having for its objects, in whole or in part, the furnishing of relief, care and assistance to the poor, dissolute, needy or unfortunate, or any other charitable or benevolent object.

SEC. 4. **Board of control to visit and supervise.** Any institution having any such female in its custody shall be subject to visitation by the board of control, its members or agents, which may require such information from such institution as the said board shall deem necessary, in order to enable it to exercise proper supervision. Should the said board at any time deem any such institution unfit to have the custody of any such female, it shall notify such institution through said managing head, whereupon all such females then in custody of such institution shall be at once surrendered to the court, judge or presiding magistrate, making the original commitment.

Approved March 27, A. D. 1911.

CHAPTER 188.

CRIMINAL PROSECUTIONS.

H. F. 12.

AN ACT to provide for prosecuting criminal offenses to final judgment on information to be filed by the county attorney, and without the intervention of the grand jury in cases in which the punishment exceeds a fine of one hundred dollars, or exceeds imprisonment for thirty days and to provide the procedure when so prosecuted on information. [Additional to title twenty-five (XXV) of the code, relating to criminal procedure.]

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

SECTION 1. **Prosecutions on information.** That from and after the taking effect of this act, criminal offenses in which the punishment exceeds a fine of

one hundred dollars or exceeds imprisonment for thirty days may be prosecuted to final judgment, either on indictment, as is now or may be hereafter provided, or on information as herein provided, and the district and supreme court shall possess and exercise the same power and jurisdiction to hear, try and determine prosecutions on information, as herein provided, for all such criminal offenses, to issue writs and process and do all other acts therein, as they possess and may exercise in cases of like prosecutions upon indictment.

SEC. 2. County attorney to file information under oath. Whenever an accused shall have had a preliminary examination for a criminal offense, or shall have waived the right to such examination, and in either case been held to the grand jury to answer therefor, the county attorney of the proper county may, prior to the empaneling of the next regular grand jury, file in the district court, either in term time or in vacation, an information under oath, charging said accused with the offense for which he has been held to the grand jury, or for any degree or grade thereof, or for any offense included therein.

SEC. 3. "A true information." Such information shall be indorsed, "a true information," which endorsement shall be signed by the county attorney.

SEC. 4. Names of witnesses—minute of evidence. The county attorney shall, at the time of filing such information, indorse or cause to be indorsed thereon the names of the witnesses whose evidence he expects to introduce and use on the trial of the same, and shall also file with such information a minute of the evidence relating to the guilt of the accused of the offense charged of each witness whose name is so indorsed upon the information. Should the county attorney desire to use on the trial witnesses in addition to those whose names are so indorsed, he shall proceed in the same manner as is provided in such cases in trials on indictment.

SEC. 5. Information to be sworn to—approval. Such information shall be sworn to by the county attorney before some judge of the district court, or before the clerk or deputy clerk of said court. The information, before being filed, shall be presented to some judge of the district court of the county having jurisdiction of the offense, which judge shall indorse his approval or disapproval thereon. If the information receive the approval of the judge, the same shall be filed. If not approved, the charge shall be presented to the next grand jury for consideration. At any time after the approval of an information, and prior to the commencement of trial, the court, or any judge thereof, on its own motion may order said information set aside and said cause submitted to the grand jury.

SEC. 6. Copy of information, etc., delivered to accused. The clerk of the district court shall cause a copy of the information and minutes of evidence to be delivered to the accused, or to his attorney, at or prior to the time of arraignment.

SEC. 7. Information filed at instance of private prosecutor—costs. If the information is filed at the instance of a private prosecutor, the county attorney may indorse such fact upon the information and sign such indorsement, and, in such case, the costs may be taxed in the same manner and under the same limitations as in case of indictments.

SEC. 8. May be amended. An information may be amended as provided for indictments in chapter 227, acts of the thirty-third general assembly and may be filed at any time prior to the commencement of the trial, but, should it appear to the court that the accused should have additional time to prepare for trial on account of amendments, a continuance shall be granted

accordingly. Amendments filed during the trial shall be limited to and governed by the provisions for amending indictments during trial.

SEC. 9. How drawn and construed—statutes applicable. The information shall be drawn and construed, in matter of substance, as indictments are required to be drawn and construed. All provisions of law applying to prosecutions on indictments and relating to the issuance of warrants, the correction of the name of the accused, the issuing of process, the giving of bail, arraignments, pleadings, trials, change of place of trials, return of verdicts, the taking of exceptions, new trials, arrest of judgments, the entering of judgments and the execution thereof, appeals, except as modified or otherwise provided for in this chapter, and all other proceedings in cases of indictments, whether in the court of original or appellate jurisdiction shall in the same manner and to the same extent, as near as may be, apply to information and all prosecutions and proceedings thereon.

SEC. 10. Warrant of arrest—bail. Upon the filing of such information the clerk shall issue a warrant for the arrest of the accused, and the court or any judge thereof shall fix the bail, if bail is allowable, and in vacation or in the absence of the judge in term time, the clerk of the court shall fix such bail, the action of the clerk being reviewable by the court or judge thereof.

SEC. 11. The word "county attorney", how construed. Whenever the word county attorney appears in this chapter, the same shall be construed to mean county attorney or the assistant county attorney.

SEC. 12. Time of commencing prosecutions. The time in which criminal prosecutions may be commenced by information shall be the same as in cases of prosecutions by indictment, which time shall be computed from the date of the filing of the initial information.

SEC. 13. Motion to set aside—grounds. A motion to set aside the information may be made on one or more of the following grounds:

1. When it is not indorsed "a true information," and the indorsement signed by the county attorney.
2. When the minutes of evidence have not been filed with the information.
3. When the names of the witnesses named in such minutes of evidence are not indorsed on the information.
4. When the information has not been verified or filed in the manner herein required.
5. When the accused has not, prior to the filing of the information, been held to the grand jury for the offense charged, or the information has not been approved, as required.

Such motion must be made before a plea is entered by the accused. If not so made, the objection shall be deemed waived. If either of the objections specified in the fifth paragraph above is shown to be true, the court shall sustain said motion. If either of the objections specified in the first four paragraphs above are shown to be true, the court shall sustain said motion, unless the defects are corrected within such time as the court may order. Affidavits and oral and documentary evidence may be received upon the hearing of such motion.

SEC. 14. Arraignments and pleas. An accused prosecuted on information may, in vacation, be arraigned by any judge of the district court, and, in vacation, be required to plead to the information before any such judge, but arraignments can be made and pleas required, in vacation, only before such judge sitting in chambers at the usual place of holding court in the county in which the information was filed, or to which the cause may be sent on

change of venue. The proceedings with reference to arraignments and the taking of pleas, in vacation, shall be signed by the judge and filed with the clerk and entered at length in the records of the court with the same force and effect as if made and entered in term time.

SEC. 15. **Judgments on written pleas of guilt.** Judgments may be rendered in vacation on written pleas of guilt of the offense charged, or of any degree or grade thereof, or of any offense included therein, with the same force and effect as though rendered in term time, which written plea of guilt, together with the judge's entry of judgment in reference thereto, shall be forthwith filed with the clerk and entered at length in the records of said court, and after such entry, be executed as in case of judgments on indictments, but judgments in vacation can only be rendered by a judge of the district court sitting in chambers at the usual place of holding court in the county where the information was filed, or to which the cause has been transferred on change of venue.

SEC. 16. **Bail—how construed.** Whenever an accused shall be held to answer to the grand jury for an offense and shall give bail, such bail shall be construed as conditioned to answer to any indictment for said offense returned by the grand jury, to which the accused is legally held to answer, and to any information charging said offense filed by the county attorney.

SEC. 17. **Form of information.** Information shall be, substantially, in the following form:

In the District Court of.....County.

The State of Iowa,
vs.
A.....B..... Information.

Comes now....., as county attorney of.....county, state of Iowa, and in the name and by the authority of the state of Iowa accuses A.....B..... of the crime of (here insert the name of the offense). committed as follows:

The said A.....B....., on or about the.....day of..... A. D.(inserting the year) in the county of....., and state of Iowa, (here insert the acts or omissions constituting the offense.)

.....
County attorney.

State of Iowa, }
.....county. } ss.

I,, being first duly sworn, do depose and say, that I have made full and careful investigation of the facts upon which the above charge is based, and that the allegations contained in the above and foregoing information are true, as I verily believe.

Subscribed and sworn to by.....before me, the undersigned, this.....day of....., A. D.....

.....
(Here insert title of official before whom verification is made.)

Upon the information shall be indorsed the following:

(a) "A true information.

.....
County attorney."

(b) "Names of witnesses:
.....
.....
....."

(c) "On this.....day of....., A. D....., being satisfied from the showing made herein that this cause should (or should not, as the case may be) be prosecuted by information, the same is approved (or disapproved and the charge is ordered submitted to the next grand jury, as the case may be.)

.....
Judge of the district court."

(d) "This information duly filed in the district court, this.....day of....., A. D.....

.....
Clerk of district court of
.....county, state of Iowa.
By.....
Deputy clerk."

(e) "Bail is hereby fixed on the within information in the sum of \$.....
.....
(Here insert official title of judge or clerk, as case may be.)"

Approved April 4, A. D. 1911.

CHAPTER 189.

BOARD OF PAROLE.

S. F. 325.

AN ACT amending section fifty-seven hundred eighteen-a-fourteen (5718-a-14) of the supplement to the code 1907, relating to the time of employment and compensation of the members of the board of parole.

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

SECTION 1. **Compensation of members.** Section fifty-seven hundred eighteen-a-fourteen (5718-a-14) of the supplement to the code 1907 is hereby amended by striking out of line nineteen (19) the following— "not to exceed one thousand (\$1000) dollars each, per annum".

SEC. 2. **In effect.** This act being deemed of immediate importance shall be in full force and effect from and after its passage and publication in the Register & Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 27, 1911.

W. C. HAYWARD,
Secretary of State.

APPROPRIATION ACTS

CHAPTER 190.

GENERAL LEVY FOR STATE PURPOSES.

S. F. 492.

AN ACT to provide for the general levy for state purposes for the years nineteen hundred and eleven (1911) and nineteen hundred and twelve (1912).

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

SECTION 1. **State levy.** That the executive council shall in the year nineteen hundred and eleven (1911) fix the rate per centum to be levied upon the valuation of the taxable property of the state necessary to yield for general state purposes approximately the sum of two million five hundred thousand dollars (\$2,500,000.00); and in the year nineteen hundred and twelve (1912) shall fix the rate necessary to yield approximately the further sum of two million five hundred thousand dollars (\$2,500,000.00).

SEC. 2. **Executive council to certify rate.** The executive council shall certify the rate necessary to the auditor of each county.

SEC. 3. **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 Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 191.

EXPENSES OF ELECTION CONTESTS IN TENTH, EIGHTIETH AND NINETY-NINTH REPRESENTATIVE DISTRICTS.

H. F. 602.

AN ACT to appropriate money for the purpose of defraying the expenses incurred in the election contests from the tenth (10) representative district of Iowa, the eightieth (80) representative district of Iowa, and the ninety-ninth (99) representative district of Iowa, and to pay sundry persons for services, mileage, and other expenses incurred in connection with said election contests.

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

SECTION 1. **Appropriation.** That there is hereby appropriated out of money in the state treasury not otherwise appropriated, the sum of seven hundred sixty-six dollars and forty cents (\$766.40) in full of all attorney's fees, costs,

witness fees, mileage and other expenses incurred in the Spencer vs. Penn election contest from the tenth (10) representative district of Iowa; the Dent vs. Newell contest from the eightieth (80) representative district of Iowa, and the Boomgaarden vs. Olson election contest from the ninety-ninth (99) representative district of Iowa, and that the said sum of money be paid to the persons named in the respective sums as set out in sections two, three and four of this act.

SEC. 2. Tenth district contest—amount—to whom paid. That out of the sum of money appropriated under section one (1) of this act there shall be paid the sum of three hundred seven and fifty hundredths dollars (\$307.50) in full of all attorney's fees, costs, witness fees, mileage and other expenses incurred in the election contest from the tenth (10) representative district of Iowa: wherein F. P. Spencer was contestant and Hon. A. V. Penn the incumbent, and that the said sum of three hundred seven and fifty hundredths dollars (\$307.50) be paid to the following named persons and in the respective sums, to-wit:

To W. H. Norcutt, witness 3 days, 200 miles.....	\$ 23.75
To A. V. Penn for attorney's fees.....	100.00
To L. E. Holoway, witness 3 days, 200 miles.....	23.75
To M. M. Thorton, witness 3 days, 200 miles.....	23.75
To L. T. Webster, witness 3 days, 200 miles.....	23.75
To E. J. Anderson, witness 3 days, 200 miles.....	23.75
To E. H. Harrison, witness 3 days, 200 miles.....	23.75
To John S. Adams, witness 3 days, 200 miles.....	23.75
To F. B. Jenkins expense getting ballots to Des Moines.....	3.60
To F. B. Jenkins expense getting ballots from Des Moines.....	3.60
Receptacle for ballots	5.00
To time and mileage, 5 days, 200 miles.....	26.25
To Con Ryan, sheriff's fees	2.80
Total.....	\$307.50

SEC. 3. Eightieth district contest—amount—to whom paid. That out of the sum of money appropriated in section one (1) of this act there shall be paid the sum of one hundred forty-two dollars and seventy-five cents (\$142.75) in full of all attorney's fees, costs, witness fees, mileage and other expenses incurred in the election contest from the eightieth (80) representative district of Iowa wherein William H. Dent was contestant, and Hon. Henry N. Newell incumbent, and that the sum of one hundred forty-two dollars and seventy-five cents (\$142.75) be paid to the following named persons and in the respective sums to-wit:

HOW PAID.

To Henry N. Newell for attorney's fees.....	\$100.00
To R. E. Smith, witness 4 days attendance and mileage.....	25.00
To R. E. Smith, for express, drayage and expense transporting ballots to Des Moines and return	15.65
To Peter Arendt, sheriff fees and mileage.....	2.10
	<hr/>
	\$142.75

SEC. 4. Ninety-ninth district contest—amount—to whom paid. Whereas in the Boomgaarden-Olson contest case your committee finds from the report of the contest committee that H. S. Boomgaarden received twelve hundred seventy-two (1272) votes and the incumbent Olaf Olson received twelve hun-

dred seventy-two (1272), there being no election on account of a tie vote and whereas Olaf Olson was seated by a vote of the house, we think it just and proper that H. S. Boomgaarden be allowed his expenses and attorney's fees. That out of the sum of money appropriated in section one (1) of this act there shall be paid the sum of three hundred sixteen dollars and fifteen cents (\$316.15) in full of all attorney's fees, costs, witness fees, mileage and other expense incurred in the election contest from the ninety-ninth (99) representative district of Iowa wherein H. S. Boomgaarden was contestant, and Olaf Olson incumbent, and that the sum of three hundred sixteen dollars and fifteen cents (\$316.15) be paid to the following named persons and in the respective sums to-wit:

HOW PAID.

To J. M. Parsons for attorney's fees.....	\$100.00
To E. J. Reigel, mileage 204 at 5c.....	\$20.40
5 days at \$1.25	6.25
Transfer of ballots	5.00
	31.65
To H. G. Eggert, mileage 204 and 3 days.....	24.15
To Geo. A. Wheatley, sheriff.....	
(To service on F. J. Reigel.....)	.50
(Mileage10
(Copy20
(To service on H. G. Eggert.....)	.80
(To service two subpoenas, Reigel and Spratt.....)	1.50
To W. J. Dixon, expense express charges paid on ballots from Rock Rapids45
To H. S. Spratt, mileage 204 and 5 days.....	30.65
	\$190.00
To S. D. Rinecker, attorney's fees.....	\$100.00
To H. S. Boomgaarden mileage and 5 days.....	26.15
	\$126.15
	\$190.00
	126.15
	Total.....
	\$316.15

SEC. 5. **Warrants—how drawn.** That the state auditor is hereby authorized and directed to draw his warrants upon the state treasury in favor of the persons named in sections two, three, and four, of this act in the respective sums herein appropriated to each.

SEC. 6. **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 in the Des Moines Capital, newspapers printed in the city of Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 15, 1911, and in the Register and Leader April 17, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 192.

STATE AND JUDICIAL OFFICERS; STATE AND OTHER EXPENSES.

S. F. 491.

AN ACT to make appropriation for the payment of state and judicial officers, state and other expenses.

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

SECTION 1. Appropriation—how drawn. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, an amount sufficient to pay the salaries of the various officers, whose salaries are fixed by law, and payable from the state treasury, and the auditor of state shall draw warrants therefor in favor of the officers entitled thereto, in monthly installments, when not otherwise provided for by law.

SEC. 2. Appropriation—money not expended. There is further appropriated from the state treasury for a term of two years ending June 30, 1913, the following sum, or so much thereof as shall be necessary, to-wit: provided that on the first day of July succeeding the meeting of the regular session of the general assembly, all moneys appropriated in this act and remaining unexpended, shall be and are hereby covered into the state treasury.

SEC. 3. Clerical help—other expenses.

1. *Attorney general.* For the office of attorney general, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of fifteen thousand four hundred (\$15,400.00) dollars.

2. *Auditor of state.* For the office of auditor of state, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of thirty-five thousand nine hundred sixty (\$35,960.00) dollars.

3. *Clerk of supreme court.* For the office of clerk of the supreme court, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of six thousand and eighty (\$6,080.00) dollars.

4. *Governor.* For the office of governor, for the period ending June 30, 1913; for a contingent and expense fund, the sum of three thousand (\$3,000.00) dollars; for the expenses of employing additional counsel when necessary, under the provision of sections sixty-three (63) and sixty-four (64) of the code, the sum of twenty-five hundred (\$2500.) dollars for the investigation of pardon and parole and for return of paroled prisoners, the sum of five hundred (\$500.00) dollars; for house rent for the governor, the sum of twelve hundred (\$1,200.00) dollars; for employes in the office of the governor, for the period ending June 30, 1913, as per joint resolution no. 8 the sum of eighty-eight hundred (\$8,800.00) dollars.

5. *State librarian.* For the office of state librarian, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of ninety-three hundred and sixty (\$9,360.00) dollars.

6. *Railroad commission.* For the railroad commission for clerical help, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of twelve thousand eight hundred (\$12,800.00) dollars; for traveling and all other expenses, the sum of three thousand (\$3,000.00) dollars.

7. *Secretary of state.* For the office of secretary of state, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of thirty-six thousand six hundred (\$36,600.00) dollars.

8. *Superintendent of public instruction.* For the office of superintendent of public instruction, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of sixty-six hundred sixty (\$6,660.00) dollars.

9. *Supreme court.* For the incidental expenses of the chief justice of the supreme court, for the period ending June 30, 1913, the sum of two thousand (\$2,000.00) dollars; also for bailiff, messenger, and stenographic service, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of twelve thousand six hundred (\$12,600.00) dollars.

10. *Treasurer of state.* For the office of treasurer of state, for the period ending June 30, 1913, as per joint resolution no. 8, for salaries and incidental expenses, the sum of twelve thousand three hundred and sixty (\$12,360.00) dollars.

11. *Historical department.* For the historical department, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of twelve thousand three hundred and twenty (\$12,320.00) dollars.

12. *Secretary of executive council.* For the office of the secretary of the executive council for the period ending June 30, 1913, as per joint resolution no. 8, the sum of seventeen thousand one hundred and sixty (\$17,160.00) dollars.

13. *Geological survey.* For the geological survey, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of eighteen hundred (\$1,800.00) dollars.

14. *State mine inspector.* For the office of state mine inspector, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of two thousand (\$2000.00) dollars.

15. *State board of health.* To the state board of health for extra clerical assistance, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of seven thousand two hundred (\$7,200.00) dollars.

16. *Members of executive council for extra services.* To the members of the executive council for extra services for the period ending June 30, 1913, the sum of twenty-four hundred (\$2,400.00) dollars, each, and warrants shall be issued monthly therefor at the end of each month.

17. *Supreme court reporter.* For the office of supreme court reporter, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of one thousand four hundred and forty (\$1,440.00) dollars.

18. *State food and dairy commissioner.* For expenses of the state food and dairy commissioner, for clerical assistance, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of five thousand one hundred sixty (\$5,160.00) dollars.

19. *Employes under custodian.* For employes under the custodian, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of sixty-four thousand five hundred twenty (\$64,520.00) dollars.

20. *Bureau of labor statistics.* To the office of the bureau of labor statistics, for the period ending June 30, 1913, as per joint resolution no. 8, the sum of two thousand (\$2,000.00) dollars.

21. *Executive council—providential contingencies.* For providential contingencies, the sum of fifty thousand (\$50,000.00) dollars, to be expended in accordance with the provisions of section one hundred seventy (170) of the code, the said amount to be under the control of the executive council and all payments from said sum shall first receive its unanimous approval. Any expenditures under this section shall be reported in detail by the auditor of state in his next report.

22. *Executive council—furniture, stores, supplies.* There is hereby appropriated the sum of one hundred five thousand (\$105,000.00) dollars, to be expended under the direction of the executive council, under the provisions of section one hundred sixty-five (165) of the code, for furniture, stores and supplies, and the further sum of twenty thousand (\$20,000.00) dollars, or so much thereof as shall be necessary, for the purchase of fuel.

23. *Executive council—water, lights, etc.* There is hereby appropriated the sum of twenty thousand (\$20,000.00) dollars, to be expended under the direction of the executive council, under the provisions of section one hundred sixty-four (164) of the code.

24. *Express, freight and drayage.* There is hereby appropriated for the purpose of paying express, freight and drayage, for the period ending June 30, 1913, the sum of seventeen thousand five hundred (\$17,500.00) dollars.

25. *Advertising laws.* There is hereby appropriated for the purpose of advertising laws, and publishing census returns, to be expended under the provisions of section thirty-six (36) of the code, the sum of one thousand three hundred (\$1,300.00) dollars.

SEC. 4. **Vouchers.** Each of the foregoing named officers shall furnish vouchers therefor, containing the items of such expenditures to the auditor of state before any warrant shall issue therefor, and the amounts thereof, and to whom paid, shall be reported to the next general assembly.

SEC. 5. **Lieutenant governor.** To George W. Clarke, lieutenant governor, as president of the senate, the sum of one thousand one hundred (\$1,100.00) dollars.

SEC. 6. **Speaker of the house.** To Paul E. Stillman, as speaker of the house of representatives, the sum of five hundred fifty (\$550.00) dollars, which shall be in addition to his salary as member of the house.

SEC. 7. **Chaplains.** For chaplains of the senate and of the house of the thirty-fourth general assembly, the sum of seven hundred ninety (\$790.00) dollars, or so much thereof as may be necessary, warrants therefor to be drawn in favor of the persons entitled thereto, who shall be determined by the auditor of state upon the certified statement of the president of the senate and the speaker of the house.

SEC. 8. **Annotations to laws.** To the secretary of state for the purchase of one hundred sixty (160) sets of the annotations to the sessions laws of the thirty-fourth general assembly, the sum of two hundred (\$200.00) dollars.

SEC. 9. **Publication of notices of pardon applications.** For the payment of the claims due sundry parties for the publication of notices of application for pardon under the provision of section five thousand six hundred and twenty-six (5626) of the code, the sum of one hundred forty-seven and 16-100 (\$147.16) dollars, to be paid on a statement approved by the governor.

SEC. 10. **Indexing journals.** To the secretary of state for indexing journals for the house and senate of the thirty-fourth general assembly, in addition to the amount provided by law, the sum of two hundred and fifty (\$250.00) dollars.

SEC. 11. **Expenses of superintendent of weights and measures.** For expense of state superintendent of weights and measures for attending national convention of state sealers of weights and measures, the sum of one hundred (\$100.00) dollars.

SEC. 12. **Board of control—additional draftsmen.** To the board of control for additional draftsmen in that department, the sum of sixteen hundred (\$1,600.00) dollars.

SEC. 13. **Rent of storage rooms.** For rent of storage rooms for the adjutant general for the period ending July 1st, 1913, the sum of two thousand (\$2,000.00) dollars.

SEC. 14. **Interest due permanent school fund.** For the purpose of paying the interest of the state to the permanent school fund, the sum of one thousand three hundred twelve 46-100 (\$1,312.46) dollars, which is to be in full of such interest on such indebtedness, and the auditor of state shall draw warrants for the above appropriations as said interest shall become due.

SEC. 15. **House and senate employes.** To the employes of the house and senate for services required after adjournment, the sum of two hundred (\$200.00) dollars.

SEC. 16. **Custodian—for removal of snow.** For the custodian the sum of one thousand (\$1000.00) dollars, to pay for shoveling snow and other necessary work, warrants for same to be drawn upon the certificate of the custodian.

SEC. 17. **Executive council—necessary expenses.** To the executive council to meet necessary expenses, for which no appropriation is made, the sum of three thousand (\$3000.00) dollars, to be disbursed on claims approved by the executive council and the auditor of state shall draw warrants therefor.

SEC. 18. **Industrial equipment for Anamosa reformatory.** To the board of control of state institutions for the state reformatory at Anamosa for the purchase of industrial equipment, the sum of two thousand (\$2,000.00) dollars.

SEC. 19. **Hall of archives.** To the executive council for the continuation of the work of the arrangement, classification, labeling, filing, calendaring and indexing the public archives under section twenty-eight hundred eighty-one-k (2881-k) of the supplement to the code, 1907, the sum of thirty-five hundred (\$3,500.00) dollars annually.

SEC. 20. **P. S. Ervin for chaplain services.** To P. S. Ervin for chaplain service during the 33d general assembly the sum of fifteen (\$15.00) dollars, and for two services during the 34th general assembly the sum of ten (\$10.00) dollars, or a total of twenty-five (\$25.00) dollars.

SEC. 21. **Repairs to Iowa state monument at Shiloh.** To the executive council to be expended for repairs of the Iowa state monument in Shiloh national military park damaged by cyclone October 14-1909, the sum of seven thousand three hundred and forty (\$7,340.00) dollars.

SEC. 22. **E. B. Soper for certain expenses and services.** To E. B. Soper, for services and expenses in connection with contracting for and consulting with the acting secretary of war, and arranging for the repair of said monument, a sum not to exceed two hundred (\$200.00) dollars.

SEC. 23. **Wardens support fund.** For the support fund of the wardens of the penitentiaries at Anamosa and Fort Madison, the sum of five hundred (\$500.00) dollars, each, payable quarterly, during the period ending July 1st, 1913.

SEC. 24. **Wardens house fund.** For the wardens' house fund at the penitentiaries at Ft. Madison and Anamosa two hundred (\$200.00) [dollars] each, for the period ending July 1st, 1913.

SEC. 25. **Badges.** To the Des Moines Rubber Stamp Works for badges for officials of the senate and house of representatives of the thirty-fourth general assembly, the sum of sixty-one and 25-100 (\$61.25) dollars.

SEC. 26. **To reimburse F. G. Dunahugh.** To F. G. Dunahugh for thirty (30) copies of the acts of the 33d general assembly of Iowa at fifty (50) cents per copy, returned by him to the secretary, and for which he had heretofore paid the sum of fifteen (\$15.00) dollars.

SEC. 27. **Farmers institutes.** To the Carroll county farmer's institute the sum of sixty-one and 68-100 (\$61.68) dollars; to the Benton county farmer's institute the sum of seventy-four and 77-100 (\$74.77) dollars; said amounts being the sums to which said above named societies are entitled under the statutes but for which they failed to file claims within the time provided by law.

SEC. 28. **Expenses incurred by J. H. Trewin.** To J. H. Trewin for expenses incurred in his official capacity as member of the state board of education, the sum of ninety-nine and 99-100 (\$99.99) dollars.

SEC. 29. **State board of education.** To the state board of education for telephone messages, telegrams, express charges, stenographers and other necessary items to be expended by said board during the biennial period ending July 1st, 1913, the sum of five hundred (\$500.00) dollars, which sum is to be paid in accordance with the provisions of chapter 170 acts of the 33rd general assembly.

SEC. 30. **Paving in front of state property.** To the city of Des Moines, Iowa, for paving state property as follows:

Paving in front of lot 1, block B: Lyon's add. e. 11th st.	\$681.86	
Interest on above from Dec. 31, 1909 to Aug. 1, 1910.	23.55	
Paving in front of lots 9 and 10, blk. 4, Lyon's add. Des Moines st.	506.40	
Interest on above from Oct. 22, 1909 to Aug. 1, 1910.	23.55	
Curbing in front of lot 1, blk. B. Lyon's add., e. 11th st.	98.65	
Interest on above from Dec. 24, 1909 to Aug. 1, 1910.	3.55	\$1337.86

Making a total of thirteen hundred and thirty-seven and 86-100 (\$1337.86) dollars, with 6% interest thereto from and after Aug. 1, 1910.

SEC. 31. **Floral designs.** To Lozier, the florist, for floral designs purchased by the executive council, and contributed by the state to the funeral of the late Senator Jonathan P. Dolliver, the sum of one hundred (\$100.00) dollars.

SEC. 32. **Overpayment of taxes.** To the Anchor Fire Insurance Co. of Des Moines, Iowa, for over-payment by said company, taxes collected by the auditor of state, the sum of eighty-three and 45-100 (\$83.45) dollars.

SEC. 33. **Telegrams.** To C. R. Benedict, chief clerk of the house of representatives, for telegrams paid by him in connection with his official duties, one and 97-100 (\$1.97) dollars.

SEC. 34. **Rent of typewriters.** To the Underwood Typewriter Co. for rent of two type-writers for the senate, the sum of twenty-two (\$22.00) dollars.

SEC. 35. **Typewriters.** To the Remington Typewriter Co. for one typewriter for journal clerks of the house of representatives, and rental for one other, the sum of ninety (\$90.00) dollars.

SEC. 36. **Expenses of state board of optometry examiners.** To the state board of optometry examiners, to be used to defray the expense of said board to July 1st, 1911, the sum of three hundred (\$300.00) dollars.

SEC. 37. **Pioneer lawmaker's association.** To the pioneer lawmaker's association, to assist in defraying the expenses of publishing the proceedings of the said association, and to be paid to the secretary thereof on the presentation of proper vouchers therefor, a sum not to exceed one-hundred dollars (\$100.00).

SEC. 38. **Improvements and repairs.** There is hereby appropriated the sum of thirty-three thousand six hundred and seventy-five (\$33,675.00) dollars, to be expended under the direction of the executive council for any or all of the following purposes, estimated cost as shown below:

Two new elevator cages, to replace the old wood cages now in use in the capitol building.....	\$ 800.00
Installing electric elevators in the north and south wings of the capitol, connecting the second and third floors, making rooms in the third story as easy of access as those in the second story.....	5,000.00
New lamp posts about the capitol similar to those now on the north side	200.00
For granite steps on the north and west of the capitol, and repairing those on the south	15,000.00
For cleaning, painting and sanding windows and door frames, painting sash and outside iron work, varnishing doors, and repairing window sills	1,200.00
Cleaning ceilings and walls in the senate chamber and senate committee rooms, cleaning and decorating walls and ceilings of rooms occupied by lieut. gov.	1,500.00
Redecorating the rooms occupied by the board of health.....	350.00
For permanent cases in the board of health dept.....	400.00
Completing vacuum system of heating and ventilating capitol and historical buildings as originally planned.....	1,500.00
Two portable vacuum cleaners	400.00
Installing electric lights in offices and committee rooms not already supplied	550.00
Installing electric lights in law library, so as to properly light the room and all alcoves	800.00
Installing electric lights in supreme court room.....	125.00
Repairing stokers, engines, arches and resetting boilers, etc.....	1,500.00
New air compressor	150.00
For installing passenger elevators in the historical building.....	2,800.00
For changing the air supply in the historical building, by taking the air from above the roof, instead of taking air from dust laden ground	800.00
For installing watchman's clock in the historical building and wiring for same	600.00
Cement walk from capitol to soldiers' monument, estimated.....	250.00
Retaining walk [wall] on the north, south and west of monument lot and iron fence on the east, so that the teams cannot drive on the lot, estimated	550.00

SEC. 39. **Curator of state historical department.** For the use of the curator of the state historical department in defraying such reasonable expenses as he may incur in extending hospitality to persons giving or considering valuable donations to the collections, the sum of one-hundred (\$100.00) dollars.

SEC. 40. **Traveling expenses of visiting committees.** To W. L. Harding, the sum of fifteen and 70-100 (\$15.70) dollars; to P. M. Jewell, eight and 91-100 (\$8.91) dollars; to W. J. Dixon, sixteen (\$16.00) dollars; to N. W. Beebe, ten and 38-100 (\$10.38) dollars; to James W. Brockway, ten and 85-100 (\$10.85) dollars; and to Wm. Larrabee, twenty and 43-100 (\$20.43) dollars; for items expended respectively by said parties in visiting the state institutions of Iowa under resolution of the 34th general assembly, and making a total of eighty-two and 27-100 (\$82.27) dollars.

SEC. 41. **Night watch clock and recording system.** To the executive council, one thousand (\$1,000.00) dollars, or so much thereof as may be required to be expended upon vouchers approved by itself to be used to install in the capitol building a complete night watch clock and recording system, which said council is hereby directed to install and to cause to be administered under rules prescribed by said council. The rules prescribed here-

under shall require a watchman to visit each evening, all parts of the building at the hour of closing, and require efficient, frequent and regular visitation during the night of all parts of the building, where fire or damage might result from the acts of designing persons or from accident to any part of the building, or the equipment of the same.

SEC. 42. **Chairs and gavels.** To Chase & West for chairs and gavels for the president of the senate and the speaker of the house, the sum of one hundred (\$100.00) dollars.

SEC. 43. **Secretary of state—extra clerk hire.** To the secretary of state for extra clerical assistance to July 1st, 1911, the sum of five hundred (\$500.00) dollars, or so much thereof as may be necessary.

SEC. 44. **To reimburse C. C. Jackson.** To C. C. Jackson, to reimburse him for money expended in return of Jennie Pope Bane and Laura McKonkey, fugitives from justice, the sum of seventy-one and 50-100 (\$71.50) dollars.

SEC. 45. **State pharmacy commission—extra clerk hire.** To the state pharmacy commission, for extra clerical assistance, the sum of one hundred and fifty (\$150:00) dollars.

SEC. 46. **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 Capital, newspapers published in Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 17, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 193.

ADDITIONAL IMPROVEMENTS AT THE STATE FAIR AND EXPOSITION GROUNDS.

H. F. 221.

AN ACT making appropriation for additional improvements and land at the Iowa state fair and exposition grounds.

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

SECTION 1. **Appropriation—purposes.** There is hereby appropriated to the Iowa department of agriculture, out of any money in the state treasury, not otherwise appropriated the sum of eighty-five thousand dollars, (\$85,000.00), for the following purposes:

For the purpose of additional lands and lots.....	\$12,000.00
For building for exhibits for farm implements, machinery, vehicles, etc.	65,000.00
For sanitary toilets	8,000.00
Total.....	\$85,000.00

SEC. 2. **Preference to Iowa manufacturers.** In allotting space to exhibitors in the building erected with this appropriation, the state board of agriculture, under such reasonable rules as it may prescribe, shall give preference to Iowa manufacturers.

SEC. 3. **How drawn.** All moneys appropriated by this act shall be drawn from the state treasury upon warrants issued by the state auditor upon the order of the state board of agriculture.

SEC. 4. **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 Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 1, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 4, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 194.

PROSECUTION OF INTERSTATE RATE CASES.

S. F. 307.

AN ACT making an appropriation to enable the state railroad commission to prosecute interstate rate cases before the interstate commerce commission.

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

SECTION 1. **Appropriation—purpose.** There is hereby appropriated out of the funds in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, the same to be expended by the state railroad commission, in preparing cases submitted to the interstate commerce commission involving interstate rates affecting Iowa.

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 Des Moines Capital and the Register & Leader, newspapers published at Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 195.

INVESTIGATION AND PREPARATION OF CASES AFFECTING IOWA INTRASTATE RATES.

S. F. 309.

AN ACT making an appropriation to enable the state railroad commission to investigate and prepare cases affecting Iowa intrastate rates.

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

SECTION 1. **Appropriation—purpose.** There is hereby appropriated out of the funds in the state treasury, not otherwise appropriated, the sum of twenty-five thousand dollars (\$25,000.00), or so much thereof as may be necessary, same to be expended by the state railroad commission to investigate and prepare cases affecting Iowa intrastate rates.

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 Des Moines

Capital and the Register & Leader, newspapers published at Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 196.

DEFICIT IN TRAVELING AND EXPENSE FUND OF RAILROAD COMMISSION.

S. F. 306.

AN ACT making an appropriation for the railroad commission on account of deficit in the traveling and expense fund.

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

SECTION 1. **Appropriation.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand dollars (\$1,000.00) for traveling and all other expenses, to be expended as provided by chapter two hundred forty-one (241), laws of the thirty-third general assembly.

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 Des Moines Capital and the Register & Leader, newspapers published at Des Moines, Iowa.

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 13, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 197.

SOLDIERS' HOME, SOLDIERS' ORPHANS' HOME, COLLEGE FOR THE BLIND, SCHOOL FOR THE DEAF, INSTITUTION FOR FEEBLE-MINDED CHILDREN, SANATORIUM FOR TREATMENT OF TUBERCULOSIS, INDUSTRIAL SCHOOLS, STATE HOSPITALS, PENITENTIARY AND REFORMATORY.

S. F. 126.

AN ACT making appropriations for the construction, repair, improvement and contingent funds for the Iowa soldiers' home, Iowa soldiers' orphans' home, college for the blind, school for the deaf, institution for feeble-minded children, sanatorium for the treatment of tuberculosis, industrial schools, state hospitals, penitentiary and reformatory, and for the purchase of land.

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

SECTION 1. **Appropriation—when available.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five hundred fifty-seven thousand six hundred fifty (\$557,650.00) dollars for the construction, repair, improvement and contingent funds for the Iowa soldiers' home, Iowa soldiers' orphans' home, college for the blind, school for the deaf, institution for feeble-minded children, sanatorium for the treatment of tuberculosis, industrial schools, state hospitals, penitentiary

and reformatory and for the purchase of land for one or more of said institutions, in sums as hereinafter specified. Provided, however, that one hundred thousand dollars (\$100,000) of said amount shall not be available before the first day of July, A. D., 1913, said sum to be disbursed according to direction of the board of control of state institutions.

SEC. 2. **How drawn and expended.** All money appropriated by this act shall be drawn from the state treasury and expended in the manner provided by chapter eleven-B (11-B) of title XIII of the supplement to the code, 1907. Any balance remaining of any appropriation after the object for which it was made has been accomplished may be expended in the discretion of the board of control of state institutions for any purpose connected with the institution for which the appropriation was made, and the board of control shall report within five days after the convening of the next general assembly the amount transferred from each fund as provided in this section and the amount of unexpended balances in the state treasury December 31, 1912.

SEC. 3. **Soldiers' home.** Of the appropriations made by this act, the Iowa soldiers' home at Marshalltown shall receive sums as follows:

For painting	\$ 2,000.00
For switchboard	800.00
For contingent and repair fund	8,000.00

SEC. 4. **Soldiers' orphans' home.** Of the appropriations made by this act, the Iowa soldiers' orphans' home at Davenport shall receive sums as follows:

For hospital, connections and equipment.....	10,000.00
For fencing	500.00
For books and periodicals	200.00
For dental work	400.00
For contingent and repair fund.....	4,000.00

SEC. 5. **College for the blind.** Of the appropriations made by this act, the college for the blind at Vinton shall receive sums as follows:

For cottage for superintendent and connections.....	4,000.00
For extraordinary repairs	2,000.00
For domestic science apparatus	500.00
For well and equipment	1,000.00
For oculist fund	250.00
For contingent and repair fund.....	2,000.00

SEC. 6. **School for the deaf.** Of the appropriations made by this act, the school for the deaf at Council Bluffs shall receive sums as follows:

For painting interior	1,000.00
For improving water supplies	3,000.00
For grading, walks and improvement of grounds.....	500.00
For books, periodicals and binding.....	250.00
For equipment for industrial departments.....	500.00
For contingent and repair fund.....	3,500.00

SEC. 7. **Institution for feeble-minded children.** Of the appropriations made by this act, the institution for feeble-minded children at Glenwood shall receive sums as follows:

For beginning cottage for girls.....	20,000.00
For laundry building and equipments.....	25,000.00
For beds and bedding	2,000.00
For furniture and furnishings	2,000.00
For porches for administration building.....	2,000.00
For fire escapes	500.00

For paints and painting	2,000.00
For plumbing	1,500.00
For equipment for fire department	500.00
For water reservoir and connections.....	4,000.00
For contingent and repair funds.....	10,000.00

SEC. 8. **Sanatorium for treatment of tuberculosis.** Of the appropriations made by this act, the state sanatorium for treatment of tuberculosis at Oakdale shall receive sums as follows:

For furniture and furnishings	300.00
For laundry and hose-cart building.....	4,500.00
For bathing and toilet facilities (additional for pavilions).....	600.00
For cow barn and silos.....	3,500.00
For improvement of sewage disposal plant.....	2,000.00
For laboratory apparatus	200.00
For kitchen equipment	200.00
For tunnel and pipe connections.....	2,000.00
For reservoir (additional)	1,000.00
For piggery	250.00
For books and periodicals.....	200.00
For lectures and amusements.....	200.00
For painting	250.00
For concrete sidewalks.....	500.00
For fences	800.00
For tiling	250.00
For contingent and repair fund.....	3,000.00

SEC. 9. **Industrial school for boys.** Of the appropriations made by this act, the industrial school for boys at Eldora shall receive sums as follows:

For heating, plumbing and equipping hospitals.....	5,000.00
For kitchen equipment.....	600.00
For dental work.....	500.00
For furniture and furnishings.....	1,000.00
For cottage for superintendent	4,000.00
For beds and bedding.....	1,500.00
For books and periodicals.....	300.00
For lectures and amusements.....	400.00
For musical instruments and supplies.....	300.00
For root cellar	800.00
For extension of water system.....	700.00
For cow barn (additional).....	1,500.00
For silo ensilage cutter and power.....	1,200.00
For live stock	1,000.00
For agricultural implements.....	500.00
For wagons and other vehicles.....	500.00
For painting	1,000.00
For fencing	300.00
For chaplain	300.00
For traveling expense on account of placing paroled and returning boys who have violated their paroles.....	600.00
For railway switch	16,000.00
For contingent and repair fund.....	5,000.00

SEC. 10. **Industrial school for girls.** Of the appropriations made by this act, the industrial school for girls at Mitchellville shall receive sums as follows:

For changing dormitories to small rooms.....	2,000.00
For rebuilding farm cottages.....	1,200.00
For enlarging and repairing cold storage.....	1,500.00
For cisterns	400.00
For books and periodicals.....	250.00
For pipe covering	500.00
For painting	1,500.00
For supplies for plumbing and heating.....	500.00
For concrete walks.....	250.00
For silo and cutter.....	700.00
For tiling land.....	500.00
For chaplain	250.00
For contingent and repair fund.....	3,000.00
For fencing	500.00

SEC. 11. **Mt. Pleasant state hospital.** Of the appropriations made by this act, the Mt. Pleasant state hospital shall receive sums as follows:

For ventilation of men's infirmary.....	1,500.00
For furniture for pathological laboratory.....	500.00
For kitchen equipment.....	500.00
For laundry machinery.....	1,000.00
For equipment for recreation hall.....	250.00
For root cellar.....	1,000.00
For reservoir	3,500.00
For cleaning and repairing reservoir.....	2,000.00
For painting	2,000.00
For fencing	500.00
For greenhouse	250.00
For library	500.00
For horses, mules, wagon and farm implements.....	1,000.00
For remodeling cow barn.....	1,000.00
For silo	500.00
For drain tile.....	1,000.00
For street sprinkler.....	250.00
For contingent and repair fund.....	12,000.00

SEC. 12. **Independence state hospital.** Of the appropriations made by this act, the Independence state hospital shall receive sums as follows:

For homes for attendants.....	40,000.00
For ventilation of farmers' lodge and grove hall.....	5,000.00
For tunnel to farmers' lodge and grove hall.....	5,000.00
For painting and decorating.....	2,000.00
For greenhouse (additional).....	1,500.00
For cold storage building.....	6,500.00
For wells (two) for drinking water and equipment.....	500.00
For wood shaping machine and drill press with appurtenances..	500.00
For draining land.....	2,000.00
For farm implements and machinery.....	1,000.00
For fencing	1,000.00
For live stock.....	5,000.00
For contingent and repair fund.....	12,000.00

SEC. 13. **Clarinda state hospital.** Of the appropriations made by this act, the Clarinda state hospital shall receive sums as follows:

For farm cottage for men and furnishings.....	20,000.00
For electric re-wiring.....	3,000.00
For plumbing and fixtures.....	1,500.00

For painting	2,000.00
For horses and mules.....	1,000.00
For fire escape.....	500.00
For contingent and repair fund.....	10,000.00

SEC. 14. **Cherokee state hospital.** Of the appropriations made by this act, the Cherokee state hospital shall receive sums as follows:

For pavilion for tubercular patients.....	50,000.00
For painting	2,000.00
For books, newspapers and periodicals.....	300.00
For addition to mangle room and dry closets for same.....	3,000.00
For floors	250.00
For boilers (two) and connections.....	6,000.00
For silos and cutter.....	1,200.00
For farm implements and machinery.....	500.00
For horses and mules.....	1,000.00
For hot water heater.....	1,500.00
For steam header and connections.....	1,000.00
For fencing	300.00
For contingent and repair funds.....	10,000.00

SEC. 15. **State hospital for inebriates.** Of the appropriations made by this act, the state hospital for inebriates at Knoxville shall receive sums as follows:

For water reservoir.....	1,000.00
For contingent and repair fund.....	3,000.00

SEC. 16. **Fort Madison penitentiary.** Of the appropriations made by this act, the state penitentiary at Fort Madison shall receive sums as follows:

For cell house, cell bank and connections.....	60,000.00
For reroofing shops.....	3,500.00
For fencing	1,000.00
For live stock.....	1,000.00
For contingent and repair fund.....	5,000.00
For sanitary toilets.....	3,000.00

SEC. 17. **Anamosa reformatory.** Of the appropriations made by this act, the reformatory at Anamosa shall receive sums as follows:

For addition to school room.....	2,000.00
For machinery and supplies for printing office.....	1,500.00
For boiler and equipment.....	1,250.00
For derrick supplies.....	500.00
For freight on stone.....	800.00
For tools for shop and quarry.....	600.00
For musical instruments—from library fund.....	500.00
For piano—from library fund	500.00
For salaries of foremen and instructors.....	15,000.00
For transportation of discharged inmates.....	1,500.00
For increasing industries.....	5,000.00
For contingent and repair fund.....	5,000.00

SEC. 18. **Amount appropriated for purchase of land.** Of the appropriations made by this act, the sum of thirty thousand (\$30,000.00) dollars is for the purchase of land for the use of one or more of the state institutions hereinbefore named. The board of control of state institutions shall designate the institutions for which land is to be purchased and the amount to be expended for each, and the amounts so determined shall be drawn from the state treasury on vouchers duly executed for each purchase and approved by the chief executive officer of the institution for which the purchase was made and by said board of control.

SEC. 19. 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 Capital, newspapers published in Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 17, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 198.

ADDITIONAL FUNDS FOR CERTAIN STATE INSTITUTIONS.

S. F. 100.

AN ACT to provide additional funds for the college for the blind, for the industrial school for girls, for the Independence state hospital, for the state penitentiary, and for the Cherokee state hospital.

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

SECTION 1. Amount appropriated—how divided. That for the purpose of increasing the support-contingent and repair funds of the several institutions specified there is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of twenty six thousand five hundred (\$26,500) dollars, to be divided among said institutions as follows:

For the college for the blind.....	\$1,500
For the industrial school for girls.....	5,000
For the Independence state hospital.....	4,000
For the state penitentiary	8,000
For Cherokee state hospital.....	8,000

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 Capital, newspapers published in Des Moines, Iowa.

Approved February 25, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital February 27, 1911, and in the Register and Leader February 28, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 199.

EXTRA CLERICAL ASSISTANCE IN OFFICE OF STATE BOARD OF HEALTH.

S. F. 198.

AN ACT making an appropriation to pay for extra clerical assistance in the office of the state board of health.

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

SECTION 1. Amount appropriated—purpose. That there is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of nine hundred (\$900.00) dollars, or so much thereof as may be

necessary, to be immediately available for the payment of extra clerical assistance in the office of the state board of health.

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

Approved February 25, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital February 27, 1911, and in the Register and Leader February 28, 1911.

W. C. HAYWARD.
Secretary of State.

CHAPTER 200.

STATE UNIVERSITY, STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS AND STATE TEACHERS COLLEGE.

S. F. 209.

AN ACT making appropriations for the state university, the Iowa state college of agriculture and mechanic arts, and the Iowa state teachers college.

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

SECTION 1. **State university—support, repair and contingent funds.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to the state university, the sum of forty thousand dollars (\$40,000.00) annually hereafter for the purpose of making permanent the following appropriations granted for the biennial period by the thirty-third general assembly:

Educational support fund	\$25,000.00
Library support fund	15,000.00

There is further appropriated out of any money in the state treasury not otherwise appropriated, to the state university, the additional sum of one hundred five thousand seven hundred dollars (\$105,700.00) annually hereafter for the following purposes:

Additional support fund.....	\$98,200.00
Repair and contingent fund.....	5,000.00
Library support fund.....	2,500.00

SEC. 2. **State university—improvements, land, etc.** There is further appropriated out of any money in the state treasury not otherwise appropriated, to the state university, the sum of one hundred sixteen thousand dollars (\$116,000.00) for the following purposes:

For general equipment and supplies.....	\$15,000.00
For equipment new buildings and partially erected buildings....	51,000.00
For the purchase of additional land.....	40,000.00
For paving, side-walks, and improvement of grounds.....	10,000.00

The sums mentioned in the first section shall be paid in quarterly installments on order of the Iowa state board of education. The sums mentioned in the second section shall be paid on order of the Iowa state board of education, but not more than one-half of the entire amount shall be paid before July 1, 1912.

SEC. 3. **Agricultural college—support, extension work, etc.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to the Iowa state college of agriculture and mechanic arts, the sum

of forty-five thousand dollars (\$45,000.00) annually hereafter, for the purpose of making permanent the following appropriations granted for the biennial period by the thirty-third general assembly:

Educational support fund.....	\$25,000.00
Agricultural experiment station	15,000.00
Agricultural extension work	5,000.00

There is further appropriated out of any money in the state treasury not otherwise appropriated, to the Iowa state college of agriculture and mechanic arts, the additional sum of one hundred ten thousand dollars (\$110,000.00) annually hereafter for the following purposes:

Educational support fund	\$50,000.00
Agricultural extension work	10,000.00
Agricultural experiment station	15,000.00
Engineering experiment station	5,000.00
Good roads	5,000.00
Two year agricultural course.....	25,000.00

There is hereby further appropriated for the agricultural extension work the sum of eight thousand dollars (\$8000.00) annually, for a period of two years.

SEC. 4. Agricultural college—improvements, etc. There is also appropriated out of any money in the state treasury not otherwise appropriated, to the Iowa college of agriculture and mechanic arts, the sum of one hundred thirty-one thousand five hundred dollars (\$131,500.00) for the following purposes

Additional department equipment, including pure bred stock and furnishings for domestic technology building, gymnasium and veterinary hospital	\$75,000.00
Public grounds improvements	13,500.00
Heating plant	43,000.00

The sums mentioned in the third section shall be paid in quarterly installments on order of Iowa state board of education. The sums mentioned in section 4 shall be paid on order of Iowa state board of education, but not more than one-half the entire amount shall be paid before July 1, 1912.

SEC. 5. State teachers college—support and contingent funds. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to the state teachers college, the sum of forty-six thousand two hundred and fifty dollars (\$46,250.00) annually hereafter for the following purposes:

For the teachers' fund	\$22,000.00
For the contingent fund.....	8,000.00
For the summer term fund.....	3,000.00
For the library fund	5,000.00
For the librarian's salary fund.....	7,000.00
For the hospital fund.....	1,250.00

SEC. 6. State teachers college—pipe organ. There is further appropriated out of any money in the state treasury not otherwise appropriated, to the state teachers college, the sum of five thousand dollars (\$5,000.00) for the following purposes;

For pipe organ.....	\$5,000.00
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Said sum to be paid in quarterly installments on order of the Iowa state board of education.

SEC. 7. 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 Capital, newspapers published in Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 201.

SPECIAL TAXES FOR BUILDING PURPOSES FOR THE STATE EDUCATIONAL INSTITUTIONS.

H. F. 251.

AN ACT providing for the levy of special taxes upon the assessed valuation of the taxable property of the state for the erection, repair, improvement, and equipment of buildings for the state university of Iowa, the state college of agriculture and mechanic arts, and the state teachers college.

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

SECTION 1. Special taxes—how levied. For the purpose of providing for the erection, repair, improvement, and equipment of such necessary buildings as shall be determined upon by the state board of education, there shall be levied annually for five years a special tax of one-fifth of a mill on the dollar for the benefit of the state university, one-fifth of a mill on the dollar for the benefit of the state college of agriculture and mechanic arts, and one-tenth of a mill on the dollar for the benefit of the state teachers college, upon the assessed valuation of the taxable property of the state; and the proceeds thereof shall be carried into the state treasury to the credit of the state university, the state college of agriculture and mechanic arts, and the state teachers college respectively. Said levies shall first be made for said purposes in the year 1912, and the same levies shall be made annually for four consecutive years thereafter. The money realized from such levies shall be held by the treasurer of state for the institutions and purposes hereinbefore provided, and drawn upon requisition of the state board of education; but the funds to be realized from the said tax levies herein provided shall not be anticipated by issuing warrants or other obligations of the state.

SEC. 2. How expended—approval of plans and specifications. No part of the said levies shall be expended for new buildings without first submitting to the general assembly for its approval plans and specifications prepared by an architect, together with estimates of the cost of such buildings or betterments, provided that if the state board of education deems it advisable to make any deviation from or additions to the plans, specifications, and estimated cost so submitted to the general assembly, the board shall first secure the approval thereof by a majority vote of the executive council; but the executive council shall not approve any deviation from such plans and specifications during any session of the general assembly nor costing more than twenty-five thousand dollars as to any one building. The executive council may, however, during the interim between sessions of the general assembly, on application of the state board of education, approve plans, specifications, and expenditures for buildings the necessity for which is created by fire or other casualty. The funds provided for by this act shall be drawn from the state treasury as provided in sections one hundred and nine (109) and one

hundred and ten (110) of the code. Nothing in this act shall be held to exclude the state board of education from employing an architect other than the state architect.

SEC. 3. **In effect.** This act being deemed of immediate importance shall be effective and in force from and after its approval and the date of its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines.

Approved March 30, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 1, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 202.

ROSTER OF IOWA SOLDIERS, SAILORS AND MARINES.

S. F. 45.

AN ACT providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided for by chapter two hundred twenty three (223) acts of the thirty second general assembly, and by chapter two hundred forty eight (248) acts of the thirty-third general assembly, and making an additional appropriation therefor.

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

SECTION 1. **Appropriation—purpose.** That the sum of one thousand (1,000.00) dollars or so much thereof as may be necessary, is hereby appropriated from any moneys, not otherwise appropriated, in the treasury of the state, for the employment of the extra help and other necessary expense to complete the compilation of the roster and record of Iowa soldiers, sailors and marines provided by chapter two hundred twenty three (223) acts of the thirty second general assembly and the same shall be drawn and expended as provided for in section three (3) of said chapter.

SEC. 2. **Distribution.** Forty copies of the first and second volumes and five copies of each of the other volumes of said publication will be apportioned to each member of the thirty-fourth general assembly, two copies of each volume to each state officer, one copy of each volume to each member of the roster board and the remainder which are not required for distribution as provided for by chapter two hundred twenty-three (223) acts of the thirty-second general assembly or chapter two hundred forty-eight (248) acts of the thirty-third general assembly shall be distributed by the adjutant general to soldiers who served in an Iowa organization or to the families of such soldiers.

SEC. 3. **In effect.** This act being deemed of immediate importance shall be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 3, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 4, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 203.

ENCOURAGEMENT OF THE DAIRY AND BEEF CATTLE GROWING INDUSTRIES.

S. F. 133.

AN ACT to encourage the dairy industry and the beef cattle growing industries of the state of Iowa and to aid in providing instruction in practical and scientific methods and making an appropriation therefor.

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

SECTION 1. Iowa state dairy association. Whenever the organization now existing in the state of Iowa and known as the Iowa state dairy association shall have filed with the secretary of state of the state of Iowa verified proofs of its organization, the names of its president, vice president, secretary and treasurer, and that it has five hundred (500) bona fide members, such association shall be recognized as the Iowa state dairy association of the state of Iowa, and be entitled to the benefits of this act.

SEC. 2. Inspection—instruction. For the purpose of aiding in the promotion and development of the dairy industry of the state of Iowa, such association shall cause to be made such inspection of dairy farms, dairy cattle, dairy barns and other buildings and appliances used in connection therewith, dairy products and methods as they shall deem best and shall arrange to furnish such instruction and general assistance, either by institutes or otherwise, as they may deem proper to advance the general interests of the dairy industry of the state.

SEC. 3. Executive committee. For all the purposes of this act the said association shall act by and through an executive committee of five (5) members, consisting of the president, and vice president, of the Iowa state dairy association, the dean of the Iowa state college of agriculture and mechanic arts, and the professor of dairying of the same institution, and the food and dairy commissioner of the state of Iowa.

SEC. 4. Inspectors and instructors—compensation—expenses. They may employ two or more competent persons who shall devote their entire time to such inspection and instruction under the direction of the said executive committee, and who shall hold office at the pleasure of the committee, and who shall each receive a salary not to exceed fifteen hundred dollars (\$1500.00) per annum, and actual expenses while engaged in such work.

SEC. 5. Annual report to the governor. The said association may require such reports from their employes as they shall deem proper, and shall make to the governor an annual report of their proceedings under this act, which report shall be published as a part of the proceedings of the annual convention of the Iowa state dairy association.

SEC. 6. Beef cattle breeders association. Whenever there shall have been filed in the office of the secretary of state for Iowa verified proofs of the organization of the beef cattle breeders association, together with proofs that such association has five hundred (500) bona fide members who are stock breeders or stock feeders in this state, together with the names of the president, vice-president, secretary and treasurer, such association shall be recognized as the Iowa beef cattle breeders association and be entitled to the benefits of this act.

SEC. 7. Instruction—inspection—executive board. It shall be the duty of the beef cattle breeders association to aid in the promotion of the beef cattle industry of the state and to provide for practical and scientific instruction in the breeding and raising of beef cattle, and to provide for the inspection of herds, premises and the appliances, methods and food stuffs used in the busi-

ness of feeding for the purpose of making suggestions and demonstrations beneficial to the business. The said association shall act by and through an executive board to be composed of the dean of the department of agriculture of the Iowa state college of agriculture and mechanical [mechanic] arts at Ames and the professor of animal husbandry of the same institution, and the secretary of the state agricultural society, and the president and secretary of the said Iowa beef cattle breeders' association.

SEC. 8. Inspectors and instructors—compensation—expenses. The said board may employ two or more competent persons who shall devote their entire time in making inspection and giving instructions, as provided in this act under the direction of said board. Such instructors and inspectors shall hold office at the pleasure of the board and shall each receive a salary of fifteen hundred dollars (\$1500.00) per annum and actual expenses while engaged in the work.

SEC. 9. Salaries and expenses—how paid. The salaries of all persons employed under the provisions of this act shall be paid monthly out of the appropriation herein provided and all traveling expenses and all general expenses incurred by the association in carrying out the purposes of this act shall be paid out of the said appropriation and in the manner provided by sections 170-d, 170-e and 170-f of the supplement to the code, 1907, and upon statements filed with the executive council as therein provided; but no such bill shall be paid until after the executive committee of the board, under whose authority such expense was incurred, have audited and approved the bill upon the part of such association.

SEC. 10. Appropriation. For the purpose of carrying into effect the provisions of this act and the payment of all expenses connected therewith, there is hereby appropriated out of any fund in the treasury of the state, not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00), or so much thereof as may be necessary to pay the salaries and expense provided for under the provisions of this act, provided, however, that of the said appropriation the sum of seven thousand five hundred dollars (\$7,500.00) shall be available for the purpose of paying the expense incurred by the Iowa state dairy association board, and the sum of seven thousand five hundred dollars (\$7,500.00) shall be available for the purpose of paying the expense incurred by the Iowa beef cattle breeders' association board. It being the purpose of this act to provide a fund of seven thousand five hundred dollars (\$7,500.00) for the encouragement of the dairy industries and a sum of seven thousand five hundred dollars (\$7,500.00) for the encouragement of the beef cattle industry in this state.

SEC. 11. Funds not to be used for private purposes. None of the money appropriated by this act shall be used to pay the salaries or expense, or used in any manner for the private benefit of any member of the board of either of the said associations.

SEC. 12. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 14, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 204.

TAX COMMISSION.

S. F. 137.

AN ACT providing for the appointment of a tax commission, defining its duties and appropriating money for its expenses.

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

SECTION 1. **Tax commission—appointment.** The governor is hereby authorized and required, on or before June 1, 1911, to appoint a tax commission of five members, citizens of the state, not more than three (3) of whom shall belong to the same political party to constitute a tax commission. Any vacancy occurring in said commission shall be filled by the governor by the appointment of some other citizen of the state.

SEC. 2. **Duties—report.** It shall be the duty of said commission to examine into tax assessment, tax levy and tax collection laws of the state of Iowa, and of other states, and use such means and make such investigations as it shall deem best to secure information, for the purpose of ascertaining whether the present laws of the state of Iowa regulating the assessment, levying and collection of taxes may not be improved, and to report its findings together with such recommendation as it may deem desirable, to the governor not later than October 1, 1912, together with bills intended to carry its recommendations, and a detailed statement of the expenses of the commission as provided herein. The report and recommendations of the commission shall be transmitted by the governor to both branches of the general assembly of 1913, and copies of said report and recommendations shall be printed by the state printer and bound by the state binder in such quantity as the executive council may determine and a copy sent by the governor to each member of the general assembly by December 1, 1912.

SEC. 3. **Organization—secretary—clerical assistance.** The commission shall meet at the capitol in Des Moines on or before August 1, 1911, and organize by the election of one of its members as president, one for vice-president, and may select a secretary from outside its membership and prescribe the duties of that officer and fix his compensation. The commission may secure such clerical assistance as it may need to carry on the work provided for herein and fix the compensation for such services. Other meetings of the commission may be held at the capitol from time to time or at such other place or places as the commission may determine.

SEC. 4. **Headquarters in capitol—supplies.** The executive council shall assign a room in the capitol for the use of the commission, not otherwise occupied, and shall also provide stationery and books for the use of the commission as may be needed, on requisition signed by the president or secretary of the commission.

SEC. 5. **Compensation—expenses.** The members of the commission shall each receive as compensation for their services ten dollars per day for time actually employed in the labor of said commission together with their actual traveling and personal expenses while engaged in the work of the commission; provided, however, that the expense of the commission shall not exceed the amount herein appropriated. The expense bills of the commission shall be paid on properly attested vouchers, the same as expenses of other commissions or departments of state.

SEC. 6. **Appropriation.** To carry the provisions of this act into effect, there is hereby appropriated out of any funds in the state treasury, not other-

wise appropriated, the sum of ten thousand dollars (\$10,000.00), or so much thereof as may be necessary.

SEC. 7. **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 Des Moines Capital, newspapers published in Des Moines, Iowa.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 18, 1911, and in the Register and Leader April 19, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 205.

EMPLOYER'S LIABILITY COMMISSION.

S. F. 125.

AN ACT to create an employer's liability commission and make an appropriation therefor.

Whereas, the industrial conditions of this state, in common with other states of the United States, have out-grown the common law and statutory remedies heretofore given to employes in this state for injuries incident to their employment, and which in most instances must be borne by the workmen who are the least able to sustain the same; and,

Whereas, many of the great important industries of the state are a necessity and the hazards of employment great and are annually increasing, and the employes are required to carry the burden of the increased hazards; and,

Whereas, in many instances the employers of labor are in constant menace of the prosecution of cases which cause great waste of energy, time and money which does not reach those to whom it properly belongs; and,

Whereas, many of the states of this union are now investigating the proper means and methods of providing just compensation to be paid employes when injured in the performance of their duties in the industries of necessity and which are hazardous; and, believing that it will redound to the uplift and development of the industries of the state of Iowa to place upon the cost of production, the maintenance and payment for injuries received by workmen while engaged in their employment in hazardous work and in industries of necessity; therefore,

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

SECTION 1. **Employer's liability commission.** A commission of five (5) persons is hereby created to be known as the employer's liability commission to be constituted and appointed as hereinafter provided.

SEC. 2. **Appointment—chairman—vacancies—quorum.** The governor shall appoint within sixty (60) days after this act takes effect, five (5) persons as members of said commission who shall be citizens of Iowa, two (2) employers of labor, two (2) employes known to represent the interests of workmen and one disinterested person. The commission shall elect its own chairman and shall have the power to fill any vacancy that may occur in its membership, provided, however, the vacancy shall be filled by a person of the same qualification as the person whose vacancy he fills. The majority of the members of the commission shall constitute a quorum.

SEC. 3. Duties—report. Said commission shall investigate the problem of industrial accidents and especially the present condition of the law of liability for injuries or death suffered in the course of industrial employment as well in this state as in other states, and shall inquire into the most equitable and effectual methods of providing compensation for losses suffered and it shall as far as practicable co-operate with the commission of other states for like purposes. It shall, on or before the 15th day of September, 1912, report its conclusions with a draft of such bill or bills as may be deemed appropriate to the governor who shall at once publish said report and draft of bill or bills, who shall transmit said report to the 35th general assembly for action thereon. A copy of said report shall be mailed to each member elect of the thirty-fifth general assembly not later than November 15, 1912.

SEC. 4. Secretary—clerks and assistants—compensation of commissioners. The commission shall meet at the call of the chairman and appoint and elect a secretary. It shall cause a record to be made and kept of its proceedings. It shall have power to employ such clerks and assistants as may be necessary in addition to the secretary and shall fix their compensation, and may incur such other expenses as are properly incident to the work of the commission. The members of the commission shall be paid at the rate of five dollars (\$5.00) per diem while actually engaged in the work of such commission and re-imbursed for their actual expenses incurred in the work of said commission.

SEC. 5. Appropriation—how drawn—printing. The sum of eight thousand dollars (\$8,000.00) or so much thereof as may be necessary, is hereby appropriated for the expense of the commission and other expenses herein contemplated, and the auditor of state is hereby authorized to draw a warrant for the foregoing amount or any part thereof in payment of any expenses, charges or disbursements authorized by this act on order of the commission signed by its chairman, attested by its secretary and approved by the governor. The executive council is hereby authorized and empowered to provide all necessary printing for said commission.

SEC. 6. Term of office terminates—when. When the report by said commission shall have been filed with the governor as herein contemplated, their duties as such shall cease and their term of office terminate.

SEC. 7. 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 Capital, newspapers published in Des Moines, Iowa.

Approved April 11, A. D., 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 13, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 206.

EXPENSES OF INAUGURAL CEREMONIES.

S. F. 130.

AN ACT making appropriation to defray the expenses of the inaugural ceremonies.

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

SECTION 1. **Amount appropriated—how drawn.** There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of four hundred sixty-two and 83-100 dollars (\$462.83), or so much thereof as may be necessary, to pay the expenses incurred on account of the inaugural ceremonies and reception. Warrants shall be drawn upon the treasury for the sum herein appropriated in favor of the adjutant general upon filing the vouchers therefor with the auditor of state.

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 Capital, newspapers published at Des Moines, Iowa.

Approved March 22, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital March 23, 1911, and in the Register and Leader March 24, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 207.

PURCHASE OF RAILROAD COMMISSIONERS' OFFICIAL MAPS.

S. F. 297.

AN ACT making appropriation for the purchase of twenty thousand (20,000) copies of the railroad commissioners' official maps to be distributed by the members of the general assembly and railroad commissioners.

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

SECTION 1. **Number ordered—distribution.** The railroad commissioners are hereby instructed to procure twenty thousand (20,000) copies of the railroad commissioners official maps of Iowa, seventeen thousand (17,000) of said maps to be printed on heavy paper, mounted and with tape sides, and three thousand (3,000) of said maps to be folded and enclosed in suitable envelopes; fifty copies (50) of the mounted maps to be delivered on request to each member of the general assembly, and the remainder to be distributed under the direction of the railroad commissioners.

SEC. 2. **Appropriation.** There is hereby appropriated, out of moneys not otherwise appropriated, the sum of three thousand two hundred (\$3,200.00) dollars, or so much thereof as shall be necessary for the purpose herein stated.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Daily News, newspapers published at Des Moines, Iowa.

Approved March 22, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Daily News March 23, 1911 and in the Register and Leader March 24, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 208.

MONUMENT FOR UNKNOWN SOLDIERS BURIED IN KEOKUK NATIONAL CEMETERY.

S. F. 214.

AN ACT to appropriate two thousand dollars (\$2,000.00) to assist in the erection of the monument to the unknown soldiers buried in the national cemetery at Keokuk, Iowa.

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

SECTION 1. Amount appropriated—how expended. There is hereby appropriated out of the funds in the state treasury, not otherwise appropriated, the sum of two thousand dollars (\$2,000.00) to assist in the erection of a soldiers monument to the unknown dead buried in the national cemetery at Keokuk, Iowa, such appropriation shall be expended by the executive council under such conditions as it may prescribe, but it may join with a public committee organized in the city of Keokuk, Iowa, in the erection of such monument. This appropriation shall not be available until the further sum of seven hundred dollars (\$700.00) has been provided to be expended in the erection of such monument. The contract for the erection shall be presented to and approved by the executive council before the work of erecting the same shall be commenced and no part of the appropriation shall be paid from the state treasury until the executive council shall have approved the erection, and determined that the terms of the contract have been fully met and that the monument has been erected in full compliance with the terms of this act. The monument shall be erected in a suitable spot in the national cemetery at Keokuk, Iowa. No part of the fund created shall be expended in paying a per diem to a committee or any member thereof nor shall any part of the same be used in paying the personal expenses of any committee unless the expense shall have been authorized by the executive council.

Approved April 11, A. D. 1911.

CHAPTER 209.

TO INDEMNIFY MISS E. M. AMES.

H. F. 269.

AN ACT to indemnify Miss E. M. Ames for personal injury sustained by her while employed as laundress at Vinton state hospital, Vinton, Iowa.

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

SECTION 1. Appropriation. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five hundred (\$500.00) dollars for the payment in full for damages sustained by Miss E. M. Ames, arising from injuries sustained by her while engaged in working for the state as laundress at the Vinton State Hospital, Vinton, Iowa.

Approved April 17, A. D. 1911.

CHAPTER 210.

TO INDEMNIFY W. T. JOHNSON.

H. F. 461.

AN ACT to indemnify Mr. W. T. Johnson for personal injuries sustained by him while a patient at the state university of Iowa hospital, Iowa City, Iowa.

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

SECTION 1. **Appropriation.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of eleven hundred sixty-six (\$1166.00) dollars for the payment in full for damages sustained by Mr. W. T. Johnson, arising from injuries sustained by him while a patient in the state university of Iowa hospital, Iowa City, Iowa.

Approved April 14, A. D. 1911.

CHAPTER 211.

TO REIMBURSE S. J. McCORD.

S. F. 145.

AN ACT appropriating the sum of seventy-five dollars (\$75.00) to be paid to S. J. McCord in settlement of a claim against the state of Iowa arising by reason of the efforts of the said S. J. McCord to extradite one James F. Milligan.

WHEREAS, In the early part of the year 1908 an information was issued against one James F. Milligan, charging him with the crime of grand larceny; and

WHEREAS, Albert B. Cummins, governor, appointed S. J. McCord the agent of the State of Iowa for the extradition of said James F. Milligan from Oklahoma; and

WHEREAS, The said James F. Milligan had left Oklahoma when the said S. J. McCord went there for him, and was later located in Missouri, where he was apprehended and brought back to the state of Iowa for trial; and

WHEREAS, The information was later changed from grand larceny to petty larceny; and

WHEREAS, The said S. J. McCord has not been reimbursed for his expense incurred in said trip;

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

SECTION 1. **Appropriation.** There is hereby appropriated out of the funds in the state treasury, and not otherwise appropriated, the sum of seventy-five dollars (\$75.00) in payment in full of all claims arising against the state of Iowa and accruing to S. J. McCord by reason of his attempt as the agent of the state of Iowa to extradite one James F. Milligan from Oklahoma.

SEC. 2. **Warrant—how drawn—receipt.** The auditor of the state of Iowa is hereby authorized to draw his warrant upon the state treasury in favor of the said S. J. McCord for the sum of seventy-five dollars (\$75.00); the said S. J. McCord shall file with the auditor of state a receipt acknowledging full payment of all claims arising in the state of Iowa by reason of his effort as such agent to extradite one James F. Milligan from Oklahoma.

Approved April 11, A. D. 1911.

CHAPTER 212.

TO REIMBURSE MRS. ELLEN CLARKE MOORE.

S. F. 292.

AN ACT to appropriate the sum of forty-three and 16-100 dollars for the use and benefit of Mrs. Ellen Clarke Moore, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis County, Iowa, deceased, for military service performed by him as captain of Company D, Forty-fifth Regiment, Iowa Volunteers, Infantry, in the month of May A. D. eighteen hundred and sixty-four.

WHEREAS, Captain Samuel A. Moore, deceased, late of Davis county, Iowa, was on the second day of May A. D. eighteen hundred and sixty-four, duly commissioned by the state of Iowa as captain for the purpose of recruiting a company for a one hundred day regiment, Iowa Volunteers Infantry, and,

WHEREAS, Pursuant to said commission the said Captain Moore proceeded to and did enroll and organize a company of volunteers and was on the fourteenth day of May A. D. eighteen hundred and sixty-four, duly elected as captain thereof and rendered military service as captain of said company from the date of his said election until the twenty-fifth day of May of the same year, and,

WHEREAS, Said Samuel A. Moore submitted in due form and time to the state of Iowa his statement of the sum due him for said services and for his proper expenses in the sum of forty-three and 16-100 dollars, and demanded payment thereof, which never was made, and,

WHEREAS, Said claim was and is a just claim against the state of Iowa and ought to be paid with interest from May twenty-fifth A. D. eighteen hundred and sixty-four, and,

WHEREAS, Said Captain Samuel A. Moore, deceased, left surviving him as his widow, Mrs. Ellen Clarke Moore, now a resident of this state, therefore,

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

SECTION 1. Appropriation—warrant. There is hereby appropriated out of any funds in the state treasury, not otherwise appropriated the sum of forty-three and 16-100 dollars, for the use and benefit of Mrs. Ellen Clarke Moore, in payment of military services rendered by the husband of Mrs. Moore, the late Captain Samuel A. Moore, as captain of Company D, Forty-fifth Regiment, Iowa Volunteers Infantry, from May fifteenth A. D. eighteen hundred and sixty-four to May twenty-fifth A. D. eighteen hundred and sixty-four; and the auditor of state is hereby directed to issue to the said Mrs. Ellen Clarke Moore a warrant for said sum, which shall be in full payment and settlement of all demands had or claimed against the state of Iowa on account of military services performed by said Samuel A. Moore, deceased.

Approved April 11, A. D. 1911.

CHAPTER 213.

TO INDEMNIFY GUSTAVE WINTER.

S. F. 119.

AN ACT to indemnify Gustave Winter for personal injury sustained by him while employed at the state hospital for in the insane at Independence, Iowa.

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

SECTION 1. **Amount appropriated.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand (\$1,000.00) dollars for the payment in full for damages sustained by Gustave Winter arising from injuries sustained by him while engaged in working for the state at the state hospital for the insane at Independence, Iowa.

Approved April 8, A. D. 1911.

SPECIAL ACTS

CHAPTER 214.

SENATORIAL DISTRICTS.

S. F. 490.

AN ACT fixing the number of senators in the general assembly, apportioning them among the several counties according to the number of inhabitants in each, and dividing the state into senatorial districts.

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

SECTION 1. **Apportionment.** That the number of senators in the general assembly is hereby fixed at fifty, and they are hereby apportioned among the several counties according to the number of inhabitants in each, and under said apportionment the state is hereby divided into fifty senatorial districts, each district to have one senator, as follows:

1. **First district.** Lee county shall constitute the first district.
2. **Second district.** Jefferson county and Van Buren county shall constitute the second district.
3. **Third district.** Appanoose county and Davis county shall constitute the third district.
4. **Fourth district.** Lucas county and Wayne county shall constitute the fourth district.
5. **Fifth district.** Decatur county, Ringgold county, and Union county shall constitute the fifth district.
6. **Sixth district.** Adams county and Taylor county shall constitute the sixth district.
7. **Seventh district.** Fremont county and Page county shall constitute the seventh district.
8. **Eighth district.** Mills county and Montgomery county shall constitute the eighth district.
9. **Ninth district.** Des Moines county shall constitute the ninth district.
10. **Tenth district.** Henry county and Washington county shall constitute the tenth district.
11. **Eleventh district.** Clarke county and Warren county shall constitute the eleventh district.
12. **Twelfth district.** Keokuk county and Poweshiek county shall constitute the twelfth district.
13. **Thirteenth district.** Wapello county shall constitute the thirteenth district.
14. **Fourteenth district.** Mahaska county shall constitute the fourteenth district.

15. **Fifteenth district.** Marion county and Monroe county shall constitute the fifteenth district.
16. **Sixteenth district.** Adair county and Madison county shall constitute the sixteenth district.
17. **Seventeenth district.** Audubon county, Dallas county, and Guthrie county shall constitute the seventeenth district.
18. **Eighteenth district.** Cass county and Shelby county shall constitute the eighteenth district.
19. **Nineteenth district.** Pottawattamie county shall constitute the nineteenth district.
20. **Twentieth district.** Louisa county and Muscatine county shall constitute the twentieth district.
21. **Twenty-first district.** Scott county shall constitute the twenty-first district.
22. **Twenty-second district.** Clinton county shall constitute the twenty-second district.
23. **Twenty-third district.** Jackson county shall constitute the twenty-third district.
24. **Twenty-fourth district.** Cedar County and Jones county shall constitute the twenty-fourth district.
25. **Twenty-fifth district.** Iowa county and Johnson county shall constitute the twenty-fifth district.
26. **Twenty-sixth district.** Linn county shall constitute the twenty-sixth district.
27. **Twenty-seventh district.** Calhoun county and Webster county shall constitute the twenty-seventh district.
28. **Twenty-eighth district.** Marshall county shall constitute the twenty-eighth district.
29. **Twenty-ninth district.** Jasper county shall constitute the twenty-ninth district.
30. **Thirtieth district.** Polk county shall constitute the thirtieth district.
31. **Thirty-first district.** Boone county and Story county shall constitute the thirty-first district.
32. **Thirty-second district.** Woodbury county shall constitute the thirty-second district.
33. **Thirty-third district.** Buchanan county and Delaware county shall constitute the thirty-third district.
34. **Thirty-fourth district.** Crawford county, Harrison county, and Monona county shall constitute the thirty-fourth district.
35. **Thirty-fifth district.** Dubuque county shall constitute the thirty-fifth district.
36. **Thirty-sixth district.** Clayton county shall constitute the thirty-sixth district.
37. **Thirty-seventh district.** Hamilton county, Hardin county, and Wright county shall constitute the thirty-seventh district.
38. **Thirty-eighth district.** Black Hawk county and Grundy county shall constitute the thirty-eighth district.
39. **Thirty-ninth district.** Bremer county and Butler county shall constitute the thirty-ninth district.
40. **Fortieth district.** Allamakee county and Fayette county shall constitute the fortieth district.

41. **Forty-first district.** Mitchell county, Winnebago county, and Worth county shall constitute the forty-first district.

42. **Forty-second district.** Howard county and Winneshiek county shall constitute the forty-second district.

43. **Forty-third district.** Cerro Gordo county, Franklin county, and Hancock county shall constitute the forty-third district.

44. **Forty-fourth district.** Chickasaw county and Floyd county shall constitute the forty-fourth district.

45. **Forty-fifth district.** Benton county and Tama county shall constitute the forty-fifth district.

46. **Forty-sixth district.** Cherokee county, Ida county, and Plymouth county shall constitute the forty-sixth district.

47. **Forty-seventh district.** Clay county, Dickinson county, Emmet county, Kossuth county, and Palo Alto county shall constitute the forty-seventh district.

48. **Forty-eighth district.** Carroll county, Greene county, and Sac county shall constitute the forty-eighth district.

49. **Forty-ninth district.** Lyon county, O'Brien county, Osceola county, and Sioux county shall constitute the forty-ninth district.

50. **Fiftieth district.** Buena Vista county, Humboldt county, and Pocahontas county shall constitute the fiftieth district.

Approved April 15, A. D. 1911.

CHAPTER 215.

REPRESENTATIVE DISTRICTS.

H. F. 585.

AN ACT to apportion the state into representative districts and declare the ratio of representation.

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

SECTION 1. **Apportionment.** That one representative from every twenty-two thousand four hundred and seventy-two (22,472) inhabitants is hereby constituted the ratio of apportionment; provided, that the nine counties having the greatest population in the state, and in excess of the ratio number as herein provided, of three-fifths or more of such ratio number, shall be entitled to one additional representative; and provided further, that each county shall constitute one representative district and be entitled to one representative, and that each representative district shall be as hereinafter described.

SEC. 2. **First district.** Lee county shall be the first district and entitled to one representative, (36,702).

SEC. 3. **Second district.** Van Buren county shall be the second district and entitled to one representative, (15,020).

SEC. 4. **Third district.** Davis county shall be the third district and entitled to one representative, (13,315).

SEC. 5. **Fourth district.** Appanoose county shall be the fourth district and entitled to one representative, (28,701).

SEC. 6. **Fifth district.** Wayne county shall be the fifth district and entitled to one representative, (16,184).

SEC. 7. **Sixth district.** Decatur county shall be the sixth district and entitled to one representative, (16,347).

SEC. 8. **Seventh district.** Ringgold county shall be the seventh district and entitled to one representative, (12,904).

SEC. 9. **Eighth district.** Taylor county shall be the eighth district and entitled to one representative, (16,312).

SEC. 10. **Ninth district.** Page county shall be the ninth district and entitled to one representative, (24,002).

SEC. 11. **Tenth district.** Fremont county shall be the tenth district and entitled to one representative, (15,623).

SEC. 12. **Eleventh district.** Mills county shall be the eleventh district and entitled to one representative, (15,811).

SEC. 13. **Twelfth district.** Montgomery county shall be the twelfth district and entitled to one representative, (16,604).

SEC. 14. **Thirteenth district.** Adams county shall be the thirteenth district and entitled to one representative, (10,998).

SEC. 15. **Fourteenth district.** Union county shall be the fourteenth district and entitled to one representative, (16,616).

SEC. 16. **Fifteenth district.** Clarke county shall be the fifteenth district and entitled to one representative, (10,736).

SEC. 17. **Sixteenth district.** Lucas county shall be the sixteenth district and entitled to one representative, (13,462).

SEC. 18. **Seventeenth district.** Monroe county shall be the seventeenth district and entitled to one representative, (25,429).

SEC. 19. **Eighteenth district.** Wapello county shall be the eighteenth district and entitled to two representatives, (37,743).

SEC. 20. **Nineteenth district.** Jefferson county shall be the nineteenth district and entitled to one representative, (15,951).

SEC. 21. **Twentieth district.** Henry county shall be the twentieth district and entitled to one representative, (18,640).

SEC. 22. **Twenty-first district.** Des Moines county shall be the twenty-first district and entitled to one representative, (36,145).

SEC. 23. **Twenty-second district.** Louisa county shall be the twenty-second district and entitled to one representative, (12,855).

SEC. 24. **Twenty-third district.** Washington county shall be the twenty-third district and entitled to one representative, (19,925).

SEC. 25. **Twenty-fourth district.** Keokuk county shall be the twenty-fourth district and entitled to one representative, (21,160).

SEC. 26. **Twenty-fifth district.** Mahaska county shall be the twenty-fifth district and entitled to one representative, (29,860).

SEC. 27. **Twenty-sixth district.** Marion county shall be the twenty-sixth district and entitled to one representative, (22,995).

SEC. 28. **Twenty-seventh district.** Warren county shall be the twenty-seventh district and entitled to one representative, (18,194).

SEC. 29. **Twenty-eighth district.** Madison county shall be the twenty-eighth district and entitled to one representative, (15,621).

SEC. 30. **Twenty-ninth district.** Adair county shall be the twenty-ninth district and entitled to one representative, (14,420).

SEC. 31. **Thirtieth district.** Cass county shall be the thirtieth district and entitled to one representative, (19,047).

SEC. 32. **Thirty-first district.** Pottawattamie county shall be the thirty-first district and entitled to two representatives, (55,832).

SEC. 33. **Thirty-second district.** Harrison county shall be the thirty-second district and entitled to one representative, (23,162).

SEC. 34. **Thirty-third district.** Shelby county shall be the thirty-third district and entitled to one representative, (16,552).

SEC. 35. **Thirty-fourth district.** Audubon county shall be the thirty-fourth district and entitled to one representative, (12,671).

SEC. 36. **Thirty-fifth district.** Guthrie county shall be the thirty-fifth district and entitled to one representative, (17,374).

SEC. 37. **Thirty-sixth district.** Dallas county shall be the thirty-sixth district and entitled to one representative, (23,628).

SEC. 38. **Thirty-seventh district.** Polk county shall be the thirty-seventh district and entitled to two representatives, (110,438).

SEC. 39. **Thirty-eighth district.** Jasper county shall be the thirty-eighth district and entitled to one representative, (27,034).

SEC. 40. **Thirty-ninth district.** Poweshiek county shall be the thirty-ninth district and entitled to one representative, (19,589).

SEC. 41. **Fortieth district.** Iowa county shall be the fortieth district and entitled to one representative, (18,409).

SEC. 42. **Forty-first district.** Johnson county shall be the forty-first district and entitled to one representative, (25,914).

SEC. 43. **Forty-second district.** Muscatine county shall be the forty-second district and entitled to one representative, (29,505).

SEC. 44. **Forty-third district.** Scott county shall be the forty-third district and entitled to two representatives, (60,000).

SEC. 45. **Forty-fourth district.** Cedar county shall be the forty-fourth district and entitled to one representative, (17,765).

SEC. 46. **Forty-fifth district.** Clinton county shall be the forty-fifth district and entitled to two representatives, (45,394).

SEC. 47. **Forty-sixth district.** Jackson county shall be the forty-sixth district and entitled to one representative, (21,258).

SEC. 48. **Forty-seventh district.** Jones county shall be the forty-seventh district and entitled to one representative, (19,050).

SEC. 49. **Forty-eighth district.** Linn county shall be the forty-eighth district and entitled to two representatives, (60,720).

SEC. 50. **Forty-ninth district.** Benton county shall be the forty-ninth district and entitled to one representative, (23,156).

SEC. 51. **Fiftieth district.** Tama county shall be the fiftieth district and entitled to one representative, (22,156).

SEC. 52. **Fifty-first district.** Marshall county shall be the fifty-first district and entitled to one representative, (30,279).

SEC. 53. **Fifty-second district.** Story county shall be the fifty-second district and entitled to one representative, (24,083).

SEC. 54. **Fifty-third district.** Boone county shall be the fifty-third district and entitled to one representative, (27,626).

SEC. 55. **Fifty-fourth district.** Greene county shall be the fifty-fourth district and entitled to one representative, (16,023).

SEC. 56. **Fifty-fifth district.** Carroll county shall be the fifty-fifth district and entitled to one representative, (20,117).

- SEC. 57. **Fifty-sixth district.** Crawford county shall be the fifty-sixth district and entitled to one representative, (20,041).
- SEC. 58. **Fifty-seventh district.** Monona county shall be the fifty-seventh district and entitled to one representative, (16,633).
- SEC. 59. **Fifty-eighth district.** Woodbury county shall be the fifty-eighth district and entitled to two representatives, (67,616).
- SEC. 60. **Fifty-ninth district.** Ida county shall be the fifty-ninth district and entitled to one representative, (11,296).
- SEC. 61. **Sixtieth district.** Sac county shall be the sixtieth district and entitled to one representative, (16,555).
- SEC. 62. **Sixty-first district.** Calhoun county shall be the sixty-first district and entitled to one representative, (17,090).
- SEC. 63. **Sixty-second district.** Webster county shall be the sixty-second district and entitled to one representative, (34,629).
- SEC. 64. **Sixty-third district.** Hamilton county shall be the sixty-third district and entitled to one representative, (19,242).
- SEC. 65. **Sixty-fourth district.** Hardin county shall be the sixty-fourth district and entitled to one representative, (20,921).
- SEC. 66. **Sixty-fifth district.** Grundy county shall be the sixty-fifth district and entitled to one representative, (13,574).
- SEC. 67. **Sixty-sixth district.** Black Hawk county shall be the sixty-sixth district and entitled to two representatives, (44,865).
- SEC. 68. **Sixty-seventh district.** Buchanan county shall be the sixty-seventh district and entitled to one representative, (19,748).
- SEC. 69. **Sixty-eighth district.** Delaware county shall be the sixty-eighth district and entitled to one representative, (17,888).
- SEC. 70. **Sixty-ninth district.** Dubuque county shall be the sixty-ninth district and entitled to two representatives, (57,450).
- SEC. 71. **Seventieth district.** Clayton county shall be the seventieth district and entitled to one representative, (25,576).
- SEC. 72. **Seventy-first district.** Fayette county shall be the seventy-first district and entitled to one representative, (27,919).
- SEC. 73. **Seventy-second district.** Bremer county shall be the seventy-second district and entitled to one representative, (15,843).
- SEC. 74. **Seventy-third district.** Butler county shall be the seventy-third district and entitled to one representative, (17,119).
- SEC. 75. **Seventy-fourth district.** Franklin county shall be the seventy-fourth district and entitled to one representative, (14,780).
- SEC. 76. **Seventy-fifth district.** Wright county shall be the seventy-fifth district and entitled to one representative, (17,951).
- SEC. 77. **Seventy-sixth district.** Humboldt county shall be the seventy-sixth district and entitled to one representative, (12,182).
- SEC. 78. **Seventy-seventh district.** Pocahontas county shall be the seventy-seventh district and entitled to one representative, (14,808).
- SEC. 79. **Seventy-eighth district.** Buena Vista county shall be the seventy-eighth district and entitled to one representative, (15,981).
- SEC. 80. **Seventy-ninth district.** Cherokee county shall be the seventy-ninth district and entitled to one representative, (16,741).
- SEC. 81. **Eightieth district.** Plymouth county shall be the eightieth district and entitled to one representative, (23,129).
- SEC. 82. **Eighty-first district.** Sioux county shall be the eighty-first district and entitled to one representative, (25,248).

SEC. 83. **Eighty-second district.** O'Brien county shall be the eighty-second district and entitled to one representative, (17,262).

SEC. 84. **Eighty-third district.** Clay county shall be the eighty-third district and entitled to one representative, (12,766).

SEC. 85. **Eighty-fourth district.** Palo Alto county shall be the eighty-fourth district and entitled to one representative, (13,845).

SEC. 86. **Eighty-fifth district.** Kossuth county shall be the eighty-fifth district and entitled to one representative, (21,971).

SEC. 87. **Eighty-sixth district.** Hancock county shall be the eighty-sixth district and entitled to one representative, (12,731).

SEC. 88. **Eighty-seventh district.** Cerro Gordo county shall be the eighty-seventh district and entitled to one representative, (25,011).

SEC. 89. **Eighty-eighth district.** Floyd county shall be the eighty-eighth district and entitled to one representative, (17,119).

SEC. 90. **Eighty-ninth district.** Chickasaw county shall be the eighty-ninth district and entitled to one representative, (15,375).

SEC. 91. **Ninetieth district.** Allamakee county shall be the ninetieth district and entitled to one representative, (17,328).

SEC. 92. **Ninety-first district.** Winneshiek county shall be the ninety-first district and entitled to one representative, (21,729).

SEC. 93. **Ninety-second district.** Howard county shall be the ninety-second district and entitled to one representative, (12,920).

SEC. 94. **Ninety-third district.** Mitchell county shall be the ninety-third district and entitled to one representative, (13,435).

SEC. 95. **Ninety-fourth district.** Worth county shall be the ninety-fourth district and entitled to one representative, (9,950).

SEC. 96. **Ninety-fifth district.** Winnebago county shall be the ninety-fifth district and entitled to one representative, (11,914).

SEC. 97. **Ninety-sixth district.** Emmet county shall be the ninety-sixth district and entitled to one representative, (9,816).

SEC. 98. **Ninety-seventh district.** Dickinson county shall be the ninety-seventh district and entitled to one representative, (8,137).

SEC. 99. **Ninety-eighth district.** Osceola county shall be the ninety-eighth district and entitled to one representative, (8,956).

SEC. 100. **Ninety-ninth district.** Lyon county shall be the ninety-ninth district and entitled to one representative, (14,624).

Approved April 15, A. D. 1911.

CHAPTER 216.

CONVEYANCE OF CERTAIN LAND TO CITY OF CHEROKEE.

H. F. 346.

AN ACT to authorize the conveyance of land to the city of Cherokee for cemetery purposes.

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

SECTION 1. Conveyance authorized. That the governor of the state of Iowa is hereby authorized to release and quitclaim unto the city of Cherokee in the county of Cherokee and state of Iowa for cemetery purposes only, all of

that part of the south half (S. 1-2) of section numbered twenty-eight (28) in township numbered ninety-two (92) north of range numbered forty (40) west of the fifth principal meridian which lies south of the center lines of the public road which is in part on the south boundary line of said half section and in part wholly within it, the land to be conveyed being a tract of irregular shape about sixteen hundred seventy-one (1671) feet in length and one hundred eighty-one (181) feet in width at the widest point, and containing about four 44-100 (4.44) acres.

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 & Leader, a newspaper published in Des Moines, Iowa, and in the Cherokee Times, a newspaper published at Cherokee, Iowa, such publication, however, to be without expense to the state of Iowa.

Approved March 27, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader March 29, 1911, and in the Cherokee Times April 3, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 217.

ISSUANCE OF PATENT TO MARGARET DEWITT.

H. F. 579.

AN ACT authorizing the issue of a patent to the southwest quarter (1-4) of the southeast quarter (1-4), section sixteen (16), township seventy-six (76), range twenty-one (21), west fifth (5th) P. M.

WHEREAS, it appears that Margaret Dewitt is now the owner of the southwest quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section sixteen (16), township seventy-six (76), range twenty-one (21), west of the fifth (5th) P. M. by purchase through an unbroken chain of title from the grantees of David Shonkwiler; and

WHEREAS, it also appears that the said David Shonkwiler, on or about the 29th day of June, 1848, purchased the said land from the state of Iowa, the same being school lands; and

WHEREAS, it appears that no certificate of purchase or patent for said land has ever been issued to the said David Shonkwiler or to any other person; therefore,

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

SECTION 1. **Patent.** That the governor and the secretary of the state of Iowa are hereby authorized and directed to issue to the said Margaret Dewitt a patent for the southwest quarter ($\frac{1}{4}$) of the southeast quarter ($\frac{1}{4}$) of section sixteen (16), township seventy-six (76), range twenty-one (21), west of the fifth (5th) P. M. of Iowa.

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 & Leader, and the Des Moines Capital, newspapers published in Des Moines, Iowa, said publication to be without expense to the state.

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 13, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 218.

RELIEF OF THE GRANTEES OF CHRISTIAN FLITCH.

S. F. 287.

AN ACT empowering the governor and secretary of state to execute quit-claim deed conveying to the grantees of Christian Flitch all of the right, title and interest of the state of Iowa in lot five (5) of section one (1), township seventy-three (73), north of range two (2), west of the fifth (5th) p. m.

WHEREAS, on the seventh (7th) day of February, eighteen hundred and fifty-seven (1857), one Franklin Bras, who was then the owner of lot five (5), of section one (1), township seventy-three (73), north of range two (2), west of the fifth (5th) p. m., executed a certain mortgage on said lot and other land to the treasurer of Louisa county, state of Iowa, to secure four hundred and forty-one dollars (\$441.00), on a note dated December fifteenth (15th), eighteen hundred and fifty-six (1856), and

Whereas, the said mortgage was afterwards foreclosed by Louisa county in the district court of Louisa county, Iowa, and said land was sold at sheriff's sale to satisfy the judgment in the foreclosure, September seventh (7th), eighteen hundred and sixty-five (1865), but the sheriff's deed under the aforesaid sale was through error made to the state of Iowa instead of to Louisa county, and

Whereas, the said county of Louisa after the execution of the aforesaid sheriff's deed, sold and conveyed the said land to Christian Flitch; and the said Christian Flitch thereafter conveyed all his title in and to said tract; and the said lot five (5) of section one (1) is now owned by R. C. Ditto and L. E. Ditto, and

Whereas, it appears that the above named parties are the owners of the aforesaid land, and they and their grantors have been in possession thereof under claim of ownership since the year eighteen hundred and sixty-seven (1867), and that by reason of the mistake in the aforesaid sheriff's deed, the title to said land is clouded and rendered defective, the state of Iowa appearing to have a claim of title thereto, therefore,

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

SECTION 1. Quit claim deed. That the governor and the secretary of state be and are hereby authorized, empowered and directed to execute quit-claim deed to R. C. Ditto and L. E. Ditto conveying all right, title, claim and interest of the state of Iowa in and to said lot five (5) of section one (1), township seventy-three (73), north of range two (2), west of the fifth (5th) p. m., Louisa county, Iowa.

SEC. 2. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Oakville Sentinel, a newspaper printed and published in Oakville, Louisa county, Iowa; all without expense to the state.

Approved April 3, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader April 4, 1911, and in the Oakville Sentinel April 6, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 219.

RELIEF OF THE GRANTEEES OF JACOB HOOVER.

S. F. 364.

AN ACT for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, for a certain tract of land.

Whereas, in pursuance to a certificate of purchase issued by the school fund commissioner of Fayette county, Iowa, to Jacob Hoover, the state of Iowa issued a patent to the said Jacob Hoover for the following described land, to-wit: the west half of the southwest quarter of section 33, township 95 north range 8 west of the fifth principal meridian, Fayette county, Iowa, containing 80 acres, and

Whereas, Jacob Hoover, on November 28, 1868, made, executed and delivered to Jacob W. Hoover a warranty deed to the west half of the northwest quarter of section 33, township 95 north range 8 west of the fifth principal meridian, Fayette county, Iowa, and

Whereas, it appears that the certificate of purchase issued by the school fund commissioner of Fayette county, Iowa, to Jacob Hoover for the west half of the southwest quarter of section 33 township 95 north range 8 west of the fifth principal meridian, Fayette county, Iowa, was an error and the description should have been the west half of the northwest quarter of section 33 township 95 north range 8 west of the fifth principal meridian, Fayette county, Iowa, and

Whereas, under and by authority of said contract, Jacob Hoover entered into, took possession and continued in the peaceable possession of the west half of the northwest quarter above described, until November 28, 1868, and

Whereas, Jacob W. Hoover under and by virtue of the deed from Jacob Hoover, entered into, took possession and became the owner thereof, and as such owner has been in the peaceable, adverse possession of said property last herein described, ever since, and

Whereas, by reason of the mistake in the title to the west half of the northwest quarter of section 33, township 95 north range 8 west of the fifth principal meridian, Fayette county, Iowa, therefore:

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

SECTION 1. **Patent.** That the governor of the state of Iowa and the secretary of state are hereby authorized and directed to examine into the records and facts and if the records and facts are as above set forth issue to the said Jacob W. Hoover a patent, in the usual form, to the west half of the northwest quarter of section 33, township 95 north range 8 west of the fifth principal meridian, Fayette county, Iowa, and deliver the same to the said Jacob W. Hoover.

Approved April 8, A. D. 1911.

CHAPTER 220.

ISSUANCE OF PATENT TO JOHN A. JASINSKY.

H. F. 211.

AN ACT to confirm the title of John A. Jasinsky to the southeast quarter of the southwest quarter of section No. 14, township No. 84, north, range No. 29, west 5th, P. M. Greene county, Iowa, and authorizing the issuance of a patent therefor.

Whereas, the southeast quarter of the southwest quarter of section no. 14 township no. 84, north, range no. 29, west 5th p. m. in Greene county, Iowa, was granted by the United States to the Cedar Rapids & Missouri river railroad company by act of congress dated June 2nd, 1864, and duly approved to said grantee on April 20th, 1869; and

Whereas, one John A. Jasinsky, of Greene county, Iowa, has duly acquired title to said land through said Cedar Rapids & Missouri river railroad company and its grantees as shown by the records of Greene county Iowa, and has been in open and adverse possession thereof under conveyances executed by said Cedar Rapids & Missouri river railroad company and its grantees for more than twenty-five years last past, claiming in good faith to be the absolute owner thereof and has made valuable improvements and paid taxes thereon during all of said time; and

Whereas, it also appears that said land was granted to the state of Iowa by the United States on the 2nd, day of July, 1862, under the grant for the state agricultural college and approved on May 27th, 1863; and

Whereas, the state of Iowa has never asserted its title to said land and does not now claim to hold title thereto, but said grant appears as a cloud upon the title thereof, now therefore for the purpose of perfecting the title to said land in said John A. Jasinsky.

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

SECTION 1. Title confirmed—patent. That the title to the southeast quarter of the southwest quarter of section no. 14, township no. 84, north, range no. 29, west 5th p. m. Iowa, be and the same is hereby confirmed in said John A. Jasinsky, his heirs and assigns forever, and the governor and secretary of state are hereby authorized to issue, without expense to the state of Iowa, a patent wherein the state of Iowa shall quit claim all right, title and interest in said land to John A. Jasinsky, his heirs and assigns.

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 Jefferson Bee, newspapers published in Des Moines Iowa and Jefferson, Iowa, respectively, said publication to be without expense to the state of Iowa.

Approved February 23, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader, February 25, 1911, and in the Jefferson Bee March 1, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 221.

ISSUANCE OF PATENT TO O. D. McGEORGE.

H. F. 415.

AN ACT for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land.

Whereas, on the 17th day of December, 1883, one W. J. Romick borrowed from the permanent school fund of Cass county, the sum of three hundred fifty dollars, and to secure the payment thereof executed, with his wife, to Cass county, Iowa, for the benefit of the school fund of said county, a first mortgage on the north-west quarter of the southwest quarter of section 25, twp. 77 north, range 34 west 5th p. m., Cass county, Iowa, securing a promissory note, with interest coupons attached, for said amount, due December 17th, 1888, with interest thereon at the rate of eight per cent. per annum, payable annually; and

Whereas, on the 19th day of March, 1884, said W. J. Romick borrowed from the permanent school fund of said Cass county, the further sum of four hundred dollars, and to secure the payment thereof executed, with his wife, a mortgage to said county for the benefit of the school fund thereof, on the southwest quarter of the southwest quarter of said section 25, securing a promissory note, with interest coupons attached, for said sum of four hundred dollars, due March 19th, 1889, with interest thereon at the rate of eight per cent. per annum, payable annually, thus making a total sum so borrowed from said fund of seven hundred fifty dollars; and

Whereas, said mortgagors having defaulted in the payment of the interest on both of said loans, for nearly two years, said two mortgages were foreclosed, as required by law, in the district court of Iowa, in and for Cass county, by decree entered therein in equity cause no. 2755, on the 2nd day of March, 1888; and

Whereas, thereafter all of said premises, to-wit: the west half of the southwest quarter of section 25, township 77 north, range 34 west 5th p. m., Cass county, Iowa, were sold under execution issued on said judgment and decree, to said Cass county, Iowa, for the benefit of the school fund of said county, for the full amount of principal and interest then due on both of said loans, together with the costs of said foreclosure proceedings, and a certificate of purchase issued by the sheriff of said county to said purchaser; and

Whereas, still later, there being no redemption made from said sale, a sheriff's deed of said premises was in due form of law executed to said Cass county, Iowa, for the benefit of the school fund of said county, on the 29th day of April, 1890; and

Whereas, subsequent to said sale under execution, the permanent school fund of said county was duly credited in full for the aggregate principal and interest then due on said loans, thereby making said school fund whole in all respects, and preserving the same from any and all loss; and

Whereas, thereafter, and on the 13th day of January, 1891, said Cass county, through its board of supervisors, and upon the assumption that the title to said tract was absolutely in said county, resold said premises to Alva H. Cooper and J. D. Cooper, and executed a deed thereof to said purchasers; and

Whereas, since said last-named sale and conveyance, the following successive good-faith sales and conveyances of said premises have been made, viz: said Alva H. Cooper and J. D. Cooper, both unmarried, sold and conveyed the same to John Herren; the said John Herren and wife sold and conveyed the same to Charles Roland; the said Charles Roland and wife

sold and conveyed the same to Henrietta B. Romick; the said Henrietta B. Romick, a widow, sold and conveyed the same to G. W. Lattig; the said G. W. Lattig, unmarried, sold and conveyed the same to Ella S. Kell; the said Ella S. Kell and husband sold and conveyed the same to A. O. McQuown; the said A. O. McQuown and wife sold and conveyed the same to George N. Thompson; the said George N. Thompson and wife sold and conveyed the same to H. L. Bell; the said H. L. Bell and wife sold and conveyed the same to Thomas Hopley; the said Thomas Hopley, unmarried, sold and conveyed the same to Henry E. Bartley, and the said Henry E. Bartley and wife sold and conveyed the same to O. D. McGeorge, who is the present owner in fee of said real estate; and

Whereas, doubts have now arisen as to the legality of said sale and conveyance by said Cass county to said Alva H. Cooper and J. D. Cooper, and as to whether, under the school fund laws of this state at that time, the title to said premises should not have been regarded as vesting in the state of Iowa, under said sheriff's deed, thereby necessitating a resale of said premises in the same manner as other school lands belonging to the state; now

Therefore, in order to clear the apparent cloud resting upon said premises and the title thereto,

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

SECTION 1. Title vested in O. D. McGeorge. That the title to the west half of the southwest quarter of section 25, township 77 north, range 34 west, 5th p. m., Cass county, Iowa, does hereby pass from the state of Iowa, to said O. D. McGeorge, and that the same shall vest absolutely in him.

SEC. 2. Patent. That the governor of the state, and the secretary of the state, are hereby authorized and directed to issue to the said O. D. McGeorge a patent for the said lands described in section one hereof, and deliver same to the said O. D. McGeorge.

SEC. 3. In effect. This act being deemed of immediate importance shall be in effect and force from and after its publication in the Des Moines Capital, a newspaper published at Des Moines, Iowa, and in the Atlantic Daily Telegraph, a newspaper published at Atlantic, Iowa, said publications to be made without expense to the state.

Approved April 8, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 12, 1911, and in the Atlantic Daily Telegraph April 13, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 222.

ISSUANCE OF PATENT TO JOHN A. REED.

H. F. 477.

AN ACT authorizing the governor of the state of Iowa to issue patent, attested by the secretary of state, to lot six (6) in block ninety-six (96) of Iowa City, Iowa, in accordance with the recorded plat thereof, to John A. Reed.

Whereas, lot six (6) in block ninety-six (96) of Iowa City, Iowa, according to the recorded plat thereof, was on the 20 day of August, 1839 sold by the territory of Iowa to Joshua Holland for the sum of seventy-four (74.00) dollars, as shown by the tract book of the sale of Iowa City lots in the office of the secretary of state, and

Whereas, on May 11th, 1841, said Joshua Holland paid the full purchase price of said lot to said territory of Iowa, and on said same date received a certificate of final payment entitling him to a patent for said lot, and

Whereas, said certificate is lost and no patent for said lot has ever been issued by the territory or state of Iowa, and the legal title of said lot is now in the state of Iowa, and

Whereas, on the 20th day of April, 1852, said lot six (6) of said block ninety-six (96) of Iowa City, Iowa, was sold for taxes and a tax deed issued by the treasurer of Johnson county, Iowa, to L. B. Patterson and O. A. Patterson, which deed is recorded in book 13, at page 69 of the deed records of Johnson county, Iowa, and

Whereas, on July 1st, 1858, said lot six (6) was sold for taxes and the treasurer of Johnson county, Iowa, executed a tax deed thereto to Le Grand Byington, which deed is recorded in book 19 at page 209, and

Whereas, by mesne conveyances said lot six (6) of said block ninety-six (96) of Iowa City, Iowa, was conveyed to John A. Reed on July 2nd, 1910, which deed is recorded in book 102, at page 634 of the deed records of Johnson county, Iowa, and

Whereas, said John A. Reed procured a decree of the district court of Iowa in and for Johnson county on the 20th day of September, 1910, in a certain action wherein John A. Reed was plaintiff, and Joshua Holland, the original purchaser of said land, was a party defendant, by which decree title to said lot six (6) of block ninety-six (96) of Iowa City, Iowa was quieted in the said John A. Reed, and

Whereas said John A. Reed and his grantors have been in the actual, open, notorious, and adverse possession of said lot six (6) for more than fifty (50) years, and improved the same and paid taxes thereon and claimed the same as their own, and were in every respect the absolute and unqualified owners thereof.

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

SECTION 1. Conveyance of title. That the title to lot six (6) of block ninety-six (96) of Iowa City, Iowa, according to the recorded plat thereof, does hereby pass from the state of Iowa to said John A. Reed.

SEC. 2. Patent. That the governor of the state is hereby authorized and directed to issue to said John A. Reed a patent for said lot described in section one hereof in the usual form, attested by the secretary of state, and to deliver said patent to said John A. Reed.

SEC. 3. 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 Capital, newspapers published in Des Moines, Iowa, such publication to be without expense to the state.

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 13, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 223.

ISSUANCE OF PATENT TO JOSEPH TUCKER.

H. F. 321.

AN ACT to authorize the governor of the state to execute to Joseph Tucker, a patent, conveying to him the south-west quarter (S. W. 1-4) of the south-east quarter (S. E. 1-4) of section five (5), township eighty-seven (87) north, range one (1), west of the 5th P. M. in Dubuque county, Iowa.

Whereas, on the 1st day of February, 1858, Mordecai Mobley and Martha Mobley, his wife, executed and delivered to Amos Matthews, school fund commissioner, a mortgage on the south-west quarter (s. w. 1-4) of the south-east quarter (s. e. 1-4) of section 5, township 87, north, range one (1), west of the 5th p. m. and other property, all in Dubuque county, Iowa, to secure the payment of the promissory note of the said mortgagors in the sum of \$500.00 which mortgage was filed for record February 3rd, 1858, and recorded in book 10 M., page 300 of mortgage records of Dubuque county, Iowa; and

Whereas, in an action in the district court of the state of Iowa, in and for Dubuque county, by the state of Iowa for the use and benefit of the school fund of the state against said Mordecai Mobley and said Martha Mobley and others, judgment was rendered on said note against said Mobeys on December 20th, 1862, for the sum of \$718.48, and a decree of foreclosure entered as against all said defendants on said mortgage and note, on which execution was issued March 10th, 1863, and said real estate sold thereon by the sheriff of said county to the state of Iowa, for the use and benefit of the school fund on the 17th day of April, 1863, and a sheriff's deed issued and delivered by said sheriff to said state of Iowa, which deed was filed for record October 1st, 1863, and recorded in book "Y", page 297, of Dubuque county records, the consideration of said deed being the sum of eighty dollars (\$80.00) and

Whereas, the records of Dubuque county, Iowa, to-wit, the school fund ledger in the auditor's office of said county, under the heading of "school fund notes in judgment" shows that said judgment was settled with the state auditor of Iowa, under the provisions of section 1, chapter 86, of the laws of 1872; and

Whereas, under chapter 148, laws of 1862, the clerk of the board of supervisors entered into an agreement with James Stokes for the purchase of said land and was authorized to sell the same to said James Stokes, and

Whereas, no patent or conveyance of said lands was ever issued by the state of Iowa, and said property has been continuously listed for taxation and was sold for taxes by V. J. Williams, treasurer of Dubuque county, Iowa, to one G. Salot, who afterward conveyed to James Stokes and has been continuously occupied by said James Stokes and his grantees including the said Joseph Tucker since 1876 in good faith and valuable improvements having been made thereon under the belief that a patent had been issued therefor and that said tax title was valid, now, therefore.

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

SECTION 1. Patent—pending litigation. That upon the payment of eighty dollars (\$80.00) by the said Joseph Tucker to the secretary of state of the state of Iowa, for the use and benefit of the school fund as by law provided, the governor of the state of Iowa be and he is hereby empowered and authorized to execute a patent to the said Joseph Tucker conveying to him the right, title and interest of the state of Iowa in and to the south-west quarter (s. w. 1-4) of the south-east quarter (s. e. 1-4) of section five (5), township eighty-

seven (87) north, range one (1) west of the 5th p. m., in Dubuque county, Iowa: provided however that this act shall not affect pending litigation.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after and its publication in the Cascade Pioneer, a newspaper published in the town of Cascade, Iowa, and in the Register & Leader, a newspaper published at Des Moines, Iowa.

Approved April 6, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader April 8, 1911, and in the Cascade Pioneer April 13, 1911.

W. C. HAYWARD,
Secretary of State.

LEGALIZING ACTS

CHAPTER 224.

LEGALIZING CERTAIN DECREES OF COURT.

S. F. 381.

AN ACT to legalize decrees, obtained prior to January 1st, 1907, based on notice of publication where affidavit of non-residence was not filed, as by law provided.

Whereas, section thirty-five hundred thirty-four (3534) of the code provides that service may be made by publication when affidavit is filed, that personal service cannot be made on the defendant within this state in certain cases, as enumerated in said section, and

Whereas, it has been held and determined that said affidavit provided in said section must be filed at the time of or prior to the first publication of notice provided for in said section, and

Whereas, in many cases where decrees have been obtained in this state by publication of notice, the affidavit required by the above section has not been filed until after the first publication of notice or during the time of the publication of the notice, as provided by law, now, therefore,

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

SECTION 1. Decrees legalized. That in all cases where decrees of court have been obtained prior to the first day of January, 1907, upon publication of notice before the filing of the affidavit of non-residence, as provided by section thirty-five hundred thirty-four (3534) of the code, and the same has not been filed, as provided by law, but has been filed during the time that the notice was being published, on which such decrees are based, are hereby legalized and such decrees shall have the same force and effect as though the affidavit of non-residence, as provided in said section, was filed at the time of or prior to the first publication of such notice, and that all decrees so obtained, as aforesaid, are hereby legalized and held to have the same force and effect as though the affidavit of non-residence had been filed, as by law required.

SEC. 2. Pending litigation. Nothing in this act contained shall be construed as to affect pending litigation.

SEC. 3. 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 Capital, newspapers published in Des Moines, Iowa.

Approved April 10. A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 11, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 225.

CERTAIN INSTRUMENTS OF WRITING CONVEYING OR AFFECTING REAL ESTATE.

S. F. 75.

AN ACT legalizing certain instruments of writing heretofore executed by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto.

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

SECTION 1. Certain instruments in writing executed by corporations legalized. All instruments in writing executed by any corporation prior to July 4th, 1909, conveying, encumbering, or affecting real estate including releases, satisfaction of mortgages, judgments, or any other liens by entry of such release or satisfaction upon the page or pages where such lien appears recorded or entered, where the corporate seal of such corporation has not been affixed or attached thereto, and which are otherwise legally and properly executed, are hereby declared legal, valid and binding, the same as though the corporate seal had been attached or affixed thereto; provided this act shall not abate, or in any manner affect actions pending prior to the taking effect hereof.

Approved March 11, A. D. 1911.

CHAPTER 226.

CERTAIN CONVEYANCES OF REAL ESTATE.

H. F. 471.

AN ACT to legalize certain conveyances of real estate heretofore recorded.

Whereas, prior to the year 1885 certain deputy sheriffs in the state of Iowa, executed sheriff's deeds conveying real estate in the state of Iowa, and

Whereas, some question has been raised as to the validity of such conveyances, now, therefore,

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

SECTION 1. Certain conveyances by deputy sheriffs legalized. That all conveyances executed prior to the year 1885 in the state of Iowa, by deputy sheriffs, wherein such deputy sheriff executed a sheriff's deed to real estate in the state of Iowa, and which conveyances have been of record in the office of the county recorder of the county wherein the real estate is located since prior to the first day of January 1885, be and the same are hereby legalized and made of full force and effect, the same as though deputy sheriffs had been originally empowered and authorized to execute sheriff's deeds.

SEC. 2. Pending litigation. This act shall not affect any pending litigation.

Approved April 12, A. D. 1911.

CHAPTER 227.

ASSIGNMENTS OF MORTGAGES AND OTHER RECORDED LIENS.

H. F. 411.

AN ACT legalizing assignments of mortgages and other recorded liens made upon the margin of the records and making such assignments admissible in evidence.

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

SECTION 1. Assignments and liens legalized. In any case where an assignment of a mortgage or other recorded lien on real estate has heretofore been made by written assignment thereof on the margin of the record where such mortgage or other lien is recorded or entered, such assignment shall be deemed to have passed all the right, title, and interest therein, which the assignor at the time had, with like force and effect as if such assignment had been made by separate instrument duly acknowledged and recorded, and any such assignment or a duly authenticated copy thereof when accompanied by a duly authenticated copy of the record of the instrument or lien it purports to assign, shall be admissible in evidence as is provided by law for the admission of the records of deeds and mortgages.

Approved April 3, A. D. 1911.

CHAPTER 228.

CHANGE OF NAMES OF PLATTED STREETS.

H. F. 218.

AN ACT legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets.

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

SECTION 1. Acts legalized—ordinances and plats to be recorded. That, whereas, certain cities or towns throughout the state of Iowa have passed ordinances changing the name or names of certain streets in said cities;

Now, therefore, it is provided that the acts of said city and town councils of such cities and towns in enacting said ordinances changing the names of said certain streets are hereby declared valid. On the filing for record of the said ordinances, duly certified by the mayor and city or town clerk, with the county recorder he shall make and record in the records of his office a plat showing the changes in the names of the streets and shall file a copy of said plat with the county auditor.

SEC. 2. Pending litigation. This act shall not affect pending litigation.

SEC. 3. 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 Capital, newspapers published at Des Moines, Iowa.

Approved March 27, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, March 29, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 229.

OFFICIAL ACTS OF CERTAIN NOTARIES PUBLIC.

H. F. 574.

AN ACT to legalize the official acts of certain notaries public.

Whereas, certain notaries public whose commissions expired July 4th, 1909, and who have continued to act as such notaries public after the expiration of such commissions and who have since qualified as such notaries public, and,

Whereas, certain notaries public in the state of Iowa, under a misapprehension as to the date when their commissions were issued as notaries public, did, prior to the 17th day of March 1911, and before their commissions had actually been issued, take certain acknowledgments, and administer certain oaths, and,

Whereas, it is the desire of all such notaries public to have their official acts as such notaries public legalized, now, therefore,

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

SECTION 1. Official acts legalized—pending litigation. That all acknowledgments of all written instruments, affidavits, deeds, mortgages, papers and documents, by notaries public as described in the preamble hereof, whether or not the same is required by law to be acknowledged, and all taking of affidavits made by notaries public, be, and the same are hereby, legalized and made valid the same as though they had been duly commissioned as notaries public at the time such acknowledgments were taken, provided this act shall not apply to title to real estate or other property rights which are now in litigation.

SEC. 2. In effect. This act being deemed of immediate importance shall be in force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 15, 1911, and in the Register and Leader April 17, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 230.

THE ELECTION HELD IN SCOTT COUNTY NOVEMBER 8, 1910, FOR CONSTRUCTION AND MAINTENANCE OF A COUNTY HOSPITAL.

S. F. 296.

AN ACT to legalize an election of Scott county, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds therefor.

Whereas, at a regular meeting of the board of supervisors of Scott county, Iowa, on October 4, 1910, a petition was presented by the board of health of the city of Davenport, Iowa, asking said board of supervisors to submit to the legal voters of said county at the election on November 8, 1910, the following measure:

“Shall Scott county erect and maintain a hospital for tuberculosis, diphtheria, scarlet fever and other contagious diseases?” and,

Whereas, the following resolution was unanimously adopted by said board of supervisors at said regular meeting on October 4, 1910.

“Resolved: that the following measure be submitted to the voters at the general election to be held November 8, 1910, and that the county auditor be, and he is hereby instructed to prepare the necessary ballots for the submission of such proposition to the electors of the county: “Shall Scott county erect and maintain a hospital for tuberculosis, diphtheria, scarlet fever and other contagious diseases at a cost not to exceed twenty thousand (\$20,000.00) dollars for the hospital and land and pay for same in bonds of \$100.00 or multiple thereof, bearing not to exceed six per cent interest and running from one to ten years?” and,

Whereas, at the said general election held on November 8, 1910, the following proposition was placed on the special ballot:

“Shall the following public measure be adopted? “Shall Scott county erect and maintain a hospital for tuberculosis, diphtheria, scarlet fever and other contagious diseases at a cost not to exceed twenty thousand (\$20,000.00) dollars for the hospital and land and pay for the same in bonds of \$100.00 or multiple thereof, bearing not to exceed six per cent interest and running from bearing not to exceed six

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

Whereas, the said board of supervisors did on the 14th day of November 1910, canvass the returns of said election on said proposition, and that nine thousand five hundred thirty four (9534) votes were cast on said proposition of which six thousand four hundred thirty four (6434) voted “yes” and three thousand one hundred (3100) voted “no” and,

Whereas, following the said canvass of the vote on said proposition, due notice as required by law that said proposition had been duly adopted and was in full force and effect, was published the required length of time in the Davenport Daily Times of Davenport, Iowa; and,

Whereas, said petition presented to said board of supervisors was not signed by 200 resident free-holders of Scott county, Iowa, nor did it name a place in said county for its location; and,

Whereas, the ninety day notice in a newspaper in said county, and the posting of said notice in each township of said county as required by sec. 1, chapter 26 of the laws of the 33d G. A. was not given, but,

Whereas, the voters of Scott county were fully informed on said proposition as it had been thoroughly discussed by all the newspapers in such county and the necessity of such a hospital had been publicly urged at numerous times long prior to said election; and,

Whereas, doubts have arisen as to the sufficiency and legality of said petition, and of the sufficiency and legality of the notice of said election: therefore,

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

SECTION 1. Petition, acts, proceedings, election and bonds legalized. That the said petition to said board of supervisors of Scott county, Iowa, the omission to give the ninety days notice in a newspaper and the omission to post a notice in each township of said county, and all the acts and proceedings of said board of supervisors of Scott county, Iowa, concerning the said petition, notice and proposition voted on, and all acts and proceedings of said board of supervisors prior to said election whether herein particularly specified or not had and done with reference to said proposition of the erection and maintenance of said hospital, and the issuance of bonds therefor, are all and each

of them legalized and validated as fully and completely as though the law had in all things been technically and fully complied with in every respect, and all resolutions passed, and said bonds when issued shall be the valid and binding obligations of said Scott county, Iowa.

SEC. 2. Pending litigation. Nothing in this act shall affect pending litigation.

SEC. 3. In effect. This act being deemed of immediate importance shall take effect from and after its publication in the Davenport Democrat and Leader, a newspaper published in Davenport, Iowa, and the Register and Leader, a newspaper published at Des Moines, Iowa, without expense to the state.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader April 20, 1911, and in the Davenport Democrat and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 231.

THE ELECTION HELD IN SCOTT COUNTY NOVEMBER 8, 1910, FOR ERECTION AND MAINTENANCE OF DETENTION HOME.

S. F. 257.

AN ACT to legalize an election of Scott county, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for dependent, neglected and delinquent children, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds therefor.

Whereas, at a regular meeting of the board of supervisors of Scott county, Iowa, on October 4, 1910, said board of supervisors adopted the following resolution, all members being present and voting therefor:

Resolved: that the following public measure be submitted to the voters at the general election to be held Nov. 8, 1910, and that the county auditor be, and he is hereby instructed to prepare the necessary ballots for the submission of such proposition to the electors of the county:

“Shall Scott county erect and maintain a detention home for dependent, neglected and delinquent children at a cost not to exceed fifteen thousand (\$15,000.00) dollars, for home and land, and pay for same in bonds of one hundred (\$100.00) dollars, or multiple thereof, bearing not to exceed six per cent interest and running from one to ten years?” and,

Whereas, at the said general election held on November 8, 1910, the following proposition was placed on the special ballot:

Shall the following public measure be adopted?

“Shall Scott county erect and maintain a detention home for dependent, neglected and delinquent children at a cost not to exceed fifteen thousand (\$15000.00) dollars, for home and land, and pay for same in bonds of one hundred (\$100.00) dollars, or multiple thereof, bearing not to exceed six per cent interest and running from one to ten years?” and,

Yes

No

Whereas, the said board of supervisors did on the 14th day of November 1910, canvass the returns of said election on said proposition, and that nine

thousand three hundred twenty seven (9327) votes were cast on said proposition of which six thousand one hundred eighty five (6185) voted "yes" and three thousand one hundred forty two (3142) voted "no"; and,

Whereas, following the said canvass of the vote on said proposition, due notice as required by law that said proposition had been duly adopted and was in full force and effect, was published the required length of time in the Davenport Daily Times, of Davenport, Iowa, and,

Whereas, the thirty day notice in a newspaper published in said county, as required by section four hundred twenty three (423) title four (4) chapter two (2) of the supplement to the code, 1907 was not given, but,

Whereas, the voters of Scott county were fully informed on said proposition as it had been thoroughly discussed by all the newspapers in such county, and the necessity of such a home had been publicly urged at numerous times long prior to said election; and,

Whereas, doubts have arisen as to the legality of said election on account of the failure to give the notice as aforesaid: therefore,

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

SECTION 1. Acts, proceedings, election and bonds legalized. That the failure to give the thirty days notice in a newspaper published in said county, as required by section four hundred twenty three (423) title four (4) chapter two (2), of the supplement to the code, 1907 be declared to be immaterial, and all the acts and proceedings of said board of supervisors of Scott county, Iowa, concerning said notice and election, and all acts and proceedings of said board of supervisors prior or subsequent to said election whether herein particularly specified or not had and done with reference to said proposition of the erection and maintenance of said detention home, for dependent, neglected and delinquent children, and the issuance of bonds therefor, are all and each of them legalized and validated as fully and completely as though the law had in all things been technically and fully complied with in every respect, and all resolutions passed and said bonds when issued shall be the valid and binding obligations of said Scott county, Iowa.

SEC. 2. In effect. This act being deemed of immediate importance shall take effect from and after its publication in the Davenport Daily Times, a newspaper published in Davenport, Iowa, and the Register & Leader, a newspaper published in Des Moines, Iowa, without expense to the state.

Approved April 11, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Davenport Daily Times April 13, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 232.

CERTAIN DEED EXECUTED BY FREMONT COUNTY.

S. F. 250.

AN ACT to legalize a certain deed executed by Fremont county, and its board of supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald, the west half of the north east quarter and the north west quarter of section two, township 70 north range 43, west of the fifth p. m. in Fremont county, Iowa, and

Whereas, a part of Buckingham lake was located on a portion of the west half of the north east quarter and the north west quarter of section two

township 70, north range 43, west of the fifth p. m. in Fremont county, Iowa, and

Whereas, Frank M. Kephart, and his grantors have been in possession of all of said government sub-division for more than thirty (30) years, and have by drains, ditches and embankments reclaimed said lands at great expense and have regularly paid state and county taxes on said lands and have paid large sums for the drainage of the same, and,

Whereas, the county of Fremont on the 11th day of November, 1895, conveyed said premises by deed, to Mary E. McDonald, through its board of supervisors, therefore:

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

SECTION 1. Deed legalized. The certain deed executed by Fremont county, Iowa, and its board of supervisors on the 11th day of November, 1895, and recorded on the 11th day of November 1895, in book 12, at page 275, of the deed records of Fremont county, Iowa, conveying the west half of the north east quarter and the north west quarter of section 2, township 70, north range 43, west of the fifth p. m. in Fremont county, Iowa, to Mary E. McDonald, is hereby declared valid and to pass to the said Mary E. McDonald, her heirs, executors or assigns, all the rights and title and interest of the state of Iowa, in and to said lands as well as the interest of Fremont county, Iowa.

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 Capital, newspapers published in the city of Des Moines, Iowa, such publication to be without expense to the state.

Approved March 17, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital March 20, 1911, and in the Register and Leader March 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 233.

CERTAIN DEED EXECUTED BY IOWA COUNTY.

S. F. 485.

AN ACT to legalize deed of Iowa county, Iowa, to Ithamar Cheney for lot one as shown by plat recorded at book 21, page 335, land deed records of the office of the recorder of Iowa county, Iowa, the same being the north fifteen acres of the north west quarter of the south west quarter of section twenty-one, township seventy-eight north, range eleven west of the fifth p. m. in Iowa county, Iowa.

Whereas, R. B. Foster gave to Martin Ballard as school fund commissioner for Iowa county, Iowa, a certain mortgage dated February 7th, 1854, to secure payment of the principal sum of three hundred thirty and no-100 dollars, with accruing interest thereon, said mortgage conveying the west half of the southwest quarter of section twenty-one, township seventy-eight, north, range eleven west of the fifth p. m. situated in Iowa county, Iowa, which said mortgage was foreclosed and bid in by Iowa county, Iowa, and said land was conveyed to Iowa county, Iowa, by sheriff's deed dated November 21st, 1868, instead of the state of Iowa, as required by law, and

Whereas, said county sold a portion of said land to Ithamar Cheney, and conveyed to Ithamar Cheney the land so sold him by warranty deed dated January 4th, 1862, the land so sold and conveyed to said Ithamar Cheney

being described as lot one as shown by the plat recorded at book 21, page 335, of the land deed records of the office of the recorder of Iowa county, Iowa, and said real estate being also described as the north fifteen acres of section twenty-one, township seventy eight, north, range eleven west of the fifth p. m. said deed being recorded at book 34, page 451 land deed records of said office, and

Whereas, said Iowa county, has accounted to the state of Iowa for the proceeds of said sale, therefore

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

SECTION 1. Deed legalized. That the said deed from Iowa county Iowa to Ithamar Cheney for lot one, as shown by the plat recorded at book 21, page 335 land deed records of the office of the recorder of Iowa county, Iowa, the same being the north fifteen acres of the northwest quarter of the southwest quarter of section twenty-one, township seventy-eight north, range eleven west of the fifth p. m. be and the same is hereby declared to be legal and valid and conveyed to said Ithamar Cheney and his grantees, all the right, title and interest of the state of Iowa in and to said real estate.

Approved April 15, A. D. 1911.

CHAPTER 234.

CERTAIN CONTRACT ENTERED INTO BETWEEN POCAHONTAS AND CALHOUN COUNTIES.

H. F. 613.

AN ACT to legalize a certain contract entered into between the counties of Pocahontas and Calhoun, state of Iowa, in behalf of drainage improvement district No. 13 in Pocahontas county and drainage improvement district No. 9 in Calhoun county, Iowa, and to authorize the issuance of a warrant by Pocahontas county, Iowa, on the funds of said drainage improvement district No. 13 in Pocahontas county, Iowa, to the treasurer of Calhoun county, Iowa, for the use and benefit of drainage improvement district No. 9 in Calhoun county, and to authorize the levy and collection of taxes for the payment of the same.

Whereas, the board of supervisors of Pocahontas county, Iowa, and the board of supervisors of Calhoun county, Iowa, in joint session on April 18-1907 entered into a written agreement whereby said Pocahontas county in behalf of drainage improvement district no. 13, in Pocahontas county, Iowa, agreed to issue a warrant on the funds of said drainage improvement district no. 13 in the sum of two thousand sixty-three dollars and eighty-eight cents (\$2,063.88), payable to the treasurer of Calhoun county, Iowa, for the benefit and use of drainage improvement district no. 9, in Calhoun county, Iowa, on condition that said drainage improvement district no. 13 in Pocahontas county, Iowa, should have the use of said drainage improvement district no. 9 in Calhoun county, Iowa, as a permanent outlet for the drains and ditches proposed to be constructed in said drainage improvement district no. 13, and

Whereas, said written agreement was thereafter ratified, approved and affirmed by the board of supervisors of Pocahontas county, Iowa, in behalf of drainage improvement district no. 13, and

Whereas, doubts have arisen as to the legality of said actions taken in the premises, now therefore,

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

SECTION 1. Contract legalized—tax levy authorized—pending litigation. That said contract and all actions and proceedings had in relation thereto are hereby legalized and held to be in full force and effect and binding on said counties of Calhoun and Pocahontas, Iowa, and said drainage improvement district no. 13 in Pocahontas county, Iowa, and said drainage improvement district no. 9 in Calhoun county, Iowa, and the board of supervisors of Pocahontas county, Iowa, is hereby authorized to issue a warrant on the funds of drainage improvement district no. 13 in Pocahontas county, Iowa, in the sum of two thousand sixty three dollars and eighty-eight cents (\$2,063.88), payable to the treasurer of Calhoun county, Iowa, for the use and benefit of drainage improvement district no. 9 in Calhoun county, Iowa, and the said board of supervisors of Pocahontas county, Iowa, is hereby authorized and empowered to levy and collect taxes on the lands within said drainage district no. 13 in Pocahontas county, Iowa, for the payment of said warrant: provided this act shall not affect pending litigation.

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 Capital, newspapers published at Des Moines, Iowa, without expense to the state.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 19, 1911, and in the Register and Leader April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 235.

THE TOWN OF AKRON.

H. F. 153.

AN ACT to legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Akron, Iowa.

Whereas, doubts have arisen as to the legality of all the ordinances, resolutions and rules of health of the incorporated town of Akron, Iowa, in that the same were not regularly read at three separate meetings of the council, nor on three different days and the rule allowing ordinances to be passed at the same meeting of the council was not properly observed and suspended, and the yeas and nays not duly recorded as required by law, and that the said ordinances and rules of health were not published in the manner prescribed by the statutes of the state of Iowa relating to the publication of ordinances and rules of health. Now, therefore,

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

SECTION 1. Acts, ordinances, etc., legalized—pending litigation. That all the acts of the council of the incorporated town of Akron, Iowa, in the passage, adoption and publication of the ordinances and rules of health of said town be and the same are hereby legalized and declared to be as valid as if all the provisions of the law of the state relating to the passage adoption and publication, thereof, had been duly and fully observed, and as if such or-

dinances, resolutions and rules of health had been legally and lawfully passed, adopted and published and read as provided by the statutes of Iowa and the yeas and nays recorded as required by law, and the rule allowing the passage of ordinances at one meeting had been properly observed and suspended and said ordinances, rules of health and resolutions are hereby declared to be of the same force and effect and as valid as if all the requirements of the laws of the state had been fully observed and complied with. But nothing in this act shall affect pending litigation.

Approved February 15, A. D. 1911.

CHAPTER 236.

THE INDEPENDENT SCHOOL DISTRICT OF BENNETT.

S. F. 460.

AN ACT to legalize the action of the independent school district of Bennett, Cedar county, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by said district under said election.

Whereas, upon petition of a majority of the qualified electors of the independent school district of Bennett, Cedar county, Iowa, a special election was held in said district on the 14th day of March, 1910, to vote on the issuance of \$10,000.00 bonds for the erection and furnishing of a school building in said district; and

Whereas, notice of said election was given by publication once each week in the four succeeding weeks preceding said election in the "Tipton Advertiser", a weekly newspaper published at Tipton, in said county; to-wit: on February 17, 24, March 3 and 10th, there being no newspaper in said district and by posting notice of said election in four public places in said school district, one of which was on the front door of the school house in said district; and,

Whereas, at said election eighty three votes were cast for and forty one votes were cast against the issuance of said bonds and the said proposition was declared duly carried; and,

Whereas, said bonds to the amount of \$10,000.00 were issued pursuant to said vote, bearing interest at five per cent per annum and were sold at par, and,

Whereas, a contract has been let for the construction of a school building in said district, and

Whereas, doubts have arisen as to the sufficiency of the notice of said election and of the legality of the election and of the proceedings of the board of directors and officers of said district in the issuance of said bonds; therefore,

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

SECTION 1. Election, vote, acts and bonds legalized—pending litigation. That the election and vote for the issuance of bonds to the amount of \$10,000.00 held and had by the independent school district of Bennett, Cedar county, Iowa, on the 14th day of March, 1910, for the erection and furnishing of a school building, and the acts of the board of directors and officers of said school district in issuing said bonds, be, and the same are hereby legalized, and the bonds so issued by said school district under and by virtue of the authority aforesaid, be, and the same are hereby, legalized and declared valid. This act shall not affect pending litigation.

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 &

Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa, both publications to be without expense to the state.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 12, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 237.

THE TOWN OF BETTENDORF.

H. F. 59.

AN ACT to legalize a certain special election held in the town of Bettendorf, Scott county, Iowa, on October 15th, 1909, and to legalize certain franchises granted and adopted by the town council of said town of Bettendorf pursuant to a favorable vote thereon by the electors of said town at said special election.

Whereas, at a special election held in the town of Bettendorf, Scott county, Iowa, on October 15th, 1909, there was submitted to the voters therein the question of the approval or disapproval of certain proposed franchises; and

Whereas, there was no newspaper published within the corporation limits of said town at the time notice of said special election was given; and

Whereas, there was no post office in said town at the time the notice of said special election was given; and

Whereas, the notice provided by statute to be given was posted properly, except that one could not be posted at the post office; and

Whereas, a majority of the voters voting at said special election voted in favor of said franchise, and said franchises were subsequently passed and adopted by the town council of the town of Bettendorf; and

Whereas, because of the defect referred to, doubt has arisen as to the legality of the notice of said special election, and of said election, and of said franchises; now therefore,

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

SECTION 1. Special election legalized. That the special election held on October 15th, 1909, submitting to the voters of the town of Bettendorf, Scott county, Iowa, certain franchises for approval or disapproval, is hereby legalized and declared to be valid and binding the same as though the law had in all respects been strictly complied with, and the same as though a copy of the notice of said special election was posted at the post office in said town.

SEC. 2. Franchises legalized. The franchises granted by the town council of said town of Bettendorf, pursuant to the favorable vote thereon at said special election, are hereby legalized and declared to be valid and binding the same as though a copy of the notice of said special election had been posted at the post office of said town of Bettendorf; which said ordinances granting said franchises are as follows:

An ordinance adopted November 1st, 1909, entitled: "An ordinance to authorize the Bettendorf Improvement Company, a corporation organized under the laws of Iowa, its successors and assigns, to erect, construct, maintain and operate a system of water works in the town of Bettendorf, Iowa, and granting to said Bettendorf Improvement Company, its successors and assigns, a franchise to erect, construct, maintain and operate a system of water works in said town for a period of twenty-five years."

An ordinance adopted November 1st. 1909, entitled: "An ordinance to authorize the Bettendorf Improvement Company, a corporation organized under the laws of Iowa, its successors and assigns, to erect posts, poles and wires on the streets, lanes, roads and alleys in the town of Bettendorf, Iowa, and to erect, construct, maintain and operate an electric light and power system for the purpose of furnishing commercial light and electric power in said town; and granting to said Bettendorf Improvement Company, its successors and assigns, a franchise to erect posts, poles and wires on the streets, lanes, roads and alleys in said town, and to erect, construct, maintain and operate an electric light and power system for the purpose of furnishing commercial light and electric power in said town, for a period of twenty-five years."

SEC. 3. **Pending litigation.** Nothing in this act shall in any way affect pending litigation.

Approved February 3, A. D. 1911.

CHAPTER 238.

THE TOWN OF BLANCHARD.

H. F. 371.

AN ACT to legalize the acts of the town council of the town of Blanchard, in the county of Page, and state of Iowa; appointing certain persons as members of said town council and empowering them to hold and exercise the duties of said office.

WHEREAS, on the twenty-seventh day of December 1910, the town council of the town of Blanchard, in the county of Page, and state of Iowa passed an ordinance for the revision of all of the ordinances of said town of a general character, and the rules of the board of health, and the rules of order of the Blanchard town council, which revised ordinances and rules were approved by the mayor of said town on December 27, 1910, and

WHEREAS, said ordinances and rules have been by action of said town council arranged in order and published in permanent book form and entitled "Revised Ordinances of the Town of Blanchard, Iowa of 1911," and

WHEREAS, doubts have arisen as to the legality of all of the acts of said town council and also to the legality and validity of the election of the members of the town council of Blanchard, Iowa; and also as to the authority of certain persons who are now and have been acting and voting as members of said Blanchard town council since the last Monday in March 1910, therefore,

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

SECTION 1. **Acts legalized—councilmen appointed.** That all of the acts of the town council of the town of Blanchard, Iowa, had since the last Monday in March 1910, are hereby legalized, and the persons who are now acting and have purported to act as members of the town council of said town of Blanchard, Iowa, since the last Monday in March 1910, are hereby appointed to the offices which they have and are now purporting to fill, and each of said persons is empowered to hold and exercise the duties of said office of member of the town council of the town of Blanchard, Iowa until the last day of March 1912, and until his respective successor is elected and qualified.

SEC. 2. **Pending litigation.** Nothing herein contained shall be construed to affect pending litigation.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines

Capital, a newspaper published at Des Moines, Iowa, and the State Line Herald, a newspaper published at Blanchard, Iowa, without expense to the state.

Approved March 30, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 1, 1911, and in the Blanchard Herald, April 6, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 239.

THE CITY OF BURLINGTON.

S. F. 299.

AN ACT to legalize certain warrants of the city of Burlington.

WHEREAS, the city of Burlington, hitherto during the year 1909 A. D., did contract for grading, paving and for grading divers streets and for the construction of divers sewers, and

WHEREAS, the city of Burlington levied assessments against the owners of property benefited by said paving, grading, and sewers, in proportion to the benefits conferred, and

WHEREAS, said assessments were not equal in amount to the price which said city of Burlington had contracted should be paid for said paving, grading and sewers, and

WHEREAS, said city of Burlington became liable and indebted to the contractors, who conducted said paving, grading and sewers, for the difference between the contract price and the total amount of assessments levied against the owners of property benefited by said paving, grading, and sewers; and

WHEREAS, the difference between said contract price and said total amount of special assessments was one hundred and twenty-two thousand dollars (\$122,000.00); and

WHEREAS, the city of Burlington did issue warrants in the sum of one hundred and twenty-two thousand dollars (\$122,000.00) to said contractors to evidence said indebtedness representing the difference between the contract price and the amount of special assessments levied against owners of benefited property; and

WHEREAS, said contractors completed their work on aforementioned paving, grading, and sewers in full compliance with specifications and have fully performed all their promises in said contracts; and

WHEREAS, the city of Burlington has been and now is enjoying the use and benefit of the aforementioned street improvements, which were and are well worth the total price the city contracted should be paid; and

WHEREAS, doubts have been raised questioning the legality of the warrants issued to pay the city's share of the contract price of the aforementioned warrants on the ground that they were issued in excess of the statutory limit of indebtedness, now therefore

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

SECTION 1. **Acts legalized.** That the acts of the city council of the city of Burlington in issuing warrants in the sum of one hundred and twenty-two thousand dollars (\$122,000.00) during the year of 1909 A. D., to pay the city's share of the contract price for the paving of certain streets, the grading

of certain streets, and the construction of sewers, be and the same are hereby legalized the same as though the law had in all respects been complied with.

SEC. 2. Warrants legalized. The warrants in the sum of one hundred and twenty-two thousand dollars (\$122,000.00) issued by the council of the city of Burlington to pay the city's share of the cost of the aforementioned street improvements and sewers are hereby legalized and declared to be valid, legal, and subsisting obligations of the city of Burlington, the same as though the law had in all respects been complied with.

SEC. 3. Pending litigation. Nothing in this act shall affect any pending litigation.

SEC. 4. 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 a newspaper published at Des Moines, Iowa, and the Burlington Hawkeye, a newspaper published at Burlington, Iowa, without expense to the state.

Approved March 16, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader March 18, 1911, and in the Burlington Hawkeye March 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 240.

THE INDEPENDENT SCHOOL DISTRICT OF CENTERVILLE.

S. F. 76.

AN ACT to legalize the issuing of certain warrants on the school fund by the board of directors of the independent district of Centerville, in Appanoose county, state of Iowa.

WHEREAS, on the 22d day of Nov. 1909 at a special election held by the independent school district of Centerville in Appanoose county, state of Iowa, after petition made and notice given therefor as required by law, there was duly submitted to the electors of said district, the question of issuing bonds in the amount of twenty thousand (\$20,000.00) dollars by said district for the purpose of aiding in the cost of erecting a new high school building and

WHEREAS, at said election, the electors of said district by a large majority vote authorized said improvements to be made and the issuing of the bonds proposed and

WHEREAS, afterwards a competent architect was employed and estimates made from which it was thought the money to be realized from the bond issue so authorized with the amount of school fund of said district then on hand, would be sufficient to pay the cost of said improvements and

WHEREAS, the said board of directors proceeded with the erection of a new school building and after the beginning of the erection thereof, it was discovered that other school buildings in said independent district needed certain improvements to make said buildings sanitary, and,

WHEREAS, some \$13,000.00 was so expended and as the work on the new building progressed, it was found that after the funds realized as aforesaid were exhausted, it would require an additional expenditure of over \$25,000.00 to complete and equip said building and

WHEREAS, the said board of directors by resolution passed by unanimous vote thereof at regularly called meetings held Oct. 26 and December 17th

authorized in behalf of said district the issuing of warrants aggregating a little over \$25,000.00 on the school fund of said district which warrants were issued and were numbered 1057, 1058, 1087, 1088, 1108, 1122 respectively and

WHEREAS, the proceeds of said warrants were necessary and such proceeds were in fact used, on the payment of the cost of construction and the equipment of said new school building; and

WHEREAS, to complete and thoroughly equip the aforesaid structure for the purpose intended, as before stated, by payment of the fair and reasonable cost only for the work and materials necessary therefor and said district will have the benefit of the full face value of said warrants; and,

WHEREAS, questions as to the legality of said warrants have arisen as to whether the said school district was within its authorized and legal powers when said warrants were issued, and other doubts have arisen as to the regularity of the proceedings in relation thereto; now, therefore:

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

SECTION 1. Warrants and acts legalized. That all the warrants on the school fund issued by the independent school district of Centerville in Appanoose county, state of Iowa, through its board of directors, as above set forth, are hereby legalized and declared valid, and that the acts of said board in relation thereto are hereby declared to be valid and effectual as though all acts of said board had been in strict compliance with law.

SEC. 2. Pending litigation. Nothing in this act shall affect in any way any pending litigation in relation to the subject matter hereof.

SEC. 3. 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, a newspaper published at Des Moines, Iowa and The Iowegian, a newspaper published at Centerville, Iowa, which publications shall be without expense to the state.

Approved February 8, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader February 13, 1911, and The Iowegian, February 14, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 241.

THE TOWN OF CHARLOTTE.

H. F. 331.

AN ACT legalizing and curing the acts and proceedings of the incorporated town of Charlotte and the town council of said incorporated town, in the county of Clinton and state of Iowa, in relation to the establishment, erection, maintenance, and extension of a system of waterworks in said town, and the issuance of warrants of said town and in payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by said warrants.

WHEREAS, the qualified electors of the incorporated town of Charlotte, in the county of Clinton and state of Iowa, did, on the 6th day of April, 1908, at a special election held for such purpose, vote in favor of the establishment and erection of a system of waterworks in said town, and the issuing of bonds in the sum of five thousand (\$5,000.00) dollars for the purpose of defraying the costs thereof, and;

WHEREAS, the town council of said town, in pursuance of said election, established, erected, and is maintaining a system of waterworks within and for said town, and;

WHEREAS, the indebtedness of said town, created for the establishment erection and maintenance of said system of waterworks, exceeded the amount authorized, and;

WHEREAS, the said town council failed to, or was unable to issue bonds in the payment of said indebtedness, and;

WHEREAS, the said town council issued, in addition to the five thousand (\$5,000.00) dollars in bonds as above authorized, the warrants of said town in payment of the indebtedness created and incurred by reason of the erection establishment and maintenance of said waterwork system, and;

WHEREAS, the said town has used its general revenues for the purpose of paying interest on and taking up a portion of the warrants issued in payment for said waterworks system, and has issued warrants against its general fund in payment for the establishment, erection, and maintenance of said waterworks system, and;

WHEREAS, a large number of said warrants so issued are outstanding and unpaid and;

WHEREAS, doubts have arisen as to the legality of the acts and proceedings of said town in issuing the warrants in payment for the establishment, erection and maintenance of said waterworks system, and;

WHEREAS, the amount of said indebtedness has never exceeded the limit prescribed by section three article eleven of the constitution of the state of Iowa and;

WHEREAS, it is the desire of the said incorporated town, and the citizens thereof, that the acts and proceedings of said incorporated town, and the said town council, in relation to the establishment, erection and maintenance of said waterwork system, and the indebtedness created and incurred therefor, and the warrants issued in payment of said indebtedness shall be cured and legalized.

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

SECTION 1. Acts and warrants legalized. That all the acts of the incorporated town of Charlotte, in the county of Clinton and state of Iowa, and of the town council of said incorporated town of Charlotte, relating to the establishment, erection and maintenance and extension of a waterworks system within said incorporated town, and relating to, the indebtedness created and incurred therefor, and relating to the issuance of the warrants of said town in payment of said indebtedness, be, and the same are, hereby cured and legalized, and the said indebtedness, and the outstanding warrants of said town are hereby legalized and established as a valid and binding indebtedness of said town, with the same force and effect as though the same had been legal and valid at the time of the incurring of said indebtedness and the issuance of said warrants.

SEC. 2. Issuance of bonds authorized. That the said incorporated town of Charlotte and the town council of said town be, and they are, hereby authorized to issue the bonds of said town for the purpose of liquidating and taking up the floating indebtedness of said town represented by the warrants issued by said town in payment of the establishment, erection, and maintenance of said waterwork system.

SEC. 3. Payment of bonds authorized. That the said incorporated town of Charlotte, and the town council of said incorporated town, be, and they are,

hereby authorized to provide for the payment of said bonds and interest thereon in the same manner as is provided by the statutes of Iowa in relation to the payment of bonds and interest thereon, issued for the construction of waterworks.

SEC. 4. **Pending litigation.** Nothing in this act shall be in any way construed so as to affect pending litigation.

SEC. 5. **In effect.** This act being deemed of importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Charlotte Record, a newspaper published at Charlotte, Clinton county, Iowa, as provided by law without expense to the state.

Approved February 27, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader March 1, 1911, and in the Charlotte Record March 2, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 242.

THE TOWN OF CORYDON.

H. F. 594.

AN ACT to legalize the notices of a certain special election held at Corydon, Iowa.

WHEREAS, the town council of the town of Corydon, Wayne county, Iowa, pursuant to a petition signed by a majority of the qualified electors of the town of Corydon, did hitherto call a special election of the voters of the town of Corydon, to vote on the question of erecting and establishing a water works system, the question of building sewers, the question of issuing bonds in the sum not to exceed thirty thousand dollars (\$30,000), for purchasing and erecting a water works system and the question of issuing bonds in the sum not to exceed fifteen thousand dollars (\$15,000) for the building and constructing of sewers, and

WHEREAS, said election was held on the eleventh day of April, 1910, A. D., and a large vote was polled on each of the questions submitted, of which more than a two-thirds majority was cast in the affirmative on each of the questions submitted, and

WHEREAS, pursuant to the results of said election, the council of the town of Corydon contracted for the construction of a water works system and for the building of sewers, and by ordinance directed the issuance of thirty thousand dollars (\$30,000) water works bonds, and fifteen thousand dollars (\$15,000) sewer bonds, and

WHEREAS, water works bonds in the sum of thirty thousand dollars (\$30,000) and sewer bonds in the sum of fifteen thousand dollars (\$15,000) were duly issued and sold, pursuant to the aforementioned proceedings, and

WHEREAS, doubts have been raised as to validity of the proceedings under which aforesaid contracts were made and aforesaid bonds were issued and sold on the ground that the published notices of the aforesaid special election failed to notify the voters of the particular place within the town of Corydon at which said special election should be held, now therefore

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

SECTION 1. **Published notices of special election legalized.** That the published notices of the special election held at Corydon, Wayne county, Iowa,

on the eleventh day of April, 1910, A. D., be and the same are hereby legalized, and declared legal and valid, the same as though said notices had notified the voters of the particular place within the town of Corydon at which said special election should be held, and as though the law had in all respects been complied with.

SEC. 2. **Pending litigation.** Nothing in this act shall affect any pending litigation.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after the publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Times Republican, a newspaper published at Corydon, Iowa, without expense to the state.

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader April 13, 1911, and in the Times-Republican April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 243.

THE TOWN OF EAST PERU.

H. F. 601.

AN ACT to legalize the incorporated town of East Peru, Iowa, and to legalize the election of officers for said town and the ordinances, resolutions and other proceedings thereof.

WHEREAS, steps were taken to incorporate the town of East Peru in Madison county, Iowa in the month of January, 1897, which proceedings were at the time supposed to be regular and sufficient, and

WHEREAS, the officers of said town were elected in the years 1897, 1898, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909 and 1911, instead of at the times provided by law, and

WHEREAS, at the election held in 1911 the officers of said town were elected for the term of one year instead of for the term of two years as required by law, and

WHEREAS, doubts have arisen as to the validity of the original proceedings to incorporate said town and as to the validity of the elections held and of the ordinances, resolutions and other proceedings had by the officers of said town since the time of its incorporation. Now therefore

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

SECTION 1. **Proceedings, elections, ordinances, etc., legalized.** That the original proceedings to incorporate the said town of East Peru, Madison county, Iowa, and all elections of officers for said town and all ordinances enacted and resolutions adopted or other proceedings had by the officers of said town be, and the same are hereby legalized and declared to be valid and binding and to have the same force and effect as though the proceedings to incorporate said town in the first instance were regular, legal and valid, and as though said elections were held at the times, and the persons elected had been elected for the terms prescribed by law, and the officers elected for said town at the election held in the year 1911, are hereby declared to be the legal officers of said town and their terms of office shall not expire until the general election at the regular election in the year 1913, and their acts shall

have the same force and effect as though they had been elected for the term beginning in the year 1911 and ending in the year 1913.

SEC. 2. Pending litigation. Nothing in this act shall affect pending litigation.

SEC. 3. In effect. This act being deemed of immediate importance shall be in full force and effect from and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines Iowa said publication to be without expense to the state.

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 13, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 244.

THE INDEPENDENT SCHOOL DISTRICT OF EMMETSBURG.

S. F. 463.

AN ACT to legalize an election held in the independent school district of Emmetsburg, Iowa, March 13, 1911, relating to the voting of bonds for school purposes.

WHEREAS, on the 13th day of March, 1911, there was submitted to the qualified electors of the independent school district of Emmetsburg, the following proposition:

Shall the board of directors of the independent school district of Emmetsburg be authorized to issue negotiable bonds of the district in an amount not to exceed the sum of \$10,000.00, the proceeds of which are to be used in the purchase of a new site for the east side school house, and for the removal of the present school building to the new site and for the necessary remodeling of the building and for the completing and equipping it with heating plant and toilets and for the purchase of additional grounds in connection with high school, and

WHEREAS, doubts have arisen as to the legality of the proposition so submitted because of its calling for the removal of a school building from its present site and for the remodeling of the same, and because of its calling for the purchase of additional grounds in connection with the high school in said district, and doubt has been expressed as to whether said proposition is within the purview of section 2812-d of the supplement to the code of 1907, and

WHEREAS, said proposition was carried by more than a majority of the qualified electors in said district voting thereon, therefore

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

SECTION 1. Acts and election legalized. That the action of the board of directors of said independent school district of Emmetsburg, Iowa, in submitting said proposition to the electors at the school election on March 13th, 1911, and the action of the said electors in voting favorably thereon, be, and the same are hereby legalized and validated, and the same are hereby declared to be not in excess of the powers conferred by section 2812-d of the supplement to the code of 1907.

SEC. 2. Pending litigation. Nothing in this act shall be construed so as to affect pending litigation.

Approved April 10, A. D. 1911.

CHAPTER 245.

THE TOWN OF FAYETTE.

S. F. 409.

AN ACT to legalize the issuing of certain warrants drawn on the waterworks fund by the town council of the incorporated town of Fayette, Fayette county, state of Iowa, and regulating the payment thereof.

WHEREAS, on May 1, 1906, a petition was filed with the town council of the incorporated town of Fayette, Iowa, asking said council to call a special election in said town to vote upon a proposition to extend the water mains of the waterworks system owned by said town, and for such purpose to issue bonds in such sum as said council might deem necessary in excess of one and one-fourth per cent of the actual value of the property of said town.

WHEREAS, said petition was canvassed by said town council and was found to contain the number of signatures required by law.

WHEREAS, thereafter on June 9, 1906, a special election was called in said town, upon a sufficient notice published as required by law, at which election was submitted the following question:

For the issuance of bonds in the
sum of \$6000 for waterworks.

Against the issuance of bonds in
the sum of \$6000 for waterworks.

WHEREAS, at said election, 214 votes were cast in favor of said proposed bond issue and only 40 votes were cast against said bond issue.

WHEREAS, prior to the submission of said proposed bond issue at said election, the town council had adopted a definite plan for the extension of watermains, had advertised the same in the Fayette newspapers and had employed an engineer to estimate the cost of the proposed waterworks extension and had been advised that the proposed extension could be constructed at a cost of \$6000.00.

WHEREAS, after said preliminary estimate was made and before bids were received for the construction of said waterworks extension, the price of material necessary to be used in said extension was unexpectedly advanced.

WHEREAS, although several different bids were made for the construction of said waterworks extension, no bid was as low as \$6000.00 and the said town council of Fayette on July 16, 1906 authorized the execution of a contract with E. Smedley for the construction of said extension for the sum of \$7000.00; and this was the most favorable contract said town council was able to make with any of the several bidders for said work.

WHEREAS, it was agreed in said contract with E. Smedley that if the town so desired he would accept in part payment for his work under said contract, town warrants drawn to bear six per cent interest.

WHEREAS, in settlement with said E. Smedley under said contract and for extra work done by him incidental thereto, the town council of Fayette, Iowa, authorized its proper officers to pay to him the sum of \$7044.00, and said payment was made in part by the issuance of three warrants upon the waterworks fund as follows:

One warrant no. 1635 for \$500.00, dated November 26, 1906, due on or before 10 years after date, with interest at 6% payable annually.

One warrant no. 1636 for \$500.00, dated November 26, 1906, due on or before 10 years after date, with interest at 6% payable annually.

One warrant no. 1637 for \$184.25, dated November 26, 1906, due on or before 10 years after date, with interest at 6% payable annually.

WHEREAS, the said waterworks extension was completed in a proper and satisfactory manner by the said E. Smedley and the amount charged by him and agreed by said town of Fayette to be paid therefor was the fair and reasonable cost of said work, and the said town of Fayette has had the benefit of the full value of said warrants issued in part payment therefor.

WHEREAS, the total indebtedness of the town of Fayette, Iowa, at the time said warrants were issued, including said warrants, was not, and is not now at the present time, and never has been in excess of the five per cent of the actual value of the assessable property within said incorporated town.

WHEREAS, questions have arisen as to the legality of said warrants above described and as to the right of the town council, or the town treasurer, to pay the same.

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

SECTION 1. Warrants legalized. That all warrants issued by the town of Fayette, Iowa, to E. Smedley as above described are hereby declared to be legal and valid as though said warrants had been issued in strict compliance with law; and the said town of Fayette is authorized to pay said warrants and the interest thereon accrued, and accruing, in the manner provided by law for the payment of bonds, and the interest on bonds, issued for the construction of a waterworks plant.

SEC. 2. Pending litigation. Nothing in this act shall in any way affect pending litigation concerning the subject matter hereof.

SEC. 3. Town not liable prior to date of maturity. Nothing in this act shall be construed as making said town of Fayette, Iowa, liable for the payment of the principal represented by the face of said warrants prior to the time of maturity of said debt as described in said warrants.

Approved April 10, A. D. 1911.

CHAPTER 246.

THE TOWN OF FLOYD.

H. F. 408.

AN ACT to legalize all the elections of the town of Floyd, in the county of Floyd, state of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said town, and all the official acts of the town officers of said town, since the passage of an act relating to the organization of cities and towns and known as chapter twenty-six of the acts of the thirty-second general assembly; and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein.

WHEREAS, in the election of the members of the town council and other town officers in and for the town of Floyd, in the county of Floyd, state of Iowa, held since the passage and going into effect of an act relating to the organization of cities and towns and known as chapter twenty-six of the acts of the thirty-second general assembly of the state of Iowa, no notice has been taken of said act, but said elections inadvertently have been held and members of the town council and other town officers nominated and

elected without reference thereto, but in accordance with the statutes previously existing in relation to such elections, and as if the said statutes were still in full force and effect and unrepealed and unamended; and

WHEREAS, at a town election so held on the last Monday in March A. D. 1908, E. A. Kenyon and J. C. Lindsay were duly elected as councilmen, and at a town election so held on the last Monday in March, A. D. 1909, C. H. Gutches and F. L. Morse were duly elected as councilmen, and at a town election so held on the last Monday in March, A. D. 1910, George H. Jackson was duly elected mayor, C. N. Barney was duly elected clerk, W. H. Staebler was duly elected treasurer, L. A. Beattie was duly elected assessor, and Robert Hanf and Charles Knowlton were duly elected members of the town council of said town; and

WHEREAS, the said persons have duly qualified and have filled the offices to which they were respectively elected and performed the duties thereof, and as such officers and councilmen have performed divers official acts; and

WHEREAS, the town council of said town has acted and proceeded in all matters as if the said persons so elected as councilmen had been legally elected and were legally entitled to membership therein, and said town council so composed in whole or in part of said persons has undertaken to pass various ordinances and resolutions and to perform other official acts; and

WHEREAS, doubt has arisen as to the legality of all the ordinances, resolutions, and amendments to ordinances and resolutions, passed by the said council of the town of Floyd, and as to the legality of all of its acts and proceedings and those of the said town officers elected as aforesaid; now therefore

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

SECTION 1. Elections, acts and ordinances legalized. That all of the elections of the town of Floyd, in the county of Floyd, state of Iowa, held since the passage of an act relating to the organization of cities and towns and known as chapter twenty-six of the acts of the thirty-second general assembly of the state of Iowa, and all of the acts performed and proceedings held or undertaken, and all of the ordinances, or amendments thereto, passed by the town council of said town of Floyd and all the official acts of the town officers of said town acting as such officers performed or undertaken since the passage of the said act, and not in contravention of the laws of the state, are hereby legalized and declared to be valid and binding the same as [if] the said act had not been passed and the law had been in all respects strictly complied with in the elections of said town officers and members of said town council.

SEC. 2. Officers legally elected. That all of the persons before named elected as aforesaid as officers and councilmen of the said town are hereby declared to have been duly and legally elected and to be now legally acting as such, and the terms of office of said officers and councilmen, and each of them, shall continue as hereinafter provided.

SEC. 3. Officers and councilmen to be elected in 1912. That on the last Monday in March, A. D. 1912, there shall be held an election in said town of Floyd at which there shall be elected a mayor, treasurer, assessor, and five councilmen at large as provided in chapter twenty-six of the acts of the thirty-second general assembly, and the councilmen so elected shall compose the town council and be the successors of the six councilmen now in office and shall at their first meeting appoint a clerk as provided by section seven of said chapter twenty-six. That the present town officers and councilmen of the said town shall continue to hold office in such, but only until

their successors are elected, or appointed, and qualified in the year 1912, as herein provided. That thereafter all of the town officers and councilmen of the town of Floyd shall be elected or appointed biennially as now provided by law.

SEC. 4. Pending litigation. Nothing in the act shall affect any pending litigation.

SEC. 5. In effect. This act being deemed of immediate importance shall be in force and effect from and after its publication in the Des Moines Register and Leader, a newspaper published at Des Moines, Iowa, and the Charles City Daily Intelligencer, a newspaper published at Charles City, Iowa; said publication to be without expense to the state.

Approved April 8, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Charles City Daily Intelligencer, April 12, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 247.

THE TOWN OF GRANDVIEW.

S. F. 271.

AN ACT to legalize the incorporation of the town of Grandview, Louisa county, Iowa, the election of its officers, the passage of its ordinances, and resolutions, and acts done by the town council in the adoption and enforcement of its ordinances and resolutions since its organization in the year Nineteen Hundred, (1900).

WHEREAS, the town of Grandview, Louisa county, Iowa, was incorporated in the year nineteen hundred (1900), and

WHEREAS, in the vote taken upon the proposition to incorporate said town and for the election of the members of its town council and other officers thereof, a large majority of the qualified electors voted in favor of the incorporation of said town and a like majority voted for the officers, but after said election, a protest was made by certain residents of the said town of Grandview, that the election had been conducted by judges favorable to the incorporation and that illegal votes had been cast at the said election and that certain votes were refused by the said judges of election which should have been voted, and alleging misconduct on the part of the judges, but the alleged illegal votes so received by the judges and the votes refused to be taken, could not in any manner affect the result of the said election, and

WHEREAS, the officers and town council of the town of Grandview, Louisa county, Iowa, have been at all times elected and conducted under the laws of the state of Iowa in force at the date of its organization, without reference or complying with amendments to the said laws since July, nineteen hundred and seven (1907); that said town of Grandview had continued to elect six (6) councilmen instead of five (5), as by law provided, and,

WHEREAS, the functions of an incorporated town have been exercised and enjoyed by said town of Grandview and the inhabitants thereof since its incorporation, and

WHEREAS, certain ordinances and resolutions were in good faith adopted and passed by the town council of said town, and

WHEREAS, the records of said town council were improperly kept and failed to show the proceedings had and done by the town council in the adoption

of certain ordinances and resolutions, the proper recording thereof in the town record kept for that purpose, and,

WHEREAS, said ordinances were read in council and published as by law required, and

WHEREAS, doubts have arisen as to the legality of the incorporation of the town of Grandview, Louisa county, Iowa, and the election of its officers, and the passage of ordinances and resolutions passed by the town council of said town and the signing of the same by the mayor and recorder and the proper recording of the same, the tax levies, general and special, and fines and convictions under and by virtue of the ordinances thereof, and all other acts done by said town as an incorporated town or by the officers thereof.

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

SECTION 1. Incorporation, election, ordinances, etc., legalized—pending litigation. That the incorporation of the town of Grandview, Louisa county, Iowa; the votes taken upon the incorporation thereof and upon the election of its officers from the date of its organization; the passage or adoption by its council; of resolutions and ordinances not in contravention of the laws of Iowa; the record of certain ordinances; the signatures of the mayor and recorder of said town thereto, or the failure to attach such signatures, or the failure of such signatures to appear, and all the acts and doings of such town and its officers in adopting, recording and enforcing its said ordinances, and in the collection of fines and licenses, and taxes levied and collected by said town, under and by virtue of its said resolutions and ordinances, be and the same is hereby legalized and are hereby declared to be valid and binding in all respects the same as though the requirements of the law had been strictly and fully complied with in every particular, in voting for the incorporation of the said town; in the election of its officers; the election of six (6) councilmen instead of five (5) after the year nineteen hundred and seven (1907); the passage and adoption of all its ordinances and resolutions and the recording thereof; in the making of its tax levies and the enforcement of its ordinances, and all its official acts as an incorporated town, are hereby made legal and binding and given full force and effect, but nothing in this act shall in any way affect pending litigation.

SEC. 2. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Des Moines Register and Leader, a newspaper published at Des Moines, Iowa, and in the Columbus Safeguard, a newspaper published at Columbus Junction, Louisa county, Iowa, both publications to be without expense to the state of Iowa.

Approved March 17, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader March 21, 1911, and in the Columbus Safeguard, March 23, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 248.

THE TOWN OF KIRON.

S. F. 212.

AN ACT to legalize the incorporation of the town of Kiron, Crawford county, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the council of said town.

WHEREAS, doubts have arisen as to the legality of the incorporation of the town of Kiron, in Crawford county, Iowa, and the acts of its officers thereunder, their legal qualifications to act as such officers, their election, the passage and adoption of its ordinances and resolutions, the signing of the same by the proper officers, the recording and publication thereof; therefore,

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

SECTION 1. **Incorporation, ordinances, etc., legalized—pending litigation.** The incorporation of the town of Kiron, Crawford county, Iowa, the election of its officers, and qualifications to act as such officers, the passage, approval and adoption of its resolutions and ordinances, the signing of same by the proper officers, or the lack thereof, the fact that any officer of said town had not properly qualified, or was not a citizen when acting as such officer, and all acts done or undertaken by said council be and the same are hereby validated, legalized and established, and the same are declared to be valid, and binding, with the same force and effect as though the law had in all respects been fully complied with in the incorporation of said town, the election of its officers, the qualification and citizenship of said officers, the recording and signing and approval of its ordinances, and resolutions, and the publication thereof, including all official acts undertaken, or done by said council, but nothing in this act shall affect pending litigation.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after the publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Kiron News, published at Kiron, Iowa, without expense to the state.

Approved March 27, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader March 30, 1911, and in the Kiron News, April 5, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 249.

THE TOWN OF LA MOTTE.

H. F. 612.

AN ACT to legalize a certain election held October 14, 1910, in the town of La Motte, Jackson county, Iowa.

WHEREAS, the town council of the town of La Motte, Jackson county, Iowa, pursuant to a petition signed by a majority of the qualified electors of the town of La Motte, did hitherto call a special election of the voters of the town of La Motte, to vote on the question of building and constructing a waterworks system, and on the question of issuing bonds in the sum of \$5,000.00 for water works purposes, and

WHEREAS, said election was held on the 14th day of October, A. D. 1910, and of the vote polled, more than a two-third majority was cast in the affirmative on each of the questions submitted, and

WHEREAS, doubt has been raised concerning the validity of the special election on the ground that the public notices of said special election failed to notify the voters of the particular place within the town of La Motte at which said special election should be held, now therefore,

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

SECTION 1. Public notices legalized. That the public notices of the special election held at La Motte, Jackson county, Iowa, on the 14th day of October, A. D. 1910, be and the same are hereby legalized and declared legal and valid, the same as though said notices had notified the voters of the particular place in the town of La Motte at which said special election should be held, and as though the law had in all respects been complied with.

SEC. 2. Pending litigation. Nothing in this act shall affect any pending litigation.

SEC. 3. 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, a newspaper published at Des Moines, Iowa, and the La Motte News a newspaper published at La Motte, Iowa, without expense to the state.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader April 20, 1911, and in the La Motte News April 27, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 250.

THE TOWN OF LENOX.

S. F. 290.

AN ACT to legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor Co., Iowa.

WHEREAS doubts have arisen as to the legality of the ordinances, resolutions, and rules of health of the incorporated town of Lenox, Iowa, which have been adopted since January 31, 1898, in that the same were not regularly read at three separate meetings, of the council, nor on three different days, nor was the rule allowing ordinances to be passed at the same meeting of the council properly observed and suspended, nor were the yeas and nays duly recorded as required by law, nor were the minutes of the meetings of the council properly kept, nor were all of the ordinances properly signed by the mayor and recorder, nor were they all printed as required by law. Therefore

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

SECTION 1. Ordinances and rules of health legalized—pending litigation. All of the acts of the council of the incorporated town of Lenox, Iowa, since January 31, 1898, in the passage, adoption and publication of the ordinances and rules of health of said town, and all acts of the council of said town of Lenox, under the terms of said ordinances and rules of health, be, and the same are hereby legalized and declared to be as valid as if all the provisions of the laws of the state relating to the passage, adoption, signing, and the publication thereof had been duly and fully observed, and as if such or-

dinances, resolutions, and rules of health had been legally and lawfully passed, adopted, signed, and published as provided by the statutes of Iowa, and the yeas and nays recorded as required by law, and the rule allowing the passage of ordinances been properly observed and suspended, and all ordinances been properly signed and published. Providing, however, that nothing in this act shall in any manner affect any pending litigation.

Approved March 17, A. D. 1911.

CHAPTER 251.

THE CITY OF MARSHALLTOWN.

S. F. 484.

AN ACT to legalize certain warrants of the city of Marshalltown, Iowa.

WHEREAS, the city of Marshalltown, county of Marshall, state of Iowa, did hitherto make expenditures in the amount of twenty seven thousand dollars (\$27,000), and

WHEREAS, said city of Marshalltown, issued warrants in the sum of twenty seven thousand dollars (\$27,000), to evidence the indebtedness incurred in making said expenditures, and

WHEREAS, said warrants did not when issued and do not now exceed the constitutional limitation of indebtedness, and

WHEREAS, said expenditures were all made for purposes authorized by law, and

WHEREAS, the city of Marshalltown has been and now is enjoying the use and benefit of said expenditures, and

WHEREAS, the results of said expenditures were well worth the price which the city of Marshalltown contracted should be paid therefor, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that the aforesaid expenditures or a portion thereof, were contracted in excess of the city's authorized annual revenues, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that aforesaid expenditures, or a portion thereof, were not provided for in the city's annual appropriations, and

WHEREAS, doubts have arisen concerning the legality of aforesaid warrants, or a portion thereof, on the ground that the indebtedness which said warrants evidence, was contracted in excess of the statutory limitation of indebtedness, now therefore,

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

SECTION 1. Acts legalized. That the acts of the city council of the city of Marshalltown, in the county of Marshall, state of Iowa, in making expenditures for the city of Marshalltown and issuing warrants therefor in the sum of twenty seven thousand dollars (\$27,000), be and the same are hereby legalized, as though the law had in all respects been complied with.

SEC. 2. Warrants legalized. The aforesaid warrants of the city of Marshalltown, in the sum of twenty seven thousand dollars (\$27,000), be and the same are hereby legalized and declared to be valid, legal and subsisting obligations, the same as though the law had in all respects been complied with.

SEC. 3. Pending litigation. Nothing in this act shall affect any pending litigation.

SEC. 4. 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, a newspaper published at Des Moines, Iowa, and the Evening Times Republican, a newspaper published at Marshalltown, Iowa, without expense to the state.

Approved April 12, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader April 14, 1911, and in the Times Republican April 15, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 252.

THE TOWN OF MENLO.

H. F. 591.

AN ACT legalizing the ordinances of the town of Menlo, Guthrie county, Iowa, and the acts and proceedings of the council of said town had thereunder.

WHEREAS, it appears that the ordinances adopted by the town council of the town of Menlo, Guthrie county, Iowa, have not been enacted, passed and recorded in manner and form provided by law, and,

WHEREAS, doubts have arisen and do now exist as to the legality of said ordinances and the acts and proceedings of said town council thereunder, therefore,

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

SECTION 1. Ordinances, acts and proceedings legalized. All ordinances passed by the town council of the town of Menlo, Guthrie county, Iowa, now in force and under which said town council is now acting, and all acts and proceedings had thereunder, in so far as they are not in contravention of the authority granted by law, are hereby legalized and declared to be valid and binding and with the same force and effect as though the law had in every provision thereof been strictly complied with in the passage, enactment and record of said ordinances.

SEC. 2. Pending litigation—illegal ordinances and acts not validated. Nothing herein shall in any wise affect pending litigation, nor validate any such ordinance or act thereunder in excess of the powers delegated by law to cities and towns.

SEC. 3. In effect. This act being deemed of immediate importance shall be in force and effect from and after its publication in the Des Moines Capital, a newspaper published in the city of Des Moines, Iowa, and the Menlo Journal, a newspaper published in the town of Menlo, Iowa. Said publications shall be without expense to the state.

Approved April 11, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 12, 1911, and in the Menlo Journal April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 253.

THE TOWN OF MONTEZUMA.

S. F. 182.

AN ACT to legalize the purchase of lots one (1) and two (2) in block nine (9) in the town of Montezuma, Iowa, and the contract therefor made by the council of said town under date of October 22, 1910, and the warrants issued for payment of the purchase price in the total sum of one thousand seven hundred fifty dollars (\$1750.00) with interest thereon payable annually at the rate of six per cent.

WHEREAS, on the 22nd day of October 1910, the town of Montezuma, Iowa, in the manner provided by statute, made and concluded a contract with James C. Webber and wife for the purchase of lots one (1) and two (2), in block nine (9) in Montezuma, Iowa, at the agreed price of two thousand dollars (\$2000.00) and to pay therefor by assuming the payment of a special tax on said property of two hundred fifty dollars (\$250.00) for curbing and paving assessed against said property and paying the said James C. Webber on or before five years from date the sum of one thousand seven hundred fifty dollars (\$1750.00) with interest thereon payable annually at the rate of six per centum, and to issue to him therefor warrants on the treasurer of said town. And

WHEREAS, on the 10th day of November 1910, said warrants were issued, being warrants numbers M for five hundred dollars (\$500.00), N for five hundred dollars (\$500.00), O for five hundred dollars (\$500.00), and P for two hundred fifty dollars (\$250.00) all of them in terms providing in accordance with said contract for the payment of six per cent interest every year until paid. And

WHEREAS, some question exists as to whether the said town of Montezuma was authorized and empowered to make said contract and purchase and to issue said warrants providing for the payment of interest annually.

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

SECTION 1. Contract, purchase of lots, and warrants legalized. That said contract and purchase of the lots, described in the preamble, and the warrants issued in payment of the purchase price, which is described in the preamble, are all hereby legalized and made valid, the same as if all had been specifically authorized by statute before they were made or issued.

SEC. 2. Pending litigation. Nothing herein contained shall be construed to affect pending litigation.

SEC. 3. 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 Capital, newspapers published at Des Moines, Iowa, without expense to the state of Iowa.

Approved March 11, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital, March 13, 1911, and in the Register and Leader, March 14, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 254.

THE CITY OF OSCEOLA.

H. F. 492.

AN ACT to legalize and validate the acts of the city council of the city of Osceola, Iowa, in varying from, and constructing paving and curbing on portions of Washington and Webster streets in said city on grades different from the established grades.

WHEREAS, the council of the city of Osceola, Iowa, in April, 1910, duly adopted by the required vote, a preliminary resolution providing for the paving and curbing of certain streets in said city, including portions of Washington and Webster streets and,

WHEREAS, a time was fixed for the final consideration of such resolution, and the proper notices were then given as provided by law, and,

WHEREAS, said resolution was considered and portions of Washington and Webster streets, together with other streets, were ordered paved and curbed, and, the cost ordered assessed against abutting property as provided by law, and,

WHEREAS, said council did at a later date let a contract for the construction of said paving and curbing, and,

WHEREAS, said paving and curbing has been done honestly and well, and at a large expense, and with the full belief that all of the requirements of the law had been complied with, and that the paving and curbing had been constructed strictly in accordance with said resolution and contract and the laws of Iowa, and,

WHEREAS, in paving and curbing the portions of Washington and Webster streets between Main street and the tracks of the Keokuk and Western railroad company, now the Chicago, Burlington & Quincy railroad company, the established grade has been varied from and the paving and curbing as laid and constructed does not conform with the established grade, and that in varying therefrom the property abutting was not damaged or injured, but benefited, and,

WHEREAS, the proper assessments were on January 30th, 1911, made against the abutting property, and,

WHEREAS, doubts have arisen in regard to the regularity and legality of constructing the paving and curbing on a grade different from the established grade of said city, and,

WHEREAS, it appears that the city of Osceola, and its council, acted in the utmost good faith, and under the belief that all its acts were legal, therefore,

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

SECTION 1. Acts and assessments legalized. That the acts of the council of the city of Osceola, Iowa, in permitting and causing the paving and curbing on Washington and Webster streets in said city, to be laid and constructed at and on a different grade, from the established grade of the city of Osceola, be and are hereby legalized, and the assessments made by the city council of said city on January 30th, 1911, against the real estate and properties along and abutting on Washington and Webster streets for such paving, curbing and street improvements are all legalized and validated, so as to be and have the same force and effect as though constructed and laid on the established grade, and every provision of the laws of the state had been strictly followed.

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 Evening Tribune, a newspaper published in the city of Des Moines, Iowa, and the

Osceola Sentinel, a newspaper published in the city of Osceola, Iowa, both publications to be without expense to the state.

Approved March 30, A. D. 1911.

I hereby certify that the foregoing act was published in the Evening Tribune April 1, 1911, and in the Osceola Sentinel April 6, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 255.

THE CITY OF OTTUMWA.

S. F. 459.

AN ACT to legalize certain warrants of the city of Ottumwa, Iowa.

WHEREAS, the city of Ottumwa, county of Wapello, state of Iowa, did hitherto make expenditures in the amount of \$73,036.89, and

WHEREAS, said city of Ottumwa, issued warrants in the sum of \$73,036.89, to evidence the indebtedness incurred in making said expenditures, and

WHEREAS, said warrants did not when issued and do not now exceed the constitutional limitation of indebtedness, and

WHEREAS, said expenditures were all made for purposes authorized by law, and

WHEREAS, the city of Ottumwa has been and now is enjoying the use and benefit of said expenditures, and

WHEREAS, the result of said expenditures were well worth the price, the city of Ottumwa contracted should be paid therefor, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants and accrued interest, or a portion thereof, on the ground that the aforesaid expenditures or a portion thereof, were contracted in excess of the city's authorized annual revenue, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that aforesaid expenditures, or a portion thereof, were not provided for in the city's annual appropriations, and

WHEREAS, doubts have arisen concerning the legality of aforesaid warrants, or a portion thereof, on the ground that the indebtedness which said warrants evidence, was contracted in excess of the statutory limitation of indebtedness, now therefore,

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

SECTION 1. Acts legalized. That the acts of the city council of the city of Ottumwa, in the county of Wapello, state of Iowa, in making expenditures for the city of Ottumwa and issuing warrants therefor in the sum of \$73,036.89 and accrued interest be and the same are hereby legalized, as though the law had in all respects been complied with.

SEC. 2. Warrants legalized. The aforesaid warrants of the city of Ottumwa, in the sum of \$73,036.89, with accrued interest, be and the same are hereby legalized and declared to be valid, legal and subsisting obligations, the same as though the law had in all respects been complied with.

SEC. 3. Pending litigation. Nothing in this act shall affect any pending litigation.

SEC. 4. **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, a newspaper published at Des Moines, Iowa, and the Ottumwa Courier, a newspaper published at Ottumwa, Iowa, without expense to the state.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Ottumwa Courier, April 12, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 256.

THE CITY OF OTTUMWA.

S. F. 70.

AN ACT legalizing the action of the city council of Ottumwa, Iowa, in transferring to the water works fund certain money realized from water tax levies and to legalize the levy of a five mill water tax made by the city in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said city council in making said water tax levy a water works levy.

WHEREAS, the city of Ottumwa, Iowa, during each of the years 1906, 1907 and 1908 levied a five mill water tax as provided by law for the purpose of paying the amount due or to become due to the Public Water Company, which operated the water works in said city of Ottumwa, for water supply and hydrant rentals under contract with said city, and there was collected on said levies the sum of \$21,702.87 which amount was retained by said city as liquidated damages under the terms of the franchise of said Public Water Company for its failure to make certain specified extensions and improvements to its water works system, and,

WHEREAS, said city of Ottumwa has purchased and now owns and operates the water works plant heretofore owned by said Public Water Company, and in the contract of purchase the validity of the forfeiture of said water and hydrant rentals has been recognized by said Public Water Company and it has transferred, released and relinquished all claims to said money and all claims for water and hydrant rentals to said city of Ottumwa, and has sold, transferred and assigned all its right and interest in and to said money and said hydrant and water rentals to said city of Ottumwa, and said sum of \$21,702.87 remains in the treasury of the city of Ottumwa; and,

WHEREAS, before the purchase of said water works a five mill levy was made by said city of Ottumwa, Iowa, in 1910, under the provisions of subdivision 7 of Sec. 894 of the supplement of 1907 to the code for water tax which has been duly certified; and,

WHEREAS, the city council of the city of Ottumwa has passed a resolution transferring said sum of \$21,702.87 to the water works fund of said city and providing that the said five mill levy made in 1910 be made a water works levy with the same force and effect as if the same had been originally made under the provisions of subdivision 5 of Sec. 894 of the supplement of 1907 to the code and that the money realized from said levy be placed in the water works fund of said city and that the said sum of \$21,702.87 and the proceeds of said levy made in 1910 be paid out on the order of the water works trustees for the purpose and in the manner provided by law:

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

SECTION 1. **Transfer of funds legalized.** That the action of the city council of Ottumwa Iowa in passing said resolution transferring to the water works

fund the said sum of \$21,702.87 realized on its water tax levy for 1906, 1907 and 1908, which was retained by the said city and the right to which was relinquished and transferred by said Public Water Company to said city is hereby legalized and made binding and effective and the same shall be and is legal, valid and binding, and of the same force and effect as if said five mill levy in each of said years had been levied and collected under the provisions of subdivision 5 of Sec. 894 of the supplement of 1907 to the code, and that said sum of money shall be used and paid out on the order of the water works trustees for the same purposes and in the same manner as if originally levied and collected under said subdivision 5 of said Sec. 894 of the supplement of 1907 to the code.

SEC. 2. Tax levy legalized. That the action of the city council of Ottumwa, Iowa, in levying the five mill water tax in 1910 and said resolution passed by said city council making the same a water works levy and providing that the amount collected on said levy be placed in the water works fund of said city and used and paid out upon the order of the water works trustees for the same purposes and in the same manner as if said levy had been made under subdivision 5 of Sec. 894 of the supplement of 1907 to the code, be and the same is hereby validated and legalized, and said levy is a valid and legal levy under the provisions of subdivision 5 of Sec. 894 of the supplement of 1907 to the code with the same force and effect as if it had been originally made under said subdivision 5 of said Sec. 894 and the money collected and to be collected from said levy shall be and is a part of the water works fund of said city of Ottumwa.

SEC. 3. In effect. This act being deemed of immediate importance shall take effect and be in full force from and after its publication in the Des Moines Register & Leader and the Ottumwa Courier and said publication shall be without expense to the state.

Approved February 8, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Ottumwa Courier, February 13, 1911.

W. C. HAYWARD.
Secretary of State.

CHAPTER 257.

THE INDEPENDENT SCHOOL DISTRICT OF PATON.

H. F. 383.

AN ACT to legalize a special election of the independent school district of Paton in the county of Greene, and state of Iowa, and all proceedings precedent thereto and to authorize the issue of bonds.

WHEREAS, the electors of the independent school district of Paton, in the county of Greene and state of Iowa, at a special election held on the ninth (9) day of May, nineteen hundred ten, (1910) pursuant to petition, order and notice as provided by sections twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820-c) and twenty-eight hundred twenty-d (2820-d) of the supplement to the code, 1907, did authorize the board of directors of said school district to issue bonds of the district in the sum of nine thousand dollars (\$9,000.00) for school purposes; and

WHEREAS, Doubts have arisen regarding the legality of the said petition, order, notice and election in said independent school district and as to the right of the board of directors to issue said bonds, therefore,

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

SECTION 1. **Election and proceedings legalized—bonds authorized.** That said election and all proceedings precedent thereto, including the petition, order and notice and all proceedings had under sections twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820-c) and twenty-eight hundred twenty-d (2820-d) of the supplement to the code, 1907, are hereby declared to have the same force and effect as though said provisions were in full force and effect at the time of said proceedings, and the board of directors of the said independent school district of Paton, in the county of Greene, state of Iowa, are hereby authorized to issue bonds for school house purposes, in the sum of nine thousand dollars (\$9,000.00) with the same force and effect as though said election and all proceedings precedent thereto had been authorized by law.

SEC. 2. **Pending litigation.** Nothing in this act shall affect in any way any pending litigation in relation to the subject matter hereof.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Paton Portrait a newspaper published at Paton Iowa and Register & Leader a newspaper published at Des Moines Iowa, which publication shall be without cost to the state.

Approved March 27, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader March 30, 1911, and in the Paton Portrait, March 31, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 258.

THE SCHOOL TOWNSHIP OF PLEASANT, MONROE COUNTY.

H. F. 73.

AN ACT to legalize the acts of the directors of school township of Pleasant, in the county of Monroe and state of Iowa in contracting for the erection of an addition to school house in the village of Lockman in sub-district No. 11 of said township, and levying a tax therefor.

WHEREAS, on the 3rd day of September, A. D. 1908 a contract was entered into by and between Guthrie & Holst, contractors and the school township of Pleasant in the county of Monroe and state of Iowa, for the erection of an addition to the school house located in the village of Lockman, in said township, county and state, and being in sub-district No. 11 of said school township, said addition to be erected for the sum of four hundred seventy dollars (\$470.00) and

WHEREAS, no election was had prior to the entering into of said contract for the purpose of authorizing the building of said addition and the levy of tax therefor, and

WHEREAS, an election was subsequently held by the electors of said school township, at which election a tax was voted for school house purposes, and,

WHEREAS, the said school house and addition thereto was afterwards destroyed by fire, and the money acquired by said tax levy was used for the

purpose of re-building and not used for the purpose of paying the contract price for said addition, and

WHEREAS, the said contractors Guthrie & Holst fully complied with the terms of said contract on their part, and built and erected said addition to said school house, and have received no compensation therefor, and

WHEREAS, because of the defects referred to, doubts have arisen as to the legality of said contract and levy of tax, now therefore,

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

SECTION 1. Contract legalized. That the contract entered into between Guthrie & Holst, contractors and the board of directors of the school township of Pleasant, in the county of Monroe and state of Iowa, on the 3rd day of September, A. D. 1908, for the building and erection of an addition to the school house situated in sub-district no. 11 of said township, county and state, and being in the village of Lockman, Pleasant township, Monroe county, Iowa, be and the same is hereby legalized.

SEC. 2. Acts and taxes legalized. That the acts of the school township board of directors of said township of Pleasant, county of Monroe and state of Iowa, in causing said addition to said school house to be built and erected, and the assessment, levy and collection of taxes, to pay for the same are hereby legalized.

SEC. 3. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Capital, a newspaper published at Des Moines, Iowa, and the Albia Republican, a newspaper published at Albia, Monroe county, Iowa, as provided by law and without expense to the state.

Approved February 2, 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital, February 6, 1911, and in the Albia Republican February 9, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 259.

THE TOWN OF PRAIRIE CITY.

S. F. 444.

AN ACT to legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper county, Iowa, relating to the special election held in said town on September 6th, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town.

WHEREAS:—in pursuance of a resolution of the council of the incorporated town of Prairie City, Jasper county, Iowa, there was on the 6th day of September, 1907, submitted to the legal voters of said town a proposition to vote bonds in the sum of five thousand seven hundred (\$5700.00) dollars, for the purpose of establishing and maintaining a lighting plant in said town, which proposition was carried by more than a two-thirds vote of all the voters voting at the said election, and

WHEREAS:—on the 6th day of September 1907, the council of said town met in adjourned session and levied a tax of two and one-half mills on all taxable property in said town for the purpose of paying interest on said bonds, and

WHEREAS:—there has been received from the treasurer of Jasper county, Iowa, the sum of three hundred eighty-eight dollars and sixty-seven cents (\$388.67) realized by reason of said levy, and

WHEREAS:—the said council has abandoned the establishment of said lighting plant and issuance of said bonds in payment thereof, for the reason that the said proposition voted on at the said election was insufficient, and

WHEREAS:—said town council has since said time entered into a contract with a private corporation to furnish light to said town, and there is no further use for said lighting plant fund, and no demands which can be legally paid from said funds, and

WHEREAS:—said town council did by resolution, on March 13th, 1911, transfer the sum of three hundred eighty-eight dollars and sixty-seven cents (\$388.67) for the lighting plant fund to the general fund of said town, and

WHEREAS:—doubts have arisen and now exist as to the legality of said acts and proceedings of said town council, the submission of said proposition to establish a lighting plant at said special election, the levy of said tax and to the transferring of said funds, therefore.

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

SECTION 1. Acts, proceedings, tax levy, etc., legalized—pending litigation. That the acts and proceedings of the council of the incorporated town of Prairie City, Jasper county, Iowa, in calling said election, the submission of said proposition and the form thereof; the levy of said tax of two and one-half mills, the transferring of said sum of three hundred eighty-eight dollars and sixty-seven cents (\$388.67) from the lighting plant fund to the general fund of said town, and the resolutions passed in relation thereto are hereby declared to be legal and valid as though the law had in all respects been fully complied with, but nothing in this act shall affect pending litigation.

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 Des Moines Capital, a newspaper published at Des Moines, Iowa, and the Prairie City News, a newspaper published at Prairie City, Iowa, said publications to be without expense to the state.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 12, 1911, and in the Prairie City News, April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 260.

THE TOWN OF ROYAL.

S. F. 452.

AN ACT legalizing the ordinances, resolutions and acts of the council of the incorporated town of Royal in Clay county, Iowa, so far as affected by the election of six members of said council instead of five.

WHEREAS, the town of Royal, Clay county, Iowa, was incorporated by order and decree of the district court of Iowa, in and for Clay county, on the thirtieth day of August, 1910, and the first election of officers for said town confirmed and approved by said court, and,

WHEREAS, at said election, six councilmen were elected for said town, pursuant to the provisions of section six hundred and forty-five (645), of the code of 1897, and said councilmen have qualified and acted as such, and have passed and adopted ordinances and resolutions, and performed such other acts as properly devolve upon such council by law; and,

WHEREAS, it has been since discovered that said section six hundred and forty-five (645), of the code was amended by chapter 26 of the acts of the 32nd general assembly, reducing the number of councilmen in towns to five councilmen at large, and doubts have arisen as to the legality of the said acts, resolutions and ordinances of said town council because of the larger number of its councilmen than was required by said statute as amended; therefore,

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

SECTION 1. Ordinances, resolutions and acts legalized. That the ordinances, resolutions and acts of the town of Royal, Clay county, Iowa, not inconsistent with the laws of the state, and the proceedings of the council of said town in reference thereto, be and the same are hereby rectified, confirmed and legalized in every respect and declared to be valid and binding to the same extent as though section six hundred and forty-five (645), of the code of Iowa, so far as the same relates to the number of councilmen had not been amended by a subsequent act of the general assembly of the state of Iowa.

SEC. 2. Pending litigation. This act shall in no wise affect pending litigation.

SEC. 3. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register & Leader, a newspaper published at Des Moines, Iowa, and the Royal Banner, a newspaper published at Royal, Iowa, which publication shall be without expense to the state.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader, April 12, 1911, and in the Royal Banner April 14, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 261.

THE CITY OF TOLEDO.

S. F. 482.

AN ACT to legalize the appointment of three members of the city council of Toledo, Iowa.

WHEREAS, in the year of 1910, three vacancies occurred simultaneously in the city council of the city of Toledo, Iowa, and

WHEREAS, the remaining two members of said city council at an adjourned meeting of the same regular meeting of said council when such vacancies occurred proceeded to fill said vacancies as by law provided, in section 1272 of the supplement of the code of 1907, and

WHEREAS, doubts have arisen as to the authority of the remaining councilmen to make such appointments, therefore,

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

SECTION 1. Appointment of certain councilmen legalized—pending litigation. That the action of the said city council of the city of Toledo, Iowa, in ap-

pointing the three councilmen to fill the vacancies occurring by the resignation of three councilmen for said city of Toledo in the year 1910, be and the same is hereby legalized and declared to be legal and valid. Provided this act shall in no wise affect pending litigation.

Approved April 15, A. D. 1911.

CHAPTER 262.

THE INDEPENDENT SCHOOL DISTRICT OF TRAER.

S. F. 146.

AN ACT legalizing certain acts and proceedings of the board of directors of the independent school district of Traer, in the county of Tama and state of Iowa, and warrants thereof, and authorizing the issue of bonds.

WHEREAS, the electors of the independent school district of Traer, in the county of Tama and state of Iowa, at a special election held on the tenth (10) day of May, nineteen hundred nine (1909), pursuant to petition, order and notice as provided by sections twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820-c) and twenty-eight hundred twenty-d (2820-d) of the supplement to the code, 1907, did by an almost unanimous vote authorize the board of directors of said school district to issue bonds of the district for the purpose of securing additional grounds and building and furnishing a schoolhouse for said district: and

WHEREAS, the said board of directors did thereafter issue the said bonds and did procure additional grounds and build and furnish a suitable and proper schoolhouse for said district and did pay the entire cost price thereof by warrants upon the school building fund of said district: and

WHEREAS, after the sale of the said bonds so authorized and issued and application of the entire proceeds thereof to the payment of the said warrants several thousand dollars of said warrants remain unpaid and with no funds available for the payment of same, namely warrants numbered three thousand thirty-six (3036), three thousand thirty-seven (3037), three thousand thirty-eight (3038), three thousand thirty-nine (3039), three thousand forty (3040), three thousand seventy-six (3076) and three thousand seventy-seven (3077), and no objection to the issuance of the said warrants has ever been made: and

WHEREAS, the total indebtedness of the said school district including the said warrants does not exceed the constitutional limitation nor the limitation fixed by the said statute which was in force at the time the said purchase, building and furnishing were authorized: and

WHEREAS, the said payments did not exceed the reasonable value of the property, materials and labor necessary for the said building and furnishing of the said schoolhouse and the said school district has received the full value of said warrants and has taken possession of and continuously used the said building without objection by anyone: and

WHEREAS, doubts have arisen regarding the legality of the said acts and proceedings of the said board of directors and of the said warrants, and the said school district should be permitted to secure the advantage of lower interest rates by issuing bonds for the payment of the said warrants, therefore,

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

SECTION 1. **Acts and proceedings legalized.** The acts and proceedings of the said board of directors for the independent school district of Traer, in the

county of Tama and state of Iowa, as above set forth and the said warrants issued on the school building fund of said district numbered three thousand thirty-six (3036), three thousand thirty-seven (3037), three thousand thirty-eight (3038), three thousand thirty-nine (3039), three thousand forty (3040), three thousand seventy-six (3076) and three thousand seventy-seven (3077), are hereby legalized and declared valid and as effectual as though all of the same and the issuance of said warrants had been in strict compliance with law.

SEC. 2. Issuance of bonds authorized and legalized. The said board of directors are hereby authorized to pay the said warrants so legalized by the issuance of school building bonds of the said school district in an amount sufficient therefor, and such bonds shall be issued in the general form provided by law for school building bonds and which said bonds, when issued, shall be and are hereby declared to be legal and valid as though all the requirements of the law contained in the said sections twenty-eight hundred twenty-a (2820-a), twenty-eight hundred twenty-b (2820-b), twenty-eight hundred twenty-c (2820-c) and twenty-eight hundred twenty-d (2820-d), of the supplement to the code, 1907, had been fully complied with and the said law had remained in full force and effect.

SEC. 3. Pending litigation. Nothing in this act shall affect in any way any pending litigation in relation to the subject matter hereof.

SEC. 4. 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, a newspaper published at Des Moines, Iowa, and the Traer Star-Clipper, a newspaper published at Traer, Iowa, which publications shall be without expense to the state.

Approved March 11, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader March 14, 1911, and in the Traer Star-Clipper March 24, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 263.

THE INDEPENDENT SCHOOL DISTRICT OF WALKER.

S. F. 454.

AN ACT to legalize the action of the board of directors of the independent school district of Walker, Linn county, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes.

WHEREAS, the board of directors of the independent school district of Walker, Linn county, Iowa, did in the years 1903 to 1910 inclusive, levy and collect a school house tax for the purpose of creating a fund to be expended toward the erection and equipment of a new school building, which levy was made on the part of said board without the knowledge that such levy should be submitted to the qualified electors, for their approval, and which fund has been willingly paid by the tax payers of said school district, for the purpose of erecting and equipping a new school building, and

WHEREAS, doubt has arisen as to the legality of the acts of said board of directors and officers and of the said tax levy; therefore,

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

SECTION 1. Acts legalized. That the acts of said board of directors of the independent district of Walker, Linn county, Iowa, in levying said school

house tax, are hereby legalized and confirmed, and that the officers and directors of said district are hereby authorized and empowered to expend the funds derived from such taxes for the purposes for which they were assessed.

SEC. 2. **Pending litigation.** Nothing in this act shall affect in any way any pending litigation in relation to the subject matter hereof.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Capital, a newspaper published at Des Moines, Iowa, and the Walker News, a newspaper published at Walker, Iowa, which publication shall be without expense to the state.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 12, 1911, and in the Walker News, April 14, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 264.

THE TOWN OF WALL LAKE.

S. F. 488.

AN ACT to legalize the official acts of the officers, and the ordinances and resolutions of the town council, of the incorporated town of Wall Lake, Sac county, Iowa, and appointing officers and councilmen for said town.

WHEREAS, on and prior to the 29th day of March, 1909, the elective officers of the incorporated town of Wall Lake, Sac county, Iowa, consisted of a mayor, a treasurer, an assessor and five councilmen, all of whom had theretofore been duly elected, and were the qualified and acting officers and councilmen of said town, and

WHEREAS, at an election held at said town of Wall Lake, Sac county, Iowa, on the 29th day of March, 1909, which said election was illegal, invalid and without authority or sanction of law, there were elected two councilmen, one of whom was then, and for three years prior thereto had been, the duly elected, qualified and acting member of the town council of said town, and one of whom had not theretofore been a member of the town council of said town, and

WHEREAS, the time for the election of mayor in said town of Wall Lake, Sac county, Iowa, is in the even numbered years, and

WHEREAS, no regular municipal election was held at said town of Wall Lake, Sac county, Iowa, in the year, 1910, and there will be no regular municipal election in said town until the year, 1912, and

WHEREAS, the mayor, treasurer, assessor and five duly elected and qualified councilmen, together with the councilmen elected in the year 1909 who had not theretofore been a member of the town council of said town, have, since the said election in the year 1909, continued to act as mayor, treasurer, assessor and councilmen of said town of Wall Lake, Sac county, Iowa, and

WHEREAS, none of the aforesaid incumbents of said respective offices re-qualified within ten days from the failure to elect successors in the year 1910, and

WHEREAS, doubt exists as to the legality of the acts of said mayor, treasurer, assessor and councilmen done since the 29th day of March, 1909, and as to the legality of the ordinances and resolutions passed by the town council of said town since the 29th day of March, 1909, and

WHEREAS, it is desirable that the official acts of the officers of said town of Wall Lake, Sac county, Iowa, to be hereafter done, and the ordinances and resolutions of the town council of said town, to be hereafter passed, shall be legal and valid, therefore

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

SECTION 1. Acts, ordinances and resolutions legalized. That the official acts of the acting mayor, treasurer, assessor and councilmen of the incorporated town of Wall Lake, Iowa, done since the 29th day of March, 1909, and all ordinances and resolutions passed by the acting town council of said town since the 29th day of March, 1909, not in contravention of the laws of the state, are hereby legalized, and the same are declared to be valid and binding the same as though the law had been, in all respects, strictly complied with in the election of mayor, treasurer, assessor and councilmen of said town, in the qualification of all of said officers, in all official acts done, and in the passage of the ordinances and resolutions of said town.

SEC. 2. Election of officers and councilmen legalized. That the persons now acting as mayor, treasurer and assessor, and the five persons now acting as councilmen of said town of Wall Lake, Sac county, Iowa, who were elected prior to the year 1909, are hereby appointed, each to the respective office which he has purported to fill since the 29th day of March, 1909, and each of said persons is empowered to hold and exercise the duties of said office until the last Monday in March, 1912, and until his respective successor is elected and qualified.

SEC. 3. Pending litigation. That nothing herein contained shall be construed to affect pending litigation.

SEC. 4. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register & Leader, a newspaper published at Des Moines, Iowa, and the Wall Lake Blade, a newspaper published at Wall Lake, Iowa, without expense to the state.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader April 20, 1911, and in the Wall Lake Blade April 21, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 265.

THE CITY OF WATERLOO.

S. F. 489.

AN ACT to legalize certain warrants of the city of Waterloo, Iowa.

WHEREAS, the city of Waterloo, Black Hawk county, state of Iowa, did hitherto make expenditures in the amount of fifty thousand (\$50,000) dollars, and

WHEREAS, said city of Waterloo, issued warrants in the sum of fifty thousand (\$50,000) dollars, to evidence the indebtedness incurred in making said expenditures, and

WHEREAS, said warrants did not when issued and do not now exceed the constitutional limitation of indebtedness, and

WHEREAS, said expenditures were all made for purposes authorized by law, and

WHEREAS, the city of Waterloo has been and now is enjoying the use and benefit of said expenditures, and

WHEREAS, the results of said expenditures were well worth the price which the city of Waterloo contracted should be paid therefor, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that the aforesaid expenditures, or a portion thereof, were contracted in excess of the city's authorized annual revenues, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that the aforesaid expenditures, or a portion thereof, were not provided for in the city's annual appropriations, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that the indebtedness which said warrants evidence, was contracted in excess of the statutory limitation of indebtedness, now therefore

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

SECTION 1. **Acts legalized.** That the acts of the city council of the city of Waterloo, in the county of Black Hawk, state of Iowa, in making expenditures for the city of Waterloo and issuing warrants therefor in the sum of fifty thousand (\$50,000) dollars, be and the same are hereby legalized, as though the law had in all respects been complied with.

SEC. 2. **Warrants legalized.** The aforesaid warrants of the city of Waterloo, in the sum of fifty thousand (\$50,000) dollars, be and the same are hereby legalized and declared to be valid, legal and subsisting obligations, the same as though the law had in all respects been complied with.

SEC. 3. **Pending litigation.** Nothing in this act shall affect any pending litigation.

SEC. 4. **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, a newspaper published at Des Moines, Iowa, and the Waterloo Evening Courier, a newspaper published at Waterloo, Iowa, without expense to the state.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Waterloo Evening Courier, April 19, 1911, and in the Register and Leader, April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 266.

THE TOWN OF WILLIAMSBURG.

H. F. 608.

AN ACT to legalize certain ordinances of the town of Williamsburg, Iowa.

WHEREAS, on the 29th day of September, A. D. 1910, the town council of the town of Williamsburg, Iowa, duly adopted certain ordinances of said town designated and numbered as chapters one to seventy-seven, both inclusive, which were duly approved by the mayor of said town, and

WHEREAS, said council provided for and caused the publication of said ordinances in book form, known and designated as "revised ordinances of the town of Williamsburg, Iowa, A. D. 1910," and also caused to be published in book form and incorporated and bound in the same volume as the said revised ordinances of said town certain ordinances designated as "old ordinances" and numbered ordinance No. 36, ordinance No. 37, ordinance No. 38, ordinance No. 43 and ordinance No. 18 of the original ordinances of the town of Williamsburg, Iowa, and

WHEREAS, said ordinances were published in manner and form provided by law, but some doubt has risen as to whether the publication thereof was made within the time fixed by law, therefore

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

SECTION 1. Ordinances legalized—pending litigation. That the said town ordinances of the town of Williamsburg, Iowa, designated as chapters one to seventy-seven, both inclusive, duly adopted and approved September 29th, 1910, and published in book form and designated and known as "revised ordinances of the town of Williamsburg, Iowa, A. D. 1910", including certain other ordinances of said town of Williamsburg, Iowa, incorporated in said book of revised ordinances designated as "old ordinances" and numbered 36, 37, 38, 43 and 18, be, and hereby are, each and all fully legalized and declared valid and of the same force and effect as if they had in all respects been adopted, approved and published in the manner, form and time provided by law, and as if the law in all respects had been fully complied with; provided, however, that this act shall not affect pending litigation.

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 Williamsburg Journal-Tribune, newspapers published at Des Moines, Iowa, and Williamsburg, Iowa, respectively; said publication to be without expense to the state.

Approved April 15, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Williamsburg Journal-Tribune, April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 267.

THE TOWN OF WYOMING.

S. F. 469.

AN ACT to legalize the action of the town council of the town of Wyoming, Iowa, in the issuance of bonds and refunding bonds for the building of a town hall, and all ordinances pertaining thereto.

WHEREAS, the electors of the town of Wyoming, Iowa, at a regular election held on March 3, 1890, by a vote of one hundred and twenty-two (122) in favor, to seventeen (17) against, authorized the town council to issue bonds in the sum of three thousand dollars (\$3,000) for the purpose of building a town hall; and,

WHEREAS, the town council of the said town of Wyoming, at a special meeting held on August 28, 1890, passed an ordinance being ordinance No. forty-four (44) entitled "an ordinance appropriating three thousand dollars (\$3,000) to-

ward the building of a town hall and providing for the issuing of bonds in said amount"; and,

WHEREAS, in pursuance of the authority granted by a vote of the people, and in pursuance of the provisions of the said ordinance No. forty-four (44) the town council of the said town of Wyoming did issue bonds in the sum of three thousand dollars (\$3,000); and,

WHEREAS, the said town of Wyoming, with the money so raised, did build a town hall and use the same for a town hall and,

WHEREAS, at the expiration of ten years when said bonds became due, the same were refunded and new bonds were issued, and the same are now due, and were purchased and are now held and owned by bona fide purchasers; and,

WHEREAS, the town council and the people of Wyoming, Iowa, have at all times acted in good faith in said matter and with the full belief that said bonds were in all respects legal and a valid obligation; and,

WHEREAS, doubts have arisen as to the legality of said bonds and of the legal authority of the people and the council of the town of Wyoming to issue bonds for the purpose of building a town hall; and,

WHEREAS, doubts have arisen as to the validity of said ordinance No. forty-four (44) for the reason that said ordinance was passed at a special meeting and that an insufficient number of votes were cast in favor of the suspension of the rules and the adoption of the ordinance; now, therefore,

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

SECTION 1. **Bonds and ordinance legalized.** That the said bonds issued by the town of Wyoming, Iowa, for the purpose of building a town hall, and the refunding bonds thereof, and the said ordinance No. forty-four (44) of said town, are hereby legalized and made valid, and the same shall be of the same force and effect as though there had been legal authority for the issue of the bonds for the purpose contemplated, and as though the said ordinance No. forty-four (44) had been passed by the required number of votes by the council thereof. This act shall not affect pending litigation.

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 Wyoming Journal, a newspaper published in the town of Wyoming, Iowa, and the Des Moines Capital, newspaper published in Des Moines, Iowa, both publications to be without expense to the state.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital April 12, 1911, and in the Wyoming Journal April 20, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 268.

ACTS OF THE BOONE COUNTY AGRICULTURAL SOCIETY.

H. F. 375.

AN ACT legalizing the acts of the stockholders and officers of the Boone county agricultural society, of Boone county, Iowa, relating to the transaction of business under its former articles of incorporation and amendments thereto and its reincorporation.

WHEREAS, the Boone county agricultural society, of Boone county, Iowa, organized for agricultural and horticultural purposes, adopted original articles

of incorporation on the 8th day of June, 1878, which provided for the corporate term of twenty-five years; which said articles were amended, and amendments thereto adopted March 10, 1888, without any change as to the length of corporate existence, and,

WHEREAS, by provisions of section 1644 of the code of Iowa of 1897, such corporations were given duration without limit. And,

WHEREAS, said association has conducted the business for which it was organized, and elected its officers under the original articles of incorporation and said amendments thereto, in all things as though said term of twenty-five years had not expired. And,

WHEREAS, said association has proceeded to and has now reincorporated itself under the provisions of section 1650 of the code of Iowa of 1897, by action of its stockholders at a special meeting called for the purpose, and held on the 11th day of February, 1911, and the acting president and secretary of said society authorized to execute its articles of reincorporation on behalf of said society, with all the property and rights of the original incorporation, and of the stockholders therein vested in said corporation as reincorporated, and,

WHEREAS, doubts have arisen as to the right of said corporation to do business as aforesaid, and to re-incorporate itself as it has done, by reason of the lapse of twenty-five years from the date of the original incorporation, and the uncertainty of the provisions of said section 1644 of the code of Iowa of 1897, giving to them further extension of corporate existence, and,

WHEREAS, all the acts of said corporation, including reincorporation thereof, have been in good faith, therefore,

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

SECTION 1. Acts and reincorporation legalized—pending litigation. That all acts done by the said Boone county agricultural society under its original articles of incorporation and the amendments thereto, and that the re-incorporation thereof are hereby legalized and declared valid and binding. This act shall not in any way affect pending litigation.

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 Des Moines Capital, a newspaper published at Des Moines, Iowa, and in the Ogden Reporter, a newspaper published at Ogden, Iowa, said publication to be without expense to the state.

Approved March 16, A. D. 1911.

I hereby certify that the foregoing act was published in the Des Moines Capital March 18, 1911, and in the Ogden Reporter March 23, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 269.

ACTS OF THE TREASURER OF MONROE COUNTY.

S. F. 382.

AN ACT to legalize the acts of the treasurer of Monroe county, Iowa, relating to the transferring of funds from the district school fund to the county fund.

WHEREAS, heretofore and prior to the first day of January, 1909, there was in the hands of the treasurer of Monroe county, Iowa, the sum of three

thousand eight hundred and fifty-nine dollars and ninety-seven cents (\$3,859.97). moneys held by the treasurer as district school funds which accumulated from time to time in small amounts collected by the treasurer of Monroe county, Iowa, prior to the first day of January, 1909. That said amount had been collected in small amounts at various times ranging over a period of twenty (20) years or more and that it was impossible for the treasurer of Monroe county, Iowa, to determine the particular district or districts to which said fund belonged, or the persons from whom the same was collected, except upon the theory that it was small payments of interest and penalties at different times ranging over a period of twenty (20) years; and,

WHEREAS, the treasurer of Monroe county, Iowa, in the year 1911, transferred said school fund consisting of three thousand eight hundred fifty-nine dollars and ninety-seven cents (\$3859.97), to the county fund, the treasurer of Monroe county, Iowa, being unable to determine what particular district or districts, if any, were entitled thereto; therefore,

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

SECTION 1. Acts legalized. That the acts of the treasurer of Monroe county, Iowa, be and the same are hereby legalized relating to the acts of the said treasurer in transferring said amount, to-wit: three thousand eight hundred fifty-nine dollars and ninety-seven cents (\$3859.97), from the school fund collected as aforesaid, to the county fund.

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 Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 12, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 270.

CERTAIN CONVEYANCE MADE BY HEZEKIAH BEECHER.

S. F. 73.

AN ACT legalizing a certain conveyance which was made by Hezekiah Beecher, commissioner, to Robert M. Henderson, trustee, dated June 30th, 1867, filed for record in the office of the recorder of Pocahontas county, Iowa, on September 13th, 1867 and recorded in land deed record "C" beginning at page No. 3 thereof, together with the acts of the said Hezekiah Beecher as such commissioner in making said conveyance.

WHEREAS:—on the 3d day of June A. D. 1867, a decree was entered in an action then pending in the district court of Iowa in and for Pocahontas county, entitled Carlisle Deposit Bank vs. Joseph A. Stewart et al, which decree is recorded in book "A" of the records of said court beginning at page 31 thereof, and

WHEREAS:—in said decree Hezekiah Beecher was appointed a commissioner for the purpose of carrying out said decree, and conveying the lands therein described to Robert M. Henderson to hold as trustee for the said Carlisle Deposit Bank, and

WHEREAS:—the said Hezekiah Beecher, as such commissioner made his deed for the purpose of conveying the said lands to the said Robert M.

Henderson as trustee aforesaid, which deed was dated June 30th, 1867, was filed for record in the office of the recorder of Pocahontas county, Iowa, on the 13th day of September, 1867, and was recorded in book "C" of the land deed records of said county beginning at page No. 3, and

WHEREAS:—the said commissioner failed to have said conveyance approved by the said court and its approval endorsed thereon and recorded therewith, and

WHEREAS:—doubts have arisen as to the force, validity, and effect of the said conveyance.

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

SECTION 1. Conveyance and acts legalized. That the said conveyance made by the said Hezekiah Beecher as such commissioner for the purpose of conveying the said lands therein described to the said Robert M. Henderson as such trustee, which conveyance was dated June 30th, 1867, was filed for record in the office of the recorder of Pocahontas county, Iowa, on September 13th, 1867, and was recorded in book "C" of the land deed records of said county, beginning at page No. 3; and all acts of the said Hezekiah Beecher, as such commissioner relating to the making, delivery, and recording of such conveyance, be and they are hereby legalized, cured, validated, and established and the said conveyance shall be held to have conveyed the title to said real estate therein described to the said Robert M. Henderson as trustee with the same force and effect as if the said conveyance had been approved by the said district court of Iowa in and for Pocahontas county, and its approval endorsed thereon and recorded therewith.

Approved March 23, A. D. 1911.

JOINT RESOLUTIONS

HOUSE JOINT RESOLUTION NO. 1.

RATIFYING THE PROPOSED INCOME TAX AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

A joint resolution ratifying the amendment to the constitution of the United States proposed by congress as the sixteenth amendment thereto, relative to laying and collecting a tax on income.

WHEREAS, both houses of the sixty-first congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the constitution of the United States of America in the following words, to-wit:

“A joint resolution proposing an amendment to the constitution of the United States.

“Resolved by the senate and house of representatives of the United States of America in congress assembled (two-thirds of each house concurring therein), that the following article is proposed as an amendment to the constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the constitution; article xvi. The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.”

Therefore, be it resolved by the general assembly of the state of Iowa, that the said proposed amendment to the constitution of the United States of America be, and the same is hereby, ratified by the general assembly of the state of Iowa.

And, further be it resolved, that certified copies of this joint resolution be forwarded by the governor of this state to the secretary of state at Washington and to presiding officers of each house of the national congress.

Approved February 27, A. D. 1911.

SENATE JOINT RESOLUTION NO. 2.

ADDITIONAL EMPLOYES OF GENERAL ASSEMBLY.

Joint resolution relating to the selection of additional employes of the thirty-fourth general assembly, fixing their compensation and defining their duties.

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

SECTION 1. The custodian is hereby authorized and directed to appoint the following named persons, I. F. Hodson, H. A. King, J. C. Smith, Fred Jonston, J. Q. Jordan, George Thomas, Edwin Conrad, B. I. Kinzey, Tony Thompson, D. A. Winchel, J. J. Hensal, H. H. Baldwin, C. Moore to be designated as assistants to the custodian whose duties shall be designated by him, and whose salary shall be seventy dollars per month.

JOINT RESOLUTIONS OF THE THIRTY-FOURTH GENERAL ASSEMBLY

SEC. 2. The secretary of state is hereby authorized and directed to appoint J. E. Whipple and L. O. Pickett for service as clerks in the document department at a salary of seventy dollars per month.

SEC. 3. The secretary of state is hereby authorized and directed to appoint J. H. Stewart and J. E. Winder for service in the document room at a salary of seventy dollars per month.

SEC. 4. The secretary of the executive council is hereby authorized and directed to appoint L. L. Couse for service in the supply department at a salary of seventy dollars per month.

SEC. 5. The custodian is hereby authorized and directed to appoint three experienced elevator tenders at a salary of seventy dollars per month.

SEC. 6. J. R. White is hereby appointed mail carrier.

SEC. 7. The librarian is hereby authorized and directed to appoint a competent stenographer for service in the library at a salary of sixty dollars per month.

SEC. 8. The speaker of the house is hereby authorized and directed to appoint Harry Marshall and Milton Childs for service as pages in the house at a salary of forty-five dollars per month.

SEC. 9. The president of the senate and the speaker of the house are each authorized to appoint pages for service as telephone messenger at a salary of forty-five dollars per month.

SEC. 10. The curator of the historical building is hereby authorized and directed to appoint Mrs. William Coalson for service as matron in the historical building at a salary of sixty dollars per month, two assistant janitors for service in the historical building at a salary of seventy dollars per month.

SEC. 11. The custodian is hereby authorized and directed to appoint C. H. Comley as assistant janitor in the cloak rooms at a salary of sixty dollars per month.

SEC. 12. The secretary of state is hereby authorized to retain as many clerks hereby appointed to serve in the document room as he may deem necessary for a period of time not to exceed two weeks after adjournment of the thirty-fourth general assembly.

Approved February 4, A. D. 1911.

HOUSE JOINT RESOLUTION NO. 2.

ELECTION OF UNITED STATES SENATORS.

Joint resolution of the thirty-fourth general assembly of the state of Iowa, making application to the congress of the United States to call a convention for proposing amendment to the constitution of the United States.

WHEREAS, we believe that senators of the United States should be elected directly by the voters; and

WHEREAS, to authorize such direct election, an amendment to the constitution of the United States is necessary; and

WHEREAS, the failure of congress to submit such amendment to the states has made it clear that the only practicable method of securing submission of such amendment to the states is through a constitutional convention to

JOINT RESOLUTIONS OF THE THIRTY-FOURTH GENERAL ASSEMBLY

be called by congress upon application of the legislatures of two-thirds of all the states; therefore

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

SECTION 1. That the legislature of the state of Iowa hereby makes application to the congress of the United States, under article v of the constitution of the United States, to call a constitutional convention for proposing amendments to the constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the president of the senate and speaker of the house of representatives of the United States, with the request that the same shall be laid before the said senate and house.

Approved April 4, A. D. 1911.

SENATE JOINT RESOLUTION NO. 5.

APPROVING ESTIMATE OF COST, PLANS AND SPECIFICATIONS FOR AN ADDITION TO THE WING TO THE HOSPITAL AT THE STATE UNIVERSITY.

Joint resolution approving estimate of cost, plans and specifications for an addition to the wing to the hospital, and authorizing the erection of said addition..

WHEREAS, the state board of education has submitted to the thirty-fourth general assembly of the state of Iowa, estimate of cost, plans and specifications for the erection of an addition to the wing to the hospital, to be completed and erected under the provisions of chapter one hundred and eighty-three (183) of the acts of the thirty-first general assembly, and

WHEREAS, said estimate of cost, plans and specifications are in every way proper and suitable, therefore

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

SECTION 1. That the plans and specifications for the erection of an addition to the wing of the hospital, at a cost not to exceed twenty-five thousand dollars (\$25,000.00) submitted to the general assembly of Iowa for approval, are hereby approved, and the board of education is hereby authorized to erect said addition to the wing to the hospital at Iowa City, Iowa, as provided in this resolution.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after the date of its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 11, 1911.

W. C. HAYWARD,
Secretary of State.

SENATE JOINT RESOLUTION NO. 7.

APPROVING ESTIMATES OF COST, PLANS AND SPECIFICATIONS FOR BUILDINGS
AT THE AGRICULTURAL COLLEGE, AT THE STATE UNIVERSITY,
AND AT THE STATE TEACHERS COLLEGE.

Senate joint resolution approving estimates of cost, plans and specifications for the erection of new buildings at the state university, at the state college of agriculture and mechanic arts, and at state teachers college.

Joint resolution approving estimates of cost, plans and specifications for the erection of a hospital heating station, a woman's building, an addition to the hospital, and a nurses' home, at the state university; a mechanical engineering laboratory, a stock judging pavilion and laboratory, a library, and an addition to Margaret Hall, and poultry laboratory at the state college of agriculture and mechanic arts; and a training school at the state teachers college, and authorizing the erection of said buildings.

WHEREAS, the state board of education has submitted to the thirty-fourth general assembly of the state of Iowa, estimates of the cost, plans and specifications for the erection of a hospital heating station, a woman's building, an addition to the hospital, and a nurses' home, at the state university; a mechanical engineering laboratory, a stock judging pavilion and laboratory, a library, and an addition to Margaret Hall, and poultry laboratory at the state college of agriculture and mechanic arts; and a training school at the state teachers college, to be completed and erected under the provisions of chapter one hundred eighty-three (183) of the acts of the thirty-first general assembly, and the acts of the thirty-fourth general assembly in house file number two hundred and fifty-one (251), and

WHEREAS, said estimates of cost, plans and specifications are in every way proper and suitable, therefore

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

SECTION 1. That the plans and specifications for the erection of a hospital heating station at a cost not to exceed thirty thousand dollars (\$30,000.00), a woman's building at a cost not to exceed one hundred and fifty thousand dollars (\$150,000.00), an addition to the hospital at a cost not to exceed one hundred thousand dollars (\$100,000.00), and a nurses' home at a cost not to exceed fifty thousand dollars (\$50,000.00) at the state university, submitted to the general assembly of Iowa for approval, are hereby approved.

SEC. 2. That the plans and specifications for the erection of a mechanical engineering laboratory at a cost not to exceed fifty thousand dollars (\$50,000.00), a stock judging pavilion and laboratory at a cost not to exceed twenty thousand dollars (\$20,000.00), a library at a cost not to exceed two hundred and twenty-five thousand dollars (\$225,000.00), and an addition to Margaret Hall at a cost not to exceed fifty-five thousand dollars (\$55,000.00), and poultry laboratory at a cost not to exceed six thousand (6,000) dollars at the state college of agriculture and mechanic arts, submitted to the general assembly of Iowa for approval, are hereby approved.

SEC. 3. That the plans and specifications for the erection of a training school at a cost not to exceed one hundred and fifty thousand dollars (\$150,000.00) at the state teachers college, submitted to the general assembly of Iowa for approval, are hereby approved.

SEC. 4. The state board of education is hereby authorized to erect all of the buildings enumerated in sections one (1) two (2) and three (3) of this joint resolution.

Approved April 11, A. D. 1911.

JOINT RESOLUTIONS OF THE THIRTY-FOURTH GENERAL ASSEMBLY

SENATE JOINT RESOLUTION NO. 8.

NUMBER AND COMPENSATION OF EMPLOYES OF STATE DEPARTMENTS.

Senate joint resolution fixing the number and compensation of employes in the department of state at the seat of government.

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

Until July 1, 1913, the number of employes for the various offices at the seat of government, unless otherwise provided by law, shall at no time exceed the number named herein, and their compensation shall be amounts herein fixed.

For the office of the Attorney General Per annum

One assistant to the attorney general at a salary not to exceed.....	\$1,800.00
One stenographer at a salary of not to exceed.....	900.00
Additional assistance and contingent fund not to exceed the sum of..	5,000.00

For the office of Auditor of State.

One chief clerk in the insurance department at a salary of not to exceed.....	1,800.00
One securities clerk in the insurance department, who shall give bond, at a salary of not to exceed.....	1,600.00
One fee clerk in the insurance department, who shall give bond, at a salary of not to exceed.....	1,400.00
Extra clerical assistance in insurance, revenue and banking departments, expense in adjusting accounts between the state and counties, expense in attending meetings of the insurance commissioners and such other expense as shall be approved by the executive council, not to exceed.....	1,000.00
One chief clerk in the revenue department at a salary of not to exceed.....	1,600.00
One chief clerk in the banking department at a salary not to exceed.	1,600.00
One assistant clerk in the banking department at a salary of not to exceed.....	1,000.00
Five stenographers at salaries, each, of not to exceed.....	900.00
One janitor at a salary of not to exceed.....	780.00
One chief clerk in the department of municipal accounting, also to serve as general clerk at a salary of not to exceed.....	1,500.00
One additional clerk at a salary of not to exceed.....	1,200.00

For the office of the Clerk of the Supreme Court.

One clerk at a salary of not to exceed.....	1,200.00
One clerk at a salary of not to exceed.....	900.00
One messenger who shall perform such duties about his office and for the supreme court room proper as the clerk may order, at a salary of not to exceed.....	840.00
For additional clerical assistance not to exceed.....	100.00

For the office of Governor.

One pardon clerk at a salary of not to exceed.....	1,300.00
One requisition clerk at a salary of not to exceed.....	1,300.00
One notarial clerk and stenographer at a salary of not to exceed....	900.00

JOINT RESOLUTIONS OF THE THIRTY-FOURTH GENERAL ASSEMBLY

One messenger and usher, who shall act as janitor, at a salary of not to exceed 900.00

For the State Librarian's office.

One cataloger at a salary of not to exceed..... 1,000.00
 One stenographer and bookkeeper at a salary of not to exceed..... 900.00
 One janitor at a salary of not to exceed..... 780.00
 One legislative and general reference assistant, (who shall be under the direction of assistant to librarian) at a salary not to exceed.. 1,000.00
 One stenographer for the law and document department at a salary of not to exceed 900.00
 Extra allowance for special janitor work in the law department not to exceed 150.00

For the office of Railroad Commissioners.

One general clerk at a salary of not to exceed..... 1,300.00
 One statistical and rate clerk at a salary of not to exceed..... 1,200.00
 One assistant statistical and rate clerk at a salary not to exceed.... 900.00
 One reporter at a salary of not to exceed..... 1,200.00
 Two stenographers at a salary each not to exceed..... 900.00

For the office of Secretary of State.

One chief clerk (who shall give bond) at a salary not to exceed..... 1,600.00
 One corporation clerk at a salary of not to exceed..... 1,200.00
 One assistant corporation clerk at a salary of not to exceed..... 1,200.00
 One general clerk at a salary of not to exceed..... 1,200.00
 Two stenographers at salaries each not to exceed..... 900.00
 One librarian of document department at a salary not to exceed.... 1,200.00
 One document clerk and accountant for storage building at a salary of not to exceed 1,200.00
 Extra clerical assistance and help in storage building not to exceed.. 8,000.00
 One janitor and messenger at a salary of not to exceed..... 900.00

For the office of Superintendent of Public Instruction.

Two stenographers at salaries each of not to exceed..... 900.00
 One janitor at a salary of not to exceed..... 780.00
 For extra clerical assistance, not to exceed..... 750.00

For the Supreme Court Rooms.

One bailiff who shall also act as messenger and perform such other duties as the supreme court may order at a salary not to exceed.. 900.00
 For stenographic and messenger service, not to exceed..... 5,400.00

For the office of Treasurer of State.

One cashier (who shall give bond) at a salary of not to exceed..... 1,500.00
 One bookkeeper at a salary of not to exceed..... 1,200.00
 One general clerk at a salary of not to exceed..... 1,200.00
 One stenographer at a salary of not to exceed..... 900.00
 One watchman who shall be janitor at a salary not to exceed..... 780.00
 For additional clerical assistance and contingent, not to exceed..... 600.00

For the office of the Curator of the State Historical Department.

Two assistants to the curator at salaries each of not to exceed..... 1,200.00
 One clerk and stenographer at a salary of not to exceed..... 1,000.00

JOINT RESOLUTIONS OF THE THIRTY-FOURTH GENERAL ASSEMBLY

One museum director at a salary of not to exceed.....	1,200.00
Two janitors for curators apartments at salaries each not to exceed..	780.00

For the Executive Council.

One secretary at a salary of not to exceed.....	2,200.00
One clerk at a salary of not to exceed.....	1,600.00
One clerk at a salary of not to exceed.....	1,100.00
One general clerk at a salary of not to exceed.....	900.00
One stenographer at a salary of not to exceed.....	900.00
One postmaster at a salary of not to exceed.....	1,000.00
Additional compensation to the postmaster while he shall perform the duties of mail carrier furnishing horse and wagon not to exceed	400.00
For janitor service for office of secretary of executive council and supply department, and to act as messenger for delivery of sup- plies from storage building or elsewhere, the sum of.....	480.00

For the Board of Control.

One chief accountant at a salary of not to exceed.....	1,800.00
One storekeeper and clerk at a salary of not to exceed.....	1,200.00
One estimate clerk at a salary of not to exceed.....	1,200.00
One stenographer and proofreader, at a salary of not to exceed.....	1,000.00
Three stenographers and clerks at salaries, each of not to exceed....	900.00
One clerk and janitor at a salary of not to exceed.....	780.00
For extra clerical assistance not to exceed.....	1,500.00

For the Department of the Geological Survey.

One stenographer at a salary of not to exceed.....	900.00
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For Weather and Crop Service.

Director's salary.....	1,500.00
Clerical assistance not to exceed.....	720.00

For the office of State Mine Inspector.

One clerk at a salary of not to exceed.....	1,000.00
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For the office of State Board of Health.

Two clerks and stenographers at salaries each of not to exceed.....	900.00
Extra clerical assistance not to exceed the sum of.....	900.00
For one clerk and stenographer for vital statistics at a salary of not to exceed	900.00

For the office of Supreme Court Reporter.

One clerk at a salary of not to exceed.....	720.00
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For the office of the Library Commission.

One secretary at a salary of not to exceed.....	1,600.00
One librarian (traveling library) at a salary of not to exceed.....	900.00
One field and reference assistant at a salary of not to exceed.....	900.00
One library organizer at a salary of not to exceed.....	720.00
One clerk and general stenographer, at a salary of not to exceed....	720.00
For extra help as needed, including service of shipping clerk, not to exceed the sum of.....	780.00

JOINT RESOLUTIONS OF THE THIRTY-FOURTH GENERAL ASSEMBLY

For the office of the State Pharmacy Commission.

One secretary at a salary of not to exceed.....	1,500.00
For extra clerical assistance not to exceed the sum of.....	150.00

For the office of the Food and Dairy Commissioner.

One clerk at a salary of not to exceed.....	900.00
One clerk at a salary of not to exceed.....	900.00
One janitor for rooms occupied by food and dairy commissioner and state veterinarian, at a salary of not to exceed.....	780.00

(For janitors for certain offices.)

For the offices of the department of agriculture (agricultural society) and state board of health there shall be one janitor to be selected by them, at a salary of not to exceed.....	780.00
For the offices of the pharmacy department, mining inspector and labor bureau, there shall be one janitor, to be selected by the custodian, at a salary of not to exceed.....	780.00
For the offices of the adjutant general, G. A. R. department, and geological survey, there shall be one janitor, selected by them, at a salary of not to exceed.....	780.00
For the offices of the railroad commissioners, horticultural department, and attorney general, there shall be one janitor, selected by them, at a salary of not to exceed.....	780.00

The last four janitors shall be upon the custodian's pay roll.

For the historical building, except those portions occupied by the curator's department, there shall be three janitors, at salaries each of not to exceed.....	780.00
One night watchman for the historical building at a salary of not to exceed	840.00
One janitress for the historical building at a salary of not to exceed..	780.00

The last five named employes shall be appointed by and be under the control of the custodian.

To be employed by the Custodian of Public Buildings and Property.

One chief engineer at a salary of not to exceed.....	1,500.00
One first assistant engineer at a salary of not to exceed.....	1,200.00
One second assistant engineer at a salary of not to exceed.....	1,000.00
One electrician and machinist at a salary of not to exceed.....	1,200.00
One carpenter at a salary of not to exceed.....	1,000.00
One chief of police at a salary of not to exceed.....	900.00
Two night watchmen at salaries, each of not to exceed.....	900.00
One boiler tender at a salary of not to exceed.....	900.00
Six firemen and wardens at salaries, each of not to exceed.....	840.00
Eight floor janitors at salaries, each, of not to exceed.....	780.00
One storage building janitor, at a salary of not to exceed.....	780.00
One janitress to have charge of the ladies' toilet rooms at a salary of..	780.00
One elevator tender at a salary of not to exceed.....	780.00
Allowance for washing towels not to exceed.....	500.00
One florist and yard man at a salary of not to exceed.....	840.00
Extra help as may be needed, not to exceed the sum of.....	720.00

JOINT RESOLUTIONS OF THE THIRTY-FOURTH GENERAL ASSEMBLY

For the Bureau of Labor Statistics.

One clerk and statistician at a salary of not to exceed..... 1,000.00

All janitors employed under the provisions of this resolution, shall at all times be subject to the orders of the custodian to perform any additional service, by way of rendering assistance to the state house engineers, carpenter, supply department, historical department, or any other labor that may be necessary about the capitol or upon the capitol grounds, at such hours as they are not necessarily employed in their regular janitor work, and it shall be the duty of the custodian to assign such janitors to any such extra service, and he shall discharge any janitor for incompetency, neglect of duty or insubordination.

All employes provided for in this act shall devote their entire time to the service of the state, except that this requirement shall not be interpreted to prevent the allowance of a reasonable vacation, such vacation to be at the discretion of the head of the department or commission interested, and in no case to exceed two weeks in any one year.

All clerks, janitors and other employes in the departments named in this resolution shall be under the control of the head of the department and may by him be transferred to such work as he shall direct in assisting other clerks or elsewhere in the different branches of the service of the department.

Any head of a department may at any time discharge any clerk or other employe in such department for neglect of duty, insubordination or incapacity.

Approved April 15, A. D. 1911.

CERTIFICATE

STATE OF IOWA,
Office of Secretary of State.

I, W. C. Hayward, secretary of state of the state of Iowa, hereby certify that the acts and joint resolutions herein contained are copied from the enrolled bills and resolutions on file in this office, and that the same are true and correct copies thereof of the acts and joint resolutions of the thirty-fourth general assembly, except that the words embraced in brackets [thus] have been inserted where it is evident that an error or omission has occurred.

In testimony whereof, I have hereunto subscribed my name and caused to be affixed the official seal of my office. Done at Des Moines, the capital of the state, this first day of June, A. D. 1911.

[SEAL]

A handwritten signature in cursive script that reads "W. C. Hayward". The signature is written in dark ink and is positioned to the right of the "[SEAL]" placeholder.

Secretary of State.

CONDITION OF THE TREASURY

Department of the Auditor of State,
Des Moines, Iowa, May 18, 1911.

Hon. W. C. Hayward, Secretary of State.

Dear Sir:—In pursuance of section 18 of the constitution of Iowa, I have the honor to submit for publication with the laws of the thirty-fourth general assembly, the following statement of the receipts and disbursements of public moneys for the biennial fiscal period commencing July 1, 1908, and ending June 30, 1910.

Respectfully,



Auditor of State.

CONDITION OF THE TREASURY.

The amount of funds in the treasury at the close of the last fiscal period ending June 30, 1908, including agricultural college mortgage bonds, was \$1,410,825.46 belonging to the several funds as follows:

General revenue	\$ 644,189.17
Agricultural College endowment fund—bonds.....	664,950.00
Agricultural College endowment fund—cash.....	99.97
Special State University fund.....	9,597.68
Special Iowa State College fund.....	63,875.08
Special State Teachers College fund.....	25,098.93
Sale of lake beds.....	3,014.63
Total	\$1,410,825.46

The amount received from all sources during the biennial period ending June 30, 1910, was \$9,211,652.31, which was distributed to the several funds as follows:

General revenue	\$8,388,280.93
Special University tax.....	270,179.46
Special Agricultural College tax.....	270,162.26
Special State Teachers College tax.....	135,194.33
Agricultural College endowment fund.....	71,328.00
Agricultural College additional endowment fund.....	75,000.00
Permanent school fund.....	100.00
Temporary school fund.....	1,407.33
Total	\$9,211,652.31

The receipts being added to the balances on hand June 30, 1908, as shown above, makes \$10,622,477.77, as the amount to be accounted for. The disbursements during the biennial period ending June 30, 1910, were as follows:

General revenue	\$8,028,554.75
Special University tax account.....	170,000.00
Special Agricultural College tax account.....	221,726.22
Special State Teachers College account.....	136,500.00
Agricultural College endowment fund.....	49,600.00
Agricultural College additional endowment fund.....	75,000.00
Permanent school fund.....	100.00
Temporary school fund.....	1,407.33
Total	\$8,682,888.30

CONDITION OF THE TREASURY

Leaving a balance in the treasury June 30, 1910, of \$1,939,589.47, belonging to the several funds as follows:

General revenue	\$1,003,915.35
Agricultural College endowment fund—bonds.....	686,750.00
Agricultural College endowment fund—cash.....	27.97
Special State University fund.....	109,777.14
Special Iowa State College fund.....	112,311.12
Special State Teachers College fund.....	23,793.26
Sale of lake beds.....	3,014.63
Total	\$1,939,589.47

STATEMENT NO. 1.

Showing Receipts and Disbursements During Fiscal Period Ending June 30, 1910.

RECEIPTS.

General state revenue tax.....	\$4,632,389.23
Interest on delinquent state tax.....	22,544.68
Sale of laws by county auditors.....	6,639.85
For support of insane from counties.....	1,110,501.46
For support of inebriates from counties.....	34,328.32
For clothing for blind from counties.....	816.65
For clothing for deaf from counties.....	994.84
For clothing for feeble-minded from counties.....	43,495.45
For support of orphans at orphans' home from counties.....	58,868.86
Fees from auditor of state, insurance.....	121,623.35
Fees from auditor of state, building and loans.....	510.00
Fees from auditor of state, bank examiners.....	36,116.07
Fees from auditor of state, building and loan examinations.....	98.19
Fees from auditor of state, insurance examinations.....	6,322.83
Fees from auditor of state, municipal examinations.....	7,464.00
Fees from clerk supreme court.....	6,159.43
Fees from food and dairy commission.....	22,894.49
Fees from secretary of state.....	443,009.95
Fees from board of educational examiners.....	27,583.00
Fees from state entomologist.....	2,314.50
Fees from pharmacy commission.....	74,253.85
Fees from board of medical examiners.....	11,551.36
Fees from board of health.....	12,166.00
Fees from board of dental examiners.....	3,944.00
Fees from board of veterinary medical examiners.....	2,913.50
Fees from itinerant physicians license.....	3,250.00
Fees from governor, notarial.....	34,985.00
Fees from mine inspectors board of examiners.....	683.90
From insurance taxes.....	651,037.97
From collateral inheritance tax.....	447,179.40
From equipment car company tax.....	14,726.61
From contract labor and support of patients state institutions.....	110,730.95
From refund by state institutions under board of control.....	120,536.98
From U. S. aid to Soldiers' Home.....	132,436.37
From interest on bank deposits.....	25,451.82
From transfer from temporary school fund.....	1,407.33
From hunters' license.....	107,798.00
From miscellaneous sources.....	48,552.74
Total receipts from all sources.....	\$8,388,280.93
Balance on hand July 1, 1908.....	644,189.17
Total to be accounted for.....	\$9,032,470.10

DISBURSEMENTS.

Auditors warrants redeemed.....	\$8,028,554.75
Balance cash in treasury June 30, 1910.....	1,003,915.35
Total	\$9,032,470.10

CONDITION OF THE TREASURY

SPECIAL UNIVERSITY TAX.

Balance on hand July 1, 1908.....	\$ 9,597.68
Receipts from state tax, .2 mills.....	270,179.46
Total	\$ 279,777.14

DISBURSEMENTS.

Redemption of auditor's warrants.....	\$ 170,000.00
Balance on hand July 1, 1910.....	109,777.14
Total	\$ 279,777.14

SPECIAL IOWA STATE COLLEGE TAX.

Balance on hand July 1, 1908.....	\$ 63,240.49
Receipts from state tax, .2 mills.....	270,162.26
Total	\$ 333,402.75

DISBURSEMENTS.

Auditor's warrants redeemed.....	\$ 221,091.63
Balance in treasury July 1, 1910.....	112,311.12
Total	\$ 333,402.75

SPECIAL STATE TEACHERS COLLEGE TAX.

Balance on hand July 1, 1908.....	\$ 25,018.93
Receipts from state tax, .1 mills.....	135,194.33
Total	\$ 160,293.26

DISBURSEMENTS.

Auditor's warrants redeemed.....	\$ 136,500.00
Balance in treasury July 1, 1910.....	23,793.26
Total	\$ 160,293.26

AGRICULTURAL COLLEGE ENDOWMENT FUND.

Amount of mortgage bonds in treasury July 1, 1908.....	\$ 664,950.00
Amount of cash in treasury July 1, 1908.....	99.97
Amount received during period.....	71,328.00
Total	\$ 736,377.97

DISBURSEMENTS.

Amount disbursed to Herman Knapp, treasurer.....	\$ 49,600.00
Mortgage bonds in treasury June 30, 1910.....	686,750.00
Cash in treasury June 30, 1910.....	27.97
Total	\$ 736,377.97

AGRICULTURAL COLLEGE MORRILL ENDOWMENT FUND.

Amount received from U. S. government.....	\$ 75,000.00
Amount disbursed to Herman Knapp, treasurer.....	\$ 75,000.00

PERMANENT SCHOOL FUND.

Amount received by treasurer of state.....	\$ 100.00
Transferred to counties.....	\$ 100.00

CONDITION OF THE TREASURY

TEMPORARY SCHOOL FUND.

Amount received from interest on state bonds.....	\$	1,407.33
Amount apportioned to counties.....	\$	1,407.33

SALE OF LAKE BEDS FUND.

Cash in treasury July 1, 1910.....	\$	3,014.63
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RECAPITULATION OF BALANCES IN TREASURY JULY 1, 1910.

General revenue	\$1,003,915.35
Agricultural college endowment fund, bonds.....	686,750.00
Agricultural college endowment fund, cash.....	27.97
Special state university fund.....	109,777.14
Special Iowa state college fund.....	112,311.12
Special state teachers college fund.....	23,793.26
Sale of lake beds.....	3,014.62
Total	\$1,939,589.47

STATEMENT NO. 2.

Showing the Amount of Warrants Issued and to what Charged During the Biennial Period Ending June 30, 1910.

Adjutant-general, salary	\$	4,200.00
Adjutant-general, assistants and clerks.....	5,400.00	
Adjutant-general, temporary arsenal.....	1,800.42	
Attorney-general, salary	8,000.00	
Attorney-general, assistants and clerks.....	5,400.00	
Attorney-general, contingent fund	7,797.44	
Attorney-general, traveling expense	929.42	
Auditor-of-state, salary	4,400.00	
Auditor of state, executive council	1,600.00	
Auditor of state, deputy salary	3,600.00	
Auditor of state, insurance actuary	5,405.00	
Auditor of state, assistant insurance examiners.....	6,903.87	
Auditor of state, clerk's fund	29,523.33	
Auditor of state, extra clerk and contingent fund.....	2,793.32	
Auditor of state bank examiners, salary and expense.....	26,654.88	
Auditor of state, building and loan examiner, per diem and expense.....	113.19	
Auditor of state, municipal examiner, per diem and expense.....	6,463.50	
Agricultural college, support	353,090.60	
Agricultural college, animal breeding	5,000.00	
Agricultural college, library books, etc.	7,815.10	
Agricultural college, contingent and repair.....	46,000.00	
Agricultural college, pure bred stock.....	7,541.41	
Agricultural college, buildings and repairs.....	62,815.82	
Agricultural college, engineering and experiment department.....	3,809.00	
Agricultural college, college departments	11,461.67	
Agricultural college, experiment station	65,000.00	
Agricultural college, catalogues	1,200.00	
Agricultural college, good roads	10,000.00	
Agricultural college, experimental work	54,000.00	
Agricultural college, furniture and fixtures.....	20,757.72	
Agricultural college, extension work	5,000.00	
Agricultural college, trustees	4,211.60	
Agricultural college, financial agent	1,596.12	
Agricultural societies	36,764.89	
Board of parole, members, per diem.....	4,330.00	
Board of parole, secretary's salary	3,600.00	
Board of parole, clerks and expense	6,129.97	
Board of parole, return of paroled prisoners.....	215.33	
Board of control, members' and secretary's salary.....	22,000.00	
Board of control, architect's salary	6,000.00	
Board of control, architect's draftsman and expense.....	2,593.31	
Board of control, clerk's fund	16,313.16	
Board of control, general expense	5,626.61	
Board of control, state agents	8,368.86	
Board of control, inspection of private insane institutions.....	2,355.38	
Board of control, tuberculosis department	9,931.42	

CONDITION OF THE TREASURY

Board of control, transportation for patients to state hospitals.....	124.07
Board of control, quarterly conference	240.14
Board of dental examiners	3,784.28
Benedict home support.....	1,300.00
Board of health, general expense	9,392.08
Board of health, clerk's fund	1,782.69
Board of health, embalmer's department	2,850.99
Board of health, vital statistics	4,075.08
Board of health, nurses' department	1,975.39
Board of medical examiners	9,590.57
Board of optometry examiners	3,607.76
Board of health, maternity hospital.....	533.89
Board of health, bacteriological laboratory	11,830.11
Boys' and girls' home.....	450.00
Board of veterinary medical examiners.....	2,437.50
Board of educational examiners.....	26,086.05
Commission to revise school laws.....	1,829.95
Commission on county uniformity of blanks.....	213.38
Code supplement commission	3,132.29
Clerk supreme court, salary	4,400.00
Clerk supreme court, deputy, salary	3,600.00
Clerk supreme court, clerks' fund	5,665.00
Collateral inheritance tax enforcement fund.....	22,773.45
Collateral inheritance tax court costs	141.55
Collateral inheritance tax refund	815.25
Commissioner of labor, salary	3,600.00
Commissioner of labor, deputy.....	3,000.00
Commissioner of labor, factory inspectors	3,575.00
Commissioner of labor, clerks' fund.....	1,800.00
Commissioner of labor, expense	2,771.10
Custodian of public property, salary	3,000.00
Custodian of public property, employes.....	54,783.48
Custodian of public property, extra help	970.80
Custodian of public property, shoveling snow fund.....	912.49
Department of agriculture, secretary and assistants' salary.....	4,800.00
Department of agriculture, insurance, etc.....	2,112.18
Department of agriculture, new amphitheatre.....	100,000.00
Dubuque rescue home	1,665.34
Department of G. A. R.	1,496.20
District judges' salaries, 53 judges.....	370,845.04
Engraving plates and cuts.....	1,009.25
Executive council, clerks' fund.....	13,682.16
Executive council, contingent fund	725.32
Executive council expert accountant	3,631.00
Executive council, new boilers and warehouse.....	9,020.70
Fish and game, warden's salary	2,400.00
Fish and game, protection of fish and game.....	28,961.57
Fish and game, boundary waters fund.....	1,778.91
Fish and game, gathering fish at Sabula.....	1,280.77
Fish and game, dam at Wall Lake	673.35
Food and dairy commissioner, salary	4,000.00
Food and dairy commissioner, deputy and assistants	8,290.11
Food and dairy commissioner, pure food fund.....	27,996.74
Food and dairy commissioner, encouragement of industry.....	2,839.92
Food and dairy commissioner, chemist's salary	4,000.00
Food and dairy commissioner, clerks' fund	4,537.50
Food and dairy commissioner, expense	10,017.14
Food and dairy commissioner, food and feeding stuffs.....	3,814.48
Florence Crittenden home.....	682.39
Freight, express and cartage.....	13,567.91
Farmers' institutes.....	12,068.23
General assembly, thirty-second; special session, members' salaries'	10,134.00
General assembly, thirty-second; special session, mileage	2,107.90
General assembly, thirty-second; special session, employes.....	1,028.50
General assembly, thirty-second; special session, chaplain	95.00
General assembly, thirty-second; special session, special	167.00
General assembly, thirty-third; members' salaries	86,946.36
General assembly, thirty-third; mileage	2,130.45
General assembly, thirty-third; employes	44,360.25
General assembly, thirty-third; chaplains	650.00
General assembly, thirty-third; special expense	2,562.89
General assembly, thirty-third; special appropriation	6,138.32
Governor, salary and house rent	11,200.00
Governor, salary, executive council.....	1,600.00
Governor, private secretary	3,600.00
Governor, clerks' fund	10,352.50
Governor, contingent fund	965.38
Governor, contingent fund to pay counsel	2,827.00
Governor, fund for return of fugitives	7,919.82
Governor, fund for paroled prisoners	231.32
Governor, fund for reward for arrest of murderers	800.00
Geological survey, general expense	16,210.89
Geological survey, clerks' fund	2,200.00
Historical department, curator's salary	1,200.01
Historical department, completing building	8,897.14
Historical department, furniture	8,788.30
Historical department, clerks' fund	12,715.69
Historical department and library consolidated	13,994.42

CONDITION OF THE TREASURY

Historical society, support	21,000.00
Horticultural society, support	8,000.00
House of Good Shepherd, Dubuque	450.00
House of Good Shepherd, Sioux City	450.00
Inebriate, return of escaped	458.71
Insane, return of escaped	717.07
Insane, non-resident	2,086.81
Insane, commission of inquiry	52.35
Insane, transportation of	30.25
Iowa library commission, salaries	10,340.04
Iowa library commission, expense	6,545.98
Interest on school fund bonds	1,407.33
Iowa weather and crop service	5,147.97
Iowa national guard, camp ground	9,813.70
Inauguration of governors, expense	700.25
Laboratory for hog cholera serum	4,364.02
Mine inspectors, salaries	10,800.00
Mine inspectors, expense	3,454.39
Mine inspectors, board of examiners	4,828.53
Mine inspectors, clerks' fund	2,000.00
Mail carrier	1,000.00
Miscellaneous code, 165	99,650.41
Miscellaneous code, 165, fuel	18,647.41
Miscellaneous code, 164	13,461.21
Militia or I. N. G.	228,080.48
Monuments Vicksburg national park	196.19
Oil inspectors	51,630.67
Postmaster	2,400.00
Publishing acts of general assembly	793.50
Providential contingent fund	1,097.95
Pharmacy commission, per diem and expense	13,839.41
Presidential electors	356.20
Primary election 1908, one-half expense	83,005.36
Public archives, preservation of	9,742.01
Purchase of land for state institutions	50,000.00
Prison breach escape	122.00
Refund to counties	1,911.97
Roster of Iowa soldiers	8,761.07
Relief of Hull	420.00
Relief of Metz	420.00
Refund abandoned river channels	1,000.00
Railroad commission, and secretaries' salary	16,800.00
Railroad commission, clerks' fund	8,052.50
Railroad commission, expense	2,700.32
Railroad commission, freight rate investigations	1,643.48
Railroad commission, maps	3,198.00
Removal of officers for malfeasance in office	27.89
State entomologist, quarantining insects	319.51
State entomologist, expense	2,404.37
State librarian, and assistants, salaries	14,400.00
State librarian, cataloguer and janitors	7,688.61
State librarian, law department	7,919.06
State binder	52,503.32
State printer	93,400.22
Spanish war flags, case for	14.00
Secretary of state, salary	4,400.00
Secretary of state, executive council	1,600.00
Secretary of state, deputy salary	3,600.00
Secretary of state, clerks' fund	22,334.79
Secretary of state, indexing vaults	300.00
Secretary of state, indexing journals	300.00
Superintendent public instruction, salary	4,400.00
Superintendent public instruction, deputy salary	3,600.00
Superintendent public instruction, clerks' fund	4,181.84
Superintendent public instruction, school journals	222.75
Superintendent public instruction, traveling expenses	524.67
Superintendent of weights and measures	181.41
Supreme court, salaries, 6 judges	70,883.33
Supreme court, bailiff and stenographers	11,719.75
Supreme court, contingent fund	1,379.81
Supreme court, reporters' salary	4,800.00
Supreme court, reporter's clerks	1,500.00
State university, support	470,657.92
State university, contingent and repairs	20,295.32
State university, regents	3,191.45
State university, buildings and improvements	30,000.00
State university, purchase of land	27,018.95
State university, library support	15,600.00
State teachers college, support	167,060.40
State teachers college, summer term	16,000.00
State teachers college, trustees	1,217.90
State teachers college, contingent and repairs	75,236.22
State teachers college, buildings and improvements	5,500.00
State teachers college, library and assistants	19,000.00
State teachers college, secretaries' salary	603.20
State board of education, per diem and expenses	2,014.74
State board of education, finance committee salary	10,500.00

CONDITION OF THE TREASURY

State board of education, clerks and expense	3,352.81
State drainage commission, secretary's salary	969.13
State drainage commission, expense	861.66
Statue of James Harlan	4,500.00
Statue of Ansel Briggs	1,000.00
Survey of lake beds	5,260.50
State veterinary surgeon, salary	3,600.00
State veterinary surgeon, assistants per diem and expense	16,575.00
State veterinary surgeon, clerks' fund	3,146.20
Treasurer of state, salary	4,400.00
Treasurer of state, executive council	1,600.00
Treasurer of state, deputy salary	3,600.00
Treasurer of state, clerks' fund	10,860.00
Treasurer of state, extra clerk and contingent fund	1,073.90
Treasurer of state, bond fund	1,300.00
Teachers' institutes	9,500.00

STATE INSTITUTIONS UNDER BOARD OF CONTROL.

Anamosa Penitentiary:	
Support and current expense	\$ 207,721.93
Buildings and improvements	33,023.95
Cherokee Hospital for Insane:	
Support and current expense	291,068.53
Buildings and improvements	139,597.24
Clarinda Hospital for Insane:	
Support and current expense	311,798.43
Buildings and improvements	55,816.30
Council Bluffs School for the Deaf:	
Support and current expense	110,182.02
Buildings and improvements	16,677.35
Davenport Soldiers' Orphans' Home:	
Support and current expense	151,188.63
Buildings and improvements	13,731.95
Eldora Industrial School for Boys:	
Support and current expense	138,905.29
Buildings and improvements	22,895.05
Ft. Madison Penitentiary:	
Support and current expense	202,089.04
Buildings and improvements	45,022.78
Glenwood Institution for Feeble Minded:	
Support and current expense	375,880.40
Buildings and improvements	71,230.60
Independence Hospital for Insane:	
Support and current expense	356,941.11
Buildings and improvements	146,672.01
Knoxville Hospital for Inebriates:	
Support and current expense	78,941.61
Buildings and improvements	5,895.29
Marshalltown Soldiers' Home:	
Support and current expense	328,818.29
Buildings and improvements	7,873.66
Mitchellville Industrial School for Girls:	
Support and current expense	82,473.08
Buildings and improvements	23,654.73
Mt. Pleasant Hospital for Insane:	
Support and current expense	325,737.33
Buildings and improvements	125,239.47
Oakdale Sanatorium for Tuberculosis:	
Support and current expense	97,877.00
Buildings and improvements	55,239.13
Vinton College for Blind:	
Support and current expense	67,773.27
Buildings and improvements	2,616.62
Total warrants issued from July 1, 1908, to July 1, 1910.....	\$ 7,868,968.99
Warrants outstanding July 1, 1908	206,587.06
Total	\$ 8,075,556.05
Warrants redeemed from July 1, 1908, to July 1, 1910.....	\$ 8,028,554.75
Warrants outstanding July 1, 1910	47,001.30
Total	\$ 8,075,556.05



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