

8 (17) line thereof the following: “, school townships maintaining school
9 or schools with high school departments, and consolidated independent
10 school districts”; and also by inserting after the comma following
11 the word “corporation” in the twenty-first (21) line thereof the
12 words: “school townships maintaining school or schools with high
13 school departments, and consolidated independent school districts,”

Approved April 1, A. D. 1915.

CHAPTER 70.

SALE OF ABANDONED RIVER CHANNELS, SAND BARS OR ISLANDS.

S. F. 319.

AN ACT to amend section twenty-nine hundred-a-seven (2900-a7), supplement to the code, 1913, respecting the sale of abandoned river channels, sand bars or islands.

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

1 SECTION 1. Sale—how effected. That section twenty-nine hun-
2 dred-a-seven (2900-a7), supplement to the code, 1913, be and the same
3 is hereby amended by striking from the fifteenth (15th) line of the
4 text of said section the word “with” following the word “filed”, and
5 substituting therefor the word “by”.

Approved April 1, A. D. 1915.

CHAPTER 71.

HOUSES OF PROSTITUTION.

S. F. 329.

AN ACT to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the persons who conduct or maintain the same, and the owner or agent of any building used for such purposes, and to assess a tax against the person maintaining said nuisance and against the ground, the building and owner or agent thereof.

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

SECTION 1. Houses of prostitution and equipment declared nuisance—injunction. Whoever shall erect, establish, continue, maintain, use, own or lease any building, erection or place used for the purpose of lewdness, assignation or prostitution is guilty of a nuisance, and the building, erection or place, or the ground itself, in or upon which such lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture,

7 fixtures, musical instruments, and movable property used in con-
8 ducting or maintaining such public nuisance, are also declared a
9 nuisance and shall be enjoined and abated as hereinafter provided.

1 **SEC. 2. Injunction—procedure.** Whenever a nuisance is kept,
2 maintained or exists, as defined in this act, the county attorney or
3 any citizen of the county or any society, association or body, incor-
4 porated under the laws of this state, may maintain an action in equity
5 in the name of the state of Iowa, upon the relation of such county at-
6 torney, citizen, or corporation to perpetually enjoin said nuisance,
7 the person or persons conducting or maintaining the same from fur-
8 ther conducting or maintaining the same and the owner or agent of
9 the building or ground upon which said nuisance exists from further
10 permitting such building or ground or both to be so used. . The defend-
11 ants shall be served therein as in other actions and in such action
12 the court, or judge in vacation, shall upon the presentation of a peti-
13 tion therefor alleging that the nuisance complained of exists, allow a
14 temporary writ of injunction without bond, if the existence of such
15 nuisance shall be made to appear to the satisfaction of the court or
16 judge by evidence in the form of affidavits, depositions, oral testi-
17 mony or otherwise as the complainant may elect, unless the court or
18 judge by previous order, shall have directed the form and manner
19 in which such evidence shall be presented. Where a temporary in-
20 junction is prayed for, the court or judge in vacation, on the applica-
21 tion of plaintiff, may issue an ex parte restraining order, restraining
22 the defendants and all other persons from removing or in any man-
23 ner interfering with the furniture, fixtures, musical instruments and
24 movable property used in conducting the alleged nuisance, until the
25 decision of the court or judge granting or refusing such temporary
26 injunction and until the further order of the court thereon. The
27 restraining order may be served by handing to and leaving a copy of
28 said order with any person in charge of said property or residing
29 in the premises or apartment wherein the same is situated, or by
30 posting a copy thereof in a conspicuous place at or upon one or more
31 of the principal doors or entrances to such premises or apartment
32 where such nuisance is alleged to be maintained, or by both such
33 delivery and posting. The officer serving such restraining order
34 shall forthwith make a return into court and inventory of the per-
35 sonal property situated in and used in conducting or maintaining
36 such nuisance. Any violation of such restraining order shall be a
37 contempt of court, and where such order is so posted, mutilation or
38 removal thereof, while the same remains in force, shall be a contempt
39 of court, provided, such posted order contains thereon or therein a
40 notice to that effect. Three days' notice in writing shall be given
41 the defendants of the hearing of the application for temporary in-
42 junction, and if then continued at the instance of defendant, the tem-
43 porary writ, as prayed, shall be granted as a matter of course. Each
44 defendant so notified shall serve upon the complainant or his attor-
45 ney a verified answer on or before the date fixed in said notice for
46 said hearing, and such answer shall be filed with the clerk of the
47 district court of the county wherein such cause is triable, but the
48 court may allow additional time for so answering, providing such

49 extension of time shall not prevent the issuing of said temporary
50 writ as prayed for. The allegations of the answer shall be deemed
51 to be traversed without further pleading. When an injunction has
52 been granted, it shall be binding on the defendants throughout the
53 judicial district in which it was issued, and any violation of the pro-
54 visions of the injunction herein provided shall be a contempt as
55 hereinafter provided.

SEC. 3. **Action—when tried—reputation—dismissal—delay in**
1 **trial.** The action when brought shall be noticed for and triable at
2 the first term of the court the same as other actions triable in the
3 district court of such county, and in such action evidence of the gen-
4 eral reputation of the place shall be competent for the purpose of
5 proving the existence of said nuisance and shall be prima facie evi-
6 dence of such nuisance and of knowledge thereof and of acquiescence
7 and participation therein on the part of the owners, lessors, lessees,
8 users and all those in possession of or having charge of, as agent or
9 otherwise, or having any interest in any form of property used in
10 conducting or maintaining said nuisance. If the complaint is filed
11 by a citizen or a corporation, it shall not be dismissed except upon a
12 sworn statement made by the complainant and his attorney, setting
13 forth the reasons why the action should be dismissed, and the dis-
14 missal approved by the county attorney in writing or in open court.
15 If the court is of the opinion that the action ought not to be dis-
16 missed, he may direct the county attorney to prosecute said action to
17 judgment at the expense of the county, and if the action is continued
18 more than one term of court, any citizen of the county or the county
19 attorney may be substituted for the complaining party and prose-
20 cute said action to judgment. If the action is brought by a citizen
21 or a corporation and the court finds there was no reasonable grounds
22 or cause for said action, the costs may be taxed to such citizen or
23 corporation.

SEC. 4. **Violations—procedure—penalty.** In case of the viola-
2 tion of any injunction granted under the provisions of this act, or of a
3 restraining order or the commission of any contempt of court in
4 proceedings under this act, the court, or in vacation, a judge thereof,
5 may summarily try and punish the offender. The proceedings shall
6 be commenced by filing with the clerk of the court a complaint under
7 oath, setting out and alleging facts constituting such violation, upon
8 which the court or judge shall cause a warrant to issue, under which
9 the defendant shall be arrested. The trial may be had upon affida-
10 vits or either party may demand the production and oral examination
11 of the witnesses. A party found guilty of contempt under the pro-
12 visions of this act shall be punished by a fine of not less than two
13 hundred nor more than one thousand dollars or by imprisonment in
14 the county jail not less than three nor more than six month or by
15 both fine and imprisonment.

SEC. 5. **Abatement—sale—closing building—contempt.** If the
2 existence of the nuisance be admitted or established in an action as
3 provided in this act, or in a criminal proceeding in the district court,
4 an order of abatement shall be entered as a part of the judgment
5 in the case, which order shall direct the removal from the building

6 or place of all fixtures, furniture, musical instruments or movable
7 property used in conducting the nuisance, and shall direct the sale
8 of such in the manner provided for the sale of chattels under execu-
9 tion, and shall direct the effectual closing of the building or place
10 against its use for any purpose, and so keeping it closed for a period
11 of one year, unless sooner released as hereinafter provided. If any
12 person shall break and enter or use a building, erection or place so
13 directed to be closed, he shall be punished as for contempt as pro-
14 vided in the preceding section. For removing and selling the mov-
15 able property, the officer shall be entitled to charge and receive the
16 same fees as he would for levying upon and selling like property, on
17 execution, and for closing the premises and keeping them closed, a
18 reasonable sum shall be allowed by the court.

1 **SEC. 6. Duty of county attorney—proceeds of sale.** In case the
2 existence of such nuisance is established in a criminal proceeding
3 in a court not having equitable jurisdiction, it shall be the duty of
4 the county attorney to proceed promptly under this act to enforce
5 the provisions and penalties thereof, and the finding of the defendant
6 guilty in such criminal proceedings, unless reversed or set aside,
7 shall be conclusive as against such defendant as to the existence of
8 the nuisance. All moneys collected under this act shall be paid to
9 the county treasurer. The proceeds of the sale of the personal prop-
10 erty as provided in the preceding section, shall be applied in pay-
11 ment of the costs of the action and abatement or so much of such
12 proceeds as may be necessary, except as hereinafter provided.

1 **SEC. 7. Release of property on filing bond.** If the owner of the
2 premises in which said nuisance has been maintained appears and
3 pays all costs of the proceeding, and files a bond with sureties to be
4 approved by the court in the full value of the property, to be ascer-
5 tained by the court, or in vacation, by the judge thereof, conditioned
6 that he will immediately abate said nuisance and prevent the same
7 from being established or kept therein within a period of one year
8 thereafter, the court, or in vacation the judge, if satisfied of his good
9 faith, may order the premises closed or sought to be closed under the
10 order of abatement, to be delivered to said owner, and said order of
11 abatement cancelled so far as the same may relate to said real prop-
12 erty. The release of the property under the provisions of this sec-
13 tion shall not release it from the injunction herein provided against
14 the property nor any of the defendants nor from any judgment, lien,
15 penalty or liability to which it may be subject by law.

1 **SEC. 8. Assessment and distribution of tax.** Whenever a per-
2 manent injunction issues against any person for maintaining a nui-
3 sance as herein defined, or against any owner or agent of the build-
4 ing kept or used for the purpose prohibited by this act, there shall
5 be imposed upon said building and the ground upon which the same
6 is located and against the person or persons maintaining said nui-
7 sance, and the owner or agent of said premises, a tax of three hun-
8 dred dollars (\$300.00). The imposing of said tax shall be made by
9 the court as a part of the proceeding, and the clerk of said court shall
10 make and certify a return of the imposition of said tax forthwith

11 to the county auditor, who shall enter the same as a tax upon the
12 property and against the persons upon which or whom the lien was
13 imposed as and when other taxes are entered, and the same shall be
14 and remain a lien on the land upon which lien was imposed until
15 fully paid; provided that any such lien imposed while the tax books
16 are in the hands of the auditor shall be immediately entered therein.
17 The payment of said tax shall not relieve the persons or property
18 from any other penalties provided by law. The provisions of the
19 law relating to the collection of taxes in this state, the delinquency
20 thereof and sale of property for taxes shall govern in the collection
21 of the tax herein prescribed in so far as the same are applicable, and
22 the said tax collected shall be applied in payment of any deficiency
23 in the costs of the action and abatement on behalf of the state to the
24 extent of such deficiency after the application thereto of the proceeds
25 of the sale of personal property as hereinbefore provided, and the
26 remainder of said tax together with the unexpended portion of the
27 proceeds of the sale of personal property shall be distributed in the
28 same manner as fines collected for the keeping of houses of ill fame,
29 excepting that twenty per cent of the amount of the whole tax col-
30 lected and of the whole proceeds of the sale of said personal prop-
31 erty as provided in this act shall be paid by the treasurer to the
32 attorney representing the state in the injunction action, at the time of
33 final judgment.

1 **SEC. 9. Tax assessed—unknown claimants.** When such nuisance
2 has been found to exist under any proceeding in the district court
3 or as in this act provided, and the owner or agent of such building
4 or ground whereon the same has been found to exist, was not a
5 party to such proceeding, nor appeared therein, the said tax of three
6 hundred dollars shall, nevertheless, be imposed against the persons
7 served or appearing and against the property as in this act set forth.
8 The person in whose name the real estate affected by the action
9 stands on the books of the county auditor for purposes of taxation
10 shall be presumed to be the owner thereof, and in case of unknown
11 persons having or claiming any ownership, right, title, or interest in
12 property affected by the action, such may be made parties to the
13 action by designating them in the summons and complaint as "all
14 other persons unknown claiming any ownership, right, title, or in-
15 terest in the property affected by the action" and service thereon
16 may be had by publishing such summons in the manner prescribed
17 in section 3540 supplement to the code, 1913. Any person having or
18 claiming such ownership, right, title or interest, and any owner or
19 agent in behalf of himself and such owner may make, serve and file
20 his answer therein within twenty days after such services and have
21 trial of his rights in the premises by the court; and if said cause
22 has already proceeded to trial or to findings and judgment, the court
23 shall by order fix the time and place of such trial and shall modify,
24 add to or confirm such findings and judgment as the case may re-
25 quire. Other parties to said action shall not be affected thereby.

1 **SEC. 10. Construction of act.** Should any provision or item of
2 this act be held to be unconstitutional, such fact shall not be held to in-
3 validate the other provisions and items thereof.

1 SEC. 11. **Conflicting acts.** All acts and parts of acts inconsistent
2 herewith are repealed.

1 SEC. 12. **Publication clause.** This act, being deemed of imme-
2 diate importance, shall take effect and be in full force after its pub-
3 lication in the Register and Leader, and the Des Moines Capital,
4 newspapers published in Des Moines, Iowa.

Approved April 1, A. D. 1915.

I hereby certify that the foregoing act was published in the Des Moines Capital April 6, 1915, and in the Register and Leader April 7, 1915.

W. S. ALLEN, *Secretary of State.*

CHAPTER 72.

COUNTY ATTORNEY.

H. F. 233.

AN ACT to repeal paragraph two (2) of section three hundred one (301) of the supplement to the code, 1913, and to enact a substitute therefor relating to the duties of the county attorney.

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

1 SECTION 1. **Duty of county attorney.** That paragraph two
2 (2) of section three hundred one (301) of the supplement to the code,
3 1913, is hereby repealed and the following is enacted in lieu thereof,
4 to wit:

5 "2. To appear for the state and county in all cases and proceed-
6 ings in the courts of his county to which the state or county is a
7 party, except cases brought on change of venue from another county.
8 He shall appear in the supreme court in all cases in which the coun-
9 ty is a party, and also in all cases transferred on change of venue
10 to another county, in which his county or the state is a party."

Approved April 6, A. D. 1915.

CHAPTER 73.

STATE AGENTS FOR STATE INSTITUTIONS.

H. F. 596.

AN ACT to amend the law as it appears in section twenty-six hundred ninety-two-a (2692-a), supplement to the code, 1913, and section twenty-six hundred ninety-two-c (2692-c), supplement to the code, 1913, relating to the appointment of state agents and providing for compensation for same.

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

1 SECTION 1. **Agents—board of control may appoint.** That the
2 law as it appears in section twenty-six hundred ninety-two-a