

end of said session, and for the unexpired portion of the regular term.

Sec. 5. Deputy - assistants - bond. The commissioner shall appoint a deputy commissioner and such other clerks and assistants as shall be needed to assist him in the performance of his duties, all of whom shall serve during the pleasure of the commissioner. Before entering upon the duties of his office, the deputy commissioner shall give a bond in the penal sum of ten thousand dollars (\$10,000.00).

Sec. 6. Payment of salaries of deputy, assistants and clerks. All salaries of deputy, assistants and clerks herein provided for shall be paid in the same manner as are the salaries of other state officers out of the general revenues of the state, and on the first day of each month all such salaries as are indicated herein shall be paid by warrant drawn by the auditor upon the treasurer of state.

Sec. 7. Expenses - appropriation. The commissioner shall be entitled to reimbursement of his actual necessary expenses in attending meetings of insurance commissioners of other states, and in the performance of the duties of his office, not exceeding one thousand dollars (\$1,000.00) annually. He may incur such other and additional expenses as may be authorized by the executive council, not exceeding one thousand dollars (\$1,000.00) annually. There is hereby appropriated, annually, for the biennium ending June thirtieth, nineteen hundred twenty-five (1925) from any funds in the state treasury not otherwise appropriated, or so much thereof as may be necessary, the sum of two thousand dollars (\$2,000.00) to cover the expenses provided for in this section.

Sec. 8. Present commissioner. The term of the commissioner of insurance who is in office on January first (1st), nineteen hundred twenty-seven (1927), shall serve until July first (1st), nineteen hundred twenty-seven (1927).

Approved April 3, 1924.

CHAPTER 141

SPECIAL LIENS

H. F. 212

AN ACT to amend, revise, and codify chapter seven (7) of title twenty-one (21) and chapters one (1) to six (6), inclusive, of title twenty-four (24) of the compiled code of Iowa and of the supplement to said code, relating to certain special liens.

Be It Enacted by the General Assembly of the state of Iowa:

That chapter seven (7) of title twenty-one (21) and chapters one (1) to six (6), inclusive, of title twenty-four (24) of the compiled Code of Iowa, and of the supplement to said Code are amended, revised, and codified to read as follows:

TITLE XXIV

CERTAIN SPECIAL LIENS

CHAPTER 1

LANDLORD'S LIEN

Section 1. Nature of landlord's lien. A landlord shall have a lien for his rent upon all crops grown upon the leased premises, and any upon other personal

property of the tenant which has been used or kept thereon during the term and which is not exempt from execution.

Sec. 2. Duration of lien. Such lien shall continue for the period of one (1) year after a year's rent, or the rent of a shorter period falls due. But in no case shall such lien continue more than six (6) months after the expiration of the term.

Sec. 3. Limitation on lien in case of sale under judicial process. In the event that a stock of goods or merchandise, or a part thereof, subject to a landlord's lien, shall be sold under judicial process, order of court, or by an assignee under a general assignment for benefit of creditors, the lien of the landlord shall not be enforceable against said stock or portion thereof, except for rent due for the term already expired, and for rent to be paid for the use of demised premises for a period not exceeding six (6) months after date of sale, any agreement of the parties to the contrary notwithstanding.

Sec. 4. Enforcement - proceeding by attachment. The lien may be enforced by the commencement of an action, within the period above prescribed, for the rent alone, in which action the landlord shall be entitled to a writ of attachment, upon filing with the clerk or justice a verified petition, stating that the action is commenced to recover rent accrued within one (1) year previous thereto upon premises described in the petition; and the procedure thereunder shall be the same, as nearly as may be, as in other cases of attachment, except no bond shall be required.

Sec. 5. Lien upon additional property. If a lien for rent is given in a written lease or other instrument upon additional property, it may be enforced in the same manner as a landlord's lien and in the same action.

Sec. 6. Action by tenant to recover property. An action brought by a tenant, his assignee or under tenant, to recover the possession of specific personal property taken under landlord's attachment, may be against the party who sued out the attachment; and the property claimed in such action may, under the writ therefor, be taken from the officer who seized it, when he has no other claim to hold it than that derived from the writ.

Sec. 7. Acts sufficient to constitute taking of property. The indorsement of a levy on the property, made upon the process by the officer holding it shall be a sufficient taking of the property to sustain an action against the party who sued out the writ.

Sec. 8. Sale of crops held by landlord's lien. If any tenant of farm lands, with intent to defraud, shall sell, conceal, or in any manner dispose of any of the grain, or other annual products thereof upon which there is a landlord's lien for unpaid rent, without the written consent of the landlord, he shall be guilty of larceny and punished accordingly.

Sec. 9. Action barred by payment of rent. The payment of the rent for the lands upon which such grain or other annual products were raised at or before the time the same falls due, shall be a bar to any prosecution under the preceding section and no prosecution shall be commenced until such rent be wholly due.

CHAPTER 2

MECHANIC'S LIEN

Sec. 10. Definitions and rules of construction. For the purpose of this chapter:

1. "Owner" shall include every person for whose use or benefit any building, erection, or other improvement is made, having the capacity to contract, including guardians.

2. "Subcontractor" shall include every person furnishing material or performing labor upon any building, erection, or other improvement, except those having contracts therefor directly with the owner, his agent, or trustee.

3. "Building" shall be construed as if followed by the words "erection, or other improvement upon land".

4. "Material" shall be construed as if followed by the words "machinery or fixtures".

Sec. 11. Persons entitled to lien. Every person who shall furnish any material for or perform any labor upon any building, including those engaged in the construction or repair of any work of internal improvement and those engaged in grading any land or lot, by virtue of any contract with the owner, his agent, trustee, contractor, or subcontractor shall have a lien upon such building and upon the land belonging to such owner on which the same is situated, or upon the land or lot so graded, to secure payment for material furnished or the labor performed.

Sec. 12. Collateral security before completion of work. No person shall be entitled to a mechanic's lien who, at the time of making a contract for furnishing material or performing labor, or during the progress of the work, shall take any collateral security on such contract.

Sec. 13. Security after completion of work. After the completion of such work, the taking of security of any kind shall not affect the right to establish a mechanic's lien unless such new security shall, by express agreement, be given and received in lieu of such lien.

Sec. 14. Extent of lien. The entire land upon which any building is situated, including that portion not covered therewith, shall be subject to a mechanic's lien to the extent of the interest therein of the person for whose benefit such material was furnished or labor performed.

Sec. 15. In case of leasehold interest. When the interest of such person is only a leasehold, the forfeiture of the lease for the nonpayment of rent, or for noncompliance with any of the other conditions therein, shall not forfeit or impair the mechanic's lien upon such building, but the same may be sold to satisfy such lien, and removed by the purchaser within thirty (30) days after the sale thereof.

Sec. 16. In case of internal improvement. When the lien is for material furnished or labor performed in the construction, repair, or equipment of any railroad, canal, viaduct, or other similar improvement, said lien shall attach to the erections, excavations, embankments, bridges, roadbeds, rolling stock, and other equipment and to all land upon which such improvements or property may be situated, except the easement or right of way.

Sec. 17. Perfection of lien. Every person who wishes to avail himself of a mechanic's lien shall file with the clerk of the district court of the county in which the building to be charged with the lien is situated a verified statement or account of the demand due him, after allowing all credits, setting forth:

1. The time when such material was furnished or labor performed, and when completed.

2. The correct description of the property to be charged with the lien.

Sec. 18. Time of filing. The statement or account required by the preceding section shall be filed by a principal contractor within ninety (90) days, and by a subcontractor within sixty (60) days, from the date on which the last of the material was furnished or the last of the labor was performed. A failure to file

the same within said periods shall not defeat the lien, except as otherwise provided in this chapter.

Sec. 19. Perfecting subcontractor's lien after lapse of sixty days. After the lapse of the sixty (60) days prescribed in the preceding section, a subcontractor may perfect a mechanic's lien by filing his claim with the clerk of the district court and giving written notice thereof to the owner, his agent, or trustee. Such notice may be served by any person in the manner original notices are required to be served. If the party to be served, his agent, or trustee, is out of the county where in the property is situated, a return of that fact by the person charged with making such service shall constitute sufficient service from and after the time it was filed with the clerk of the district court.

Sec. 20. Extent of lien filed after sixty days. Liens perfected under the preceding section shall be enforced against the property or upon the bond, if given by the owner, as hereinafter provided, only to the extent of the balance due from the owner to the contractor at the time of the service of such notice, but if the bond was given by the contractor, or person contracting with the subcontractor filing the claim for a lien, such bond shall be enforced to the full extent of the amount found due the subcontractor.

Sec. 21. Time of filing against railway. Where a lien is claimed upon a railway, the subcontractor shall have sixty (60) days from the last day of the month in which such labor was done or material furnished within which to file his claim therefor.

Sec. 22. Liability of owner to original contractor. No owner of any building upon which a mechanic's lien of a subcontractor may be filed, shall be required to pay the original contractor for compensation for work done or material furnished for said building until the expiration of sixty (60) days from the completion of said building, unless the original contractor shall furnish to the owner:

1. Receipts and waivers of claims for mechanics' liens, signed by all persons who furnished any material or performed any labor for said building, or
2. A good and sufficient bond to be approved by said owner, conditioned that said owner shall be held harmless from any loss which he may sustain by reason of the filing of mechanics' liens by subcontractors.

Sec. 23. Liability to subcontractor after payment of original contractor. Payment to the original contractor by the owner of any part or all of the contract price of such building before the lapse of the sixty (60) days allowed by law for the filing of a mechanic's lien by a subcontractor, will not relieve the owner from liability to the subcontractor for the full value of any material furnished or labor performed upon said building, if the subcontractor file his lien within the time provided by law for the filing of the same.

Sec. 24. Discharge of subcontractor's lien. Every mechanic's lien of a subcontractor may be discharged at any time by the owner, principal contractor, or intermediate subcontractor filing with the clerk of the district court of the county in which the property is located a bond in twice the amount of the sum for which the claim for the lien is filed, with surety or sureties, to be approved by said clerk, conditioned for the payment of any sum for which the claimant may obtain judgment upon his claim.

Sec. 25. Rule of construction. Nothing in this chapter shall be construed to require the owner to pay a greater amount or at an earlier date than is provided in his contract with the principal contractor, unless said owner pays a part or all of the contract price to the original contractor before the expiration of the sixty (60) days allowed by law for the filing of a mechanic's lien by a subcontractor.

Sec. 26. Priority of mechanics' liens between mechanics. Mechanics' liens shall have priority over each other in the order of the filing of the statements or accounts as herein provided.

Sec. 27. Priority over other liens. Mechanics' liens shall be preferred to all other liens which may attach to or upon any building, and to the land upon which it is situated, except liens of which the contractor or subcontractor, as the case may be, has actual or constructive notice before the commencement of the work or the furnishing of material; but the rights of purchasers, incumbrancers, and other persons who acquire interests in good faith and for a valuable consideration, and without notice, after the expiration of the time for filing claims for such liens, shall be prior to the claims of all contractors or subcontractors who have not, at the dates such rights and interests were acquired, filed their claims for such liens.

Sec. 28. Priority over garnishments of the owner. Mechanics' liens shall take priority of all garnishments of the owner for the contract debts, whether made prior or subsequent to the commencement of the furnishing of the material or performance of the labor, without regard to the date of filing the claim for such lien.

Sec. 29. Priority as to buildings over prior liens upon land. Mechanics' liens, including those for additions, repairs, and betterments, shall attach to the building for which the material or labor was furnished or done, in preference to any prior lien, incumbrance, or mortgage upon the land upon which such building was erected or situated.

Sec. 30. Foreclosure of mechanic's lien when lien on land. In the foreclosure of a mechanic's lien when there is a prior lien, incumbrance, or mortgage upon the land the following regulations shall govern:

1. Lien on original and independent building. If such material was furnished or labor performed in the construction of an original and independent building commenced after the attaching or execution of such prior lien, incumbrance, or mortgage, the court may, in its discretion, order such building to be sold separately under execution, and the purchaser may remove the same in such reasonable time as the court may fix. If the court shall find that such building should not be sold separately, it shall take an account of and ascertain the separate values of the land, and the building, and order the whole sold, and distribute the proceeds of such sale so as to secure to the prior lien, incumbrance, or mortgage priority upon the land, and to the mechanic's lien priority upon the building.

2. Lien on existing building for repairs or additions. If the material furnished or labor performed was for additions, repairs, or betterments upon any building, the court shall take an accounting of the values before such material was furnished or labor performed, and the enhanced value caused by such additions, repairs, or betterments, and upon the sale of the premises, distribute the proceeds of such sale so as to secure to the prior mortgage or lienholder priority upon the land and improvements as they existed prior to the attaching of the mechanic's lien, and to the mechanic's lienholder priority upon the enhanced value caused by such additions, repairs, or betterments. In case the premises do not sell for more than sufficient to pay off the prior mortgage or other lien, the proceeds shall be applied on the prior mortgage or other liens.

Sec. 31. Record of claim. The clerk of the court shall indorse upon every claim for a mechanic's lien filed in his office the date and hour of filing and make an abstract thereof in the mechanic's lien book kept for that purpose. Said book shall be properly indexed and shall contain the following items concerning each claim:

1. The name of the person by whom filed.
2. The date and hour of filing.
3. The amount thereof.
4. The name of the person against whom filed.
5. The description of the property to be charged therewith.

Sec. 32. Acknowledgment of satisfaction of claim. When a mechanic's lien is satisfied by payment of the claim, the claimant shall acknowledge satisfaction thereof upon the mechanic's lien book, or otherwise in writing, and, if he neglects to do so for thirty (30) days after demand in writing, he shall forfeit and pay twenty-five dollars (\$25.00) to the owner or contractor, and be liable to any person injured to the extent of his injury.

Sec. 33. Time of bringing action - court. An action to enforce a mechanic's lien, or an action brought upon any bond given in lieu thereof, may be commenced in the district or superior court after said lien is perfected.

Sec. 34. Place of bringing action. An action to enforce a mechanic's lien shall be brought in the county in which the property to be affected, or some part thereof, is situated.

Sec. 35. Kinds of action. An action to enforce a mechanic's lien shall be by equitable proceedings, and no other cause of action shall be joined therewith.

Sec. 36. Limitation on action. An action to enforce a mechanic's lien may be brought within two (2) years from the expiration of the sixty (60) or ninety (90) days, as the case may be, for filing the claim as provided in this chapter and not afterwards.

Sec. 37. Demand for bringing suit. Upon the written demand of the owner, his agent, or contractor, served on the lienholder requiring him to commence action to enforce his lien, such action shall be commenced within thirty (30) days thereafter, or the lien shall be forfeited and all benefits derived therefrom.

Sec. 38. Assignment of lien. A mechanic's lien is assignable, and shall follow the assignment of the debt for which it is claimed.

CHAPTER 3

MINER'S LIEN

Sec. 39. Nature of miner's lien. Every laborer or miner who shall perform labor in opening, developing, or operating any coal mine shall have a lien for the full value of such labor upon all the property of the person, firm, or corporation owning or operating such mine and used in the construction or operation thereof, including real estate and personal property. Such lien shall be secured and enforced in the same manner as a mechanic's lien.

CHAPTER 4

COMMON CARRIER'S LIEN

Sec. 40. Definitions. For the purpose of this chapter:

1. "Perishable property" shall include fruits, vegetables, fish, oysters, candies, bakery goods, game, butter, eggs, dairy products, dressed poultry, fresh

meats, and other property which by keeping may deteriorate in value or damage other property; also, gasoline, kerosene, oils, and distillates, dynamite, powder, munitions, and explosives, and other substances, which by reason of odor or leakage, or their volatile, inflammable, explosive, or dangerous nature, may become damaged or may be dangerous to persons or to other property.

2. "Live stock" shall include animals, live poultry, and birds.

3. "Nonperishable property" shall include all property not defined as perishable property or live stock.

4. "Carrier" shall mean common carrier.

Sec. 41. Lien of common carrier. Every carrier shall have a lien upon all property of every kind in its possession for all lawful charges thereon for transportation, demurrage, storage, handling, keeping, caring for, and if sold under the provisions of this chapter, for selling the same.

Sec. 42. Enforcement of lien. When any property upon which a carrier has a lien is unclaimed, or no directions have been given for the disposition thereof, or when any of the charges thereon are unpaid, the same may be sold by the carrier after giving the notice herein prescribed.

Sec. 43. Personal notice of sale. Notices for the sale of property under the provisions of this chapter shall be given as follows:

1. In the case of perishable property notice may be given, at any time after the arrival of the property at its destination, to the consignee or person designated in the waybill to be notified, and said notice shall state that the property is on hand and that unless all legal charges are paid and the property removed or directions given for the disposition of the same within the time hereinafter prescribed the property will be sold as provided in this chapter.

2. In the case of live stock the same notice as prescribed in the preceding paragraph may be given at any time after the lapse of forty-eight (48) hours from the time of arrival of the property at its destination.

3. In the case of nonperishable property notice may be given in accordance with the provisions of the preceding paragraph but a like notice shall also be given to the consignor.

4. In case no shipping directions have been received for the disposition of the property, the notice required by this section may be given to the person from whom the property was received, if said person and his address is known, otherwise the carrier shall proceed as provided in section forty-seven (47).

Sec. 44. Manner of giving notice. The deposit in the United States post-office or public mailing box of a written notice addressed to the person entitled to notice under the preceding section at the address given in the waybill, with the proper postage thereon, shall constitute the service of notice required by this chapter, but in the case of nonperishable property notice shall be given by registered mail. In case there is no waybill notice may be given as prescribed in this section to the person entitled thereto at his known place of residence or business.

Sec. 45. Actual notice. Actual notice to the persons entitled to notice shall be sufficient and render the mailing of notice unnecessary, and the time within which said property may be sold shall begin to run from the time of such actual notice.

Sec. 46. Sale. After the required notice has been given, the carrier may make public or private sale of the property at such time and place as in its judgment may be advisable, as follows:

1. In case of perishable property at any time after the lapse of twenty-four (24) hours from the service of notice.

2. In case of live stock at any time after the lapse of five (5) days from the service of notice.

3. In case of nonperishable property at any time after the lapse of ten (10) days from the service of notice.

Sec. 47. Sale when owner unknown. When a carrier is in possession of property which is unclaimed or for which no directions have been given for the disposition thereof, and the owner or person entitled thereto, or his address, is unknown, the same may be sold as provided in this chapter, after the lapse of time prescribed in the preceding section from the receipt of the property or arrival at its destination, without giving the notice heretofore prescribed, except that in the case of nonperishable property, advertisement of the sale, describing the property to be sold, and the time and place of sale, shall be published, after the lapse of the time prescribed before sale can be made, once a week for two (2) consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen (15) days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten (10) days before such sale in not less than six (6) conspicuous places therein.

Sec. 48. Inventory - sale in bulk or separate articles. Property sold under the provisions of this chapter shall first be listed by the carrier, so as to show the number and kind of articles or packages, or the number of head and kind of live stock, and may be sold in bulk, in lots, or by separate package or articles, or by the head, and the carrier shall keep an accurate account of the separate and aggregate amounts received for all property sold.

Sec. 49. Recovery of property by satisfaction of lien. At any time before the property is sold any person entitled to the same may pay the amount necessary to satisfy the lien and all charges due the carrier who shall then deliver the property to said person.

Sec. 50. Application of proceeds. The carrier shall make the following disposition of the proceeds of such sale:

1. Apply so much as may be necessary for the payment of all lawful charges for transportation, demurrage, storing, keeping, feeding, and selling, including costs of notices and all expenses connected with the sale and disposition of proceeds.

2. Pay the balance to the consignee or owner or person entitled thereto upon a proper showing that the person claiming it is entitled thereto.

Sec. 51. Disposition of unclaimed balance. When no claim is made by any person for such balance, within one (1) month after the sale the carrier shall pay the same to the treasurer of the county where such property was sold, taking his receipt therefor, which payment shall be accompanied by a verified list of the property sold, showing the amount received, the amount deducted or applied for lawful charges, and the names and addresses of the consignor and consignee as they appear on the waybill. In case there is no waybill the verified list shall show the name and address of the person entitled to notice before the sale of the property, or in case the only notice given was by advertisement then a copy of said advertisement shall be attached to said list.

Sec. 52. Release of carrier. Upon payment to the county treasurer of such balance or in case such property does not sell for an amount in excess of the lawful charges, the carrier shall be released from all further liability in relation to the property.

Sec. 53. Duty of county treasurer. Any county treasurer receiving any funds under the provisions of this chapter, shall make a record in his office

of the date and amount received, and shall file and preserve the verified list of property, and if said fund shall remain unclaimed for one (1) year, he shall credit it to the general fund of the county.

Sec. 54. Owner may reclaim - limitation. The rightful owner of any such fund may at any time within ten (10) years after it is credited to the general fund, make claim for said amount to the board of supervisors and on proof of his right thereto, it shall be allowed and paid as other claims against the county.

Sec. 55. Other remedies. The remedy for enforcing the lien herein provided shall not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the carrier's claim as shall not be paid by the proceeds of the sale.

CHAPTER 5

FORWARDING AND COMMISSION MERCHANT'S LIEN

Sec. 56. Nature of lien. Every forwarding and commission merchant shall have a lien upon all property of every kind in his possession, for the transportation and storage thereof, for all lawful charges and services thereon or in connection therewith, and if sold under the provisions of this chapter, for selling the same.

Sec. 57. Enforcement of lien. The lienholder may enforce his lien in the same manner as a common carrier and all the provisions of the preceding chapter shall govern such proceedings as far as applicable.

CHAPTER 6

ARTISAN'S LIEN

Sec. 58. Nature of lien. Any person who renders any service or furnishes any material in the making, repairing, improving, or enhancing the value of any inanimate personal property, with the assent of the owner, express or implied, shall have a lien thereon for the agreed or reasonable compensation for his service and material while such property is lawfully in his possession, which possession he may retain until such compensation is paid, but such lien shall be subject to all prior liens of record.

Sec. 59. Enforcement of lien. The lienholder may enforce his lien by suit in equity or in the same manner as a common carrier and all the provisions of the second preceding chapter shall govern such proceedings as far as applicable, except that notice shall be given to the owner or bailor in lieu of the persons specified in said chapter as entitled to notice.

CHAPTER 7

LIEN FOR CARE OF STOCK

Sec. 60. Nature of lien for care of stock. Livery and feed stable keepers, herders, feeders, and keepers of stock and of places for the storage of motor vehicles shall have a lien on all property coming into their hands as such for their charges and the expense of keeping, but such lien shall be subject to all prior liens of record.

Sec. 62. Satisfaction of lien by sale. If such charges and expenses are not paid, the lienholder may sell said stock and property at public auction,

after giving to the owner or claimant ten (10) days' notice in writing of the time and place of such sale, if found within the county, and also by posting written notices thereof in three (3) public places in the township where said stock and property were kept or received.

Sec. 63. Disposal of proceeds. Out of the proceeds of such sale the licn-holder shall pay all of the charges and expenses of keeping said stock and property, together with the costs and expenses of said sale, and the balance shall be paid to the owner or claimant of the stock and property.

CHAPTER 8

HOTEL KEEPER'S LIEN

Sec. 64. Definitions. For the purposes of this chapter:

1. "Hotel" shall include inn, rooming house, and eating house.
2. "Hotel keeper" shall mean a person who owns or operates a hotel.
3. "Guest" shall include boarder and patron.
4. "Baggage" shall include all property which is in any hotel belonging to or under the control of any guest.

Sec. 65. Nature of hotel keeper's lien. A hotel keeper shall have a lien upon the baggage of any guest, which may be in his hotel, for:

1. The accommodations and keep of said guest.
2. The money paid for or advanced to said guest.
3. The extras and other things furnished said guest.

Sec. 66. Enforcement by ordinary action. The hotel keeper may take and retain possession of all baggage and may enforce his claim by an ordinary action. Said baggage shall be subject to attachment and execution for the reasonable charges of the hotel keeper against the guest, and for the costs of enforcing the lien thereon.

Sec. 67. Satisfaction of lien by sale. If the hotel keeper does not proceed by an ordinary action he shall retain the baggage upon which he has a lien for a period of ninety (90) days, at the expiration of which time, if such lien is not satisfied, he may sell such baggage at public auction after giving ten (10) days' notice of the time and place of sale in a newspaper of general circulation in the county where the hotel is situated, and also by mailing a copy of such notice addressed to said guest at the place of residence registered by him in the register of the hotel.

Sec. 68. Disposal of proceeds from sale. From the proceeds of said sale the hotel keeper shall satisfy his lien, the reasonable expense of storage, and the costs for enforcing the lien, and any remaining balance shall, on demand within six (6) months, be paid to the guest, and if not demanded within said period of time, said balance shall be deposited by the hotel keeper with the county treasurer of the county in which the hotel is situated, together with:

1. A statement of the hotel keeper's claim and the costs of enforcing same.
2. A copy of the published notice of sale.
3. A statement of the amounts received for the goods sold at said sale.

Sec. 69. Duty of county treasurer - right of guest. The balance received by the county treasurer under the preceding section shall be credited by him to the general fund of the county, subject to the right of the guest, or his representative, to reclaim the same at any time with three (3) years from the date of deposit with the county treasurer.

CHAPTER _____

LIABILITY OF HOTEL KEEPERS AND STEAMBOAT OWNERS FOR BAGGAGE

Sec. 70. Limitation on liability. No keeper of any hotel, inn, or eating house, nor the owner of any steamboat, shall be liable to any guest for more than one hundred dollars (\$100.00) for the loss of or injury to any money, jewelry, articles of gold or silver manufacture, precious stones, personal ornaments, documents of any kind, or other similar property, if such keeper or owner at all times provides:

1. A metal safe or vault, in good order and fit for the safe keeping of such property.
2. Locks or bolts on the door and proper fastenings on the transoms and windows of the sleeping quarters used by guests.
3. Printed notices posted up in a conspicuous place in the office or other public room and in the quarters occupied by guests, stating that such places for safe deposit are provided for the use and accommodation of guests and patrons.

Sec. 71. Exception - failure to receive property. The limited liability provided in the preceding section shall not apply where:

1. A guest has offered to deliver such valuables to said keeper or owner for custody in such metal safe or vault, and
2. Said keeper or owner has omitted or refused to receive and deposit the same in such safe or vault and give such guest a receipt therefor.

But such keeper or owner shall not be required to receive from any one guest for deposit in such safe or vault, property having a market value of more than five hundred dollars (\$500.00).

Sec. 72. Nature of liability. The liability of such keeper or owner for loss of or injury to personal property placed by any guest in his care, other than that described in the two preceding sections, shall be that of a depository for hire.

Sec. 73. Limitation on amount of liability. In no event shall the liability of such keeper or owner exceed the following amounts:

1. For each trunk and its contents, two hundred fifty dollars (\$250.00).
2. For each valise and its contents, one hundred fifty dollars (\$150.00).
3. For each box, bundle, or package and its contents, fifty dollars (\$50.00).
4. For any and all other miscellaneous effects of each guest, not exceeding one hundred dollars (\$100.00).

Sec. 74. Leaving baggage after registering off. In case baggage or other personal property of a guest has remained in any hotel, inn, eating house, or steamboat forty-eight (48) hours after the guest has paid his bill and registered off and the relation of keeper and guest has ceased, such keeper or owner may hold such baggage or property at the risk of the owner.

Sec. 75. Forwarding baggage before becoming guest. In case baggage or other property has been forwarded to any hotel, inn, eating house, or steamboat, and the owner of such baggage or property does not within forty-eight (48) hours become a guest, such keeper or owner may hold such baggage or property at the risk of the owner.

Approved March 12, 1924.