

1. The clerk or any judge of any court of record.
2. Any commissioner appointed by the governor of this state to take acknowledgements of deeds in another state.
3. Any notary public.
4. Any consul or consular agent of the United States.
5. When the witness is in the military or naval service of the United States, any commissioned officer under whose command he is serving, or any commissioned officer in the judge advocate general's department.

Sec. 7. Blank subpoenas - contempt. Any officer or commissioner before whom a deposition is to be taken within the state shall be supplied by the clerk of the district court with necessary blank subpoenas duly signed by such clerk under the seal of such court, which may be served as subpoenas in the district court. Any witness who refuses to obey such subpoena or after appearance refuses to testify shall be reported by the officer or commissioner to the district court of the county where the subpoena was issued or to a judge thereof who shall thereupon proceed as if the refusal had occurred in the district court.

Sec. 8. Commissioner designated by court or parties. Such commission may also issue to any person designated by the court for that purpose or agreed upon by the parties, such person being named in the notice.

Sec. 9. Specification of place of taking. If the commission issue to any officer or person for the taking of the deposition in any of the United States or in Canada, the name of the state or province and county in which the deposition is to be taken shall be specified in the notice and commission; otherwise it shall be sufficient to name the state, territory, or district and town or city.

Approved April 16, 1924.

CHAPTER 150

TRIAL AND JUDGMENT

S. F. 231

AN ACT to amend, revise, and codify sections seven thousand four hundred forty-seven (7447), seven thousand four hundred fifty (7450), seven thousand four hundred fifty-one (7451), and seven thousand five hundred eighty-one (7581) of the compiled code of Iowa, relating to trial and judgment.

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

That section seven thousand four hundred forty-seven (7447) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Equitable actions - evidence - trial anew on appeal. In actions cognizable in equity, wherein issues of fact are joined, the court may order the evidence or any part thereof to be taken in the form of depositions, or either party may take depositions as authorized by law, and shall be entitled to a continuance to the second term for that purpose. The evidence in such actions shall be presented on appeal to the supreme court, which shall try such causes anew.

That sections seven thousand four hundred fifty (7450) and seven thousand four hundred fifty-one (7451) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Sec. 2. Trial term. Causes shall be triable at the first term after legal and timely service has been made.

That section seven thousand five hundred eighty-one (7581) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 3. Satisfaction of judgment - complete record. Where a judgment is set aside or satisfied by execution or otherwise, the clerk shall at once enter a memorandum thereof on the column left for that purpose in the judgment docket. In cases where the title to land is involved and expressly settled or determined, the clerk shall make a complete record of the whole cause, except abstracts of title attached to the pleadings, and enter it in the proper book. In no other case need a complete entry be made, except at the request of either party, which party shall pay the costs of said entry.

Approved February 9, 1924.

CHAPTER 151

EXAMINATION OF DEBTORS

H. F. 234

AN ACT to amend, revise, and codify section seventy-seven hundred fifty-nine (7759) of the compiled code of Iowa, relating to the examination of debtors in proceedings auxiliary to execution.

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

That section seventy-seven hundred fifty-nine (7759) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Debtor interrogated. The debtor, on his appearance, may be interrogated in relation to any facts calculated to show the amount of his property, or the disposition which has been made of it, or any other matter pertaining to the purpose for which the examination is permitted to be made. The interrogatories and answers shall be reduced to writing and preserved by the court or officer before whom they are taken. All examinations and answers under this chapter shall be on oath.

Approved January 26, 1924.

CHAPTER 162

ESTATES OF DECEDENTS

H. F. 235

AN ACT to amend, revise, and codify section seven thousand seven hundred eighty-seven (7787) of the compiled code of Iowa, and section seven thousand nine hundred one-a four (7901-a4) of the supplement to the compiled code of Iowa, relating to estates of decedents.

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

That section seven thousand seven hundred eighty-seven (7787) of the compiled Code of Iowa is amended, revised, and codified to read as follows: