

candidate, party or measure in consideration of any money or other valuable thing, or who shall accept money or other valuable thing for such services performed in the interest of any candidate, political party or measure, shall be punished as provided in the preceding section.

Approved January 4, 1924.

#### CHAPTER 176

#### RELEASE OF LIENS

S. F. 273

AN ACT to amend, revise, and codify section eighty-one hundred sixty-eight (8168) of the compiled code of Iowa, relating to the release of common law or statutory liens on personal property.

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

That section eighty-one hundred sixty-eight (8168) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Bond to release lien. An owner of personal property in this state who disputes, either the existence, on such property, of a common law or statutory lien, or the amount of any such lien, may release such lien, if any, and become entitled to the immediate possession of said property by filing a bond as hereinafter provided.

Sec. 2. Requirements of bond. Said bond shall be in an amount equal to twice the amount of the lien claimed, shall have one (1) or more sureties, shall be approved by and filed with the clerk of the district court of the county where the property is being held under the claimed lien, and shall be conditioned to pay claimant any sum found to be due and also found to have been a lien on said property at the time the bond is filed.

Sec. 3. Effect of bond. When said bond is filed and claimant is given written notice of such filing, the said lien, if any, shall stand released, and the owner shall be entitled to the immediate possession of said property.

Sec. 4. Action on bond. An action upon said bond shall be brought in the county where the owner of the property resides; when the said owner is a nonresident of this state, the action shall be brought in the county where the bond is filed.

Approved January 31, 1924.

#### CHAPTER 177

#### INDICTMENTS AND TRIAL INFORMATION

H. F. 274

AN ACT to amend, revise, and codify sections ninety-two hundred eighty-seven (9287), ninety-three hundred fifty-two (9352) and ninety-three hundred eighty-nine (9389) of the compiled code of Iowa, relating to indictments,

trial information, and demurrers thereto.

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

That section ninety-three hundred fifty-two (9352) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Rule of sufficiency. The indictment is sufficient if it can be understood therefrom:

1. That it was found by a grand jury of the county impaneled in the court having authority to receive it, though the name of the court is not actually stated.

2. That the defendant is named, or if his true name is unknown to the grand jury, such fact is stated, and that he is described by a fictitious name.

3. That the offense is triable within the jurisdiction of the court.

4. That the offense was committed prior to the time of the finding of the indictment.

5. That the act or omission charged as the offense is stated in ordinary and concise language, with such certainty and in such manner as to enable a person of common understanding to know what is intended, and the court to pronounce judgment according to law upon a conviction.

6. That, when material, the name of the person injured or attempted to be injured be set forth when known to the grand jury, or, if not known, that it be so stated in the indictment.

Sec. 2. Amendment. The court may, on motion of the state, and before or during the trial, order the indictment so amended as to correct errors or omissions:

1. In matters of form, or

2. In the name of any person, or

3. In the description of any person or thing, or

4. In the ownership of property.

Sec. 3. Application for amendment and notice. If the application for an amendment be made before the commencement of the trial, the application and a copy of the proposed amendment shall be served upon the defendant, or upon his attorney of record, and an opportunity given the defendant to resist the same. If the application be made during the trial, the application and the amendment may be dictated into the record in the presence of the defendant or of his counsel, and such record shall constitute sufficient notice to the defendant.

Sec. 4. Unallowable amendment. Such amendment shall not prejudice the substantial rights of the defendant, or charge him with a different crime or different degree of crime from that charged in the original indictment returned by the grand jury.

Sec. 5. Continuance. No continuance or delay in trial shall be granted because of such amendment unless it is made to appear that defendant should have additional time to prepare for trial because of such amendment.

That section ninety-three hundred eighty-nine (9389) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Grounds of demurrer. The defendant may demur to the indictment when it appears upon its face, either:

1. That it does not substantially conform to the requirements of this Code, or

2. That the indictment contains matter which, if true, would constitute a legal defense or bar to the prosecution.

Sec. 7. Failure to demur - waiver. All objections to the indictment relating to matters of substance and form which might be raised by demurrer shall be deemed waived if not so raised by the defendant before the jury is sworn on the trial of the case.

That section ninety-two hundred eighty-seven (9287) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Amendments. An information may be amended in the same manner and to the same extent that an indictment may be amended.

Approved January 23, 1924.

## CHAPTER 178

### BONDS

#### S. F. 275

AN ACT TO amend, revise, and codify chapter twenty-five-A (25-A) of title four (4) of the supplement to the compiled code of Iowa, relating to the sale of public bonds.

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

That chapter twenty-five-A (25-A) of title four (4) of the supplement to the compiled Code of Iowa is amended, revised, and codified to read as follows:

Section 1. Notice of sale. When public bonds are offered for sale, the official or officials in charge of such bond issue shall, by advertisement published for two (2) or more successive weeks in at least one (1) official newspaper of the county, give notice of the time and place of sale of said bonds, the amount to be offered for sale, and any further information which may be deemed pertinent.

Sec. 2. Sealed and open bids. Sealed bids may be received at any time prior to the calling for open bids. After the sealed bids are all filed, the official or officials shall call for open bids. After all of the open bids have been received the substance of the best open bid shall be noted in the minutes. The official or officials shall then open any sealed bids that may have been filed and they shall note in the minutes the substance of the best sealed bids.

Sec. 3. Rejection of bids. Any or all bids may be rejected, and the sale may be advertised anew, in the same manner, or the bonds or any portion thereof may thereafter be sold at private sale to any one or more of such bidders, or other persons, by popular subscription or otherwise. In case of private sales, the said bonds shall be sold upon terms not less favorable to the public than the most favorable bid made by a bona fide and responsible bidder at the last advertised sale.

Sec. 4. Selling price. No public bond shall be sold for less than par plus accrued interest.

Sec. 5. Commission and expense. No commission shall be paid, directly