

Publication. take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines.

Approved, March 26, 1878.

I hereby certify that the foregoing act was published in the Iowa State Register April 3, and in the Iowa State Leader, April 5, 1878.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 167.

SALARIES OF OFFICERS OF THE PENITENTIARY OF THE STATE.

S. F. 281. AN ACT to repeal Chapter 156 of the Laws of the Sixteenth General Assembly, and to enact a substitute therefor.

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

Chapter 156, 16th G. A. repealed. SECTION 1. That chapter 156 of the laws of the 16th general assembly is hereby repealed, and the following enacted in lieu thereof:

Appropriation for salaries. SECTION 4783. There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, so much as may be necessary to pay monthly to the persons herein named the following sums, viz: To the warden, one hundred and sixty-six dollars and sixty-seven cents; to the deputy warden, one hundred dollars; to the clerk, sixty dollars; to the surgeon, forty dollars; to the chaplain, who shall also perform the duties of teacher, sixty-two dollars and fifty cents; to the hospital steward, fifty dollars; to the turnkey, forty-five dollars, and to each guard forty-five dollars.

Warden shall have rent, fuel, &c. *Provided,* That the warden shall be furnished, in addition to the above, with house rent, fuel and lights for himself and family at the expense of the state, but no other perquisites or allowances of any character shall be permitted; and,

Shall file affidavit with auditor of state. *Provided,* That on the last of each month the warden shall make and file with the auditor of state an affidavit that during said month he has not directly or indirectly converted to his own use any provisions, supplies, waste, or materials belonging to the state, nor permitted the same to be done by any other officer or person, except as herein provided, which said affidavit must be filed before any warrant shall issue to the warden for his own compensation, as provided in this section; and,

Provisions to apply to Anamosa Penitentiary. *Provided, further,* That the salaries and compensations allowed in this section shall also apply to the additional penitentiary at Anamosa, except that no deputy warden shall be appointed at such additional penitentiary.

Repealing clause. SEC. 2. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act, being deemed of immediate importance, shall Publication. take effect from and after its publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, March 28, 1878.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 29, and in the *Iowa State Register*, March 30, 1878.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 168.

EVIDENCE IN CRIMINAL ACTIONS.

AN ACT in Relation to Evidence in Criminal Actions. Amending Sections 3636, and 4421, and Repealing Section 4237, and part of Section 4556 of the Code. Sub. S. F. 19.

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

SECTION 1. That section 3636, chapter 1, of title 22 of the Code, be amended by adding thereto the following: "Defendants in all criminal proceedings shall be competent witnesses in their own behalf, but cannot be called as witnesses by the state; and should a defendant not elect to become a witness, that fact shall not have any weight against him on the trial, nor shall the attorney or attorneys for the state during the trial, refer to the fact that the defendant did not testify in his own behalf; and should he do so, such attorney or attorneys will be guilty of a misdemeanor, and defendant shall for that cause alone be entitled to a new trial." Code, § 3636, amended. Defendant may testify in his own behalf.

SEC. 2. Section 4237 is hereby repealed, and all that part of section 4556 after the word "chapter" in the fourth line, is hereby repealed, which will then read as follows: Code, § 4237, repealed.

Section 4556. The rules of evidence prescribed in the civil part of this Code shall apply to criminal proceedings, as far as applicable, and as they are not inconsistent with the provisions of this chapter. Code, § 4556, part repealed.

SEC. 3. That section 4421 of the Code be amended by adding thereto the following: *Provided*, That whenever the district attorney desires to introduce evidence to support the indictment, of which he shall not have given said four days' notice because of insufficient time therefor since he learned said evidence could be obtained, he may move the court for leave to introduce such evidence, giving the name, place of residence, and occupation of the witnesses he desires to introduce, and the substance of what he expects to prove by said witnesses, and showing diligence such as is required in a motion for a continuance supported by affidavit, whereupon, if the court sustain said motion, the defendant shall elect whether said cause shall be continued on his motion, or the Code, § 4421, amended. Dist. attorney may introduce without four days' notice.