

authorize said auditor to employ a deputy or clerk at a salary not exceeding the rate of six hundred dollars per annum: *Provided*, That in counties of more than twenty-five thousand population, the board of supervisors may grant such additional compensation to the auditor, deputy, or clerks, as they deem it just and proper.

**SEC. 4.** It shall be the duty of the board of supervisors, in fixing the compensation of the officers as provided in this act, to take the latest state or national official census, as their guide in so doing.

**SEC. 5.** It is hereby made the duty of the county auditor, the county treasurer and the clerk of the district and circuit courts, in each county of the state to keep a complete and accurate account of all the fees charged and collected by them as now provided by law; which account shall be made and kept as a permanent record of the office; and it is hereby made the further duty of each of the officers therein specified, to make a report of such fees to the board of supervisors, at each regular session of said board, verified by oath or affirmation, a summary of which shall be spread upon the minutes of said board and made a part of the record. If any officers shall neglect or refuse to make such report, as required by this section, it shall be the duty of the board to employ an expert to examine the books, papers, and accounts of such officer, and to make such report, the expense therefor being charged to the delinquent officer, and collectable upon his official bond.

Approved, March 27, 1880.

Provide; coun-  
ties of more  
than 25,000  
inhabitants.

Last census to  
determine  
population.

Each officer  
keep record of  
fees and report  
to board of  
supervisors.

Verified.

Board to em-  
ploy an expert  
in case of fail-  
ure to report.

## CHAPTER 185.

### IN RELATION TO ATTORNEYS' FEES.

S. F. 271.

**AN ACT** to Regulate and Limit the Amount of Attorneys' Fees that May be Taxed in Suits on Written Contracts Stipulating for Attorneys' Fees in Certain Cases.

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

No greater fee  
than prescribed  
by this act shall  
be collected.

**SECTION 1.** In any action upon a written contract for the payment of money, made after the taking effect of this act, in which it is an agreement to pay an attorney's or collection fee, no greater recovery for attorneys' fee shall be had against the maker of such contract than is provided for in section two hereof, anything in said contract contained to the contrary notwithstanding.

Limiting fees  
on contract.

**SEC. 2.** When judgment is recovered on a written contract, made after the taking effect of this act, containing an agreement to pay an attorney's fee, there shall be an attorney's fee allowed

by the court and taxed as a part of the costs, except as provided in sections three and four hereof; but in no case shall the amount allowed be greater than the following, to-wit:

For the first two hundred dollars, or fraction thereof, ten per cent of the amount found due. First \$200.

For the excess of two hundred dollars, up to five hundred dollars, five per cent. From \$200 to \$500.

For the excess of five hundred dollars, up to one thousand dollars, three per cent. To \$1,000.

For all in excess of one thousand dollars, one per cent.

Excess of \$1,000. Proviso.

*Provided*, That the plaintiff shall be entitled to recover not to exceed one-half the above collection fee in case payment is made after commencement of suit and before return day. And in case of payment before judgment, and after return day, the plaintiff may recover not to exceed three-fourths of the said amounts, and have judgment therefor, and no fee shall be allowed if suit has not been commenced or expense incurred.

SEC. 3. Before any allowance of attorney's fee shall be made by the court, the court shall be fully satisfied by affidavit of the attorney engaged in the cause, which affidavit shall be filed with the original papers, that there has been and is no agreement, expressed or implied, between the attorney and his client, or between the attorney and any other person, except a practicing attorney engaged with him as attorney in the cause, for any division or sharing of the fee to be taxed; and no fee shall be taxed except in favor of a regular attorney, and in compensation for services actually rendered in the cause. Court to be satisfied by affidavit.

SEC. 4. Before any attorneys' fee shall be allowed by the court, the court shall be fully satisfied that the defendant, if he be a resident of the county, and the suit is not aided by an attachment, had information of the whereabouts of the contract, and had a reasonable opportunity to pay the same before suit was brought. But this provision shall not apply when the contract is by its terms payable at a particular place, and the maker of the contract has not tendered the money due at the place named in the contract. Court shall be satisfied.

Does not apply to specific contract.

Approved, March 27, 1880.