

CHAPTER 57.

INDEBTEDNESS OF CORPORATIONS.

AN ACT to amend Section 1061, of the Code of 1873, relating to the s. F. 155.
Indebtedness of Corporations.

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

SECTION 1. That Section 1061 of the Code of 1873, be further amended by adding thereto the proviso as follows: Provided further, that the provisions of this section shall not apply to the debentures or bonds of any company, duly incorporated under the provisions of this chapter, the payment of which debentures or bonds shall be secured by an actual transfer of real estate securities for the benefit and protection of purchasers of said debentures or bonds, such securities to be at least equal in amount to the par value of such bonds or debentures, and to be first liens upon unencumbered real estate worth at least twice the amount loaned thereon. Code, section 1061, amended.

SEC. 2. This act being deemed of immediate importance shall be of force and effect from and after its publication in the Iowa Daily State Register and Daily Des Moines Leader, newspapers published in the city of Des Moines, Iowa. Publication.

Approved March 30, 1886.

I hereby certify that the foregoing act was published in the *Iowa Daily State Register*, April 6, and the *Daily Des Moines Leader*, April 1, 1886.

FRANK D. JACKSON, *Secretary of State.*

CHAPTER 58.

ESTABLISH SOLDIERS HOME.

AN ACT to establish and maintain a Soldiers Home in the State of Iowa, and making an appropriation for the purchase of land and the construction or purchase of necessary buildings. s. F. 385.

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

SECTION 1. That there be and is hereby created and established in this State an institution to be known as the "Iowa Soldiers' Home," and that the sum of seventy-five thousand dollars, or so much thereof as is necessary, be and is hereby appropriated out of any money in the treasury not otherwise appropriated, \$75,000 appropriated for grounds and buildings. Soldiers' home established.

\$25,000 for maintenance.	for the purchase and preparation of grounds and for the erection and completion or purchase of suitable buildings and fixtures thereon, and furnishing and equipping the same; and the further sum of twenty-five thousand dollars, or so much thereof as may be necessary for the purpose of maintaining such Soldiers' Home for the year 1887; <i>provided</i> , however, that it shall not be lawful for the board of managers hereinafter created to draw upon the sum hereby appropriated, an amount exceeding seventy-five thousand dollars in the year 1886 and the sum of twenty-five thousand dollars in the year 1887.
Time to be drawn.	SEC. 2. The object of the "Iowa Soldiers' Home" shall be to provide a home and subsistence for all honorably discharged soldiers, sailors and marines who have served in the army or navy of the United States and who are disabled by disease, wounds or otherwise; <i>provided</i> , that no applicant shall be admitted to said home who has not been a resident of the state of Iowa for three years next preceeding his application for admission therein unless he served in an Iowa regiment or was accredited to the state of Iowa. The board of commissioners shall determine the eligibility of applicants for admission to said home as herein provided.
Objects. Applicants must have resided in State 3 years or have served in Iowa regiment.	SEC. 3. Said home shall be located by the Twenty First General Assembly in joint convention, for which purpose the Senate and House shall meet in the hall of the House of Representatives Friday April second [1886], at ten o'clock A. M., as provided in chapter two of the code, except that the sense of the joint convention shall be determined by ballot, and balloting shall continue until a majority of all votes cast are cast for one location.
Admission by commissioners.	SEC. 4. The general supervision and government of said Soldiers' Home shall be vested in a Board of Commissioners, to consist of six members, who shall be appointed by the Governor, by and with the consent of the Senate, immediately after the taking effect of this act, not more than four of whom shall belong to the same political party, and no two of whom shall be from the same congressional district, and no member of the General Assembly shall be eligible to the office, but all shall be ex-Union soldiers. The members of the Board shall hold their office for the respective terms of two, four, and six years, from the first day of May, eighteen hundred and eighty-six, and until their successors shall be appointed and qualified, said respective terms of office to be determined by lot, and thereafter there shall be two members of said board appointed every two years during the session of the general assembly, whose term of office shall continue for six years from the first day of May next ensuing, or until their successors are appointed and qualified. The governor shall call a meeting of said board for the purpose of organization, within thirty days after the first appointments are made. No compensation shall be allowed any member of the board of commissioners other than president, treasurer, and secretary, save their actual expenses; <i>provided</i> , however, that a building committee may be appointed from the members of said
Located by 21 G. A. in joint convention by ballott.	
Government. Number of commissioners appointed by Governor.	
Terms.	
First meeting of board.	
Compensation.	
Proviso.	

board, consisting of not more than two persons, whose duty it shall be to visit and inspect the buildings at least once in two weeks during their period of construction, and who may receive in addition to their actual expenses the sum of five dollars for each day so actually employed. *Provided*, however, that no member of said building committee shall receive compensation for more than ten days' service in any one month. In case of a vacancy in the board of commissioners by death or any other cause, the appointing power provided for shall have power to fill the vacancy for the unexpired portion of the term. Four members of the board shall constitute a quorum for the transaction of business; *provided*, that for the adoption of plans and the letting of contracts for buildings and the selection of a commandant for said home, the affirmative vote of a majority of the entire board shall be required.

Building committee.

Proviso.

Vacancy.

SEC. 5. Before entering upon his duties each member of the Board of Commissioners shall take and sign an oath and execute a bond in the penal sum of ten thousand dollars for the use of the State of Iowa, to be approved by the Executive Council and filed in the office of the Secretary of State, conditioned for the faithful performance of his duties and the honest and faithful disbursement of and accounting for all moneys which may come into his hands under the provisions of this act. The said board, having first taken the oath prescribed for the trustees of state institutions, is hereby empowered and required to cause to be prepared suitable plans and specifications by a competent architect, but no plans shall be adopted which shall not first have been approved by the governor. Such plans shall contemplate the erection of a home which shall accommodate not less than one hundred and fifty nor more than three hundred inmates, and shall be accompanied by specifications, and by a detailed estimate of the amount, quality and description of all material and labor required for the entire and full completion of the buildings, and no plan shall be adopted that contemplates the expenditure of more money for its completion than the amount appropriated by this general assembly added to any donations received by the state for the erection of the home.

Board to qualify and give bond.

Plans, etc.

Approved by Governor.

Limit of accommodations.

SEC. 6. That the said Board of Commissioners may at their discretion employ a competent architect or superintendent of construction, who may, in the discretion of said Board, be the same person, and who shall receive such compensation as the Board shall, by agreement, determine.

Architect or superintendent.

SEC. 7. Whenever the said plans and specifications shall have been approved and adopted, the Commissioners shall cause to be inserted in the Iowa State Register and Des Moines Leader, newspapers published in the city of Des Moines, Iowa, an advertisement for sealed bids for the construction of the buildings herein authorized, and they shall furnish a printed copy of this act and of the specifications to all parties applying therefor, and all parties interested who may desire it shall

Bids advertised for.

have free and full access to the plans and specifications with the privilege of taking notes and making memoranda.

Bids opened in
30 days.

SEC. 8. Not less than thirty days after the publication of said proposals for bids, on a day and hour to be named in said advertisement at the place where said institution shall be located in the presence of the bidders, or so many of them as may be present, the bids received shall be opened for the first time, and the contract for building shall be let to the lowest and best bidder; *provided*, that should the commissioners deem it for the interest of the State they may reject any and all bids and advertise again and also *provided*, that no contract shall be made, and no expense incurred for any building or buildings, requiring for the completion of the same and fixtures thereon and furnishing and equipping the same a greater expense than is provided for in the appropriation made in this act added to any donations received by the State for the erection of the home. And *provided further*, that no bid shall be accepted which is not accompanied by a good and sufficient bond in the sum of ten thousand dollars, signed by at least three good and sufficient sureties who shall be resident free-holders of the state of Iowa conditioned as a guarantee for the responsibility and good faith of the bidder, and that he will enter into a contract and give bond as provided in this act in case his bid is accepted.

May reject all
bids.

Proviso.

Bids to be ac-
companied
with bond.

Contract bond.

SEC. 9. The contract to be made with the successful bidder shall be accompanied by a good and sufficient bond, to be approved by the Governor before being accepted, conditioned for the faithful performance of his contract, shall provide for the appointment of an architect or a superintendent of construction, who shall receive not more than five dollars per day for his services, and who shall carefully and accurately measure the work done, and the materials upon the ground at least once a month; for the payment of the contractor upon the aforesaid measurement, and for the withholding of twenty per cent of the value of the work done and materials on hand until the completion of the buildings. And for a forfeiture of a stipulated sum per diem for every day that the completion of the work shall be delayed after the time specified for the completion of the contract, and for the full protection of all persons who may furnish labor or materials by withholding payment from the contractor and by paying the parties to whom any moneys are due for service or materials, as aforesaid, directly for all work done or materials furnished by them, and for a settlement of all disputed questions as to the value of alterations and extras by arbitration at the time of final settlement, as follows: One arbitrator to be chosen by the commissioners, one by the contractor, and one by the Governor of the State; and all three of said arbitrators to be practical mechanics and builders. And said contract shall provide for the power and privilege of the commissioners to order changes in the plans and specifications at their discretion, and to refuse to accept any-

Architect or
superintend-
ent.

Differences
settled by
arbitration.

Changes may
be provided
for.

work which may be done not fully in accordance with the letter and spirit of the plans and specification; and all work not accepted shall be replaced at the expense of the contractor, and be deducted from the contract price. They may also make such other provisions and conditions in the said contract not hereinabove specified as may seem to them necessary or expedient, *provided*, that no conditions shall be inserted contrary to the letter and spirit of this act, and that in no event shall the State be liable for a greater amount of money than is appropriated for said buildings and appurtenances. Proviso.

SEC. 10. The said contract shall be signed by the President of the Board of Commissioners in behalf of the Board after a vote authorizing him so to sign shall have been entered upon the minutes of the Board, and it shall be attested by the signature of the Secretary of the Board and by the seal of the Institution hereinafter provided for. It shall be drawn in triplicate, and one copy of the same shall be deposited in the office of the Secretary of State. Contract signed.
Attested.
Triplicate.

SEC. 11. All bids shall show the estimated cost of the work to be done of each description in detail. And the Commissioners shall have the right and power at their discretion to accept bids for particular portions of the work if for the advantage of the State, and all measurements and accounts as the work progresses, shall show in detail the amount and character of the work for which payment is made. Bids to show cost.

SEC. 12. The cost of location, including the cost of suitable grounds, may be paid out of the appropriations herein made, but shall not exceed the sum of ten thousand dollars. *Provided* that should the land be purchased with suitable buildings erected thereon, the same shall not exceed the sum of fifty thousand dollars and in that case the parts of this act which refer to erections of buildings shall not apply. Location and grounds.
Proviso.

SEC. 13. The moneys herein appropriated shall be paid to the parties to whom they may become due and payable, directly from the Treasurer of State, on the warrant of the Auditor of State, and the Auditor is hereby authorized and required to draw the said warrants for money due under this act, upon the order of the board of commissioners accompanied by vouchers approved by the Governor in the usual manner, and the board is authorized to advance and pay on contracts, before the same are fully completed not exceeding eighty per cent on the estimates of material delivered or labor performed. All other moneys appropriated by this act shall be drawn quarterly on the requisition of the board of commissioners, in the usual manner, and then only in such amounts as the wants of the institution may require. Moneys, how payable.
Payments not to exceed 80 per cent until work completed.

SEC. 14. No commissioner or officer of the said institution shall be in any way interested in any contract for the erection or purchase of said buildings, or furnishing any materials for said buildings, and if any such commissioner or officer shall be so interested he shall be deemed guilty of a misdemeanor and Interest of commissioners.
Penalty.

on conviction be fined in any sum not exceeding five thousand dollars.

SEC. 15. It shall be the duty of the Board of Commissioners to meet annually on the second Wednesday in May of each year, and at said annual meeting they shall elect from their own body a president, treasurer and secretary, whose compensation shall be determined by the board, and who shall hold office for one year, or until their successor shall be elected and qualified. The treasurer shall give a bond, which shall be approved by the executive council for double the amount of money liable to come into his hands at any one time. The Board of Commissioners shall meet at least once in three months, on the second Wednesday in August, November and February, and oftener if they deem it advisable, and shall have the power to adopt a seal and make rules and regulations, not inconsistent with the laws and constitution of the State, for the management and government of said Home, including such rules as they may deem necessary for the preserving of order, enforcing discipline and preserving the health of its inmates. If necessary, for the purpose of procuring a better insight into the practical working of similar homes, and for the better information of the board, they may authorize not more than three of their number to visit similar institutions now in operation that they may have the benefit of their personal observation and investigation, and the expense actually incurred in any such visit may be charged against the appropriation hereinbefore made. The Board of Commissioners shall make full and minute report of all the disbursements of the Home, and of its condition, financial and otherwise, to each regular session of the General Assembly.

Meetings of board, annual.
 Treasurer give bond.
 Quarterly meetings.
 Powers.
 May visit other homes.
 Reports.

SEC. 16. The board of commissioners shall have the power and it shall be their duty to appoint a commandant for said home who shall serve as such during the pleasure of the board of commissioners and who shall be one who has been honorably discharged from the military or naval service of the United States, whose salary shall not exceed twelve hundred dollars per annum, and who shall nominate for the action of the board of commissioners, all necessary subordinate officers, who shall also be persons who have been honorably discharged from the military or naval service of the United States, who may be removed by said commandant for inefficiency or misconduct; but in case of every removal a detailed statement of the cause shall be reported to the board of commissioners by the commandant. The board of commissioners shall have the power to fix the salary of all subordinate officers; *provided*, the amount so paid shall not exceed such reasonable compensation as is paid for like service in similar institutions.

Commandant; appointment.
 Salary.
 Removal.
 Subordinates.

SEC. 17. Every contract and duty required by this act to be acted upon by the board of commissioners must receive the approval of the majority of the board in regular session duly called in order to make the same binding and valid: that all the pro-

Majority.

ceedings of said board shall be recorded in a book and open to the inspection of anybody on request. Minutes of board.

SEC. 18. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published at Des Moines Iowa. Publication.

Approved March 31, 1886.

I hereby certify that the foregoing act was published in the *Iowa State Register* and *Des Moines Leader* April 1, 1886.

FRANK D. JACKSON, *Secretary of State.*

CHAPTER 59.

ESTABLISHING SUPREME COURT AT SEAT OF GOVERNMENT.

AN ACT establishing the Supreme Court at the seat of Government, S. F. 144. and providing officers therefor.

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

SECTION 1. That the supreme court shall be held at the seat of government, and shall convene and hold four terms each year, one of which shall commence on the first Tuesday of March, one on the first Tuesday of June, one on the first Tuesday of October and one on the first Tuesday of December. Each of said terms of court shall be for the submission and determination of causes and for the transaction of such other business as shall properly come before the court. All causes on the docket shall be heard at each term unless continued or otherwise disposed of by order of the court. The court shall remain in session so far as practicable until it is determined what the opinion of the court shall be in all causes submitted to it except in causes where a re-argument is ordered. Judgments of affirm- Supreme court held at seat of government. Terms of court. Causes; how disposed of. Judgments and rulings may be entered at any time.

SEC. 2. The court is hereby authorized to appoint the necessary bailiffs to attend the court and to perform such other duties and execute such orders as may be directed or ordered by the court. Each bailiff shall receive two dollars and fifty cents for a days service to be paid out of the contingent fund on the order of the chief justice. The court may also at any time require the attendance and services of the sheriff of Polk county. Court to appoint bailiffs. Compensation; how paid. May require attendance of sheriff.

SEC. 3. All causes and other business pending in said court for the terms now authorized to be held at Council Bluffs, Davenport, and Dubuque, shall be at once transferred for further action and disposition to the term of said court which is to commence on the first Tuesday of October A. D. 1886. Causes for Council Bluffs, Davenport and Dubuque terms transferred to term Oct., 1886.