

auditor for transfer and recorded in the deed records of the county where the action was brought and also in the other counties in the state, if any, where any of the property so partitioned is situated; and in such case the clerk shall transmit to the county recorder of each of such other counties a duplicate of such transcript, and the same shall be there so recorded and transfer so made. Such transcript shall be indexed in the recorder's office the same as conveyances of real estate with the names of the parties so entitled to such shares as grantors, and the name of the party to whom each share is allotted as grantee. The costs of making and recording such transcript shall be taxed as part of the costs in the case."

**SEC. 2. Entry of transcript.** That section two thousand, nine hundred and thirty (2930) of the code be, and the same is, hereby amended by inserting immediately after the words "real estate" in the second line of said section the words "Or transcript as provided in section four thousand two hundred and fifty-nine (4259)."

Approved April 12, 1898.

#### CHAPTER 107.

S. F. 87.

AN ACT to amend section four thousand, five hundred and thirty-eight (4538), chapter one [1], title twenty-two [XXII] of the code, relating to the filing of transcripts.

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

**SECTION 1. Time of filing.** That section four thousand, five hundred and thirty-eight of the code be and the same is hereby amended by striking out the word, "date," in the second line and inserting the word, "time," in lieu thereof.

Approved March 9, 1898.

#### CHAPTER 108.

H. F. 161.

AN ACT to amend section forty-six hundred and six (4606), chapter one (1), title twenty-three (XXIII) of the code, in relation to husband and wife as witnesses.

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

**SECTION 1. Fraudulent transfer of property excepted.** That section forty-six hundred and six (4606), chapter one (1), title twenty-three (23) of the code be amended by adding after the words "the affections of the other" in the fifth line of said section the words as follows: "Or in any civil action brought by a judgment creditor against either the husband or the wife, to set aside a conveyance of property from one to the other on the ground of want of consideration or fraud and to subject the same to the payment of his judgment."

Approved April 12, 1898.

#### CHAPTER 109.

S. F. 111.

AN ACT relating to the indictment and punishment of persons who have been convicted three or more times, and making certain evidence competent proof upon the trial thereof. [Additional to title XXIV of the code, relating to crimes and punishment.]

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

**SECTION 1. Penalty for third conviction of felony.** Whenever any person has been twice convicted of either of the crimes of burglary, robbery, forgery, counterfeiting, larceny where the value of the property stolen exceeded twenty dollars, or of breaking and entering with intent to commit a public offense any dwelling house, office, shop, store, warehouse, railroad car, boat, vessel, or building, in which goods, merchandise, or valuable things,

were kept for use, sale or deposit, or has been convicted of two or more of said crimes, and shall thereafter be convicted of any one of such crimes, committed after such second conviction, he shall be imprisoned in the penitentiary for any term not less than fifteen years, provided such former judgments shall be referred to in the indictment, stating the court, date and place of rendition.

**SEC. 2. Penalty for fourth conviction of petty larceny.** Any person over the age of eighteen years who has been three times convicted of larceny where the value of the property stolen did not exceed twenty dollars, upon being convicted the fourth time of said offense shall be imprisoned in the penitentiary not exceeding three years, provided such former judgments shall be referred to in the indictment, stating the court, date and place of rendition.

**SEC. 3. Evidence admitted.** On the trial of any of said offenses named in this act a duly authenticated copy of the record of the former judgment in any court wherein said conviction was had, for either of said crimes against the party indicted, shall be prima facie evidence of such former conviction and may be used in evidence against said party.

**SEC. 4. Duties of jury and judge.** Upon any trial when the indictment refers to former convictions of the defendant, the jury, if it finds the defendant guilty, and the court, if the defendant is convicted on a plea of guilty, must also find and determine specially whether the defendant had previously been convicted of either of the crimes referred to in the indictment and the number of times so convicted.

Approved March 31, 1898.

#### CHAPTER 110.

H. F. 365.

AN ACT to amend section four thousand eight hundred and fifty (4850) of chapter five (5), title twenty-four (XXIV) of the code, in relation to taking goods from the charge or custody of an officer.

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

**SECTION 1. Word "rightfully" excluded.** That section four thousand eight hundred and fifty (4850) of the code be, and the same is, hereby amended by striking out the word "rightfully" in the fourth (4th) line of said section.

Approved April 12, 1898.

#### CHAPTER 111.

H. F. 150.

AN ACT to prohibit illegal voting at primary elections and providing penalties therefor. [Additional to title XXIV, chapter 8, of the code, relating to offenses against the right of suffrage.]

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

**SECTION 1. Illegal voting—penalty.** Whenever any political party shall hold a primary election for the purpose of nominating a candidate for any public office or for the purpose of selecting delegates to any convention of such party, it shall be unlawful for any person not a qualified elector, or any qualified elector not at the time a member in good faith of such political party, to vote at such primary election. Any person violating the provisions of this section, and any person knowingly procuring, aiding, or abetting such violation, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars or be imprisoned in the county jail not to exceed thirty days.

**SEC. 2. Prima facie evidence.** It shall be prima facie evidence of the violation of the preceding section, for any person who has participated in any primary election of one political party, to vote at a primary election held by another political party, to select candidates to be voted for at the