

colon in the fifth line thereof, to the period in the last line thereof is hereby repealed and stricken out.

SEC. 4. In effect. This act, being deemed of immediate importance, shall be and become of full force and effect from and after its publication in the Des Moines Daily Capital, and the Register and Leader, two newspapers published in the city of Des Moines, Iowa.

Approved April 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital and the Register and Leader, April 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 121.

DISTRIBUTIVE SHARE OF SURVIVING SPOUSE AS AFFECTED BY WILL.

H. F. 487.

AN ACT to amend section three thousand three hundred and seventy-six (3376) of the code of Iowa, as to distributive share of surviving spouse as affected by will.

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

SECTION 1. Election made by court. That section three thousand three hundred and seventy-six (3376) of the code be amended by adding at the end of said section the following:

“But when such surviving spouse is mentally incapable of making such election, the court on petition being filed alleging such disability, may set the matter down for hearing at such time and place as it may deem best, and direct what notice thereof shall be given; and at such hearing the court may enter an order electing for such spouse, which shall be the election under this section, of the person under such disability.”

Approved April 12, A. D. 1904.

CHAPTER 122.

TIME OF TRYING APPEAL CASES IN CONTESTED ELECTIONS.

H. F. 198.

AN ACT to amend section three thousand six hundred fifty-six (3656) of the code, relating to the time of trying appeal cases in contested elections.

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

SECTION 1. Trial term. That section three thousand six hundred fifty-six (3656) of the code, be and is hereby amended by adding thereto the following words, to wit: “or appeal cases in contested elections.”

Approved March 7, A. D. 1904.

CHAPTER 123.

RELEASE OF LIENS ON ATTACHED PROPERTY.

S. F. 190.

AN ACT relating to the release of liens on attached property. (Amendatory of chapter one (1), title nineteen (XIX) of the code, relating to attachments.)

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

SECTION 1. Certificate of release. When real estate or an equitable interest therein is attached, in any county, other than that in which the

action is commenced, or is pending, and the action is dismissed, or the attachment is dissolved and discharged, or satisfied the clerk of the court of the county wherein such action is pending must issue a certificate directed to the clerk of the court in which the land is situated giving date of release and setting forth a true copy of the order or release and he shall be allowed as compensation for such service the sum of fifty cents, to be taxed as a part of the costs in the case.

SEC. 2. Filed and recorded. The clerk of the court receiving such certificate shall file and record the same upon the margin of the incumbrance book at place where the original entry of attachment is found.

Approved March 17, A. D. 1904.

CHAPTER 124.

PROTECTION OF EMPLOYES IN GARNISHMENT CASES.

H. F. 102.

AN ACT to protect employes in garnishment cases. [Additional to chapter three (3) of title nineteen (XIX) of the code, relating to executions.]

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

SECTION 1. Exemption from garnishment. Wages earned outside of this state by a non-resident of this state, and payable outside of this state, shall in all cases where the garnishing creditor is a non-resident of this state, be exempt from attachment or garnishment where the cause of action arises outside of this state; and it shall be the duty of the garnishee in such cases to plead such exemption, unless the defendant shall be personally served with original notice in this state.

Approved March 7, A. D. 1904.

CHAPTER 125.

PROCEDURE IN SUPREME COURT.

S. F. 180.

AN ACT to amend section four thousand one hundred thirty-four (4134) of chapter two (2) title twenty (XX) of the code, in relation to procedure in supreme court.

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

SECTION 1. Penalty of bond. That section four thousand one hundred thirty-four (4134) of the code be, and the same is hereby amended, by striking out the word "condition" in the third line thereof and inserting the word "penalty" in lieu thereof; and by inserting after the word "be" at the beginning of the fourth line, the word "sufficient".

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Daily Capital and the Des Moines Daily News, newspapers published in the city of Des Moines, Iowa.

Approved March 22, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 23, 1904, and the Des Moines Daily News, March 24, 1904.

W. B. MARTIN,
Secretary of State.