

## CHAPTER 165.

## APPEARANCE TERM IN ACTIONS OF MANDAMUS.

S. F. 185.

AN ACT to amend section thirty-six hundred fifty-six (3656) of the code, relating to the appearance term for certain actions.

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

SECTION 1. **Mandamus actions.** That section thirty-six hundred and fifty-six (3656) of the code be, and the same is hereby amended by inserting in line two (2) of said section between the words "for" and "divorce" the following: "mandamus or".

Approved February 23, A. D. 1907.

## CHAPTER 166.

## RECOVERY OF COSTS BY SUCCESSFUL PARTY.

S. F. 231.

AN ACT to amend section thirty-eight hundred and fifty-three (3853) of the code relating to the recovery of costs by the successful against the losing party.

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

SECTION 1. **Mileage costs of witnesses limited.** That section thirty-eight hundred and fifty-three (3853) of the code be amended by striking out the period following the word "party" and before the word "But" in the second line thereof and inserting a semicolon in lieu thereof and adding between said words the following; "the losing party, however, shall not be assessed with the cost of mileage of any witness for a distance of more than seventy miles from the place of trial, unless otherwise ordered by the court at the time of entering judgment."

Approved April 2, A. D. 1907.

## CHAPTER 167.

## EXECUTIONS.

S. F. 162.

AN ACT to amend section three thousand nine hundred fifty-five (3955) of the code, and to provide the issuance of an execution when an outstanding execution is lost or destroyed.

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

SECTION 1. **Lost or destroyed execution—duplicate issued.** Section three thousand nine hundred fifty-five (3955) of the code is hereby amended by adding thereto the following, viz.:

"When the plaintiff in judgment shall file in any court in which a judgment has been entered an affidavit made by himself, his agent or attorney, or by the officer to whom the execution was issued, that an outstanding execution has been lost or destroyed, the clerk of such court may issue a duplicate execution as of the date of the lost execution, which shall have the same force and effect as the original execution, and any levy made under the execution

so lost shall have the same force and effect under the duplicate execution as under the original. When the lost execution shall have expired by limitation and such affidavit is filed, an execution may issue as it might if such lost execution had been duly returned."

Approved April 13, A. D. 1907.

## CHAPTER 168.

### ACTIONS OF MANDAMUS.

H. F. 72.

AN ACT to amend section forty-three hundred and forty-one (4341) of the code relating to actions of mandamus.

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

**SECTION 1. Tried as equitable actions.** That section forty-three hundred and forty-one (4341) of the code be, and the same is hereby amended by adding thereto the following:

"All such actions shall be tried as equitable actions."

Approved February 23, A. D. 1907.

## CHAPTER 169.

### JUSTICES OF THE PEACE AND CONSTABLES.

H. F. 231.

AN ACT to repeal section forty-six hundred (4600) of the code relative to the accounting for fees, and compensation of justices of the peace, and constables, and to enact in lieu thereof the following.

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

**SECTION 1. Repealed.** That section forty-six hundred (4600) of the code, relative to the accounting for fees and compensation of justices of the peace and constables be and the same is hereby repealed and the following enacted in lieu thereof:

"**SEC. 2. Accounting for fees—compensation.** Justices of the peace and constables in townships having a population of twenty-eight thousand, shall pay into the county treasury all criminal fees collected in each year. Justices of the peace and constables in townships having a population of under twenty-eight thousand, shall pay into the county treasury all fees collected in each year in excess of the following sums: In townships having a population of ten thousand and under twenty-eight thousand, justices, one thousand dollars; constables, eight hundred dollars; those having a population of four thousand and under ten; justices, eight hundred dollars; constables, six hundred dollars; in all townships having a population of under four thousand, justices six hundred dollars; constables, five hundred dollars. In townships having a population of twenty-eight thousand or more, justices of the peace and constables shall receive in full compensation for their services performed in criminal cases during the year, the following sums which shall be paid quarterly out of the county treasury. In townships having a population of thirty-five thousand or more, justices, fifteen hundred dollars; constables, twelve hundred dollars; in townships having a population of twenty-eight thousand and under