

thirty-five, justices, twelve hundred dollars; constables, one thousand dollars. Justices and constables in all townships having a population of twenty-eight thousand (28,000) and over shall retain such civil fees as may be allowed by the board of supervisors, not to exceed five hundred (\$500) dollars per annum, for expenses of their offices actually incurred, and shall pay into the county treasurer all the balance of the civil fees collected by them.

"**SEC. 3. Annual report to board of supervisors.** All justices of the peace and constables shall under oath make an annual report to the board of supervisors, upon blanks furnished by the county auditor, of all criminal fees taxed and collected during the year, which report shall also show that all criminal fees and fines collectible by law have been received, such annual report to be made on the first Monday in January, and before the annual settlement shall be made, and accompanied with the receipts of the treasurer for all money paid in to him.

"**SEC. 4. Quarterly report to county auditor.** Justices of the peace shall make, under oath, quarterly reports, upon blanks furnished by the county auditor, and shall file same with the county auditor, which reports shall contain a true and correct transcript of all criminal proceedings which have been instituted or adjudicated in their courts, with the names of all attending witnesses and jurors and fees taxed in their favor."

Approved April 13, A. D. 1907.

CHAPTER 170.

DESERTION.

S. F. 5.

AN ACT defining desertion, providing punishment therefor, and permitting a husband or wife to be a witness in such cases. [Additional to chapter two (2) of title twenty-four (XXIV) of the code relating to offenses against the lives and persons of individuals.]

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

SECTION 1. Desertion defined—penalty. Every person who shall, without good cause, willfully neglect or refuse to maintain or provide for his wife, she being in a destitute condition, or who shall, without good cause, abandon his or her legitimate or legally adopted child or children under the age of sixteen years, leaving such child or children in a destitute condition, or shall, without good cause, willfully neglect or refuse to provide for such child or children they being in a destitute condition, shall be deemed guilty of desertion and, upon conviction, shall be punished by imprisonment in the penitentiary for not more than one year, or by imprisonment in the county jail for not more than six months.

SEC. 2. Husband or wife may be witness. In all prosecutions under this act, the husband or wife shall be a competent witness for the state and may testify to any relevant acts or communications between them, anything in previous statutes to the contrary notwithstanding, provided however that no husband or wife shall be called or compelled to testify against the other under this act except upon consent of such witness.

SEC. 3. Bond given conditioned on support. If after arrest and before trial, or after conviction and before sentence, the party so arrested or convicted shall appear before the court in which the case is pending or the conviction had, and enter into a bond to the state of Iowa in a sum to be fixed by the court, which in no event shall exceed the sum of one thousand dollars,

with or without sureties as may be determined by the court, conditioned that such husband will furnish said wife with a necessary and proper home, food, care and clothing, or that such parent will furnish his or her child or children with a necessary and proper home, food, care and clothing, then said court may release the defendant. Said bond shall remain in force so long as the court deems the same necessary; and whenever it shall appear to said court by affidavit or otherwise that such husband or parent is in good faith furnishing his wife, child or children with the necessary and proper home, food, care and clothing, the court may annul the said bond.

SEC. 4. Failure of undertaking—trial—commitment—release. Upon failure of said husband or parent to comply with his undertaking he or she may be arrested by the sheriff or other officer upon a warrant issued from the court in which the case is pending or the conviction was had and the court may thereupon order a forfeiture of the undertaking and that the defendant to be tried or committed in execution of the sentence, or for good cause shown may release the defendant upon a new undertaking.

SEC. 5. Prima facie evidence of willful desertion or neglect. Proof of the desertion of wife, child or children in destitute or necessitous circumstances or of neglect to furnish such wife, child or children necessary and proper food, clothing or shelter, shall be prima facie evidence that such desertion or neglect was willful.

SEC. 6. Acts in conflict repealed. All acts or parts of acts in conflict herewith are hereby repealed or amended, as the case may be, so as to make this act effective.

SEC. 7. In effect. This act, being deemed of immediate importance, shall take effect and be in full force from and after its passage, and publication in the Register and Leader, and the Des Moines Capital, daily newspapers published in the city of Des Moines, Iowa.

Approved March 26, A. D. 1907.

I hereby certify that the foregoing act was published in the Des Moines Capital, March 27, 1907, and the Register and Leader, March 28, 1907.

W. C. HAYWARD,
Secretary of State.

CHAPTER 171.

BURGLARY.

H. F. 856.

AN ACT to punish burglary where explosives have been used. [Additional to chapter three (3) of title twenty-four (XXIV) of the code, relating to offenses against property.]

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

SECTION 1. Burglary with explosives—penalty. If any person shall break and enter any building and commit any public offense therein by the use, or with the aid, of nitroglycerin, dynamite, giant powder, gunpowder, or any other explosive material, he shall be imprisoned in the penitentiary not less than 15 years.

Approved April 4, A. D. 1907.