

LAWS  
OF THE  
**Thirty-Third General Assembly**  
OF THE  
**STATE OF IOWA**

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE CAPITAL  
OF THE STATE, BEGUN ON THE ELEVENTH DAY OF JANUARY, AND  
ENDED ON THE NINTH DAY OF APRIL, A. D. 1909, IN THE  
SIXTY-THIRD YEAR OF THE STATE.

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**GENERAL LAWS**

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CHAPTER 1.  
CODE AND SESSION LAWS.

S. F. 75.

AN ACT to repeal sections sixteen (16), seventeen (17) and twenty (20) of chapter twenty (20) of the acts of the extra session of the twenty-sixth general assembly as the same appear on page four (4) of the prefix to the code, and enact substitutes therefor; to repeal sections eighteen (18) and nineteen (19) of chapter twenty (20) of the acts of the extra session of the twenty-sixth general assembly, as amended by chapter one (1) of the acts of the thirty-first general assembly, and as same appear on page five (5) of the prefix to the supplement to the code, 1907 and enact substitutes therefor; and to repeal sections forty-two (42), forty-three (43), forty-four (44), forty-five (45) and forty-six (46) of the code and enact substitutes therefor, relating to the distribution and sale of, and the accounting for, the codes and session laws.

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

**SECTION 1. Repeal—code—distribution by secretary of state—sale price.** That section sixteen (16) of chapter twenty (20) of the acts of the extra session of the twenty-sixth general assembly, as the same appears on page four (4) of the prefix to the code, be repealed and the following enacted in lieu thereof:

“As soon as five hundred copies of the code are printed and bound to the satisfaction of the editor and code supervising committee, the same shall be deposited with the secretary of state, and so on until all have been completed, and the secretary of state shall be the custodian thereof, and shall distribute the same as follows: To the state library for exchange purposes one hundred and fifty copies; to the law library of the state university for exchange purposes with the law libraries of other state and territorial universities or colleges, fifty copies; to the state historical department and the state historical society, each ten copies; to all judges of the supreme and district courts of Iowa and judges of the United States circuit and district courts in Iowa, one copy each; to the clerk of the supreme court of Iowa, to each clerk of the district court of Iowa, and to each clerk of the United States circuit and dis-

trict court in Iowa, one copy each for use in term time; to the state institutions and state officers, two copies each; to the separate departments of the principal state offices, members of the permanent state boards and commissions, offices of the permanent state boards and commissions when maintained at the seat of government, members of the thirty-fourth and succeeding general assemblies, chief clerk of the house, secretary of the senate, judges of the superior courts, college and public libraries within the state, state or territorial libraries in the United States, county officers, mayor of each city or town, justices of the peace, and township clerks, each one copy. Said code shall be sold to the public generally at the uniform price of not more than five dollars per copy; the price to be fixed by the executive council."

**SEC. 2. Repeal—distribution by county auditor—receipts.** That section seventeen (17) of the acts of the extra session of the twenty-sixth general assembly, as same appears on page four (4) of the prefix to the code, be repealed and the following enacted in lieu thereof:

"For the convenience of distribution the county auditor shall make requisition on the secretary of state for the number of copies needed for sale and gratuitous distribution in his county, and the secretary of state shall deliver to the county auditor the number so ordered, charging him therewith on the books of his office. Upon receipt thereof, the county auditor shall execute his receipt in duplicate therefor, one of which shall be filed in his office and the other immediately forwarded to the secretary of state. The county auditor shall deliver a copy to each of the county, township and city or town officers entitled thereto under the provisions of section sixteen (16) hereof and take receipts in duplicate therefor, one of which shall be filed in his office and the other forwarded to the secretary of state along with the annual report provided for in section nineteen (19) hereof."

**SEC. 3. Repeal—sales by secretary of state and county auditor.** That section eighteen (18) of chapter twenty (20) of the acts of the twenty-sixth general assembly, as amended by chapter one (1) of the acts of the thirty-first general assembly and as same appears on page five (5) of the prefix to the supplement to the code 1907, be repealed and the following enacted in lieu thereof:

"The secretary of state and county auditor shall sell copies of the code at the price fixed under the provisions of section sixteen hereof, at not more than five dollars per copy. The secretary of state shall pay the proceeds arising from all such sales made by him into the state treasury each month. The county auditor shall pay the proceeds arising from such sales made by him into the county treasury for the use of the state revenue, on or before the first Monday of January in each year taking receipt in duplicate therefor, one of which shall be immediately forwarded to the secretary of state."

**SEC. 4. Repeal—accounting—annual report.** That section nineteen (19) of chapter twenty (20) of the acts of the twenty-sixth general assembly, as amended by chapter one (1) of the acts of the thirty-first general assembly, and as same appears on page five (5) of the prefix to the supplement to the code 1907 be repealed and the following enacted in lieu thereof.

"The county auditor shall keep an accurate account of the codes received, sold and distributed, and shall annually on or before the first Monday of January of each year make out in writing under oath a report, showing the number of codes on hand at the beginning of the annual period, the number received, the number sold and the number gratuitously distributed during the year, the number on hand at the date of the report and the amount paid into the county treasury, and transmit said report to the secretary of state, who in turn shall certify to the auditor of state on or before the fifteenth day of January in each year the amount paid into the county treasury by the county auditor as shown by said report and the receipt of the county treasurer. The

auditor of state shall thereupon charge the county treasurer with the amount so certified. The secretary of state shall credit the county auditor with the number sold and otherwise disposed of during the year as shown by said report and the receipts accompanying it."

**SEC. 5. Repeal—copies delivered to successors.** That section twenty (20) of chapter twenty (20) of the acts of the extra session of the twenty-sixth general assembly, as same appears on page four (4) of the prefix to the code, be repealed and the following enacted in lieu thereof:

"When a secretary of state goes out of office, having any such copies remaining, he shall deliver them to his successor, taking his receipt therefor in duplicate, one of which shall be filed in the office of the secretary of state, which shall be his sufficient discharge for the same. When a county auditor goes out of office having any such copies remaining, he shall deliver them to his successor, taking his receipt in duplicate therefor one of which shall be forwarded to the secretary of state, which shall be his sufficient discharge for the same; and every county officer, justice of the peace, mayor of city or town and township clerk, receiving a copy shall give his receipt in duplicate therefor, and shall pass the copy to his successor, or deliver it to the county auditor for the use of subsequent officers, and each shall be liable therefor on his official bond."

**SEC. 6. Repeal—session laws—distribution by secretary of state.** That section forty-two (42) of the code be repealed and the following enacted in lieu thereof:

"The secretary of state shall distribute the laws aforesaid as follows: To the state library for exchange purposes one hundred and fifty copies; to the law library of the state university for exchange purposes with the law libraries of other state and territorial universities or colleges, fifty copies; to the state historical department and the state historical society, each ten copies; to all judges of the supreme and district courts of Iowa and judges of the United States circuit and district courts in Iowa, one copy each; to the clerk of the supreme court of Iowa, to each clerk of the district court of Iowa, and to each clerk of the United States circuit and district court in Iowa, one copy each for use in term time; to the state institutions and state officers, two copies each, to the separate departments of the principal state offices, members of permanent state boards or commissions, offices of permanent state boards or commissions when maintained at the seat of government; members of the thirty-fourth and succeeding general assemblies, chief clerk of the house, secretary of the senate, judges of the superior courts, colleges and public libraries within the state, state and territorial libraries in the United States each one copy; all of the foregoing to be bound in law sheep; the copies for distribution to the county auditors upon their requisition to be bound in board."

**SEC. 7. Repeal—distribution by county auditors.** That section forty-three (43) of the code be repealed and the following enacted in lieu thereof:

"Each county officer, justice of the peace, township clerk and mayor of city or town shall be supplied with a copy of the laws for the use of his office. The county auditor shall make requisition upon the secretary of state for the number of copies needed for gratuitous distribution and for sale purposes, and the secretary of state shall deliver to the county auditor the number so ordered, charging him therewith upon the books of his office. Upon receipt thereof the county auditor shall execute his receipt in duplicate therefor, one of which shall be filed in his office and the other immediately forwarded to the secretary of state. The county auditor shall deliver a copy of the laws to each of the officers entitled thereto under the provisions of this section and take receipts in duplicate therefor, one of which shall be filed in his office and the

other forwarded to the secretary of state along with the annual report provided for in section forty-five (45) hereof."

**SEC. 8. Repeal—sales by secretary of state and county auditor.** That section forty-four (44) of the code be repealed and the following enacted in lieu thereof:

"The secretary of state and the county auditor shall sell the board bound copies at fifty cents each. The secretary of state may sell any sheep bound copies remaining in his possession after making distribution thereof as provided in section forty-two (42) hereof at the rate of one dollar per copy. The secretary of state shall pay the proceeds arising from all such sales made by him into the state treasury each month. The county auditor shall pay the proceeds arising from all such sales made by him into the county treasury for the use of the state revenue, on or before the first Monday of January in each year, taking a receipt in duplicate therefor, one of which shall be immediately forwarded to the secretary of state."

**SEC. 9. Repeal—accounts, how kept—annual report.** That section forty-five (45) of the code be repealed and the following enacted in lieu thereof:

"The county auditor shall keep an accurate account of the laws received, sold and distributed, and shall annually on or before the first Monday of January in each year make out in writing under oath, a report, showing the number of laws on hand at the beginning of the annual period, the number received, the number sold and the number gratuitously distributed during the year, and the number on hand at the date of the report, and the amount paid into the county treasury, and transmit said report to the secretary of state, who in turn shall certify to the auditor of state on or before the fifteenth day of January in each year the amount paid to the county treasurer by the county auditor as shown by said report and the receipt of the county treasurer. The auditor of state shall thereupon charge the county treasurer with the amount so certified. The secretary of state shall credit the county auditor with the number of laws sold and otherwise disposed of as shown by the said report and by the receipts accompanying it."

**SEC. 10. Repeal—copies delivered to successors.** That section forty-six (46) of the code be repealed and the following enacted in lieu thereof:

"When a secretary of state goes out of office, having any copies of the laws remaining, he shall deliver them to his successor, taking his receipt therefor in duplicate, one of which shall be filed in the office of the secretary of state, which shall be his sufficient discharge for the same. When a county auditor goes out of office, having any such copies remaining, he shall deliver them to his successor, taking his receipt in duplicate therefor, one of which shall be immediately forwarded to the secretary of state, which shall be his sufficient discharge for the same; and every county officer, justice of the peace, mayor of city or town, and township clerk, receiving a copy shall give his receipt in duplicate therefor, and shall pass the copy to his successor, or deliver it to the county auditor for the use of subsequent officers, and each shall be liable therefor on his official bond."

**SEC. 11. Copies of certain session laws given away.** The provisions of the law relative to the sale of and accounting for the session laws shall not be applicable to the session laws of the twenty-sixth and the preceding general assemblies. The secretary of state and the county auditors are hereby authorized to distribute gratuitously to attorneys, libraries and other interested persons or associations the session laws of the twenty-sixth and previous general assemblies, provided that the secretary of state shall maintain the number of copies of the acts of each of said general assemblies in reserve as may be fixed by the executive council in accordance with the provisions of section one hundred twenty-six-d (126-d) of the supplement to the code 1907.

**SEC. 12. In effect.** This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 13, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital March 16, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 2.

### DISTRIBUTION OF LAWS BECOMING EFFECTIVE BY PUBLICATION.

H. F. 130.

AN ACT relating to the distribution of laws becoming effective by publication. [Additional to chapter three (3), title one (I) of the code, relating to the statutes.]

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

**SECTION 1. Certified copies sent to clerk of district court.** Whenever an act of the general assembly of a general nature shall take effect by publication the secretary of state shall forthwith send by mail to each clerk of the district court a certified copy thereof. Upon the receipt of such copies of such laws the clerk shall file the same in his office and preserve same for a period of not less than six months. All persons shall have access to such copies of laws when so filed and the clerk shall furnish copies thereof on request and may charge and receive therefor ten cents for every one hundred words.

**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 Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Ia.

Approved April 17, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader and Des Moines Capital April 28, A. D. 1909.

W. C. HAYWARD,  
*Secretary of State.*

## CHAPTER 3.

### CRIMINAL REPORTS AND STATISTICS.

S. F. 343.

AN ACT to repeal section sixty-nine (69) of the code, and to amend the law as it appears in section five thousand seven hundred eighteen-a-fourteen (5718-a-14) of the supplement to the code 1907; also to amend sections two hundred ninety-three (293), four hundred seventy-five (475) and five thousand six hundred forty-one (5641) of the code, relating to criminal reports and statistics.

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

**SECTION 1. Board of parole to make biennial report to the governor.** That section five thousand seven hundred eighteen-a-fourteen (5718-a-14) of the supplement to the code, 1907, be amended by inserting after the period following the word resolution in the twenty-sixth line the following:

“They shall, prior to the beginning of each regular session of the general assembly, make a report to the governor, including a summary of paroles granted and releases recommended, the names of all prisoners who have