

## CHAPTER 202.

## PLACE OF TRIAL OF ACTIONS.

H. F. 111.

AN ACT to amend sections three thousand five hundred five (3505), three thousand five hundred seven (3507), three thousand five hundred eleven (3511), of the code, and section four thousand four hundred eighty-one (4481) of the supplement to the code, 1907, all relating to the place of trial of actions.

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

**SECTION 1. Grounds for change of place of trial.** That section three thousand five hundred five (3505) of the code be, and the same is hereby amended by inserting after the word "obtained" in the twenty-seventh (27th) line of said section the following:

"6. *Fraud in the inception of written contracts.* In an action brought on a written contract in the county where the contract by its express terms is to be performed, in which a defendant to said action, residing in a different county in the state, has filed a sworn answer alleging fraud in the inception of the contract constituting a complete defense thereto, such defendant, upon application and the filing of a sufficient bond, may have such action transferred to the district court of the county of his residence. If upon the trial of the action judgment is rendered against the defendant, it shall include the reasonable expenses incurred by the plaintiff and his attorney, on account of change of place of trial, as part of the costs. The bond above referred to shall be with sureties to be approved by the clerk, in an amount to be fixed by the court or judge in vacation for the payment of all costs which may accrue in the action in the court in which it is brought, or in any other to which it may be carried, either to the plaintiff or to the officers of the court."

**SEC. 2. To what county or court.** That section three thousand five hundred seven (3507) of the code be, and the same is hereby amended by inserting after the word "judge" and before the word "the" in the third (3) line of said section, the following: "or under subdivision six of the first section of this chapter".

**SEC. 3. Costs of change.** That section three thousand five hundred eleven (3511) of the code be, and the same is hereby amended by striking out the word "or" in the second line and inserting a comma in place thereof, and inserting after the word "five" and before the word "of" in the second line of said section the following: "or six".

**SEC. 4. Contracts in writing—change of venue.** That section four thousand four hundred and eighty-one (4481) of the supplement to the code, 1907, be amended by adding thereto, after the last word thereof, the following:

"Provided, however, that where an action is brought relying upon the foregoing provisions to fix the venue in a township in a county other than the residence of the signer of the written contract, and the defendant files a verified answer setting forth a legal defense alleging fraud in the inception of the contract, and he files therein a motion asking to have said cause transferred to the county of his residence, accompanied by a cost bond of \$50.00 to be approved by the court where the action is brought, the justice before whom such action is brought shall thereupon order the same transferred to such county upon the defendant paying fees of transcript and postage, and all papers and transcript shall forthwith be mailed, by registered letter to the clerk of the district court of the county of defendant's residence, and said cause shall be docketed for trial. If two or more defendants in the same cause apply for change of venue as herein provided the justice shall transmit said papers to the county of the defendant making first application. If, upon trial, the defendant shall establish his defense of fraud, then he shall be

entitled to recover, as a part of his costs, the reasonable expense, including attorney's fees, for securing the change of place of trial, but if he shall fail to establish said defense, then he shall be liable to plaintiff, as a part of the costs, for the reasonable additional expense caused to him by reason of such change."

Approved April 15, A. D. 1909.

## CHAPTER 203.

### DEPOSIT OF MONEY IN LIEU OF BOND.

H. F. 200.

AN ACT providing for the deposit of money in lieu of bond where bonds are required as security for costs. [Additional to chapter fifteen (15) of title eighteen (XVIII) of the code, relating to security for costs.]

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

**SECTION 1. Money deposit in lieu of bond.** In all cases in which a bond for security for costs is required, the party required to give such security may deposit in cash the amount fixed in said bond with the clerk of the district court or justice of the peace in lieu of said bond.

Approved April 5, A. D. 1909.

## CHAPTER 204.

### PREFERENCE OF DEBTS OWING FOR LABOR.

H. F. 132.

AN ACT to amend the law as it appears in sections four thousand nineteen (4019), four thousand twenty (4020) and four thousand twenty-one (4021) of the code relating to the preference of debts owing for labor and the filing, allowing and contesting of claims therefor.

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

**SECTION 1. Debts owing for labor preferred.** That section four thousand nineteen (4019) of the code be amended by inserting after the word "assignee" in the third line thereof, and before the word "for" in the fourth line thereof, the words "or their property shall be seized by the action of creditors," and that said section when amended, shall read as follows, viz:

"When the property of any company, corporation, firm or person shall be seized upon by any process of any court, or placed in the hands of a receiver, trustee or assignee, or their property shall be seized by the action of creditors, for the purpose of paying or securing the payment of the debts of such company, corporation, firm or person, the debts owing to employes for labor performed within the ninety days next preceding the seizure or transfer of such property, to an amount not exceeding one hundred dollars to each person, shall be a preferred debt and paid in full, or if there is not sufficient realized from such property to pay the same in full, then after the payment of costs, ratably out of the fund remaining, but such preference shall be junior and inferior to mechanics' liens for labor in opening and developing coal mines."

**SEC. 2. Statement of claim—allowance.** That section four thousand twenty (4020) of the code be amended by inserting after the word "attachment" in the third line thereof, and before the word "and" in the third line thereof,