

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,

the words "or under any other authority", and by inserting after the comma following the word "issued" in the sixth line thereof, and before the article "a" in the sixth line thereof, the words "or person charged with such property", and by inserting after the comma following the word "court" in the twelfth line thereof, and before the word "subject" in the thirteenth line thereof, the words "or person charged with the same," and that said section when amended, shall read as follows, viz:

"Any employe desiring to enforce his claim for wages, at any time after the seizure of the property under execution or writ of attachment or under any other authority, and before sale thereof is ordered, shall present to the officer levying on such property or to such receiver, trustee or assignee, or to the court having custody of such property or from which such process issued, or the person charged with such property, a statement under oath, showing the amount due after allowing all just credits and set-offs, and the kind of work for which such wages are due, and when performed; and unless objection be made thereto as provided in the following section, such claim shall be allowed and paid to the person entitled thereto, after first paying all costs occasioned by the proceeding out of the proceeds of the sale of the property so seized or placed in the hands of a receiver, trustee, or assignee, or court, or the person charged with the same, subject, however, to the provisions of the preceding section."

Sec. 3. **Contest.** That section four thousand twenty-one (4021) of the code be amended by striking out the period at the end of said section and inserting a comma in lieu thereof, and by adding the words "provided that where the claim is filed with a person charged with the property other than the officers above enumerated and a contest is made, that the cause shall be transferred to the district court, and there docketed and determined." And that said section when amended shall read as follows, viz:

"Any person interested may contest any claim or part thereof by filing objections thereto, supported by affidavit, with such court, receiver, trustee or assignee, and its validity shall be determined in the same way the validity of other claims are which are sought to be enforced against such property, provided that where the claim is filed with a person charged with the property other than the officers above enumerated and a contest is made, that the cause shall be transferred to the district court, and there docketed and determined."

Approved March 25, A. D. 1909.

CHAPTER 205.

SUFFICIENCY OF NOTICE OF APPEAL.

S. F. 306.

AN ACT to amend the law as it appears in section four thousand one hundred fourteen (4114) of the supplement to the code, 1907, relating to the sufficiency of notice of appeal.

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

SECTION 1. Notice of appeal. That the law as it appears in section four thousand one hundred fourteen (4114) of the supplement to the code, 1907, be amended by adding after the period at the end of said section the following:

"Notice of appeal shall not be held insufficient because served before the clerk of the trial court has spread the judgment entry upon the court record if it shall appear that such entry has been made in proper form before the appellant's abstract was filed in the office of the clerk of the supreme court."

Approved April 8, A. D. 1909.