

SEC. 2. Penalty. Any person violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined not less than one dollar (\$1.00), nor more than ten dollars (\$10.00) for the first offense, and for each offense thereafter, shall be fined a sum of not less than five dollars (\$5.00) nor more than twenty dollars (\$20.00).

Approved April 13, A. D. 1909.

CHAPTER 211.

ESCAPE OF PRISONERS FROM CUSTODY.

S. F. 196.

AN ACT to amend section forty-eight hundred ninety-eight (4898) of the code, relating to breaking jail and escape of prisoners from custody.

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

SECTION 1. Escape from custody. That section forty-eight hundred ninety-eight (4898) of the code be amended by inserting after the word "therefrom" in the third line of said section, the following: ", or escape from the custody of the officer charged with his keeping".

SEC. 2. Same. That said section be further amended by inserting after the word "breaking" in the 5th line of said section, the following: ", or escape from custody".

Approved March 29, A. D. 1909.

CHAPTER 212.

MARRIAGE OF COUSINS.

H. F. 251.

AN ACT to amend the law as it appears in section four thousand nine hundred and thirty-six (4936) of the supplement to the code, 1907, relative to marriage of cousins.

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

SECTION 1. Incest. That the law as it appears in section four thousand nine hundred and thirty-six (4936) of the supplement to the code 1907 be and the same is hereby amended by striking out the semicolon after the word "son" in the eighth line thereof, and inserting in lieu thereof a comma and the words "or if any one marry his or her first cousin;"

Approved March 18, A. D. 1909.

CHAPTER 213.

BUCKET SHOP AND BUCKET SHOPPING.

H. F. 177.

AN ACT to repeal sections forty-nine hundred seventy-five-d (4975-d), forty-nine hundred seventy-five-g (4975-g) and forty-nine hundred seventy-five-h (4975-h) of the supplement to the code, 1907, relating to bucket-shops and bucket-shopping, and to enact substitutes therefor.

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

SECTION 1. Repeal—bucket shop and bucket shopping defined. That section forty-nine hundred seventy-five-d (4975-d) of the supplement to the

code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"That a bucket shop, within the meaning of this act, is defined to be an office, store or other place wherein the proprietor or keeper thereof, or other person or agent, either in his or its own behalf, or as the agent or correspondent of any other person, corporation, association or co-partnership with-in or without the state, conducts the business of making, or offering to make, contracts, agreements, trades or transactions respecting the purchase or sale, or purchase and sale, of any stocks, grain, provisions, cotton, or other commodity, or personal property, wherein both parties thereto, or said proprietor or keeper, contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be closed, adjusted or settled according to, or upon the basis of, the public market quotations of prices made on any board of trade or exchange, upon which the commodities or securities referred to in such contracts, agreements, trades or transactions are dealt in by competitive buying and selling, and without a bona fide transaction on such board of trade or exchange; or wherein both parties, or such keeper or proprietor shall contemplate or intend that such contracts, agreements, trades or transactions shall be, or may be, deemed closed or terminated when the public market quotations of prices made on such board of trade, or exchange, for the articles or securities named in such contracts, agreements, trades or transactions, shall reach a certain figure; and also any office, store or other place where the keeper, person or agent, or proprietor thereof, either in his or its own behalf, or as an agent, as aforesaid, therein makes or offers to make, with others, contracts, trades or transactions for the purchase or sale of any such commodity, wherein the parties thereto do not contemplate or intend the actual or bona fide receipt or delivery of such property, but do contemplate or intend a settlement thereof based upon differences in the price at which said property is, or is claimed to be, bought and sold. The said crime shall be complete against any proprietor, person, agent, or keeper thus offering to make any such contracts, trades or transactions, whether such offer is accepted or not. It is the intention of this act to prevent, punish and prohibit, within this state, the business now engaged in and conducted in places commonly known and designated as "bucket shops," and also to include the practice now commonly known as bucket shopping by any person or persons, agent, corporations, associations or co-partnerships, who or which ostensibly carry on the business or occupation of commission merchants or brokers in grain, provisions, cotton, coffee, petroleum, stocks, bonds or other commodities whatsoever."

SEC. 2. Repeal—statement of purchases or sales furnished on demand. That section forty-nine hundred seventy-five-g (4975-g) of the supplement to the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"It shall be the duty of every commission merchant, co-partnership, association, corporation, person or persons, or agent or broker in this state engaged in the business of buying or selling, or of buying and selling, stocks, bonds, grain, provisions, cotton, or other commodities or personal property for any person, principal, customer or purchaser to furnish to any customer or principal for whom such commission merchant, broker, co-partnership, corporation, association, person, or persons, or agent has executed any order for the actual purchase or sale of the commodities hereinbefore mentioned, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom it shall have been sold, as the case may be, the time when, the place where, and the price at which, the same was either bought or sold; and in case such commission merchant, broker, person or persons, or agent, co-partnership, cor-

poration or association shall fail to furnish the said statement, the fact of such failure shall be prima facie evidence that such property was not sold or bought in a legitimate manner, but was bought in violation hereof."

SEC. 3. **Repeal.** That section forty-nine hundred seventy-five-h (4975-h) of the supplement to the code, 1907, be and the same is hereby repealed.

Approved March 12, A. D. 1909.

CHAPTER 214.

HOUSES OF LEWDNESS, ASSIGNATION AND PROSTITUTION.

S. F. 370.

AN ACT to enjoin and abate houses of lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purpose, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code, relating to offenses against chastity, morality and decency.]

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

SECTION 1. **Nuisance—what constitutes.** Whoever shall erect, establish, continue, maintain, use, own or lease any building, erection or place used for the purpose of lewdness, assignation or prostitution is guilty of a nuisance, and the building, erection or place, or the ground itself, in or upon which such lewdness, assignation or prostitution is conducted, permitted or carried on, continued or exists, and the furniture, fixtures, musical instruments and contents are also declared a nuisance, and shall be enjoined and abated as hereinafter provided.

SEC. 2. **May be enjoined.** Whenever a nuisance is kept, maintained or exists, as defined in this act, the county attorney or any citizen of the county may maintain an action in equity in the name of the state of Iowa upon the relation of such county attorney or citizen, to perpetually enjoin said nuisance, the person or persons conducting or maintaining the same, and the owner or agent of the building or ground upon which said nuisance exists. In such action the court, or a judge in vacation, shall, upon the presentation of a petition therefor alleging that the nuisance complained of exists, allow a temporary writ of injunction without bond, if it shall be made to appear to the satisfaction of the court or judge by evidence in the form of affidavits, depositions, oral testimony or otherwise, as the complainant may elect, unless the court or judge, by previous order, shall have directed the form and manner in which it shall be presented. Three days' notice in writing shall be given the defendant of the hearing of the application, and if then continued at his instance, the writ as prayed shall be granted as a matter of course. When an injunction has been granted, it shall be binding on the defendant throughout the judicial district in which it was issued, and any violation of the provisions of injunction herein provided shall be a contempt as hereinafter provided.

SEC. 3. **Action to enjoin.** The action when brought shall be triable at the first term of court after due and timely service of the notice has been given, and in such action evidence of the general reputation of the place shall be admissible for the purpose of proving the existence of said nuisance. If the complaint is filed by a citizen, it shall not be dismissed except upon a sworn statement made by the complainant and his attorney setting forth the reasons why the action should be dismissed, and the dismissal approved by the county attorney in writing or in open court. If the court is of the opinion