

## CHAPTER 218.

## OFFENSES AGAINST THE PUBLIC HEALTH.

H. F. 291.

AN ACT to amend section four thousand nine hundred and seventy-nine (4979) of the code, relating to offenses against the public health.

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

SECTION 1. **Throwing night soil or garbage in streams.** That section four thousand nine hundred and seventy-nine (4979) of the code, be and the same is hereby amended by inserting after the word "animal", in the second line thereof the words "night-soil or garbage", and by inserting after the word "pond" in the third line the words "or in or upon any land adjoining, which is subject to overflow".

Approved April 6, A. D. 1909.

## CHAPTER 219.

## ASSUMPTION OF RISKS.

S. F. 81.

AN ACT to repeal section forty-nine hundred and ninety-nine-a three (4999-a3), supplement to the code, 1907, relating to the assumption of risks and providing a substitute therefor.

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

SECTION 1. **Repeal—assumption of risks.** That section forty-nine hundred and ninety-nine-a three (4999-a3) supplement of the code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"That in all cases where the property, works, machinery, or appliances of an employer are defective or out of repair, and where it is the duty of the employer from the character of the place, work, machinery or appliances to furnish reasonably safe machinery, appliances or place to work, the employe shall not be deemed to have assumed the risk, by continuing in the prosecution of the work, growing out of any defect as aforesaid, of which the employe may have had knowledge when the employer had knowledge of such defect, except when in the usual and ordinary course of his employment it is the duty of such employe to make the repairs, or remedy the defects. Nor shall the employe under such conditions be deemed to have waived the negligence, if any, unless the danger be imminent and to such extent that a reasonably prudent person would not have continued in the prosecution of the work; but this statute shall not be construed so as to include such risks as are incident to the employment. And no contract which restricts liability hereunder shall be legal or binding."

Approved April 16, A. D. 1909.