

accredited high school; that he has studied three years in the office of a registered optometrist, or is a graduate from a standard school of optometry before he shall be eligible to examination by the board. The standard school of optometry shall include a course of instruction of not less than two years duration, and the terms of school shall not be less than three months actual attendance each year. The requirements of a standard school of optometry shall be that each student shall devote seventy-eight hours to each subject named in this section during each three months course. He shall not be entitled to be registered, or to receive a license from the board unless he shall show proficiency in the following subjects; physiology of the eye, optical physics, anatomy of the eye, ophthalmology, and practical optometry. Any person successfully passing such examination, and meeting all of the requirements in this section shall be registered by the board, and receive a license. The board of examiners may issue a certificate to any person taking up a permanent residence in the state of Iowa, and desiring to practice optometry, providing satisfactory evidence is furnished of his qualifications, including credentials from the state board of examiners in optometry of the state in which he formerly resided, and upon payment of a fee of fifteen dollars."

SEC. 2. **Disposition of unappropriated funds.** Section 13, of chapter 167, of the acts of the thirty-third (33d) general assembly is hereby repealed and the following enacted in lieu thereof:

"All unappropriated funds arising under this act, shall be accounted for and turned into the state treasury on June thirtieth of each year, except the sum of five hundred dollars (\$500.00), which shall be placed to the credit of the optometry fund, by the state treasurer, to defray current expenses of the board of optometry examiners."

Approved April 15, A. D. 1911.

CHAPTER 128.

STATE FIRE MARSHAL.

H. F. 41.

AN ACT to create the office of state fire marshal and deputy fire marshal, prescribing their duties and providing for their compensation and for the maintenance of the state fire marshal's office. [Additional to title twelve (XII) of the code, relating to the police of the state.]

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

SECTION 1. **Office created—appointment—term—removal—office—bond.** There is hereby created the office of state fire marshal and upon the taking effect of this act the governor shall appoint a citizen of the state versed in the cause of fires and having a knowledge of improved methods of preventing fires, to fill the position hereby created. The term of office of the state fire marshal shall be four years and the term of the first incumbent of the office shall end July 1st, 1915. During the thirty-sixth session of the general assembly and quadrennially thereafter the governor with the consent of the senate shall appoint a citizen of the state possessing the above requirements as state fire marshal, and the person so appointed shall assume the duties of his office July 1st following the date of his appointment. The state fire marshal may be removed for cause at any time by the governor and vacancies arising shall be filled by appointment by the governor, which ap-

pointment shall be for the unexpired term. The state fire marshal shall maintain an office at the seat of government and for that purpose the executive council shall provide him with suitably furnished rooms, furniture, books, supplies, printing and stationery necessary to the proper conduct of his office. Before entering upon the discharge of his duties he shall give a bond in the penal sum of five thousand (\$5,000.00) dollars conditioned as provided in section eleven hundred eighty-three (1183) of the code.

SEC. 2. Deputy fire marshal—additional deputies and clerks. The state fire marshal is hereby empowered to appoint a deputy fire marshal to assist him in his work, and with the approval of the executive council may appoint and fix the compensation of such additional deputies, clerks and assistants as may be necessary to properly and efficiently conduct the affairs of his office.

SEC. 3. Duties of fire marshal performed by deputy—when. While any vacancy shall exist in the office of state fire marshal or during his absence or inability to perform his duties, the same shall devolve upon and be performed by the deputy fire marshal.

SEC. 4. State inspectors—powers. With the approval of the executive council the state fire marshal may, in addition to the provisions of section two (2), appoint any person, or persons, as state inspector, or inspectors, who may be known to him to be competent and skilled in the inspection of buildings and their contents. Such person, or persons, shall have all the powers of a deputy fire marshal to enter and inspect buildings, including their contents and occupancies, as provided in section nine (9) hereof, and it shall be the duty of such inspector to report to the fire marshal any faulty or dangerous condition found. Such state inspector, or inspectors, shall be duly commissioned and shall receive such compensation as is provided for in section fifteen (15) of this act.

SEC. 5. Investigation of causes of fires—reports. The state fire marshal either by himself or through other persons as in this act provided shall investigate the cause, origin and circumstances of every fire occurring within the state and it shall be the duty of the chief of the fire department of every city, town or village in which a fire department is established, and of the mayor of every incorporated town, or village in which no fire department exists, and of the township clerk of every organized township, outside the limits of any organized city, town or village, to investigate the cause, origin and circumstances of every fire occurring in such city, town, village or township by which property has been destroyed, or damaged, and to specially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the state fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said fire marshal, and shall within one week of the occurrence of the fire furnish to the said fire marshal a written statement of all facts relating to the cause and origin of the fire and such other information as may be called for by the blanks provided by said fire marshal.

SEC. 6. Record of fires. The state fire marshal shall keep in his office a record of all fires occurring in the state, showing the name of the owners and name or names of occupants of the property at the time of the fire, the sound value of the property, and amount of insurance thereon, the total amount of insurance collected, and the total amount of loss to the property owner, together with all the facts, statistics, and circumstances, including the origin of

the fire, which may be determined by the investigation provided by this act. Such record shall at all times be opened to public inspection.

SEC. 7. Testimony under oath—arrest and prosecution for arson, etc. The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony under oath of all persons supposed to have knowledge of any facts, or to have means of knowledge in relation to the matter in which an examination is herein required to be made, and shall cause the same to be reduced to writing. If the state fire marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with the offense, or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by same, including a copy of all matter and testimony taken in the case.

SEC. 8. Power to compel witnesses to attend and testify—penalty for violations. The state fire marshal and his deputy shall each have power in any county in the state to administer an oath and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any books, papers, or documents necessary for such investigation. False swearing in any matter of proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or refuses to testify, or who disobeys any lawful order of said state fire marshal, or deputy state fire marshal, or who fails to produce any books, papers or documents touching any matter under examination, or who is guilty of any contentious conduct after being summoned by them, or either of them to appear before them or either of them to give testimony in relation to any matter or subject under investigation as aforesaid, shall be guilty of a misdemeanor, and it shall be the duty of the state fire marshal or deputy state fire marshal, or either of them to make or compel said person, or persons, so refusing to comply with the summons or orders of said state fire marshal, or deputy state fire marshal, before any justice of the peace, police magistrate, or any court of record in the county in which said investigation is being had, and upon the filing of such complaint for such cause, shall proceed in the same manner as other criminal cases. Any person convicted of the violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined in a sum not exceeding one hundred dollars (\$100.00) or imprisoned not to exceed thirty days, or both, in the discretion of the court; provided, however, any person so convicted shall have the right of appeal.

SEC. 9. Authority to enter or examine buildings after a fire. Said state fire marshal and his deputy, or either of them, shall have the right and authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon, or examine any buildings or premises, where any fire has occurred, and other buildings or premises adjoining or near the same.

SEC. 10. Examination of buildings—may order removal or changes—appeal—penalty. The state fire marshal, his deputy and assistants, the chief of the fire department of all cities, towns or villages where a fire department is established, and the clerk of each township in the territory outside the limits of an organized city, or village, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall

have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find any buildings or structure, which by want of proper repair or by reason of age and dilapidated condition, or for any cause, is especially liable to fire, and is so situated as to endanger other buildings or property therein, and whenever any such official shall find in any building or upon any premises combustible or explosive matter or inflammable conditions dangerous to the safety of certain buildings or premises, they shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises, providing, however, that if said occupant or owner shall deem himself aggrieved by such order he may within forty-eight (48) hours appeal to the state fire marshal, and the cause of complaint shall be at once investigated under the direction of the latter, and unless by his authority the order is rejected, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant of buildings or premises failing to comply with the order of the authorities above specified shall be punished by a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each day's neglect; such penalty to be sued in the name of the state of Iowa upon complaint of the fire marshal, deputy fire marshal or county attorney, or of any officer named herein in the county in which such building or buildings shall be situated, before any justice of the peace or any court of record; right of appeal shall be granted, and such penalty, when recovered, shall be paid into the county treasury of the county wherein such recovery is had; provided, however, that in municipalities having building inspection and limit ordinances, nothing herein shall be construed to affect such local regulations, but the jurisdiction of the state fire marshal shall be concurrent with that of the municipal authorities.

SEC. 11. Duties of school teachers—bulletin—penalty. It shall be the duty of the state fire marshal and his deputies to require teachers of public and private schools, in all buildings of more than one story, to have at least one fire drill each month, and to require all teachers of such schools, whether occupying buildings of one or more stories, to keep all doors and exits of their respective rooms and buildings unlocked during school hours. The state fire marshal shall prepare a bulletin upon the causes and dangers of fires, arranged in not less than four divisions or chapters, and under the direction of the executive council shall publish and deliver the same to the public schools throughout the state and the teachers thereof shall be required to instruct their pupils in at least one lesson each quarter of the school year with reference to the causes and dangers of fires. Any teacher failing to comply with the provisions of this section shall be guilty of a misdemeanor and shall be punishable by a fine of not to exceed ten (\$10.00) dollars for each offense.

SEC. 12. Salaries and expenses. The state fire marshal shall receive an annual salary of twenty-five hundred (\$2500.00) dollars and the deputy fire marshal shall receive an annual salary of fifteen hundred (\$1500.00) dollars. The said fire marshal, his deputies and assistants shall be entitled to their actual and necessary traveling, hotel and other expenses while away from the city of Des Moines on business of the office; and the said fire marshal may contract such other expenses as may be necessary in the performance of his official duties, but the total amount to be expended for all purposes, including salaries, compensation, fees and expenses, except the office expenses provided in section one (1) hereof, shall not exceed the sum of twelve thousand five hundred (\$12,500.00) dollars annually.

SEC. 13. **Fire marshal to devote entire time to duties of office.** The state fire marshal shall devote his entire time to the duties of his office and he or his deputy shall except when engaged elsewhere in the performance of his duties at all times be at the office of the state fire marshal, ready for such duties as are required by this act.

SEC. 14. **Annual report to the governor.** The state fire marshal shall file with the governor annually, as early as consistent with full and accurate preparation and not later than the first day of February each year, a detailed report of his official action and of the affairs of his office, which report shall be published and distributed as the reports of other state officers.

SEC. 15. **Fees and mileage for reporting fires.** There shall be paid to the chiefs of the fire department, and to mayors of incorporated villages, who do not receive compensation for their services as such chiefs and mayors, and to the township clerk of every organized township, who are by this act required to report fires to the state fire marshal, the sum of fifty cents (50) for each fire so reported to the satisfaction of the state fire marshal, and in addition thereto mileage at the rate of ten cents (10) per mile for each mile traveled to the place of fire. Said allowance shall be paid by the state fire marshal out of any funds appropriated for the use of the office of said state fire marshal.

SEC. 16. **Appropriation.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twelve thousand, five hundred (\$12,500.00) dollars annually, or so much thereof as may be necessary for the purpose of maintaining the department of the state fire marshal and paying all expenses thereof. The said fire marshal shall keep on file in the office an itemized statement of all expenses incurred by his department and shall approve all vouchers issued, and said vouchers shall be allowed and paid out of the funds hereby appropriated in the same manner that other claims against the state are paid, upon approval of the executive council.

Approved April 11, A. D. 1911.

CHAPTER 129.

PREVENTION OF THE PROCREATION OF HABITUAL CRIMINALS, IDIOTS, FEEBLE-MINDED AND INSANE.

H. F. 317.

AN ACT to prevent the procreation of habitual criminals, idiots, feeble-minded and imbeciles. [Additional to title twelve (XII) of the code, relating to the police of the state.]

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

SECTION 1. **Unsexing of criminals, idiots, etc.** That it shall be the duty of the managing officer of each public institution in the state, intrusted with the custody or care of criminals, idiots, feeble-minded, imbeciles, drunkards, drug-fiends, epileptics and syphilitics, and they are hereby authorized and directed to annually, or oftener, examine into the mental or physical condition of the inmates of such institutions, with a view of determining whether it is improper or inadvisable to allow any of such inmates to procreate; and to annually, or oftener, call into consultation the members of the state board of parole. The members of such board and the managing officer and the surgical superintendent of such institution shall judge of such matters. If a majority of them decide that procreation by any such inmate would produce children