

1 **SEC. 2. Appropriation.** Sufficient sums are hereby appropriated
2 for the payment of said warrants out of the funds of the state not
3 otherwise appropriated.

1 **SEC. 3. Publication clause.** This act being deemed of immedi-
2 ate importance shall take effect from and after its publication in the
3 Des Moines News and the Des Moines Capital, newspapers published
4 at Des Moines, Iowa.

Approved April 8, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines News April 9, 1921, and in the Des Moines Capital April 8, 1921.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 166

SOLDIERS' PREFERENCE LAW

H. F. 855.

AN ACT to repeal sections ten hundred fifty-six-a fifteen and ten hundred fifty-six-a sixteen (1056-a15 and 1056-a16), supplement to the code, 1913 (C. C. Secs. 678 and 679), and to enact substitutes therefor, relating to the preference in the appointment and promotion of soldiers, sailors, and marines, to include army, navy, and marine corps nurses, and certain persons who served in the Spanish-American war, the Philippine Insurrection, the China Relief Expedition, and the war with Germany.

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

1 **SECTION 1. Repeal.** That sections ten hundred fifty-six-a fifteen
2 and ten hundred fifty-six-a sixteen (1056-a15 and 1056-a16), supple-
3 ment to the code, 1913, (C. C. Secs. 678 and 679), pertaining to pref-
4 erence in appointment of soldiers and sailors be hereby repealed,
5 and the following be enacted in lieu thereof.

1 **SEC. 2. Preference in appointments, employment and promotion**
2 **—mandamus.** In every public department and upon all public works
3 in the state of Iowa, and of the counties, cities, towns, and school
4 boards thereof, honorably discharged soldiers, sailors, marines, and
5 nurses from the army and navy of the United States in the late Civil
6 war, Spanish-American war, Philippine insurrection, China relief
7 expedition, and war with Germany, who are citizens and residents
8 of the state, shall be entitled to preference in appointment, employ-
9 ment and promotion over other persons of equal qualifications, ex-
10 cept in the position of school teachers, and the persons thus preferred
11 shall not be disqualified from holding any position hereinbefore men-
12 tioned on account of their age, or by reason of any physical disability,
13 provided such age or disability does not render him or her incompe-
14 tent to properly perform the duties of the position applied for, and
15 when such soldier, sailor, marine or nurse shall apply for appoint-
16 ment or employment under this chapter, the officer, board or person
17 whose duty it is or may be to appoint or employ some person to fill
18 such position or place shall, before appointing or employing anyone
19 to fill such position or place, make an investigation as to the quali-
fications of said soldier, sailor, marine or nurse for such place or posi-

20 tion, and if he be a man of good moral character, or a woman of good
 21 moral character, and can perform the duties of said position so ap-
 22 plied for as hereinbefore provided, said officer, board, or person shall
 23 appoint said soldier, sailor, marine or nurse to such position, place or
 24 employment. A refusal to allow the preference provided for in this
 25 and the next succeeding section to any honorably discharged soldier,
 26 sailor, marine or nurse, or a reduction of the compensation intended
 27 to bring about his or her resignation or discharge, shall entitle
 28 such honorably discharged soldier, sailor, marine or nurse to a right
 29 of action therefor in any court of competent jurisdiction for man-
 30 damus for righting the wrong.

SEC. 3. ~~Mandamus—removal for cause—certiorari—excep-~~
 1 tions. Any person whose rights may be in any way prejudiced con-
 2 trary to any of the provisions of this section shall be entitled to a
 3 writ of mandamus to remedy the wrong. No person holding a posi-
 4 tion by appointment or employment in the state of Iowa, or in the
 5 several counties, cities, towns or school boards thereof, who is an
 6 honorably discharged soldier, sailor, marine or nurse, having served
 7 in the wars mentioned in the preceding section, shall be removed from
 8 such position or employment except for incompetency or misconduct
 9 shown after a hearing, upon due notice, upon stated charges, and with
 10 the right of such employee or appointee to a review by a writ of cer-
 11 tiorari. The burden of proving incompetency or misconduct shall
 12 rest upon the party alleging the same. Nothing in this chapter shall
 13 be construed to apply to the position of private secretary or deputy
 14 of an official or department, or to any person holding a strictly con-
 15 fidential relation to the appointing officer.

SEC. 4. **Publication clause.** This act being deemed of immedi-
 2 ate importance shall be in full force and effect from and after its
 3 passage and publication in the Des Moines Register and the Des
 4 Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 8, A. D. 1921.

I hereby certify that the foregoing act was published in the Des Moines Register and
 the Des Moines Capital April 12, 1921.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 167

CITIES AND TOWNS

H. F. 860.

AN ACT to amend section seven hundred forty (740), supplement to the code, 1913
 (C. C. Sec. 6501), relating to taking of property by cities and towns and other munic-
 ipal corporations by gift or bequest, and providing for the administration thereof, and
 providing for the levy of a tax to pay any annuity required by the donor to be paid to
 him.

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

1 SECTION 1. **Tax to pay annuity on bequest.** That section seven
 2 hundred forty (740) of the supplement to the code, 1913 (C. C.