

CHAPTER 263

SALES AND MORTGAGES BY EXECUTORS, ADMINISTRATORS AND GUARDIANS

S. F. 403.

AN ACT to amend section three thousand five hundred thirty-four (3534) of the supplement to the code, 1913, (C. C. 7179) and to repeal section three thousand two hundred seven (3207) and section three thousand three hundred twenty-four (3324) of the code, (C. C. 6652, 7848) and to enact substitutes therefor, relating to the time and manner of serving notice in certain probate proceedings.

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

1 SECTION 1. **Service by publication.** Section three thousand five
2 hundred thirty-four (3534) of the supplement to the code, 1913, (C.
3 C. 7179) is amended by adding the following new paragraph to said
4 section, to-wit:

5 "11. In actions or proceedings by an executor, administrator, or
6 guardian to sell or mortgage the real property belonging to the estate
7 of a decedent, or to a ward, as the case may be."

1 SEC. 2. **Petition—service.** Section three thousand two hundred
2 seven (3207) of the code, (C. C. 6652) is repealed and the following is
3 enacted in lieu thereof:

4 "The petition for that purpose must state the grounds thereof and
5 be verified. A copy of the application, with a notice of the time and
6 place of hearing thereon by the court or judge must be served on the
7 ward in the time and manner prescribed for the service of an original
8 notice in ordinary civil actions, unless a different service is ordered
9 by the court or judge."

1 SEC. 3. **Notice of application—service.** Section three thousand
2 three hundred twenty-four (3324) of the code, (C. C. 7848) is repealed
3 and the following is enacted in lieu thereof:

4 "Before any order to that effect shall be made, all persons interested
5 in such real estate shall be served with notice of the filing of said appli-
6 cation and of the time and place of hearing thereon. Said notice shall
7 be given in the time and manner prescribed for the service of an origi-
8 nal notice in ordinary civil actions, unless a different service is
9 ordered by the court or judge."

Approved April 15, A. D. 1921.

CHAPTER 264

COUNTY OR DISTRICT FAIRS

H. F. 429.

AN ACT to repeal the law as it appears in chapter one hundred seventy-five (175), acts of the thirty-eighth general assembly (chapter two (2), entire, of the compiled code of Iowa, containing sections 1632 to 1644 inclusive), and to enact a substitute therefor, relating to state aid granted to county or district fairs or agricultural societies.

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

1 SECTION 1. **Repeal.** That the law as it appears in chapter one
2 hundred seventy-five (175), acts of the thirty-eighth general assembly,

3 be and the same is hereby repealed, together with all laws or parts of
4 laws in conflict herewith, and the following enacted in lieu thereof.

1 **SEC. 2. Premiums.** Any county or district fair or agricultural
2 society may annually offer and award premiums to further the interest
3 in, and to encourage the improvement of, live stock, agricultural and
4 educational products, implements and mechanical devices, articles of
5 domestic industry and such other articles as they may think proper,
6 and to regulate the amount thereof and the classification as to induce
7 general competition.

1 **SEC. 3. State aid—failure to report—delegate to agricultural**
2 **convention—penalty.** Any county or district fair or agricultural so-
3 ciety upon filing with the secretary of the state board of agriculture a
4 report as herein provided for, shall be entitled to receive from the state
5 treasury a sum equal to eighty per cent of the first one thousand dol-
6 lars, seventy per cent of the second one thousand dollars, sixty per
7 cent of the third one thousand dollars and forty per cent of all amounts
8 in excess of three thousand dollars paid in cash premiums at its annual
9 fair for the current year, but in no case shall the amount paid to any
10 fair or society exceed the sum of two thousand dollars in any one year.
11 When any county or district fair or agricultural society fails to report
12 according to law on or before the first day of November, that fair or
13 society shall not receive a warrant from the state auditor for that year,
14 but the secretary of the state board of agriculture shall notify the
15 county auditor of the county in which the fair or society is located of
16 such failure and the board of supervisors may appoint a delegate to the
17 state agricultural convention, said delegate to be a resident of said
18 county; and any county or district fair or agricultural society failing
19 to have an accredited delegate in attendance at the state agricultural
20 convention the second Wednesday in December of the year in which
21 said fair was held shall have the amount of state aid which it would
22 have otherwise received diminished in the sum of one hundred dol-
lars.

1 **SEC. 4. Report as basis for state aid—publication of awards,**
2 **receipts and disbursements.** On or before the first day of Novem-
3 ber of each year, the president, secretary and treasurer of each county
4 or district fair or agricultural society claiming the benefit under this
5 chapter shall file with the secretary of the state board of agriculture a
6 sworn statement of the actual amount of cash premiums paid at the
7 fair of the current year, which must correspond with the published
8 offer of premiums, and a further sworn statement that none of the
9 amounts were paid for speed events or to secure games or amuse-
10 ments, and that no gambling devices, sales of intoxicating liquors or
11 other violation of the law were permitted on the grounds of such
12 county or district fair or agricultural society.

13 The said statement shall also contain a full and complete statement
14 of receipts and expenditures and other statistics relative to exhibits
15 and attendance for the current year.

16 Each county or district fair or agricultural society shall annually
17 publish an itemized list of the awards, and a financial statement of
18 receipts and disbursements for the current years in one or more news-
19 papers of the county. A copy of the published list of awards and
financial statement, with proof of publication, shall accompany the

20 statement filed with the secretary of the state board of agriculture.

1 **SEC. 5. Payment of state aid.** The auditor of state is hereby
2 authorized and directed to draw warrants on the state treasurer for
3 the funds hereinabove appropriated in favor of the several county or
4 district fairs or agricultural societies who shall have complied with
5 the provisions of this chapter. The auditor of state, before issuing a
6 state warrant in favor of such county or district fair or agricultural
7 society for any amount, shall demand the certificate of the secretary
8 of the state board of agriculture that said fair or society has filed a
9 report as provided for in this chapter, and upon the receipt of said
10 certificate the auditor of state shall issue his warrant for the amount
11 to which said fair or society is entitled, less the sum of one hundred
12 dollars, which amount shall be withheld and paid to said fair or
13 society by warrant of the state auditor only upon certificate of the
14 secretary of the state board of agriculture that said fair or society
15 had an accredited delegate in attendance upon the state agricultural
16 convention as hereinbefore required.

1 **SEC. 6. Terms defined.** Wherever the term "county or district
2 fair or agricultural society" occurs in this chapter it shall be held to
3 mean a bona fide exhibition of live stock, together with agricultural
4 products and farm implements and one duly incorporated under the
5 laws of the state of Iowa.

1 **SEC. 7. Report to supervisors.** Each society receiving such ap-
2 propriation shall, through its secretary, make to the board of super-
3 visors a detailed statement, accompanied with vouchers, showing the
4 legal disbursement of all moneys so received.

1 **SEC. 8. Permits to sell.** The president of a county or district
2 fair or an agricultural society may grant a written permit to such
3 persons as he thinks proper, to sell fruit, provisions, and other articles
4 not prohibited by law, under such regulations as the board of directors
5 may prescribe.

1 **SEC. 9. Peace officers—liquors and gambling—obstructions—**
2 **penalties—general control.** The president or proper officer of any
3 such fair or society may appoint such number of peace officers as may
4 be necessary, and may arrest or cause to be arrested any person violat-
5 ing any of the provisions of this chapter, and cause him to be taken be-
6 fore some justice of the peace to be dealt with as provided by law; and
7 he may seize or cause to be seized all intoxicating liquors, wine, or beer
8 of any kind, with the vessels containing the same, and all tools or other
9 implements used in any gambling, and remove or cause to be removed
10 all shows, swings, booths, tents, carriages, vessels, boats, or any other
11 thing that may obstruct or cause to be obstructed, by collecting persons
12 around or otherwise, any thoroughfare leading to the inclosure in
13 which such agricultural fair is held. Any person owning, occupying
14 or using any of such things causing such obstructions, who shall refuse
15 or fail to remove the same when ordered to do so by the president or
16 other officer, shall be liable to a fine of not less than five nor more than
17 one hundred dollars for every such offense. During the time the fair is
18 held, no ordinance or resolution of any city or town shall in any way
19 impair the authority of the society, but it shall have sole and exclusive
control over and management thereof.

1 SEC. 10. **Fraudulent entries of horses.** No person, partnership,
2 company or corporation shall knowingly enter or cause to be entered
3 any horse of any age or sex under an assumed name, or out of its
4 proper class, to compete for any purse, prize, premium, stake or sweep-
5 stake offered or given by any agricultural or other society, association,
6 person or persons in the state, or drive any such horse under an as-
7 sumed name, or out of its proper class, where such prize, purse, pre-
8 mium, stake or sweepstake is to be decided by a contest of speed.

1 SEC. 11. **Penalty.** Any person convicted of a violation of the
2 preceding section shall be imprisoned in the penitentiary for a period
3 of not more than three years, or in the county jail for not more than
4 one year, and be fined in a sum not exceeding one thousand dollars.

1 SEC. 12. **Entry under changed name.** The name of any horse for
2 the purpose of entry for competition in any contest of speed, shall not
3 be changed after having once contested for a prize, purse, premium,
4 stake or sweepstake, except as provided by the code of printed rules
5 of the society or association under which the contest is advertised to
6 be conducted, unless the former name is given.

1 SEC. 13. **Class determined.** The class to which a horse belongs
2 for the purpose of an entry in any contest of speed, as provided by the
3 printed rules of the society or association under which such contest is
4 to be made, shall be determined by the public record of said horse in
5 any such former contest.

Approved April 15, A. D. 1921.

CHAPTER 265

LIBRARY TRUSTEES

S. F. 441.

AN ACT to repeal section seven hundred twenty-eight (728), supplemental supplement to the code, 1915 (compiled C. 3750), relating to library trustees.

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

SECTION 1. **Library trustees — tenure — vacancies — qualifications—compensation—joint libraries.** That section seven hundred
2 twenty-eight (728) supplemental supplement to the code, 1915, (C. C.
3 3750), be and the same is hereby repealed and the following enacted
4 in lieu thereof: "In any city or town in which a free library has been
5 established, there shall be a board of library trustees, consisting of
6 five, seven or nine members to be appointed by the mayor, by and with
7 the approval of the city council, which shall also establish by ordin-
8 ance the number to be appointed. Of said trustees so appointed on
9 boards to consist of nine members, three shall hold office for two years,
10 three for four years, and three for six years; on boards to consist of
11 seven members, two shall hold office for two years, two for four years,
12 and three for six years each; and on boards to consist of five members,
13 one shall hold office for two years, two for four years and two for six
14 years, from the first day of July following their appointment in each
15 case, and at their first meeting they shall cast lots for their respective