

up any defense it has made, or could have made, to such bonds or coupons in the action in which such former recovery was had, but the county may allege and prove any matter of defense in such action to the same extent, and with the same effect, as though no former action had been brought, or former recovery had.

Sec. 21. Breach of duty - misdemeanor. Any officer of any county, or any deputy or employee of such officer, who violates any of the provisions of the two preceding sections, shall be guilty of a misdemeanor, and fined not less than one hundred dollars, nor more than five hundred dollars, for each offense.

Approved January 11, 1924.

#### CHAPTER 94

#### SUPPORT OF THE POOR

H. F. 140

AN ACT to amend, revise, and codify sections thirty-two hundred seventy-eight (3278), thirty-two hundred seventy-nine (3279), thirty-two hundred eighty-three (3283), thirty-two hundred eighty-seven (3287), thirty-two hundred eighty-nine (3289) and thirty-two hundred ninety-three (3293) of the compiled code of Iowa, relating to the support of the poor.

Be It Enacted by the General Assembly of the State of Iowa:

That sections thirty-two hundred seventy-eight (3278) and thirty-two hundred seventy-nine (3279) of the compiled Code of Iowa are amended, revised, and codified to read as follows:

Section 1. Notice - hearing. At least ten (10) days' notice in writing of the application shall be given to the parties sought to be charged, service thereof to be made as often original notice, in which proceedings the county shall be plaintiff and the parties served defendants. No order shall be made affecting a person not served, but, as to such, notice may be given at any stage of the proceedings. The court may proceed in a summary manner to hear all the allegations and proofs of the parties, and order any one or more of the relatives who shall be able, to relieve or maintain him or her, charging them as far as practicable in the order above named, and for that purpose may bring in new parties when necessary.

Sec. 2. Order for entire or partial support. The order may be for the entire or partial support of the applicant, may be for the payment of money or the taking of the applicant to a relative's house, or may assign him or her for a certain time to one and for another period to another, as may be just and right, taking into view the means of the several relatives liable, but no such assignment shall be made to one who is willing to pay the amount necessary for support. If the order be for relief in any other form than money, it shall state the extent and value thereof per week, and the time such relief shall continue; or the order may make the time of continuance indefinite, and it may be varied from time to time by a new order as circumstances may require, upon application to the court by the trustee, the poor person, or the relative affected, ten (10) days' notice thereof being given to the party or parties concerned.

Sec. 3. Payment - appeal. When money is ordered to be paid, it shall be paid to such person as the court may direct. If support be not rendered as ordered, the court upon such fact being shown by the affidavit of one (1)

or more of the proper trustees, may render judgment and order execution for the amount due, rating any support ordered in kind at the valuation previously made. An appeal may be taken from the judgment rendered to the supreme court. Support for later periods under the same order may be, as it becomes due, applied for and obtained in the same manner.

Sec. 4. Abandonment - order as to property. When father or mother abandons any child, husband his wife, or wife her husband, leaving them a public charge or likely to become such, the trustees of the township, upon application to them may make complaint to the district court or judge thereof in the county in which such abandoned person resides, or in which any property of such father, mother, husband, or wife is situated, for an order to seize such property, and, upon proof of the necessary facts, the court or judge shall issue an order, directed to the sheriff of the county, to take and hold possession of said property, subject to the further orders of the court, which order shall be executed by taking possession of chattel property wherever found, and shall entitle the officer serving the same to collect and hold the rents accruing upon real property.

Sec. 5. Lien entered in incumbrance book. Statement of the issuance of the order and a description of any real estate sought to be affected thereby, shall be entered in the incumbrance book, and from the date thereof shall be superior in right to any conveyance or lien created by the owner thereafter, and return shall be made of said order to the proper court, where the order of seizure, upon investigation, may be discharged or continued; if continued, the entire matter shall be subject to the control of the court, and it shall from time to time make such orders as to the disposition of the personal property seized, and the application of it or the proceeds thereof, as it may deem proper, and of the disposition of the rents and profits of the real estate. Should the party against whom the order issued thereafter resume his or her support of the person abandoned, or give bond with sureties, to be approved by the clerk, conditioned that such person shall not become chargeable to the county, the order shall be by the clerk discharged and the property remaining restored.

That section thirty-two hundred eighty-three (3283) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 6. Settlement - how acquired. A legal settlement in this state may be acquired as follows:

1. Any adult person residing in this state one (1) year without being warned to depart as provided in this chapter acquires a settlement in the county of his residence.

2. A married woman has the settlement of her husband, if he has one in this state; if not, or if she lives apart from, or is abandoned by him, she may acquire a settlement as if she were unmarried. Any settlement which the wife had at the time of the marriage may at her election be resumed upon the death of her husband or if she be divorced or abandoned by him, if both settlements were in this state.

3. Legitimate minor children take the settlement of the father, if there be one, if not, then that of the mother.

4. Illegitimate minor children take the settlement of their mother, or, if she has none, then that of their putative father.

5. A minor without a settlement in this state, by residing one (1) year in any county of the state, acquires a settlement therein.

Sec. 7. Settlement continues until new one acquired. A legal settlement once acquired continues until lost by acquiring a new one.

That section thirty-two hundred eighty-seven (3287) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 8. Contest as to settlement. When relief is granted to a poor person having a settlement in another county, the auditor shall at once by mail notify the auditor of the county of his settlement of such fact, and, within fifteen (15) days after receipt of such notice, such auditor shall inform the auditor of the county granting relief if the claim of settlement is disputed. If it is not, the poor person, if able, may be removed to the county of his settlement, or, at the request of the auditor or board of supervisors of the county of his settlement, he may be maintained where he then is at the expense of such county, and without affecting his legal settlement.

Sec. 9. Method of trial. If the alleged settlement is disputed, then, within thirty (30) days after notice thereof as above provided, a copy of the notices sent and received shall be filed in the office of the clerk of the district court of the county against which claim is made, and a cause docketed without other pleadings, and tried as an ordinary action, in which the county affording the relief shall be plaintiff, and the other defendant, and the burden of proof shall be upon the county granting the relief or making the removal.

That section thirty-two hundred eight-nine (3289) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 10. Relief by trustees - overseer of the poor. The township trustees of each township, subject to general rules that may be adopted by the board of supervisors, shall provide for the relief of such poor persons in their respective townships as should not, in their judgment, be sent to the county home. But where a city is embraced, in whole or in part, within the limits of any township, the board of supervisors may appoint an overseer of the poor, who shall have within said city, or part thereof, all the powers and duties conferred by this chapter on the township trustees.

Sec. 11. Form of relief - condition. The relief may be either in the form of food, rent or clothing, fuel and lights, medical attendance, or in money, and shall not exceed two dollars (\$2.00) per week for each person for whom relief is thus furnished, exclusive of medical attendance. They may require any able-bodied person to labor faithfully on the streets or highways at the prevailing local rate per hour in payment for and as a condition of granting relief; said labor shall be performed under the direction of the officers having charge or working streets and highways.

Sec. 12. Medical services - rate of payment. When medical services are rendered by order of the trustees or overseers of the poor, no more shall be charged or paid therefor than is usually charged for like services in the neighborhood where such services are rendered. No supervisor, trustee, or employee of the county, shall be directly or indirectly interested in any supplies furnished the poor.

That section thirty-two hundred ninety-three (3293) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

Sec. 13. Application for relief - where made. The poor must make application for relief to the trustees of the township where they may be, and, if the trustees are satisfied that the applicant is in such a state of want as requires

relief at the public expense, they may afford such relief, subject to the approval of the board of supervisors, as the necessities of the person require, and shall report the case forthwith to the board of supervisors, who may continue or deny relief, as they find cause.

Sec. 14. Allowance by board of supervisors. The board of supervisors may examine into all claims, including claims for medical attendance, allowed by the township trustees for the support of the poor, and if they find the amount allowed by said trustees to be unreasonable, exorbitant or for any goods or services other than for the necessaries of life, they may reject or diminish the claim as in their judgment would be right and just, and this section shall apply to all counties in the state, whether there are county homes established in the same or not. This and the preceding section shall apply to acts of overseers of poor in cities as well as to township trustees.

Approved February 20, 1924.

#### CHAPTER 95

#### HOSPITALS FOR CONTAGIOUS DISEASES

H. F. 142

AN ACT TO amend, revise, and codify chapter fourteen (14) of title twelve (12) of the compiled code of Iowa, and of the supplement to said code, relating to county public hospitals and detention hospitals for contagious diseases.

Be It Enacted by the General Assembly of the State of Iowa

That chapter fourteen (14) of title twelve (12) of the compiled Code of Iowa, and of the supplement to said Code is amended, revised, and codified to read as follows:

#### CHAPTER

#### COUNTY PUBLIC HOSPITALS

Section 1. County public hospitals - petition - requirements. When it is proposed to establish in any county a county public hospital, a petition shall be presented to the board of supervisors, signed by two hundred (200) or more resident freeholders of such county, at least one hundred fifty (150) of whom shall not be residents of the city, town, or village where it is proposed to locate such hospital, requesting said board to submit to the electors the proposition to issue bonds for the purpose of procuring a site, and erecting, equipping, and maintaining such hospital, and specifying the amount of bonds proposed to be issued for such purpose, which shall not exceed one hundred thousand dollars (\$100,000.00).

Sec. 2. Submission to vote. Upon the presentation of such petition, the board of supervisors shall submit to the voters of the county at the next general election the question of issuing bonds and levying a tax for such hospital in the form and manner required for the submission of public measures in the title on elections.

Sec. 3. Submission at special election. Should said petition so request and the board of supervisors unanimously so order, said proposition may be submitted at a special election to be called by said board in the manner provided by law for submitting propositions at special elections.