

1    **SEC. 6. Agreement for termination—effect.** Where an agreement  
2 is made fixing the time of the termination of the tenancy, whether  
3 in writing or not, it shall cease at the time agreed upon, without  
4 notice.

[C. C. 6434.]

1    **SEC. 7. Notice—how served.** When a tenant can not be found in  
2 the county, the notice above required may be given to any subtenant  
3 or other person in possession of the premises, or, if the premises be  
4 vacant, by affixing the notice to any outside door of the dwelling house  
5 thereon, or other building, if there be no dwelling house, or in some  
6 conspicuous position on the premises, if there be no building.

[C. C. 6434.]

Approved February 10, A. D. 1923.

## CHAPTER 239

### PERPETUITIES, GIFTS AND BEQUESTS

S. F. 81

AN ACT to amend, revise and codify sections sixty-four hundred fifty-two (6452), sixty-four hundred fifty-three (6453) and sixty-four hundred fifty-four (6454) of the compiled code of Iowa, relating to perpetuities, gifts and bequests.

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

That sections sixty-four hundred fifty-two (6452), sixty-four hundred fifty-three (6453) and sixty-four hundred fifty-four (6454) of the compiled code of Iowa are amended, revised and codified to read as follows:

1    **SECTION 1. State as trustee.** A gift, devise or bequest of property,  
2 real or personal, may be made to the state, to be held in trust for and  
3 applied to any specified purpose within the scope of its authority, but  
4 the same shall not become effectual to pass the title in such property  
5 unless accepted by the executive council in behalf of the state.

[C. C. 6452.]

1    **SEC. 2. Acceptance.** If gifts are made to the state in accordance  
2 with the preceding section, for the benefit of an institution thereof,  
3 the property, if accepted, shall be held and managed in the same way  
4 as other property of the state, acquired for or devoted to the use of  
5 such institution; and any conditions attached to such gift shall be-  
6 come binding upon the state, upon the acceptance thereof.

[C. C. 6453.]

1    **SEC. 3. Acceptance of gifts, devises, or bequests authorized.** Gifts,  
2 devises or bequests of property, real or personal, made to any state  
3 institution for purposes not inconsistent with the objects of such  
4 institution, may be accepted by its governing board, and such board

5 may exercise such powers with reference to the management, sale,  
6 disposition, investment or control of property so given, devised or  
7 bequeathed, as may be deemed essential to its preservation and the  
8 purposes for which the gift, devise or bequest was made.

[C. C. 6454.]

1 **SEC. 4. Municipal corporations as trustees.** Counties, cities, towns,  
2 and civil townships wholly outside of any city or town, and school  
3 corporations, are authorized to take and hold property, real and per-  
4 sonal, by gift and bequest; and to administer the same through the  
5 proper officer in pursuance of the terms of the gift or bequest. No  
6 title shall pass unless accepted by the governing board of the cor-  
7 poration or township. Conditions attached to such gifts or bequests  
8 become binding upon the corporation or township upon acceptance  
9 thereof.

[C. C. 6452, 6453; S. C. C. 6501.]

1 **SEC. 5. Trustees—when appointed by court.** When made for the  
2 establishing of institutions of learning or benevolence, and no provi-  
3 sion is made in the gift or bequest for the execution of the trust, the  
4 judge of the district court having charge of the probate proceedings  
5 in the county shall appoint three (3) trustees, residents of said  
6 county, who shall have charge and control of the same, and who shall  
7 continue to act until removed by the court. They shall give bond  
8 as required in case of executors, and be subject to the orders of said  
9 court.

[S. C. C. 6501.]

1 **SEC. 6. Tax voted to maintain—when no endowment.** When any  
2 county, city, or town shall receive by gift or devise, property, real  
3 or personal, for the purpose of establishing any institution of benevo-  
4 lence including hospitals, and no sufficient fund or endowment is  
5 provided for its maintenance, or is received upon condition that the  
6 donee or devisee provide for aiding the maintenance of such institu-  
7 tion by a tax levy upon the assessed property of such municipality,  
8 it shall be the duty of the governing board of such municipality to  
9 submit by resolution to the qualified electors thereof at a regular  
10 or special election the question whether there shall be levied upon  
11 the assessed property of such municipality an annual tax not exceed-  
12 ing three (3) mills on the dollar for the purpose of aiding the main-  
13 tenance of such institution. The said proposition shall be submitted  
14 in the manner provided for similar propositions in the title on elections.

[S. C. C. 6501.]

1 **SEC. 7. Board to determine amount of levy.** If a majority of the  
2 votes cast at such election on the proposition so submitted shall be in  
3 favor of the proposition, the governing board of such municipality  
4 shall determine the amount to be levied for such purpose, not exceed-  
5 ing three (3) mills on the dollar, and the amount so fixed shall be  
6 levied upon the assessed property of such municipality and collected  
7 in the same manner as other taxes of such municipality are levied  
8 and collected.

[S. C. C. 6501.]

1     **SEC. 8. Disbursements of tax.** When collected by the county treas-  
2 urer said tax shall be paid over to the treasurer of the institution  
3 authorized to receive the same and shall be paid out on the order of  
4 the trustees of such institution who are authorized to manage and  
5 control the same, for the purposes for which it was authorized.

[S. C. C. 6501.]

1     **SEC. 9. Tax discontinued.** The governing board of such municipal-  
2 ity may discontinue such levy of tax in the event the institution to  
3 be aided thereby is destroyed by the elements and no fund is pro-  
4 vided or available for its rebuilding; or after five (5) years of con-  
5 tinuance of such tax aid the governing board may, and upon the  
6 petition of twenty-five per cent (25%) of the qualified electors of such  
7 municipality as shown by the poll books of the last preceding general  
8 election, shall, by resolution, re-submit to the qualified electors of  
9 such municipality, at a regular or special election, in the same manner  
10 hereinbefore specified, the question whether tax aid for such institu-  
11 tion shall be discontinued, and if sixty-five per cent (65%) of the  
12 votes cast at such election on the proposition so submitted be in favor  
13 of discontinuing tax aid, no further levy of tax shall be made for such  
14 purpose.

[S. C. C. 6501.]

1     **SEC. 10. Gift conditional upon payment of annuity—agreement—**  
2 **tax.** When a gift or bequest is conditioned upon the payment of an  
3 annuity to the donor, or any other person, the governing board of  
4 such municipality may, upon acceptance of such gift or bequest, agree  
5 to pay such annuity providing the amount thereof does not exceed  
6 five per cent (5%) of the amount of the gift or bequest and does not  
7 exceed the amount realized from a three (3) mill tax levy upon the  
8 taxable property of said municipality; and to provide for the payment  
9 of such annuity, said municipality, through its proper officers, shall  
10 annually thereafter levy a tax, not exceeding three (3) mills, sufficient  
11 to pay such annuity. No agreement shall be made unless the annuity  
12 provided for therein, and all annuities provided for under prior agree-  
13 ments, may be paid from the proceeds of one (1) annual tax levy  
14 of three (3) mills.

[S. C. C. 6501.]

Approved February 7, A. D. 1923.