

ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

Thirtieth General Assembly

OF THE

STATE OF IOWA

BEGUN JANUARY 11 AND ENDED APRIL 12, 1904.

PUBLISHED UNDER AUTHORITY OF THE STATE.

DES MOINES, IOWA:
BERNARD MURPHY, STATE PRINTER.
1904.

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STATE GOVERNMENT.

List of state officers, judges of the supreme, district and superior courts, and members and officers of the general assembly, at the time of passage of laws contained in this book.

Name.	Position.	County from which originally chosen.
Albert B. Cummins	Governor	Polk.
John Briar	Private Secretary to the Governor	Polk.
John Herriott	Lieutenant-Governor	Guthrie.
W. B. Martin	Secretary of State	Adair.
D. A. Hites	Deputy Secretary of State	Polk.
B. F. Carroll	Auditor of State	Davis.
Amos W. Brandt	Deputy Auditor of State	Polk.
G. S. Gilbertson	Treasurer of State	Winnebago.
Q. A. Willis	Deputy Treasurer of State	Dallas.
Charles W. Mullan	Attorney-General	Black Hawk.
Lawrence De Graff	Assistant Attorney-General	Polk.
John C. Crockett	Clerk of Supreme Court	Hardin.
H. L. Bousquet	Deputy Clerk of Supreme Court	Marion.
W. W. Cornwall	Supreme Court Reporter	Clay.
John F. Riggs	Superintendent of Public Instruction	Keokuk.
J. C. Bennett	Deputy Superintendent of Public Instruction	Ringgold.
A. H. Davison	Secretary of Executive Council	Lyon.
John C. Simpson	Secretary of Board of Agriculture	Marion.
Ed. C. Brown	} Railroad Commissioners	O'Brien.
Edward A. Dawson		Bremer.
David J. Palmer	} Secretary Board of Railroad Commissioners	Washington.
Dwight N. Lewis		Polk.
John Cowrie	} Board of Control	Iowa.
L. G. Kinne		Polk.
G. S. Robinson		Woodbury.
F. S. Treat	Secretary Board of Control	Polk.
M. H. Byers	Adjutant-General	Mills.
John Verner	} Mine inspectors	Lucas.
R. T. Rhys		Wapello.
Edward Sweeney	} Commissioner of Labor Statistics	Polk.
Edward D. Brigham		Polk.
Johnson Brigham	State Librarian	Polk.
Bernard Murphy	State Printer	Benton.
Howard Tedford	State Binder	Ringgold.
Charles Aldrich	Curator Historical Department	Boone.
L. G. Weld	Superintendent of Weights and Measures	Johnson.
Paul O. Koto	State Veterinary Surgeon	Winnebago.
H. R. Wright	Dairy Commissioner	Polk.
George A. Lincoln	Fish and Game Warden	Linn.
Fred Russell	} Commissioners of Pharmacy	Calhoun.
N. T. Hendrix		Louisa.
Fletcher Howard	} Secretary of Pharmacy Commission	Polk.
Charles W. Phillips		Jackson.
John A. McKlveen	President State Board of Health	Lucas.
J. F. Kennedy	Secretary State Board of Health	Polk.
Fred. W. Powers	President State Board of Medical Examiners	Black Hawk.
J. F. Kennedy	Secretary State Board of Medical Examiners	Polk.
T. E. McCurdy	Custodian Public Buildings and Property	Buchanan.
S. Calvin	State Geologist	Johnson.
T. E. Savage	Assistant State Geologist	Polk.

JUDICIAL DEPARTMENT.

SUPREME COURT.

Name.	Position.	County from which Chosen.	Postoffice Address.
Horace E. Deemer.....	Chief Justice.....	Montgomery.....	Red Oak.
John C. Sherwin.....	Judge.....	Cerro Gordo.....	Mason City.
Emlin McClain.....	Judge.....	Johnson.....	Iowa City.
Silas M. Weaver.....	Judge.....	Hardin.....	Iowa Falls.
Scott M. Ladd.....	Judge.....	O'Brien.....	Sheldon.
Charles A. Bishop.....	Judge.....	Polk.....	Des Moines.
Charles W. Mullan.....	Attorney-General...	Black Hawk.....	Waterloo.
Lawrence DeGraff.....	Asst. Att'y-General.	Polk.....	Des Moines.
John C. Crockett.....	Clerk.....	Hardin.....	Eldora.
H. L. Bousquet.....	Deputy Clerk.....	Marion.....	Knoxville.
Wendell W. Cornwall.....	Reporter.....	Clay.....	Spencer.

DISTRICT COURTS.

Dist.	Name.	Postoffice Address.	Counties in District.
1	Henry Bank, Jr.....	Keokuk.....	Lee.
2	Robert Sloan.....	Keosauqua.....	} Appanoose, Davis, Jefferson, Lucas, Monroe, Van Buren and Wapello.
	M. A. Roberts.....	Ottumwa.....	
	C. W. Vermillion.....	Centerville.....	
	F. W. Eichelberger.....	Bloomfield.....	} Adams, Clarke, Decatur, Ringgold, Taylor, Union and Wayne.
3	H. M. Towner.....	Corning.....	
	W. E. Miller.....	Bedford.....	
4	Geo. W. Wakefield.....	Sioux City.....	} Cherokee, Lyon, Monona, O'Brien, Osceola, Plymouth, Sioux and Woodbury.
	F. R. Gaynor.....	LeMars.....	
	John F. Oliver.....	Onawa.....	
	Wm. Hutchinson.....	Alton.....	} Adair, Dallas, Guthrie, Madison, Marion and Warren.
5	Edmund Nichols.....	Perry.....	
	J. H. Applegate.....	Guthrie Center.	
	James D. Gamble.....	Knoxville.....	} Jasper, Keokuk, Mahaska, Poweshiek and Washington.
6	W. G. Clements.....	Newton.....	
	Byron W. Preston.....	Oskaloosa.....	
	Jno. T. Scott.....	Brooklyn.....	} Clinton, Jackson, Muscatine and Scott.
7	D. V. Jackson.....	Muscatine.....	
	P. B. Wolfe.....	Clinton.....	
	A. J. House.....	Maquoketa.....	} Johnson and Iowa.
	Jas. W. Bollinger.....	Davenport.....	
8	O. A. Byington.....	Iowa City.....	
9	A. H. McVey.....	Des Moines.....	} Polk.
	James A. Howe.....	Des Moines.....	
	Hugh Brennan.....	Des Moines.....	
	Wm. H. McHenry.....	Des Moines.....	} Black Hawk, Buchanan, Delaware and Grundy.
10	A. S. Blair.....	Manchester.....	
	Franklin C. Platt.....	Waterloo.....	
11	J. R. Whitaker.....	Boone.....	} Boone, Franklin, Hamilton, Hardin, Story, Webster and Wright.
	W. D. Evans.....	Hampton.....	
	J. H. Richard.....	Webster City.....	
12	Clifford P. Smith.....	Mason City.....	} Butler, Bremer, Cerro Gordo, Floyd, Hancock, Mitchell, Winnebago and Worth.
	J. F. Clyde.....	Osage.....	
	C. H. Kelley.....	Forest City.....	
13	L. E. Fellows.....	Lansing.....	} Allamakee, Clayton, Chickasaw, Fayette, Howard and Winneshiek.
	A. N. Hobson.....	West Union.....	
	A. D. Bailie.....	Storm Lake.....	
14	William B. Quarton.....	Algona.....	} Buena Vista, Clay, Dickinson, Emmet, Humboldt, Kossuth, Palo Alto and Pocahontas.
15	A. B. Thornell.....	Sidney.....	
	Orville D. Wheeler.....	Council Bluffs.	
	N. W. Macy.....	Harlan.....	} Audubon, Cass, Fremont, Harrison, Mills, Montgomery, Page, Pottawattamie and Shelby.
	W. R. Green.....	Audubon.....	

DISTRICT COURTS—CONTINUED.

Dist	Name.	Postoffice Address.	Counties in District.
16	F. M. Powers	Carroll	} Calhoun, Carroll, Crawford, Greene, Ida and Sac.
	Z. A. Church	Jefferson	
17	Geo. W. Burnham	Vinton	} Benton, Marshall and Tama.
	Obed Caswell	Marshalltown	
18	Wm. G. Thompson	Marion	} Cedar, Jones and Linn.
	Ben H. Miller	Anamosa	
	J. H. Preston	Cedar Rapids	
19	Fred O'Donnell	Dubuque	} Dubuque.
	Matthew C. Matthews	Dubuque	
20	James D. Smyth	Burlington	} Des Moines, Henry and Louisa.
	W. S. Withrow	Mt. Pleasant	

SUPERIOR COURTS.

Name.	Postoffice Address.	Name.	Postoffice Address.
James H. Rothrock	Cedar Rapids.	G. H. Scott	Council Bluffs.
W. L. McNamara	Keokuk.	Ernest L. Elliott	Oelwein.

THIRTIETH GENERAL ASSEMBLY.

OFFICERS OF THE SENATE.

Lieutenant Governor and President of the Senate—John Herriott, of Stuart, Guthrie county.

President pro tempore—Senator James A. Smith, of Osage, Mitchell county.

Secretary—George A. Newman, of Cedar Falls, Black Hawk county.

First Assistant Secretary—George A. Wilson, of Menlo, Adair county.

Second Assistant Secretary—John L. Gillispie, of Nevada, Story county.

Engrossing Clerk—Lois Rigby, of Davenport, Scott county.

Enrolling Clerk—Ella G. Christy, of Oskaloosa, Mahaska county.

Journal Clerks—Cecil Dixon, of Rockwell City, Calhoun county, and John Connolly, of Des Moines, Polk county.

Sergeant-at-Arms—R. B. Huff, of Muscatine, Muscatine county.

Bill Clerk—Della Clary, of Norwalk, Warren county.

Assistant Bill Clerk—F. W. Myers, of Des Moines, Polk county.

File Clerk—Tom E. Brown, of Blencoe, Monona county.

Assistant File Clerk—Harry Narey, of Spirit Lake, Dickinson county.

Postmistress—Edith Leffingwell, of Glidden, Carroll county.

Chief Doorkeeper—A. G. West, of Newton, Jasper county.

Lieutenant Governor's Clerk—James H. Wilson, of Menlo, Adair county.

SENATORS.

Dist.	Name.	P. O. Address.	Counties in District.
46	Bleakly, John L.	Ida Grove	Cherokee, Ida, Plymouth.
12	Brooks, John T.*	Hedrick	Keokuk, Poweshiek.
18	Bruce, James E.*	Atlantic.....	Cass, Shelby.
38	Courtright, O. B.*	Waterloo	Black Hawk, Grundy.
35	Crawford, P. W.*	Dubuque	Dubuque.
16	Crossley, J. J.	Winterset	Adair, Madison.
30	Dowell, Cassius C.*	Des Moines.....	Polk.
33	Dunham, Geo. W.	Manchester.....	Buchanan, Delaware.
28	Eckles, Charles	Marshalltown	Marshall.
2	Elerick, James	Doud's Station	Jefferson, Van Buren.
31	Ericson, C. J. A.	Boone	Boone, Story.
43	Gale, A. H.	Mason City	Cerro Gordo, Franklin, Hancock.
48	Garat, Warren*	Coon Rapids	Carroll, Greene, Sac.
8	Gilliland, Shirley	Glenwood	Mills, Montgomery.
13	Harper, Sam'l H.*	Ottumwa	Wapello.
37	Hartshorn, F. C.*	Clarion	Hamilton, Hardin, Wright.
4	Hasselquist, R. A.	Chariton	Lucas, Wayne.
21	Hayward, W. C.*	Davenport	Scott.
34	Hogue, Ernest L.*	Blencoe.....	Crawford, Harrison, Monona.
17	Hopkins, Frank M.	Guthrie Center	Audubon, Dallas, Guthrie.
25	Hughes, John Jr.	Williamsburg.....	Iowa, Johnson.
32	Jackson, John H.	Sioux City	Woodbury.
11	Jamison, James H.	Osceola	Clarke, Warren.
14	Jones, Wm G.	Oskaloosa	Mahaska.
49	Kimmel, Wm. C.	Sheldon	Lyon, O'Brien, Osceola, Sioux.
47	Kinne, George	Curlaw	Clay, Dickinson, Emmet, Kossuth Palo Alto.
23	Lambert, Thomas	Sabula	Jackson.
7	Lewis, Lester W.*	Clarinda	Fremont, Page.
42	Lyons, D. A.*	Cresco	Howard, Winneshiek.
29	Maytag, Fred L.*	Newton	Jasper.
20	Molsberry, F. M.*	Columbus Junction..	Louisa, Muscatine.

* Elected to full term, 1901.

SENATORS—CONTINUED.

Dist.	Name.	P. O. Address.	Counties in District.
36	Newberry, Byron W..	Strawberry Point . . .	Clayton.
19	Saunders, Chas. G....	Council Bluffs	Pottawattamie.
9	Smith, Fred N.*	Burlington	Des Moines.
41	Smith, James A.	Osage	Mitchell, Winnebago, Worth.
44	Spaulding, E. C.*	Marble Rock	Chickasaw, Floyd.
24	Stirton, Robert C.	Monticello	Cedar, Jones.
5	Stookey, Marion F.	Leon	Decatur, Ringgold, Union.
26	Stuckslager, W. C.	Lisbon	Linn.
3	Taylor, Lewis L.	Centerville	Appanoose, Davis.
6	Turner, Daniel W.	Corning	Adams, Taylor.
39	Wade, John F.	Aredale	Bremer, Butler.
15	Warren, J. L.	Pella	Marion, Monroe.
45	Whipple, Wm. P.*	Vinton	Benton, Tama.
40	Wilson, A. C.	Oelwein	Allamakee, Fayette.
22	Wilson, John L.*	Almont	Clinton.
50	Winne, E. K.*	Humboldt	Buena Vista, Humboldt, Pocahontas
1	Young, David A.*	Argyle	Lee.
27	Young, Henry.	Manson	Calhoun, Webster.
10	Young, John A.*	Washington	Henry, Washington.

* Elected to fill term, 1901.

OFFICERS OF THE HOUSE.

- Speaker*—George W. Clarke, of Adel, Dallas county.
Speaker pro tempore—B. F. Cummings, of Marshalltown, Marshall county.
Chief Clerk—C. R. Benedict, of Shelby, Shelby county.
Assistant Clerks—L. E. Corlett, of Elkader, Clayton county, and W. C. Ramsey, of Belmond, Wright county.
Journal Clerks—Harry E. Griffen, of Maquoketa, Jackson county, and Ralph H. Clock, of Hampton, Franklin county.
Enrolling Clerk—Walter M. McCulla, of Cherokee, Cherokee county.
Engrossing Clerk—Mrs. Mollie Heist, of Allerton, Wayne county.
File Clerk—J. C. Hall, of Woodward, Dallas county.
Assistant File Clerk—Harry Breeding, of Des Moines, Polk county.
Bill Clerks—T. J. Alexander, of Winterset, Madison county, and L. M. Black, of Ireton, Sioux county.
Assistant Postmistress—Miss Hester Runyan, of Odebolt, Sac county.
Sergeant-at-Arms—Colonel S. A. Moore, of Bloomfield, Davis county.
Chief Door Keeper—J. B. Lewis, of Spencer, Clay county.
Speaker's Clerk—A. E. Brown, of Osage, Mitchell county.

REPRESENTATIVES.

Dist.	Name.	P. O. Address.	Counties in District.
7	Bailey, M. Z.....	Diagonal.....	Ringgold.
48	Bealer, E. J. C.....	Cedar Rapids.....	Linn.
68	Bixby, R. J.....	Edgewood.....	Delaware.
40	Boland, Edward.....	Williamsburg.....	Iowa.
18	Buchanan, A. W.....	Ottumwa.....	Wapello.
77	Buckingham, F. N.....	Alta.....	Buena Vista.
43	Calderwood, M. H.....	Eldridge.....	Scott.
20	Carden, William.....	Winfield.....	Henry.
45	Carstensen, Theo.....	Clinton.....	Clinton.
19	Cassel, A. F.....	Four Corners.....	Jefferson.
78	Chassell, E. D.....	LeMars.....	Plymouth.
82	Cheney, A. H.....	Spencer.....	Clay, Palo Alto.
63	Christianson, Geo. P.....	Randall.....	Hamilton.
36	Clarke, G. W.....	Adel.....	Dallas.
86	Clary, Tim C.....	New Hampton.....	Chickasaw.
8	Cobb, William.....	Bedford.....	Taylor.
59	Coburn, Geo. F.....	Marcus.....	Cherokee.
55	Colclo, C. C.....	Carroll.....	Carroll.
73	Conn, Stanley.....	Parkersburg.....	Butler.
9	Cröse, Chas. F.....	Shenandoah.....	Page.
51	Cummings, B. F.....	Marshalltown.....	Marshall.
27	Dashiell, Mark A.....	Indianola.....	Warren.
56	Davie, William A.....	Dunlap.....	Crawford.
30	DeLano, L. L.....	Atlantic.....	Cass.
53	Doran, Justin R.....	Beaver.....	Boone.
74	Dow, D. W.....	Hampton.....	Franklin.
37	English, Emory H.....	Valley Junction.....	Polk.
70	Flenniken, J. C.....	Strawberry Point.....	Clayton.
31	Freeman, W. H.....	Oakland.....	Pottawattamie.
69	Frudden, A. F.....	Dubuque.....	Dubuque.
24	Geneva, Thomas.....	What Cheer.....	Keokuk.
52	Greeley, W. M.....	Ames.....	Story.
28	Greene, Robert A.....	Peru.....	Madison.
13	Gregory, Ross H.....	Nevinsville.....	Adams.
76	Hakes, Montague.....	Laurens.....	Pocahontas.
25	Hambleton, A. F. N.....	Oskaloosa.....	Mahaska.
83	Hanna, George W.....	Lu Verne.....	Kossuth.
39	Harris, Thomas.....	Montezuma.....	Poweshiek.
87	Hart, William S.....	Waukon.....	Allamakee.
54	Head, Mahlon.....	Jefferson.....	Greene.
69	Heles, Philip.....	North Buena Vista.....	Dubuque.

REPRESENTATIVES—CONTINUED.

Dist.	Name.	P. O. Address.	Counties in District.
29	Hollembek, R. W.	Casey	Adair.
90	Hume, Thomas H.	St. Ansgar	Mitchell.
88	Jacobson, Abraham	Decorah	Winneshiek;
58	Jepson, C. N.	Sioux City	Woodbury.
12	Jones, F. F.	Villisca	Montgomery.
17	Kendall, N. E.	Albia	Monroe.
1	Kennedy, Chas. A.	Montrose	Lee.
32	Kling, H. B.	Woodbine	Harrison.
41	Koontz, Geo. W.	Iowa City	Johnson.
10	Laird, F. M.	Tabor	Fremont.
81	Lamkin, C. B.	Inwood	Lyon, Osceola.
45	Langan, Raymond C.	Clinton	Clinton.
44	Leech, Louis J.	West Branch	Cedar.
65	Lister, John	Conrad	Grundy.
61	Lowery, Jason H.	Pomeroy	Calhoun.
50	Lundt, J. F.	Berlin	Tama.
48	McAllister, John	Palo	Linn.
22	McClurkin, E. L.	Morning Sun	Louisa.
4	McCreary, Wm. M.	Centerville	Appanoose.
5	McCulloch, Geo.	Humeston	Wayne.
46	McDole, Albert E.	Sabula	Jackson.
58	McElrath, Wm. W.	Moville	Woodbury.
49	McNie, Malcolm F.	Vinton	Benton.
92	Maben, O. K.	Forest City	Hancock, Humboldt.
16	Manning, Eli	Chariton	Lucas.
31	Martin, Robert J.	Hancock	Pottawattamie.
60	Mattes, Joseph	Odebolt	Sac.
79	Morris, James F.	Ireton	Sioux.
34	Mott, D. C.	Audubon	Audubon.
42	Nichols, J. I.	West Liberty	Muscatine.
38	O'fill, John F.	Prairie City	Jasper.
91	Olson, H. L.	Northwood	Winnebago, Worth.
47	Peet, R. M.	Springville	Jones.
85	Powers, P. H.	Powersville	Floyd.
3	Prevo, T. J.	Bloomfield	Davis.
75	Pritchard, J. S.	Belmond	Wright.
21	Ritter, Henry	Burlington	Des Moines.
93	Robinson, B. F.	Armstrong	Dickinson, Emmet.
6	Sankey, E. J.	Leon	Decatur.
72	Saylor, W. W.	Waverly	Bremer.
71	Shaffer, J. D.	Elgin	Fayette.
14	Skinner, Scott	Creston	Union.
89	Spaulding, H. L.	Elma	Howard.
67	Springer, L. F.	Independence	Buchanan.
84	Stanbery, John S.	Mason City	Cerro Gordo.
43	Stoltenberg, A. H.	Davenport	Scott.
2	Summers, L. F.	Milton	Van Buren.
37	Teachout, H. E.	Des Moines	Polk.
15	Temple, M. L.	Osceola	Clarke.
26	Teter, Lorenzo D.	Knoxville	Marion.
11	Washburn, A. B.	Hastings	Mills.
35	Weeks, Elbert W.	Guthrie Center	Guthrie.
64	Weiden, Wm.	Iowa Falls	Hardin.
57	Whiting, Will C.	Whiting	Monona, Ida.
80	Whitmer, G. R.	Primghar	O'Brien.
23	Willson, H. H.	Wellman	Washington.
66	Wise, Charles A.	Cedar Falls	Black Hawk.
62	Wright, Robert M.	Fort Dodge	Webster.
33	Wyland, O. P.	Harlan	Shelby.

COMMISSIONERS FOR IOWA IN OTHER STATES.

List of commissioners for Iowa in other states, qualified to act as such on this 1st day of June, 1904, whose terms of office will not expire prior to July 5, 1904; published as required in section 390 of the code of 1897, showing their name, postoffice, date of commission, qualification and expiration of commission.

Name.	Postoffice.	Date of Expiration of Commission.	Date on and after which qualified to act.
CONNECTICUT.			
McGovern, Patrick.....	Hartford.....	November 23, 1903...	November 24, 1903.
DISTRICT OF COLUMBIA.			
Bundy, Charles S	Washington.....	December 21, 1903...	December 22, 1903.
ILLINOIS.			
Orandon, Frank P	Chicago.....	November 8, 1903...	November 9, 1903.
Peterson, Albin R.....	Chicago.....	December 4, 1903...	December 5, 1903.
Willard, Silas S	Chicago.....	November 23, 1903...	November 27, 1903.
MARYLAND.			
Mathieu, Harry C.....	Baltimore	October 21, 1904.	October 22, 1901.
MASSACHUSETTS.			
Adams, Charles H	Boston.....	December 17, 1903.	December 18, 1903.
Jones, Edward J.....	Boston.....	May 8, 1903.	May 9, 1903.
MISSOURI.			
Conaway, Freeman R.....	St. Louis	November 8, 1903...	November 4, 1903.
Johnson, Harold.....	St. Louis	January 29, 1903...	January 30, 1903.
Peck, John A.....	St. Louis	May 11, 1907.....	May 12, 1904.
NEW YORK.			
Armstrong, Hatley K	Penn Yan.....	November 18, 1903...	November 14, 1903.
Braman, Ella F.....	New York.....	March 11, 1907.....	March 12, 1904.
Carter, Leslie T.....	Brooklyn.....	September 27, 1904...	September 28, 1901.
Cory, George H.....	New York.....	December 21, 1905...	December 22, 1902.
Johnson, Wm.....	Buffalo.....	August 28, 1905...	August 29, 1902.
Mackay, Alfred.....	New York.....	October 18, 1903.....	October 19, 1903.
Mills, Charles Edgar.....	New York.....	January 31, 1907.....	February 1, 1904.
OHIO.			
Harrison, Joseph T	Cincinnati.....	December 13, 1904.	December 14, 1901.
PENNSYLVANIA.			
Hunt, Thomas J	Philadelphia.....	May 6, 1905.....	May 7, 1902.
Morris, Walter.....	Pittsburg.....	September 18, 1903...	September 19, 1903.
Tener, Kinley J.....	Philadelphia.....	June 3, 1907.....	June 4, 1904.
Wagner, William, Jr.....	Philadelphia.....	November 16, 1903...	November 17, 1903.
Wurts, John S.....	Philadelphia.....	May 22, 1905.....	May 23, 1902.
RHODE ISLAND.			
Pendleton, Eugene B	Westerly.....	February 15, 1907. ...	February 16, 1904.

LAWS OF 1904.

WITH DATE OF APPROVAL OF EACH ACT.

CONTENTS.

GENERAL LAWS.

Chap.	Title.	Engrossed Bill.	Page.
1	An act to repeal the law relating to the amendment and repeal of statutes, which appears as chapter two (2), of the laws of the Twenty-seventh (27) General Assembly, and as section forty-one-a (41-a), of the supplement to the code, and to enact a substitute therefor. Approved March 7, 1904.	H. F. 244	1
2	An act to amend sections fifty-five (55), fourteen hundred and nineteen (1419), fourteen hundred and forty-one (1441), fourteen hundred and ninety-five (1495), eighteen hundred and forty-two (1842), eighteen hundred and forty-three (1843), twenty-three hundred and eighty-eight (23-8), thirty hundred and seventy-four (3074); thirty-one hundred and nine (3109), thirty-one hundred and thirty-one (3131), thirty-two hundred and eighty-four (3284) and forty-four hundred and seventy-four (4474) of the code and the law which appears as section sixteen hundred and eighteen (1618) of the supplement to the code relating to the publication of legal notices. Approved April 12, 1904.	H. F. 353	2
3	An act to amend section one hundred and thirteen (113) of the code, and to provide for securing to the state interest on public funds. Approved March 31, 1904.	S. F. 2	3
4	An act relating to the payment by the state of the premiums of surety companies on the bond of the state treasurer and deputy state treasurer. [Additional to chapter four (4) of title two (II) of the code, relating to treasurer of state.] Approved April 9, 1904.	H. F. 247	4
5	An act defining the duties and powers of the secretary of state with reference to the state documents and other state publications and amending section one hundred twenty-six (126) of the code. Approved March 12, 1904.	S. F. 217	4
6	An act providing for the disposition of state documents, publications and laws, not required for public uses. [Additional to chapter five (5), of title two (II), of the code relating to the public printing and binding.] Approved April 9, 1904.	H. F. 402	5
7	An act requiring all boards, commissions, departments and officers of the state to turn into the state treasury all fees collected, and to file with the executive council statements of expenses and per diem allowances to be paid by the state, and repealing all acts or parts of acts inconsistent with this act. [Additional to chapter seven (7) of title two (II) of the code, relating to the executive council.] Approved April 13, 1904.	S. F. 341	6
8	An act repealing chapter eight (8) of title two (II) of the code, relating to the census, and enacting in lieu thereof a substitute providing for the taking of the census, and making an appropriation therefor. Approved April 13, 1904.	S. F. 338	7

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
9	An act regulating appointments, employment, and removals in the public departments and upon public works in the state of Iowa, and the counties, cities and towns thereof. [Additional to titles two (II), three (III), four (IV) and five (V) of the code, relating to state, judicial, county, township, city and town officers.] Approved March 21, 1904.....	H. F. 227	8
10	An act to amend section two hundred and twelve (212) of the code, relating to the salary of the assistant attorney general, and fixing his compensation. Approved March 24, 1904.....	H. F. 302	9
11	An act enlarging the powers of the district court, and to regulate the treatment and control of dependent, neglected and delinquent children. [Additional to chapter five (5), of title three (III) of the code, relating to the district court.] Approved April 7, 1904.....	S. F. 90	9
12	An act amendatory to the law as it appears in chapter five-a (5-a) of title three (III) of the supplement to the code, relating to appointment of trustees by district court to manage, control and invest cemetery funds. Approved April 12, 1904.....	H. F. 310	14
13	An act defining the duties of clerks of district courts in cases of suspension or revocation of the license of an attorney or counselor at law to practice, amendatory of chapter ten (10), title three (III) of the code. Approved March 7, 1904.....	H. F. 222	14
14	An act to amend section three hundred and fifty-four (354) of the code in relation to compensation of jurors. Approved February 10, 1904.....	S. F. 55	15
15	An act to amend section four hundred three (403) of the code relating to county bonds. Approved April 12, 1904.....	H. F. 452	15
16	An act to amend the law as it appears in section four and three (403) of the code relating to funding and refunding outstanding county indebtedness. Approved April 7, 1904.....	S. F. 169	15
17	An act to amend the law as it appears in section[s] four hundred and thirty (430) and four hundred and thirty-three (433) of the code, relative to the power and duty of boards of supervisors with regard to indigent soldiers, sailors and marines. Approved April 13, 1904.....	H. F. 374	16
18	An act to amend the law as it appears in section four hundred and forty-one (441) supplement to the code, relating to the number of papers authorized to publish the proceedings of the board of supervisors. Approved April 6, 1904.....	H. F. 180	16
19	An act to repeal section four hundred seventy-nine (479) of the code, relating to the compensation of county auditors, and to enact a substitute therefor. Approved April 6, 1904.....	H. F. 248	17
20	An act to amend section four hundred ninety-four (494) of the code, relating to the duties of the county recorder. Approved March 30, 1904.....	H. F. 96	17
21	An act to amend the law as it appears in section four hundred ninety-five (495) of the code and in section four hundred ninety-six (496) of the supplement to the code, relating to the compensation of county recorders. Approved March 21, 1904.....	H. F. 140	17
22	An act to amend section five hundred sixty (560) of the code, relating to township clerk and trustees. Approved March 30, 1904.....	H. F. 329	18
23	An act to amend the law as it appears in section five hundred eighty-six (586) of the supplement to the code, relating to the powers of township trustees. Approved April 12, 1904.....	H. F. 150	18
24	An act to amend section seven hundred twenty eight (728) and section seven hundred thirty (730) of the code, relating to library trustees and library treasurer, and to legalize the maintenance and control under joint ownership and control of cities and towns and institutions of learning. Approved April 13, 1904.....	S. F. 62	18
25	An act to amend the law as it appears in section seven hundred and thirty-two (732) of the supplement of the code, relating to the support and maintenance of free public libraries. Approved April 13, 1904.....	S. F. 149	19
26	An act repealing sections seven hundred and thirty-eight (738) and seven hundred and thirty-nine (739) of the code. Approved March 31, 1904.....	S. F. 118	19

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
27	An act authorizing cities over sixty-thousand (60,000) inhabitants to levy a tax for the purpose of erecting public buildings and procuring grounds for the same. [Additional to chapter four (4), of title five (V) of the code, relating to general powers of cities and towns.] Approved April 13, 1904.....	H. F. 461	20
28	An act authorizing cities and towns to levy a tax for the purpose of erecting public buildings and purchasing grounds for the same. [Additional to chapter four (4) of title five (V) of the code, relating to general powers of cities and towns.] Approved March 17, 1904.....	H. F. 70	20
29	An act to amend the law relating to the construction of viaducts appearing as section seven hundred and seventy-one (771) of the code supplement. Approved March 17, 1904.....	S. F. 189	21
30	An act relating to the construction of permanent sidewalks and providing for the assessment and collection of the cost thereof. [Amendatory of chapter six (6) of title five (V) of the code, relating to streets and public grounds.] Approved March 17, 1904.....	S. F. 45	22
31	An act to provide for the construction of sewers by incorporated towns. [Amendatory of chapter seven (7) of title five (V) of the code, relating to street improvements, sewers and special assessments.] Approved March 31, 1904.....	S. F. 112	23
32	An act to amend the law as appearing in section eight hundred and thirty-five (835) of the code, relating to refunding the cost of pavement removed by a street railway company. Approved April 13, 1904.....	H. F. 283	23
33	An act to authorize cities to protect lots, lands and property within their limits from danger and damage from floods and high water by deepening, widening, straightening, altering or changing and otherwise improving water courses within their limits and by constructing levees, embankments and other works and to provide for the levy of special assessments and other taxes and the issuance of bonds and certificates to defray the expense of such improvements. Additional to chapters seven (7) and eight (8) of title five (V) of the code. Approved March 31, 1904.....	S. F. 310	24
34	An act to amend section eight hundred and fifty-two (852) of the supplement to the code, and sections eight hundred and fifty-three (853) and eight hundred and fifty-eight (858) of the code, relating to park commissioners, their powers and duties. Approved April 13, 1904.....	H. F. 328	26
35	An act to amend the law as it appears in section eight hundred and sixty (860) of the supplement to the code, in relation to the creation and improvement of parks, and to provide for the issuing of bonds therefor in cities and towns having a population of twelve thousand five hundred and less. Approved April 12, 1904.....	H. F. 383	27
36	An act to amend the law as it appears in section eight hundred and sixty-one (861) of the supplement to the code, relating to park commissioners. Approved April 6, 1904.....	S. F. 280	27
37	An act to amend section eight hundred and eighty-one (881) of the code relative to condemnation and purchase of land for sewer outlets and for sewer and garbage disposal plants. Approved April 12, 1904.....	H. F. 69	28
38	An act to repeal the law as it appears in subdivision four (4) of section eight hundred ninety four (894) of the code and of the supplement to the code and to enact a substitute therefor, relating to the levy of taxes for library purposes. Approved april 13, 1904.....	S. F. 298	28
39	An act amending the law as it appears in section eleven hundred and twenty-nine (1129) of the code, relating to elections and the payment of the expenses thereof. Approved March 31, 1904.....	S. F. 243	29
40	An act providing for the election of delegates of political parties by a primary election and for the nomination of officers by a delegate convention system. [Additional to chapters three (3) and four (4) of title six (VI) of the code, relating to elections and canvass of votes.] Approved April 9, 1904.....	H. F. 1	29

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
41	An act to amend section twelve hundred and seventy-two (1272) of the code, relating to the filling of vacancies in office. Approved February 27, 1904.	H. F. 14	37
42	An act to amend section one thousand three hundred three (1303) of the code, in relation to county levy for bridge purposes. Approved February 24, 1904.	H. F. 16	37
43	An act to amend section two (2), chapter forty-one (41) of the acts of the Twenty-eighth General Assembly as found in section thirteen hundred and six-b (1306-b) of the supplement to the code relating to the amount of indebtedness which incorporated towns and cities of the second class may incur, for the purpose of erecting or purchasing waterworks and a system of sewers. Approved April 6, 1904.	H. F. 362	37
44	An act providing the manner in which telegraph and telephone companies shall report for assessment purposes, amendatory of code sections number thirteen hundred twenty-eight (1328), and thirteen hundred twenty-nine (1329). Approved March 24, 1904.	H. F. 254	38
45	An act to amend the law, as it appears in section thirteen hundred and thirty-b (1330-b) of the supplement to the code in reference to the assessment of telegraph and telephone companies. Approved April 6, 1904.	S. F. 302	39
46	An act requiring railway and other corporations owning real estate to report the same to the executive council for assessment and amending the law as it appears in section thirteen hundred thirty-four (1334) of the supplement to the code. Approved March 30, 1904.	H. F. 305	39
47	An act to amend the law as it appears in sections thirteen hundred forty-two-b (1342-b) and thirteen hundred forty-two-d (1342-d) of the supplement to the code, relating to the taxation of freight line and equipment companies. Approved April 13, 1904.	S. F. 235	40
48	An act to repeal the law as it appears in section thirteen hundred and forty-seven-a (1347-a) of the supplement to the code relating to the vocation of peddlers and to enact a substitute therefor. Approved April 9, 1904.	H. F. 165	41
49	An act providing for the filing with county auditors of maps of telephone and telegraph lines within the several counties in the state. [Additional to chapter one (1), of title seven (VII) of the code, relating to the assessment of taxes.] Approved April 6, 1904.	S. F. 303	42
50	An act relating to road tax, and amending sections thirteen hundred eighty-three (1383), and fifteen hundred thirty-three (1533), of the code. Approved April 13, 1904.	H. F. 255	43
51	An act to amend section fourteen hundred and sixty-seven (1467) of the code, relating to the collection of a tax on collateral inheritances. Approved April 6, 1904.	S. F. 225	43
52	An act to amend the law as it appears in section fifteen hundred seventy-one (1571) of the supplement to the code, relating to steam engines on public roads. Approved April 6, 1904.	S. F. 295	44
53	An act requiring registration of motor vehicles and regulating their use or operation upon highways or streets. [Additional to chapter two (2) of title eight (VIII) of the code, relating to working roads.] Approved April 12, 1904.	H. F. 142	44
54	An act to amend section sixteen hundred and forty-one (1641) of the code, relating to ownership of real property by corporations organized in this or any other state for pecuniary profit. Approved February 27, 1904.	H. F. 153	46
55	An act relating to the right to vote corporate stock. Additional to chapter one (1), title nine (IX), of the code. Approved March 21, 1904.	S. F. 206	46
56	An act to provide for the examination of insurance companies. [Amendatory of chapters four (4), five (5), six (6), seven (7) and eight (8) of title nine (IX) of the code, relating to insurance] Approved March 17, 1904.	H. F. 144	47

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
57	An act to provide for the licensing of agents of insurance companies and associations. [Amendatory of chapters four (4), five (5), six (6), seven (7) and eight (8) of title nine (IX) of the code, relating to insurance.] Approved April 9, 1904.....	H. F. 393	49
58	An act to provide for the consolidation or re-insurance of the risks of insurance companies or associations with or by other companies or associations authorized to transact business within this state, and providing a plan for such consolidation or reinsurance. [Additional to chapter four (4), five (5), six (6), seven (7) and eight (8) of title nine (IX) of the code, relating to insurance.] Approved March 30, 1904	H. F. 145	50
59	An act to provide for the approval of policies or contracts of life insurance companies contemplated by chapter six (6) of title (IX) of the code. Approved April 12, 1904	H. F. 389	51
60	An act to amend section seventeen hundred and eighty-eight (1788) of the code, relating to stipulated premium, and assessment life insurance associations. Approved March 30, 1904	H. F. 319	52
61	An act to provide for the examination of fraternal beneficiary associations. [Amendatory to chapter nine (9) of title nine (IX) of the code, relating to fraternal beneficiary societies, orders and associations.] Approved March 17, 1904.....	H. F. 331	52
62	An act to repeal the law which appears as section eighteen hundred and thirty-two (1832) of the supplement to the code, relating to fraternal beneficiary associations and to enact a substitute therefor. Approved March 30, 1904.....	H. F. 226	53
63	An act to provide for consolidation or re-insurance of the risks of fraternal beneficiary societies with or by other societies or organizations, and providing a plan therefor. [Additional to chapter nine (9) of title nine (IX) of the code, relating to fraternal beneficiary societies, orders and associations.] Approved March 30, 1904	H. F. 256	54
64	An act to repeal the law as it appears in sections eighteen hundred seventy-five (1875) and eighteen hundred seventy-six (1876) of the code relating to the appointment, compensation and expenses of bank examiners, and providing a substitute therefor. Approved April 13, 1904	S. F. 301	55
65	An act to amend section eighteen hundred and eighty-nine (1889) of the code in relation to savings and state banks and loan and trust companies, and the capital and examination thereof. Approved March 30, 1904.....	H. F. 25	56
66	An act to provide for the regulation of persons, firms, companies, partnerships, associations or corporations, other than building and loan associations and insurance companies and associations, which issue, place, sell or otherwise engage in the business of handling certificates, memberships, shares, contracts, debentures, bonds, stocks, tontine contracts, or other investment securities or agreements of any kind or character, on the partial payment or installment plan, prescribing the terms and conditions upon which such persons, firms, companies, partnerships, associations or corporations shall be permitted to do business within this state. [Additional to title nine (IX) of the code, relating to corporations.] Approved April 29, 1904.....	H. F. 425	57
67	An act relating to levees, drains, ditches and water courses, and to the apportionment, assessment, levy, reassessment, releve and collection of taxes therefor, and issuance of drainage bonds, and to amend section one thousand nine hundred and forty-six (1946) of the code. Approved April 29, 1904.....	S. F. 15	59
68	An act to promote the public health, convenience and welfare, by leveeing, ditching and draining the lands of the state, and providing for the establishment of levees, drainage districts, or for the changing or [of] natural water courses to secure better drainage, and providing for the construction of ditches, drains and water courses and prescribing the method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing improvement certificates, or issuing and selling bonds therefor, additional to title ten (10), chapter two (2) of the code and code supplement. Approved April 29, 1904..	S. F. 16	61

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
69	An act to establish and maintain pumping stations or plants in levee districts of the state, presenting the method of so doing. Additional to title ten (10) chapter two (2) of the code and code supplement. Approved April 13, 1904.....	H. F. 450	75
70	An act to define the rights of owners and proprietors of land in respect to surface waters. [Additional to chapter two (2) of title ten (X) of the code, relating to levees, drains, ditches and water courses.] Approved April 29, 1904.....	S. F. 239	75
71	An act providing for the condemnation of real property for the use of the state. [Amendatory of chapter four (4) of title ten (X) of the code, relative to the taking of private property.] Approved April 13, 1904.....	S. F. 329	76
72	An act providing for the condemnation of real estate for the erection of court houses and jails. [Additional to chapter four (4) of title ten (X) of the code, relating to the taking of private property.] Approved April 13, 1904.....	H. F. 451	76
73	An act to empower boards of supervisors, township trustees, city and town councils to buy or condemn land for gravel and other material to improve roads, public highway[s], streets and alleys. [Additional to chapter four (4) of title ten (X) of the code, relating to the taking of private property.] Approved April 6, 1904..	S. F. 86	77
74	An act in relation to common carriers additional to section two thousand and seventy-four (2074) of the code. Approved April 9, 1904.....	H. F. 185	78
75	An act to repeal the law as it appears in section two thousand and seventy-eight (2078) of the code and enact a substitute therefor, and providing for the classification of railways. Approved March 30, 1904.....	H. F. 304	79
76	An act to require common carriers to issue transportation to owners shipping live stock, additional to chapter seven (7), title ten (X), of the code, relating to the regulation of common carriers. Approved April 9, 1904.....	H. F. 266	79
77	An act additional to and amendatory of the law as it appears in chapter one (1) of title IX [eleven (XI)] of the code and supplement to the code, relative to the state military force and Iowa national guard. [Repealing sections twenty-one hundred and sixty-nine-a (2169-a), twenty-one hundred and seventy-three-a (2173-a), twenty-one hundred and seventy-five (2175), twenty-one hundred and seventy-six-a (2176-a), twenty-one hundred and seventy-eight (2178), twenty-one hundred and seventy-nine-a (2179-a), twenty-one hundred and eighty-one-a (2181-a), twenty-two hundred and twelve (2212), twenty-two hundred and thirteen (2213) and twenty-two hundred and fourteen (2214) of the supplement to the code and sections twenty-one hundred and eighty-three (2183), twenty-one hundred and eighty-four (2184) and twenty-one hundred and eighty-eight (2188) of the code, and enacting substitutes in lieu thereof.] Approved April 12, 1904.....	H. F. 216	80
78	An act to provide for the payment of costs and expenses which accrue from the care and investigation of persons found to be insane in counties in which they do not have a legal settlement. [Amendatory of chapter two (2) of title twelve (XII) of the code, relating to the care of the insane.] Approved March 30, 1904....	H. F. 340	85
79	An act amending section twenty-two hundred and eighty-seven (2287) of the code in relation to the return of patients escaped from hospitals for the insane. Approved March 15, 1904.....	H. F. 183	85
80	An act providing for the establishment, location, erection and operation of a state hospital for dipsomaniacs, inebriates, and for those addicted to the excessive use of narcotics, and providing for its support, and for the discipline of persons committed to it, and for the repeal of all laws inconsistent herewith. [Amendatory of chapter two-a (2-a) of title twelve (XII) of the supplement to the code, relating to the detention and treatment of dipsomaniacs, inebriates and those addicted to the excessive use of narcotics and repealing section thirty-two hundred and twenty-one (3221) of the code.] Approved April 6, 1904.....	S. F. 36	86

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
81	An act to amend section twenty-three hundred and forty (2340) of the code, relating to damage done by dogs. Approved April 13, 1904.....	H. F. 44	90
82	An act to amend section twenty-four hundred six (2406) of the code, relating to the sale of intoxicating liquors and the manner of bringing and prosecuting injunction actions for the suppression of the illegal sale of intoxicating liquors. Approved April 7, 1904.....	S. F. 34	91
83	An act to amend sections twenty-four hundred thirty-seven (2437), and twenty-four hundred thirty-eight (2438), of the code, relating to mulct tax. Approved March 15, 1904.....	S. F. 210	91
84	An act relating to the sale of intoxicating liquors, and defining a bootlegger, and prescribing punishment therefor. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.] Approved April 6, 1904.....	S. F. 124	92
85	An act to repeal section twenty-four hundred and seventy-seven (2477) of the code, relating to the expenses of the bureau of labor statistics, and to enact in lieu thereof the following: Approved April 13, 1904.....	H. F. 189	92
86	An act to amend section twenty-four hundred and seventy-nine-a (2479-a) of the supplement to the code relating to mines and mining. Approved March 12, 1904.....	H. F. 347	93
87	An act to repeal the law as it appears in chapter eleven (11), title twelve (XII), of the code and the law as it appears in sections two thousand five hundred and three (2503), two thousand five hundred and eight (2508) and two thousand five hundred and eight-a (2508-a), of the supplement to the code, relating to the inspection of petroleum products and enacting a substitute therefor. Approved April 6, 1904.....	S. F. 76	93
88	An act amending the law relating to deputy and assistant dairy commissioners, appearing as section twenty-five hundred fifteen (2515), of the supplement to the code. Approved April 2, 1904..	S. F. 67	97
89	An act amending the law as it appears in section two thousand five hundred and thirty-six (2536) of the supplement to the code, making appropriation for carrying on the work of the veterinary surgeon. Approved April 12, 1904.....	S. F. 342	97
90	An act to amend section twenty-five hundred and thirty-eight-i (2538-i) of the supplement of the code and provide for registering without examination veterinarians registered in other states or in foreign countries. Approved April 12, 1904.....	H. F. 387	98
91	An act to amend the law as it appears in sections twenty-five hundred and thirty-eight-j (2538-j) and twenty-five hundred and thirty-eight-p (2538-p) of the supplement to the code in reference to the department of veterinary surgery and medicine. Approved April 4, 1904.....	S. F. 205	99
92	An act to amend the law as the same appears in section twenty-five hundred and forty (2540) and section twenty-five hundred and fifty-one (2551) of the code supplement, relative to the protection of fish and game. Approved March 21, 1904.....	S. F. 158	99
93	An act to amend the law which appears as section twenty-five hundred and forty (2540) of the supplement to the code, relating to protection of fish and game. Approved March 15, 1904.....	H. F. 138	100
94	An act to amend the law as the same appears in section twenty-five hundred and forty-six (2546) of the code supplement. Approved March 22, 1904.....	S. F. 196	100
95	An act to amend section twenty-five hundred and fifty two (2552) of chapter fifteen (15), title twelve (XII) of the code relative to the protection of fish and game. Approved March 15, 1904.....	H. F. 249	100
96	An act for the protection of live birds, and providing penalties for the violation thereof. [Additional to chapter fifteen (15) of title twelve (XII) of the code, relating to fish, birds and game.] Approved March 7, 1904.....	H. F. 59	101
97	An act to amend section twenty-five hundred and sixty-four (2564), of the code relating to the meetings of the state board of health. Approved March 24, 1904.....	H. F. 111	101

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
98	An act to amend the law as it appears in section twenty-five hundred and seventy-a (2570-a) of the supplement to the code and to repeal the law as it appears in section twenty-five hundred and seventy-b (2570-b) of the supplement to the code, relating to the payment of expenses of local boards of health in restricting the spread of infectious diseases. Approved April 6, 1904.....	S. F. 263	162
99	An act to regulate the removal of persons sick with infectious and contagious diseases from one city, town or township to another city, town or township. Additional to chapter sixteen (16), title twelve (XII), of the code. Approved April 13, 1904.....	H. F. 312	102
100	An act to require the registration of births and deaths in Iowa. [Additional to chapter sixteen (16) of title twelve (XII) of the code, relating to the state board of health.] Approved April 13, 1904..	H. F. 418	103
101	An act to provide for the maintenance of a bacteriological laboratory at Iowa City, Iowa, in connection with the medical department of the State University. Additional [to] chapter sixteen (16), title twelve (XII) of the code. Approved April 12, 1904....	H. F. 455	105
102	An act to amend the law as it appears in section two thousand five hundred eighty-two (2582) of the code supplement, and to provide for registering without examination, physicians registered in other states. Approved March 15, 1904.....	S. F. 178	106
103	An act to amend the law as it appears in section twenty-six hundred and six-b (2606-b) of the supplement to the code, in regard to the pension money of members of the Iowa soldiers' home. Approved March 21, 1904.....	H. F. 295	106
104	An act requiring a report from the state university, state college of agriculture and mechanic arts and the state normal school, and appointing a committee to inspect and report upon said institutions. [Additional to chapters three (3), four (4) and five (5) of title thirteen (XIII) of the code, relating to the state educational institutions.] Approved April 13, 1904.....	H. F. 457	107
105	An act to create a highway commission for the state of Iowa, and defining the duties of same. [Additional to chapter four (4) title thirteen (XIII) of the code, relating to the state college of agriculture and mechanic arts.] Approved April 13, 1904.....	H. F. 371	108
106	An act to amend the law as it appears in section twenty-six hundred and ninety-one (2691) of the code, and to repeal section twenty-six hundred and ninety-two (2692) of the supplement to the code and enact a substitute therefor, relating to the support of the Iowa soldiers' orphans' home. Approved March 31, 1904..	S. F. 223	108
107	An act to amend section twenty-seven hundred and fifteen (2715) of the code relating to compensation for non-resident pupils in the college for the blind. Approved February 24, 1904.....	H. F. 160	109
108	An act to amend section twenty-seven hundred and twenty-four (2724) of the code relating to compensation for non-resident pupils in the school for the deaf. Approved February 24, 1904..	H. F. 161	109
109	An act to amend the law as it appears in section twenty-seven hundred twenty-seven-a-twenty three (2727-a-23) of the supplement to the code in regard to the employment of architects by the board of control of state institutions. Approved April 6, 1904....	S. F. 320	109
110	An act to appropriate money in aid of the quarterly conferences of the chief executive officers of the institutions under the management of the board of control of state institutions. [Additional to chapter eleven-B (11-B) title thirteen (XIII) of the supplement to the code, relating to the board of control of state institutions. Approved March 17, 1904.....	H. F. 60	110
111	An act authorizing the appointment of policemen at certain state institutions. [Additional to chapter eleven-B (11-B) of title thirteen (XIII) of the supplement to the code, relating to the board of control of state institutions.] Approved April 13, 1904.....	H. F. 423	110
112	An act to provide for the disposition of unclaimed money left by deceased inmates of state institutions. [Additional to chapter eleven-B (11-B) of title thirteen (XIII) of the supplement to the code, relating to the board of control of state institutions.] Approved April 13, 1904.....		111

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
113	An act to amend the law as it appears in section twenty-seven hundred thirty-eight (2738) of the supplement to the code in relation to the publication of reports of county superintendents of schools. Approved April 13, 1904.	S. F. 148	111
114	An act to amend chapter fourteen (14) of title thirteen (XIII) of the code relating to the system of common schools, and the incurring of indebtedness for schoolhouse purposes. Approved March 30, 1904.	H. F. 258	112
115	An act to amend section number twenty-seven hundred and eighty-three (2783) of the code relating to text-books in public schools, and use of contingent funds. Approved February 24, 1904.	S. F. 17	113
116	An act to amend the law as it appears in sections twenty-eight hundred and twenty-three-a (2823-a) and twenty-eight hundred and twenty-three-e (2823-e) of the supplement to the code, relating to compulsory education. Approved April 6, 1904.	S. F. 40	113
117	An act making appropriations to the state historical society of Iowa [Amendatory of chapter eighteen (18) of title thirteen (XIII) of the code, relating to the state historical society.] Approved April 9, 1904.	H. F. 297	113
118	An act to amend the law which appears as section twenty-nine hundred and forty-two-f (2942-f) of the supplement to the code, relating to certain conveyances of real estate. Approved March 17, 1904.	H. F. 13	114
119	An act to repeal section three thousand one hundred sixty-seven (3167) and three thousand one hundred sixty nine (3169) of the code and to enact substitutes therefor. Approved February 27, 1904.	H. F. 172	114
120	An act governing the right of inheritance of a child born after the making of a will, providing manner of payment of claims and amounts necessary to be paid in disregard of, or opposition to the terms of a will, repealing section thirty-two hundred and seventy-nine (3279) of the code, and amending section thirty-two hundred and seventy-six (3276) of the code. Approved April 7, 1904.	S. F. 57	115
121	An act to amend section three thousand three hundred and seventy-six (3376) of the code of Iowa, as to distributive share of surviving spouse as affected by will. Approved April 12, 1904.	H. F. 437	116
122	An act to amend section three thousand six hundred fifty-six (3656) of the code, relating to the time of trying appeal cases in contested elections. Approved March 7, 1904.	H. F. 193	116
123	An act relating to the release of liens on attached property. (Amendatory of chapter one (1), title nineteen (XIX) of the code, relating to attachments. Approved March 17, 1904.	S. F. 190	116
124	An act to protect employes in garnishment cases. [Additional to chapter three (3) of title nineteen (XIX) of the code, relating to executions.] Approved March 7, 1904.	H. F. 102	117
125	An act to amend section four thousand one hundred thirty-four (4134) of chapter two (2) title twenty (XX) of the code, in relation to procedure in supreme court. Approved March 22, 1904.	S. F. 180	117
126	An act to repeal sections four thousand one hundred and thirty-six (4136) and four thousand one hundred and thirty-seven (4137) of the code, relating to assignments of error in appeals to the supreme court, and to enact a substitute therefor. Approved February 18, 1904.	H. F. 5	118
127	An act repealing chapter eighteen (18) title twenty-one (XXI) of the code and enacting a substitute therefor, relative to change of names. Approved April 6, 1904.	H. F. 316	118
128	An act to amend section four thousand four hundred and eighty-one (4481) of the code in relation to place of bringing actions, and a taxation of costs therein. Approved April 9, 1904.	H. F. 210	120
129	An act to amend section forty-seven hundred and sixty-eight (4768) of the code, relating to punishment for the crime of assault with intent to commit murder. Approved February 10, 1904.	S. F. 31	120

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
130	An act to repeal section four thousand eight hundred and seven (4807) of the code and of the supplement to the code, and to enact a substitute therefor, relating to malicious mischief and trespass. Approved March 30, 1904.....	H. F. 381	120
131	An act to protect the property of public libraries and reading rooms. [Additional to chapter four (4) of title twenty-four (XXIV) of the code, relating to malicious mischief and trespass.] Approved March 31, 1904.....	S. F. 265	121
132	An act prohibiting the wilful taking of any electric current, gas or water from the wires, meters, pipes or any apparatus of any electric light, electric motor, gas or water plant with intent to defraud. (Additional to chapter five (5) title twenty-four (XXIV) of the code.) Approved March 30, 1904.....	H. F. 382	121
133	An act providing punishment for the larceny of domestic fowl or poultry in the night-time from buildings, sheds, coops or enclosed premises. [Additional to chapter five (5) of title twenty-four (XXIV) of the code, relating to larceny and receiving stolen goods.] Approved April 12, 1904.....	H. F. 130	122
134	An act relating to the bringing into any penitentiary, reformatory or industrial school of the state or into any buildings or grounds appurtenant thereto of certain drugs, intoxicating liquors, weapons, or articles designed to aid escapes. [Additional to chapter seven (7) of title twenty-four (XXIV) of the code, relating to offenses against public justice.] Approved March 7, 1904.....	S. F. 157	122
135	An act to prohibit docking horses, and providing penalties for the violation thereof. [Additional to chapter nine (9) of title twenty-four (XXIV) of the code relating to offenses against chastity, morality and decency.] Approved March 31, 1904.....	H. F. 52	123
136	An act to repeal the law as it appears in sections forty-nine hundred and ninety-nine-e (4999-e), forty-nine hundred and ninety-nine-f (4999-f), forty-nine hundred and ninety-nine-g (4999 g), forty-nine hundred and ninety-nine-h (4999-h), forty-nine hundred and ninety-nine i (4999-i), forty-nine hundred and ninety-nine-j (4999-j) of the supplement of the code and enact in lieu thereof the following, relative to the preservation of life and protection of property to require the construction of fire escapes to certain buildings and enclosures now constructed or hereafter to be erected, providing the manner of constructing same, and imposing penalties for violation thereof additional to chapter ten (10) of title twenty-four (XXIV) of the code, relating to offenses against the public health. Approved April 6, 1904.....	H. F. 361	123
137	An act relating to objectionable advertisements in the vicinity of public school buildings. [Additional to chapter eleven (11) of title twenty-four (XXIV) of the code, relating to offenses against public policy.] Approved April 12, 1904.....	H. F. 352	125
138	An act to amend section fifty-two hundred and fifty-six (5256) of the code relating to clerks of grand juries, and providing for the appointment and compensation thereof. Approved March 30, 1904.....	H. F. 50	126
139	An act to amend sections fifty-six hundred sixty-three (5663), fifty-six hundred sixty-nine (5669) and fifty-seven hundred sixteen (5716) of the code as amended, to repeal section fifty-seven hundred eleven (5711) thereof and to provide for the appointment of assistant deputy wardens for the penitentiaries. Approved April 13, 1904.....	S. F. 156	126
140	An act to repeal the law as it appears in section five thousand six hundred eighty-five (5685) and section five thousand six hundred eighty-five-a (5685-a) of the supplement to the code and to enact in lieu thereof a section relating to the disposition of gate receipts of the state penitentiaries. Approved April 6, 1904.....	S. F. 226	127
141	An act to amend section fifty-seven hundred and sixteen (5716) of the code relating to the classification and payment of turnkeys and guards of the penitentiaries. Approved March 12, 1904.....	S. F. 146	127

GENERAL LAWS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
142	An act relating to the distribution of the code and the supplement to the code and other state documents. [Amendatory of chapter twenty (20) of the acts of the Twenty-sixth General Assembly, extra session, relating to the publication and distribution of the code.] Approved April 4, 1904.....	S. F. 231	128
143	An act making provision for the support of the industrial school for girls at Mitchelville. [Amendatory of section one (1) of chapter one hundred and one (101) of the acts of the Twenty-eighth General Assembly.] Approved April 9, 1904.....	H. F. 135	128

APPROPRIATION ACTS.

144	An act to provide for the general levy for state purposes for the years nineteen hundred and four (1904) and nineteen hundred and five (1905). Approved April 13, 1904.....	S. F. 345	129
145	An act making an appropriation to defray the mileage and expenses of the members of the various committees sent by the Thirtieth General Assembly to visit the several state institutions, the school for the deaf, and the grounds of the Louisiana purchase exposition at St. Louis, and old camp McClellan at Davenport, Iowa. Approved April 13, 1904.....	S. F. 325	129
146	An act to make appropriations for the payment of state and judicial officers, state and other expenses. Approved April 13, 1904.....	S. F. 344	131
147	An act making an appropriation for the restoration and repair of the capitol building, on account of damages caused by the fire therein, and for the purpose of providing for needed additional repairs upon said building. Approved April 13, 1904.....	S. F. 339	135
148	An act to make immediately available funds appropriated under provisions of chapter 179, laws of the Twenty-ninth General Assembly. Approved February 16, 1904.....	S. F. 37	136
149	An act to appropriate eight thousand dollars or so much thereof as may be necessary, to pay the extraordinary expenses caused by the fire in the capitol and the temporary repair of the hall of the house of representatives. Approved January 11, 1904....	S. F. 1	137
150	An act making an appropriation for the department of agriculture for the purpose of erecting a permanent fire-proof building for agricultural, horticultural and dairy exhibits Approved April 6, 1904.....	H. F. 141	137
151	An act making appropriation for the purchase and improvement of a permanent camp ground for Iowa National Guard. Approved April 13, 1904.....	S. F. 104	138
152	An act making an appropriation for the relief of the Iowa National Guard. Approved March 7, 1904.....	H. F. 112	139
153	An act relating to fish and game, and making appropriation for the fish and game commission of the state of Iowa. Approved April 12, 1904.....	H. F. 281	139
154	An act making an appropriation for the fish and game warden of the state of Iowa to cover a deficit and provide for the expenses of the warden to July 1, 1904. Approved February 10, 1904....	S. F. 25	140
155	An act making appropriation for the construction, repair, improvement and contingent funds for the state hospitals, penitentiaries, industrial schools, institution for feeble minded children, college for the blind, school for the deaf, Iowa soldiers' home and Iowa soldiers' orphans' home, and authorizing a change in the use of certain other appropriations heretofore made. Approved April 12, 1904.....	H. F. 432	141
156	An act making appropriations to the Iowa state college of agricultural and mechanic arts, the state university, and the state normal school. Approved April 13, 1904.....	H. F. 444	145
157	An act providing for the appointment of a state agent and defining his duties and making an appropriation therefor. Approved April 13, 1904.....	S. F. 317	147
158	An act appropriating money for the inspection of county and private institutions in which insane persons are kept and associations, societies and homes receiving friendless children. Approved March 17, 1904.....	H. F. 204	148

APPROPRIATION ACTS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
159	An act to appropriate money for the inspection of county and private institutions wherein insane persons are kept. Approved March 7, 1904.....	H. F. 61	148
160	An act making an appropriation for the purchase of land for the use of the Iowa soldiers' orphans' home. Approved February 5, 1904.....	S. F. 6	148
161	An act making an appropriation to reimburse certain officers, teachers and employes of the Iowa school for the deaf, for loss of wearing apparel and other property, by fire, at said school, on the ninth day of May, 1902. Approved March 31, 1904.....	S. F. 155	149
162	An act to authorize the state board of control to investigate the extent of tuberculosis in Iowa and the best means of prevention of the same. Approved April 12, 1904.....	H. F. 117	150
163	An act providing for the completion of the historical, memorial and art building, and the acquisition of the real estate hereinafter described and making appropriation therefor. Approved April 2, 1904.....	H. F. 211	150
164	An act making twenty thousand dollars (\$20,000) additional appropriation for the Iowa exhibit at the Louisiana purchase exposition at St. Louis and amendatory to the law as it appears in chapter one hundred and ninety-five (195) of the acts of the Twenty-ninth (29th) General Assembly. Approved March 22, 1904.....	S. F. 200	151
165	An act to provide for the disposition of the property of the state used at the Louisiana Purchase Exposition and to appropriate money for that purpose. Approved March 22, 1904.....	S. F. 207	152
166	An act providing for the erection of a monument at the site of the confederate military prison at Andersonville, Georgia, in commemoration of the patriotism, suffering and martyrdom of the Iowa soldiers who were imprisoned and died in such military prison, and creating a commission to have charge of the erection thereof and providing an appropriation therefor. Approved April 9, 1904.....	H. F. 215	153
167	An act to appropriate forty-five hundred dollars, or so much thereof as may be necessary, to pay the additional employes of the Thirtieth General Assembly. Approved February 16, 1904.....	S. F. 65	154
168	An act making an appropriation to defray the expenses of the inaugural ceremonies. Approved February 5, 1904.....	S. F. 28	155
169	An act appropriating money to pay express, freight and cartage. Approved February 27, 1904.....	H. F. 127	155
170	An act to appropriate money to pay for metal shelving in the new storage building. Approved April 9, 1904.....	H. F. 322	156
171	An act making an appropriation to provide for an existing deficit in the contingent fund of the supreme court. Approved March 17, 1904.....	S. F. 215	156
172	An act making an appropriation for the purchase of twenty-five thousand (25,000) railroad commissioners' official maps to be distributed by the members of the general assembly and railroad commissioners. Approved March 12, 1904.....	S. F. 99	156
173	An act to appropriate money to reimburse the ex-commissioners of pharmacy for the State of Iowa and their attorneys for moneys paid by them and expenses incurred in the enforcement of law. Approved March 31, 1904.....	S. F. 159	157
174	An act making appropriation to return to the state board of veterinary medical examiners of Iowa, money paid by them into the treasury of the state. Approved March 31, 1904.....	S. F. 218	158
175	An act making an appropriation for the payment of certain costs which were incurred by reason of the intervention of the state of Iowa in certain suits originally commenced in the district court of Humboldt county, Iowa. Approved March 30, 1904.....	H. F. 57	158
176	An act to appropriate money to pay the costs and attorney's fees in certain cases brought in Marion county to revoke fraudulent naturalization papers. Approved April 13, 1904.....	H. F. 429	159
177	An act making an appropriation to pay the costs of the case of State of Iowa vs. Sioux county. Approved April 13, 1904.....	H. F. 459	159

APPROPRIATION ACTS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
178	An act appropriating annually seven hundred and fifty (\$750) dollars, to assist in defraying the expenses of the headquarters department of Iowa, Grand Army of the Republic, Des Moines, Iowa. Approved March 17, 1904.....	S. F. 279	160
179	An act making an appropriation for the Benedict Home, Des Moines, Iowa. Approved April 2, 1904.....	H. F. 184	160
180	An act making an appropriation for the Dubuque Rescue Home at Dubuque, Iowa. Approved April 2, 1904.....	H. F. 284	161
181	An act making an appropriation for the Florence Crittenton home, formerly the woman's and baby's home at Sioux City, Iowa. Approved April 2, 1904.....	H. F. 159	161
182	An act appropriating the sum of seventy-five hundred dollars (\$7,500) to be paid to Charles B. Fountain, Harold Fountain and Amil Hoch in settlement of all claims against the state of Iowa by reason of the death of Mrs. Charles B. Fountain and Mrs. Amil Hoch, who were killed by an accident which occurred in one of the elevators at the State House on the twenty-sixth day of February, 1904. Approved April 13, 1904.....	S. F. 313	161
183	An act appropriating one thousand dollars (\$1,000.00), to William Redden to aid in procuring him an education, and providing for the appointment of a trustee to control and disburse the same. Approved April 13, 1904.....	S. F. 328	162

SPECIAL ACTS.

184	An act to apportion the state into representative districts and declare the ratio [of] representation. Approved April 13, 1904....	H. F. 438	163
185	An act to enable the state of Iowa to sell and dispose of all abandoned river channels, and all land within such abandoned river channels, and all sand bars or islands in the navigable waters of the state, and authorizing the appointment of a commission to ascertain and establish the boundary lines between the state of Iowa and adjoining states. Approved April 11, 1904.....	H. F. 318	166
186	An act relating to the meandered lake beds in the state, and authorizing the executive council to survey, and sell the same. Approved April 29, 1904.....	H. F. 277	169
187	An act relating to islands in the waters of the state, and authorizing the executive council to sell or lease the same. Approved April 29, 1904.....	S. F. 230	172
188	An act authorizing the executive council to have surveyed, and to convey an island newly formed by accretion in the Mississippi river off the southeastern portion of Green Bay township, being township 69 north, range 3 west of the 5th P. M., in Lee county, Iowa. Approved April 4, 1904.....	S. F. 142	173
189	An act authorizing the executive council to sell the property known as "State Square," being block twenty seven (27) in Stewart's addition to the city of Des Moines, Iowa, and use the proceeds of the sale in the purchase of other property. Approved March 24, 1904.....	S. F. 307	173
190	An act authorizing the executive council of the state to grant the right of way to the Chicago, Anamosa & Northern Railway Company over and across the east half of the southwest quarter of section thirty-three (33), township eighty-five (85), range four (4), west of the fifth principal meridian. Approved April 6, 1904.....	S. F. 252	174
191	An act empowering the executive council to authorize the location construction, maintenance, and operation of an electric line of railway over, upon and across certain lands belonging to the state of Iowa. Approved April 13, 1904.....	S. F. 336	174
192	An act to authorize the granting to the Council Bluffs, Tabor & Southern Electric Railway company, its successors or assigns, a right of way through lands owned by the state of Iowa and used by the school for the deaf, at Council Bluffs, Iowa. Approved February 29, 1904.....	H. F. 241	175

SPECIAL ACTS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
193	An act to authorize and empower the governor of Iowa to relinquish and re-convey to the United States, certain lands in Dickinson county, Iowa, granted to the state of Iowa by the act of congress entitled, "An act for a grant of land to the state of Iowa in alternate sections to aid in the construction of a railroad in the state of Iowa," approved May 12, A. D. 1864, which have not been earned pursuant to the provisions of said act. Approved March 31, 1904.....	S. F. 256	176
194	An act for the relief of the grantees of Frederick M. Stumbo and for the purpose of having a patent issued in his name for a certain tract of land. Approved February 24, 1904.....	H. F. 156	177
195	An act for the relief of the grantees of Charles M. Downs, and for the purpose of having a patent issued in the name of George S. Stall and Frances E. Stall for a certain tract of land. Approved March 7, 1904.....	H. F. 235	178
196	An act empowering the governor to execute a quit claim deed to right and title claim and interest of the state of Iowa on lot four (4) of section seven and south part of lot three (3) of section seven (7) township seventy (70) north of range eleven (11) west of the fifth (5th) principal meridian. Approved February 29, 1904.....	H. F. 238	179
197	An act empowering the governor to execute quit claim deeds to all right, title and interest of the state of Iowa in and to lot No. six (6) of block No. eight (8) lot No. eight (8) of block No. fourteen (14); lot No. six (6) block No. fifteen (15); and lot No. two (2) of block No. thirty-five (35); all in railroad addition to Cedar Falls, Iowa. Approved April 13, 1904.....	H. F. 424	180
198	An act to provide for the disposition of canvas, furniture and other property used temporarily in the hall of the house of representatives. Approved April 12, 1904.....	H. F. 449	181
199	An act to authorize the city of Marshalltown to construct and maintain a sewer through land of the state used by the Iowa Soldiers' Home. Approved March 30, 1904.....	H. F. 339	182

LEGALIZING ACTS.

200	An act to legalize certain actions of the board of supervisors of Clayton county, Iowa, relating to the purchase of land. Approved April 6, 1904.....	H. F. 335	184
201	An act to legalize certain actions of the board of supervisors of Crawford county, Iowa, relating to purchase of Land. Approved March 7, 1904.....	S. F. 204	185
202	An act to legalize the acts of the board of supervisors of Delaware county, Iowa, relating to the levying of a tax for the support of the poor, and legalizing the tax so levied. Approved March 30, 1904.....	H. F. 378	186
203	An act to legalize the election held in the incorporated town of Alta, Buena Vista county, Iowa, on the 30th day of March, 1903, and the proposition submitted at said election for the purpose of erecting and maintaining a hot water heating plant for municipal purposes in the town of Alta, Buena Vista county, Iowa. Approved April 9, 1904.....	H. F. 366	186
204	An act to legalize the incorporation of the town of Arnolds Park, Dickinson county, Iowa, the notices of election and the election of its officers. Approved April 9, 1904.....	H. F. 394	187
205	An act to legalize the issuing of bonds to the amount of thirty-three hundred dollars (\$3,300) by the incorporated town of Deep River, Poweshiek, Iowa. Approved April 6, 1904.....	H. F. 245	187
206	An act legalizing the resolutions passed by the city council of the city of Dubuque, Iowa, relating to the improvement of the streets and alleys in said city and legalizing the special assessments levied thereunder. Approved March 7, 1904.....	S. F. 8	188

LEGALIZING ACTS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
207	An act to legalize the incorporation of the town of Hamilton, Marion county, Iowa, the election of its officers, and ordinances passed and all official acts of the council of said town. Approved April 9, 1904.....	H. F. 325	189
208	An act to legalize the election for the incorporation of the town of LeRoy, Decatur county, Iowa. Approved February 18, 1904...	H. F. 77	189
209	An act to legalize the incorporation of the town of Lost Nation, Clinton county, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town. Approved February 18, 1904.....	H. F. 106	190
210	An act to legalize all of the acts and proceedings of the town of Mapleton, Monona county, Iowa, relative to the construction of permanent sidewalks. Approved April 13, 1904.....	S. F. 337	191
211	An act to legalize the election of the town council of the incorporated town of Minburn, Dallas county, Iowa, and all the acts thereof during the ten (10) years last past. Approved April 13, 1904.....	H. F. 436	191
212	An act to legalize the incorporation of the town of Persia, Harrison county, Iowa, the election of its officers, the passage of its ordinances and resolutions, and all acts done by the council of said town. Approved April 9, 1904.....	H. F. 358	192
213	An act to legalize the incorporation of the town of Quasqueton, Buchanan county, Iowa, the election of its officers, the passage and record of its ordinances and resolutions, and all acts done by the council of said town. Approved April 9, 1904.....	H. F. 430	193
214	An act legalizing the acts and proceedings of the council of the incorporated town of Schaller, Iowa, in granting a franchise to the Schaller Gas Light and Fuel Company and contracting with said gas light and fuel company for lights, and legalizing the ordinance granting such franchise and the franchise so granted, and the contract made between said town and the Schaller Gas Light and Fuel Company, and the levy of a tax by said town to defray the expense of lighting the streets thereof. Approved April 12, 1904.....	H. F. 439	194
215	An act to legalize the incorporation of the town of Titonka, Kosuth county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town. Approved April 9, 1904.....	H. F. 416	196
216	An act to legalize the incorporation of the town of Wall Lake, Sac county, Iowa, the election of its officers, and all acts done and ordinances passed by the council of said town. Approved April 2, 1904.....	H. F. 350	197
217	An act to legalize the election of the town officers elected, March 28, 1904, for the incorporated town of Weldon, Decatur county, Iowa. Approved April 13, 1904.....	S. F. 340	197
218	An act to legalize the acts of the board of directors, and authorize the issuing of ten thousand dollars (\$10,000) in school building bonds in the independent school district of Center Point in Washington township, Linn county, Iowa. Approved April 13, 1904.....	S. F. 335	198
219	An act to legalize the action of the independent school district of West Des Moines, Polk county, Iowa, in voting bonds at an election held on the 10th day of March, 1902, and legalizing the bonds issued by said school district thereunder. Approved February 18, 1904.....	S. F. 105	198
220	An act to legalize the organization of the independent school district of Soldier. Monona county, Iowa, and the acts of its board of directors. Approved February 24, 1904.....	H. F. 115	199
221	An act legalizing the organization of the independent school district of Somers, located in Calhoun county, Iowa. Approved February 24, 1904.....	H. F. 28	200

LEGALIZING ACTS—CONTINUED.

Chap.	Title.	Engrossed Bill.	Page.
222	An act to legalize the acts and proceedings of the Brookfield Creamery Association, of Worth county, Iowa and legalize the title to the real estate acquired by such creamery association and to authorize its incorporation under the provisions of chapter one (1), title nine (IX) of the code, and of the supplement to the code. Approved April 13, 1904.....	H. F. 336	201
223	An act to legalize the incorporation of the Farmer's Co-operative Creamery Association of Tenold, Worth county, Iowa, and to legalize the acts and transactions of said association under defective articles of incorporation, and to legalize the title to the real estate acquired by said association and to authorize its re-incorporation and succession to all the rights, privileges, property and assets acquired and possessed under the defective articles of incorporation. Approved April 13, 1904.....	H. F. 448	203
224	An act to legalize the acts of Harry C. Wright, a notary public in and for Wayne county, State of Iowa, and the acts of Harry C. Wright, acting defacto as a notary public from July 4th, 1900, to December 25. 1902. Approved April 9, 1904	H. F. 445	204

JOINT RESOLUTIONS.

JOINT RESOLUTION No. 1.

[Originated in the House.]

Joint Resolution relating to the selection of additional employes of the Thirtieth General Assembly, fixing their compensation and defining their duties..... 206

JOINT RESOLUTION No. 1.

[Originated in the Senate.]

Proposing to amend the constitution of the state of Iowa, so as to provide for biennial elections..... 207

JOINT RESOLUTION No. 2.

[Originated in the House.]

Joint resolution for an amendment to the constitution of the state of Iowa, proposing the repeal of sections thirty-four (34), thirty-five (35) and thirty-six of article three (3) of said constitution, and proposing to adopt the following in lieu thereof and as a substitute therefor..... 208

JOINT RESOLUTION No. 3.

[Originated in the Senate.]

For an application to the congress of the United States of America, in behalf of the state of Iowa, for the calling of a convention proposing amendments to the constitution of the United States of America, as provided in article V, of said constitution 209

JOINT RESOLUTION No. 4.

[Originated in the House.]

Joint resolution relative to the duties of the commissioner of the bureau of labor statistics..... 209

JOINT RESOLUTION No. 5.

[Originated in the House.]

Joint resolution for the appointment of a joint committee to purchase a chair and gavel for the speaker of the House and the president of the Senate..... 210

JOINT RESOLUTION No. 6.

[Originated in the House.]

Joint resolution proposing an amendment to the constitution of the state of Iowa additional to section eighteen (18) of article one (I) of said constitution..... 210

JOINT RESOLUTION No. 6.

[Originated in the Senate.]

Joint resolution providing for the appointment of a committee to investigate the workings of the indeterminate sentence and Elmira reformatory systems, and making an appropriation of five hundred dollars therefor 211

JOINT RESOLUTION No. 7.

[Originated in the Senate.]

Joint resolution providing for the appointment of a joint committee to investigate the system of management and affairs of the state educational institutions of Iowa, and for the payment of the expenses of such investigation and defining the powers of the committee..... 211

JOINT RESOLUTION No. 9.

[Originated in the House.]

Joint resolution fixing the number and compensation of employes in the departments of state at the seat of government..... 212

CONCURRENT RESOLUTIONS.

NUMBER 1.

- Concurrent resolution relative to furnishing copies of the code supplement to members of the Thirtieth General Assembly; also to the chief clerk of the House and the secretary of the Senate..... 216

NUMBER 2.

- Concurrent resolution relative to the printing of 5,000 additional copies of the 1904 Iowa Official Register..... 216

NUMBER 3.

- Concurrent resolution relative to furnishing copies of the session laws to the members of the Thirtieth General Assembly..... 216

NUMBER 4.

- Concurrent resolution relative to publishing fifteen thousand copies of the Governor's inaugural address in pamphlet form..... 216

NUMBER 5.

- Concurrent resolution relative to the printing and binding of additional copies of the 1904 Iowa Official Register..... 217

NUMBER 6.

- Concurrent resolution memorializing the Iowa delegates in congress to use all honorable means to secure the consideration and early passage of the Hepburn-Dolliver bill, relative to police regulation of the liquor traffic in each state..... 217

NUMBER 7.

- Concurrent resolution memorializing congress to erect in the city of Washington a monument to commemorate the life and public service of Abraham Lincoln..... 217

NUMBER 8.

- Concurrent resolution relative to furnishing copies of the code, code supplement and session laws of the Thirtieth General Assembly to certain clerks of the House and Senate..... 218

NUMBER 9.

- Concurrent resolution relative to a historical exhibit at the Louisiana Purchase Exposition at St. Louis..... 218

NUMBER 10.

- Concurrent resolution relative to bill pending in congress to establish a library post.... 218

NUMBER 11.

- Concurrent resolution relative to furnishing the member from Clarke county a code and code supplement to replace ones lost or stolen..... 219

NUMBER 12.

- Concurrent resolution relative to printing 5,000 copies of the drainage laws of the state. 219

TABLE OF CONTENTS.

	Pages.
PART I.	
General Laws.....	1 to 128
PART II.	
Appropriation Acts.....	129 to 162
PART III.	
Special Acts.....	163 to 183
PART IV.	
Legalizing Acts.....	184 to 205
PART V.	
Joint Resolutions.....	206 to 215
PART VI.	
Concurrent Resolutions.....	216 to 219

NOTE.

The general laws are arranged in chapters according to the numerical order of the section, chapter or title of the code or the supplement to the code which is amended as shown by the first reference in each of said acts.

LAWS
OF THE
Thirtieth General Assembly,
OF THE
STATE OF IOWA,

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES, THE CAPITAL OF THE
STATE, BEGUN ON THE ELEVENTH DAY OF JANUARY, AND ENDED ON THE
TWELFTH DAY OF APRIL, A. D. 1904, IN THE FIFTY-
EIGHTH YEAR OF THE STATE.

GENERAL LAWS.

CHAPTER 1.

AMENDMENT AND REPEAL OF STATUTES.

H. F. 244.

AN ACT to repeal the law relating to the amendment and repeal of statutes, which appears as chapter two (2), of the laws of the Twenty-seventh (27) General Assembly, and as section forty-one-a (41-a), of the supplement to the code, and to enact a substitute therefor.

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

SECTION 1. Amendments—repeals—references. That the law relating to the amendment and repeal of statutes, which appears as chapter two (2), of the laws of the Twenty-seventh (27) General Assembly, and as section forty-one-a (41-a), of the supplement to the code, be and the same is hereby repealed, and the following enacted in lieu thereof:

“Every act passed in amendment, modification or repeal of a law, shall in its title and in the body of the act itself, refer to the law so amended, modified or repealed, as follows:

“1. An act which amends, modifies or repeals a law which appears as a section or sections of the code, shall refer to such section or sections of the code.

“2. An act which amends, modifies or repeals a law which appears as a chapter of the code, shall refer to such chapter and title of the code.

“3. An act which amends, modifies or repeals a law which appears as a section or sections of the supplement to the code, shall refer to the section or sections of the said supplement to the code, as numbered therein.

“4. An act which amends, modifies or repeals a law which appears as a chapter of the supplement to the code, shall refer to the chapter and title of such supplement to the code, as numbered therein.

“5. An act which amends, modifies or repeals any part or all of any act of the general assembly, not contained in the code or supplement to the code, shall refer to the chapter of the act, and number of the general assembly which passed the act so amended, modified or repealed.

"6. If such reference be omitted in the title, the secretary of state shall, in preparing such act for publication, supply the omission.

"7. Whenever reference is made to any section, chapter or title, as hereinbefore provided, the number of the same shall be expressed in words followed by the figures in parentheses."

SEC. 2. **Applicable to future acts.** The provisions of paragraphs three and four of section one of this act, shall be applicable to the passage of any act that may be passed after any further compilation and publication of a supplement to the code, that may be made by the authority of, and as provided by law.

SEC. 3. **In effect.** This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Register and Leader, and the Des Moines Daily Capital, two newspapers published in Des Moines, Iowa.

Approved March 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital March 8, 1904, and the Register and Leader March 10, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 2.

PUBLICATION OF LEGAL NOTICES.

H. F. 858.

AN ACT to amend sections fifty-five (55), fourteen hundred and nineteen (1419), fourteen hundred and forty-one (1441), fourteen hundred and ninety-five (1495), eighteen hundred and forty-two (1842), eighteen hundred and forty-three (1843), twenty-three hundred and eighty-eight (2388), thirty hundred and seventy-four (3074), thirty-one hundred and nine (3109), thirty-one hundred and thirty-one (3131), thirty-two hundred and eighty-four (3284) and forty-four hundred and seventy-four (4474) of the code and the law which appears as section sixteen hundred and eighteen (1618) of the supplement to the code relating to the publication of legal notices.

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

SECTION 1. **Constitutional amendments.** That section fifty-five (55) of the code be, and the same is hereby amended by inserting in the fourth line thereof after the word "published", the words "once each week".

SEC. 2. **Tax sale.** That section fourteen hundred and nineteen (1419) of the code be, and the same is hereby amended by inserting in the sixth line thereof after the word "county" the words "once each week".

SEC. 3. **Expiration of right of redemption.** That section fourteen hundred and forty-one (1441) of the code be, and the same is hereby amended by striking out in the eleventh line thereof the words "three times" and inserting in lieu thereof the words "once each week for three consecutive weeks".

SEC. 4. **Location, vacation and alteration of roads.** That section fourteen hundred and ninety-five (1495) of the code be, and the same is hereby amended by inserting in the eighth line thereof after the word "publish" the words "once each week".

SEC. 5. **Incorporation of savings banks.** That section eighteen hundred and forty-two (1842) of the code be, and the same is hereby amended by inserting in the thirteenth line thereof after the word "located" the words "once each week".

SEC. 6. **Certificate of auditor of state.** That section eighteen hundred and forty-three (1843) of the code be, and the same is hereby amended by inserting in the thirteenth line thereof after the word "thereof" the words "once each week".

SEC. 7. Application for a permit. That section twenty-three hundred and eighty-eight (2388) of the code be, and the same is hereby amended by inserting in the second line thereof after the word "published", and before the word "for" in the same line, the words "once each week".

SEC. 8. Assignment for creditors. That section thirty hundred and seventy-four (3074) of the code be, and the same is hereby amended by inserting in the third line thereof after the word "continued" the words "once each week".

SEC. 9. Limited partnership. That section thirty-one hundred and nine (3109) of the code be, and the same is hereby amended by inserting in the second line thereof after the word "published" the words "once each week for".

SEC. 10. Sale of unclaimed property. That section thirty-one hundred and thirty-one (3131) of the code be, and the same is hereby amended by inserting in the eighth line thereof after the word "thereof" the words "once each week".

SEC. 11. Hearing for probate of will. That section thirty-two hundred and eighty-four (3284) of the code be, and the same is hereby amended by inserting in the fourth line thereof after the first comma, the words "once each week".

SEC. 12. Change of names. That section forty-four hundred and seventy-four (4474) of the code be, and the same is hereby amended by inserting in the third line thereof after the word "published" the words "once each week".

SEC. 13. Renewal of corporations. That the law which appears as section sixteen hundred and eighteen (1618) of the supplement to the code be, and the same is hereby amended by inserting in the twenty-fifth line thereof after the word "published" [the words] "once each week".

SEC. 14. Succeeding publications. That in the publication of notices as provided for by this act, when the same shall be published in any paper published oftener than once each week, the succeeding publications of such notice shall be on the same day of the week as the first publication.

Approved April 12, A. D. 1904.

CHAPTER 3.

INTEREST ON PUBLIC FUNDS.

S. F. 2.

AN ACT to amend section one hundred and thirteen (113) of the code, and to provide for securing to the state interest on public funds.

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

SECTION 1. Interest on deposits. Section one hundred and thirteen (113) of the code is hereby amended by adding thereto the following:

"On the moneys remaining on deposit, such depositary shall pay to the treasurer of state, for the use of the state, interest at such rate, and at such times, as shall be agreed upon between said treasurer and the depositary aforesaid, with the approval of the executive council."

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect from and after its publication in the Register and Leader and the Daily Capital, newspapers published in Des Moines, Iowa.

Approved March 31, A. D. 1904.

I hereby certify that the foregoing act was published in the Daily Capital April 1, 1904, and the Register and Leader April 2, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 4.

BONDS OF TREASURER OF STATE AND DEPUTY.

H. F. 247.

AN ACT relating to the payment by the state of the premiums of surety companies on the bond of the state treasurer and deputy state treasurer. [Additional to chapter four (4) of title two (II) of the code, relating to treasurer of state.]

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

SECTION 1. **Annual appropriation.** That there is hereby appropriated for the payment on the bond of the state treasurer and deputy state treasurer, out of any money in the state treasury, not otherwise appropriated, annually, the sum of two thousand dollars (\$2,000.00), or so much thereof as is necessary to pay the bond of the state treasurer and deputy state treasurer.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 9, A. D., 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 12, 1904, and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 5.

STATE DOCUMENTS AND PUBLICATIONS.

S. F. 217.

AN ACT defining the duties and powers of the secretary of state with reference to the state documents and other state publications and amending section one hundred twenty-six (126) of the code.

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

SECTION 1. **Secretary of state to act as custodian.** It shall be the duty of the secretary of state to act as custodian of all state documents and publications. He shall receive the same in the manner provided in section one of chapter four (4) acts of the 29th G. A., at the state storage building or at such other places as the executive council may direct, charging himself with the number of each publication received in books provided for the purpose by the executive council, and crediting himself with the number of books distributed, under the provisions of the statutes or upon the requisitions of the reporting officers, commissioners, boards and societies.

SEC. 2. **Classified and catalogued—distribution.** All state documents and other state publications shall be by the secretary of state systematically arranged, classified and placed in convenient and orderly position in such place as the executive council may provide and catalogued according to the arrangement and order of the "check list of state publications of 1904", so far as possible, and shall be distributed as provided by existing statutes and upon the requisitions of the reporting officers, commissioners, boards and societies.

SEC. 3. **Requisitions.** It shall be the duty of the secretary of state to supply each officer, commissioner, board and society having reports or publications in the possession of said secretary of state, with a book of blank requisitions, wherein is provided blanks for the names, addresses and for shipping directions, to be used in the distribution of all documents and publications not distributed otherwise under the express provisions of existing

laws. On the receipt of a requisition from an officer, commissioner, board or society having books subject to requisition in the charge of the secretary of state, the secretary of state shall, without unnecessary delay, ship the reports or documents or publications according to the directions of the requisition. The secretary of state may issue his requisition for reports and documents required to be distributed by him, under the provisions of code section one hundred twenty-six and for the requirements of the general assembly.

SEC. 4. Report—reserve list—biennial report. The secretary of state shall when the systematic arrangement is completed as contemplated in the preceding section make a full and complete report to the executive council showing number, kind and date of all publications on hand. The executive council may fix the number of all documents, reports and publications that are now on hand or are hereafter published, that shall be known as the reserve list, to be thereafter distributed only upon requisition approved by the executive council. The secretary of state shall on January 1st preceding the convening of the legislature make a biennial report to the governor of all documents, reports and publications on hand.

SEC. 5. Repealed. Sub-sections five (5) and six (6) of section one hundred twenty-six of the code are hereby repealed.

SEC. 6. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the City of Des Moines, Iowa.

Approved March 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, March 14, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 6.

DISPOSITION OF STATE DOCUMENTS, PUBLICATIONS AND LAWS.

H. F. 402.

AN ACT providing for the disposition of state documents, publications and laws, not required for public uses. [Additional to chapter five (5), of title two (II), of the code relating to the public printing and binding.]

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

SECTION 1. List of useless documents or laws. The secretary of state shall accompany any report of state documents, publications or laws, he may be required by law to make to the executive council or governor of the state of Iowa, with a list of any of said documents, publications or laws, that he may deem not required for the future public uses. Said list shall show the entire number of each of said documents, publications or laws in his custody and the number he may deem not required for public uses.

SEC. 2. Committee to determine. Upon the receipt of any list of state documents, publications or laws, not required for future public uses, as provided in section one (1) of this act, by the governor or executive council, the same shall be, by the executive council referred to a committee consisting of the state librarian, the curator of the state law library and the curator of the historical department who shall examine the said list and determine by majority vote of said committee what part, if any, of said documents, publications or laws are not required for the public uses and report their findings to the executive council.

SEC. 3. Disposition by executive council. The executive council is empowered to dispose of any state documents, publications or laws that the

committee named in section two (2) of this act may recommend for disposition. It shall be unlawful for any state officer to sell, destroy or otherwise dispose of state documents, publications or laws, except as provided in this act or other laws providing for the sale or disposition of the same.

Approved April 9, A. D. 1904.

CHAPTER 7.

FEES AND EXPENSES OF STATE OFFICERS, BOARDS AND COMMISSIONS.

S. F. 841.

AN ACT requiring all boards, commissions, departments and officers of state to turn into the state treasury all fees collected, and to file with the executive council statements of expenses and per diem allowances to be paid by the state, and repealing all acts or parts of acts inconsistent with this act. [Additional to chapter seven (7) of title two (II) of the code, relating to the executive council.]

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

SECTION 1. Fees. That all boards, commissions, departments and officers of state, elective or appointive, shall turn into the state treasury on or before the fifteenth day of each month all fees, commissions or moneys collected or received during the preceding calendar month with an itemized statement of sources from which received; and shall also file with the auditor of state a duplicate of such statement; provided, however, that the provisions of this act shall not apply to the state agricultural society, regents of the state university, trustees of the state college of agriculture and mechanic arts and of the state normal school, horticultural society, supreme court reporter and inspector of passenger boats.

SEC. 2. Statement of per diem and expenses. That all members of boards, commissions or departments of state, and all state officers, who are authorized to contract expense accounts in the service of the state, and all who are allowed a per diem for services, instead of a fixed compensation, shall, on or before the end of each month, file with the secretary of the executive council an itemized and sworn statement of all expenses and days service, with dates and amounts, for the preceding calendar month.

SEC. 3. Approval—how paid. That the executive council shall examine all statements referred to in section two (2) of this act that shall have been filed with the secretary of the council, and for all items of per diem and expenses approved and amounts allowed by a majority of said council the auditor of state shall draw warrants payable by the treasurer of state out of such funds as are now, or may hereafter be, provided by law. The treasurer of state and auditor of state shall each keep an account of the moneys paid in under the provisions of this act and where the law now provides, or may hereafter provide, that the amounts allowed for per diem and expenses shall be limited to or paid from fees collected, the auditor's warrant shall be drawn against the funds realized from such fees and shall not exceed the amount thereof.

SEC. 4. Acts in conflict repealed. All acts or parts of acts in conflict with this act are hereby repealed.

Approved April 13, A. D. 1904.

CHAPTER 8.

OF THE CENSUS.

S. F. 888.

AN ACT repealing chapter eight (8) of title two (II) of the code, relating to the census, and enacting in lieu thereof a substitute providing for the taking of the census, and making an appropriation therefor.

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

Repealed. That chapter eight (8) of title two (II) of the code be, and the same is hereby repealed, and there is hereby enacted in lieu thereof, the following:

“SECTION 1. Executive council to provide blank forms—schedules. The executive council shall cause to be prepared and printed, blank forms, suitable for the purpose of taking the census, to enable the assessors to make uniform returns of population and agriculture for the census. The schedules relating to the population shall comprehend, for each inhabitant, the name, age, color, sex, conjugal condition, place of birth, and place of birth of parents, whether alien or naturalized, number of years in the United States, occupation, months unemployed, literacy, school attendance, and ownership of farms and homes; and the executive council may use its discretion as to the construction and form and number of inquiries necessary to secure information under the topics aforesaid. The schedules relating to agriculture shall comprehend the following topics: Name of occupant of each farm, color of occupant, tenure, acreage, value of farm and improvements, acreage of different products, quantity and value of products and number and value of live stock. All questions as to quantity and value of crops shall relate to the year ending December 31st next preceding the enumeration. The specific form and division of inquiries necessary to secure information under the foregoing topics, shall be in the discretion of the executive council. Such blanks must be furnished to the respective county auditors, and by them to the township assessors, on or before the first Monday in January of the year in which the census is to be taken. In addition to the matters specified to be enumerated in this bill, there shall be blanks for the ex-soldiers of the United States living in Iowa, which shall contain the name, company and regiment to which the soldier belonged, and his present place of residence.

“SEC. 2. Assessor to fill and return blanks. The assessor shall at the time of assessing property in the year nineteen hundred and five, and every ten years thereafter, take such census in his township, municipality, or division thereof, and make entry upon such blanks of all matters therein required to be enumerated or returned, and return the same to the county auditor on or before the first day of June of the census year.

“SEC. 3. When assessor fails. When any assessor fails to perform the duties required in this chapter such auditor shall appoint some suitable person to take the census, as provided herein, at as early a day as practicable, at the expense of the county.

“SEC. 4. Returns to be forwarded—provision for failure. The county auditor shall forward such return to the secretary of state as soon as possible, and not later than the first day of July following. If such returns, or any of them are not received by the fifteenth day of July, the executive council may cause such census to be made in said county, or any township, municipality, or division thereof, or the returns brought up, at the expense of the delinquent county. All of such returns shall be filed and preserved by the secretary of state.

“SEC. 5. Abstracts to be made. The executive council shall cause abstracts or compilations of said census to be prepared, which shall be recorded by the secretary of state in a book to be kept by him for that pur-

pose. The executive council may add to such compilation such other statistics in reference to banking, railroads, insurance, manufactures, education and other matters of public interest, as they may be able to procure from the heads of the various departments of the state, and other sources, and which they may consider of sufficient value to be included in the census.

"SEC. 6. **Stenographers and accountants.** In preparing said abstracts, the executive council shall employ only such persons as are fully qualified by their education and skill to rapidly and accurately perform the duties of stenographers and accountants.

"SEC. 7. '**Census of Iowa.**' It shall be the duty of the executive council when said census shall have been compiled as aforesaid, to cause the same to be published in a book to be known as the 'Census of Iowa'; and when the printing is completed, the secretary of state shall certify that the same includes the census publication required by law, and such certificate, with the date and signature shall be printed on the page following the title page thereof.

"SEC. 8. **Census publication to be evidence.** Wherever in the code or the supplement to the code, the population of any county, city or town is referred to, it shall be determined by the publication above provided for as of the date of said certificate, and such census publication shall be evidence of all matters therein contained, and of said certificate thereto.

"SEC. 9. **Co-operation with United States Census Bureau.** So far as practicable, the executive council is authorized to co-operate with the Census Bureau of the United States in the gathering, compilation and publication of census statistics.

"SEC. 10. **Appropriation.** To enable the executive council to collect and compile the census of nineteen hundred and five, and to read the proof of the same, there is hereby appropriated from any funds in the state treasury not otherwise appropriated, the sum of fifteen thousand (\$15,000) dollars, or so much thereof as shall be necessary to properly collect, compile and proof-read the census of nineteen hundred and five."

Approved April 13, A. D. 1904.

CHAPTER 9.

APPOINTMENTS AND REMOVALS.

H. F. 227.

AN ACT regulating appointments, employment, and removals in the public departments and upon public works in the state of Iowa, and the counties, cities and towns thereof. [Additional to titles two (II), three (III), four (IV) and five (V) of the code, relating to state, judicial, county, township, city and town officers.]

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

SECTION 1. Preference in appointments and promotions. That in every public department and upon all public works in the state of Iowa, and of the counties, cities and towns thereof, honorably discharged soldiers, sailors, and marines from the army and navy of the United States in the late civil war, who are citizens and residents of this state, shall be entitled to preference in appointment, employment and promotion, over other persons of equal qualifications and the persons thus preferred shall not be disqualified from holding any position hereinbefore mentioned on account of his age or by reason of any physical disability, provided such age or disability does not render him incompetent to perform properly the duties of the position applied for and when such soldier, sailor or marine, shall apply for appointment or employment under this act, the officer, board or person whose duty it is or may be to appoint or employ some person to fill such position or place,

shall before appointing or employing any one to fill such position or place, make an investigation as to the qualifications of said soldier, sailor or marine for such place or position, and if he is a man of good moral character and can perform the duties of said position so applied for by him, as hereinbefore provided, said officer board or person shall appoint said soldier, sailor or marine to such position place or employment. A refusal to allow the preference provided for in this and the next succeeding section to any honorably discharged soldier, sailor or marine, or a reduction of his compensation intended to bring about his resignation or discharge entitles such honorably discharged soldier, sailor or marine to a right of action therefor in any court of competent jurisdiction for damages, and also a remedy for mandamus for righting the wrong.

SEC. 2. Removals. Any person whose rights may be in any way prejudiced contrary to any of the provisions of this section shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Iowa, or in the several counties, cities, or towns, thereof, who is an honorably discharged soldier, sailor or marine having served as such in the union army or navy during the late civil war shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employee or appointee to a review by a writ of certiorari. The burden of proving incompetency or misconduct shall rest upon the party alleging the same. Nothing in this act shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, and the Des Moines Daily Capital, newspapers published in Des Moines, Ia.

Approved March 21, A. D., 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 22, 1904, and the Register and Leader, March 23, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 10.

SALARY OF ASSISTANT ATTORNEY GENERAL.

H. F. 802.

AN ACT to amend section two hundred and twelve (212) of the code, relating to the salary of the assistant attorney general, and fixing his compensation.

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

SECTION 1. Salary. That section two hundred and twelve (212) of the code be, and the same is hereby, amended by striking out the words "twelve hundred dollars" in the second line thereof, and inserting in lieu thereof the words "eighteen hundred dollars".

Approved March 24, A. D. 1904.

CHAPTER 11.

JUVENILE COURTS.

S. F. 90.

AN ACT enlarging the powers of the district court, and to regulate the treatment and control of dependent, neglected and delinquent children. [Additional to chapter five (5), of title three (III) of the code, relating to the district court.]

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

SECTION 1. Jurisdiction—"Juvenile court record." The district court is hereby clothed with original and full jurisdiction to hear and determine all

cases coming within the purview of this act, and the proceedings, orders, findings and decisions of said court shall be entered in a book or books to be kept for the purpose and known as the Juvenile Court Record. Said court shall always be open for the transaction of business coming under the purview of this act, but the hearing of any matter requiring notice shall be had only in term time or at such time and place as the judge may appoint.

SEC. 2. Terms defined. This act shall apply only to children under the age of sixteen years, not at the time inmates of a state institution or any industrial school for boys or for girls, or any institution incorporated under the laws of this state, and shall apply to all children of said age, except such as are charged with a commission of offenses punishable under the laws of the state with life imprisonment, or with the penalty of death. For the purpose of this act, the words "dependent children" or "neglected children" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or who has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents or guardian or other person in whose care it may be, is an unfit place for such child; and any child under the age of ten years, who is found begging, or giving any public entertainment upon the street for pecuniary gain for self or another; or who accompanies or is used in aid of any person so doing; or who, by reason of other vicious, base or corrupting surroundings, is, in the opinion of the court, within the spirit of this act. The words "delinquent child" shall include any child under the age of sixteen years, who violates any law of this state, or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime; or who knowingly frequents a house of ill fame; or who patronizes any policy shop or place where any gaming device is, or shall be operated; or who habitually wanders about any railroad yards or tracks, gets upon any moving train or enters any car or engine without lawful authority. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purposes the care or disposition of children coming within the meaning of this act.

SEC. 3. Petition in writing. Any reputable person being a resident of the county, having knowledge of a child in his county who appears to be either dependent, neglected or delinquent, may, without fee, file with the clerk of the court having jurisdiction of the matter, a petition in writing, setting forth the facts, verified by affidavit; it shall be sufficient if the affidavit is upon information and belief.

SEC. 4. Summons—trial—statutes applicable—costs—appeals. Upon the filing of the petition the court may cause a summons to issue requiring the person having custody or control of the child or with whom the child may be, to appear with the child at a time and place stated in the summons. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent nor guardian or if his or her residence is not known, then some relative, if there be one and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. If the person summoned as herein provided shall fail to appear or bring the child, without reasonable cause, and abide the order of the court, he may be proceeded against as in case of contempt of court. In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court,

either against the parent or guardian or the person having custody of the child or with whom the child may be, or against the child itself. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner, provided, however, that when the child is brought before the court, charged with the commission of a crime, not punishable with imprisonment for life, or the penalty of death, the court may, and if the child, its parent or guardian demands, shall place the child on trial for the commission of such offense. Where the penalty for the offense committed, exceeds a fine of one hundred dollars, or imprisonment for thirty days, the court shall make an examination and in conducting same shall be governed by the provisions of section five thousand two hundred and sixteen (5216), five thousand two hundred and eighteen (5218), five thousand two hundred and nineteen (5219), five thousand two hundred and twenty-one (5221), five thousand two hundred and twenty-two (5222), five thousand two hundred and twenty-three (5223), five thousand two hundred and twenty-four (5224), five thousand two hundred and twenty-five (5225), five thousand two hundred and twenty-six (5226), five thousand two hundred and twenty-seven (5227), and five thousand two hundred and thirty-nine (5239) of the code and shall make certificate, order of discharge or commitment, issue warrant, require undertakings of witnesses and security and commit witnesses as provided by sections five thousand two hundred and twenty-eight (5228) to five thousand two hundred and thirty-five (5235) of the code inclusive. If the child is unable to furnish the required bail, the child may, pending the final disposition of the case, be detained in the possession of the person having charge of the same, or may be kept in a suitable place provided by the city or county authorities. If the crime is not triable on indictment or if it appears on the examination that a public offense has been committed which is not triable on indictment the court may order any peace officer to file an information against the child before him and shall proceed to try the case before a jury of twelve men, selected as in a justice's court. The proceedings, costs and taxation thereof, shall be as provided for trials in the district court and the defendant shall be entitled to his exceptions and right of appeal.

SEC. 5. Discretionary powers of court. When any such boy or girl shall be found guilty of the commission of a crime, not punishable with imprisonment for life, or the penalty of death, the court in its discretion, may, instead of entering judgment of conviction, make order concerning such child in manner as hereinafter provided.

SEC. 6. Probation officers. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the said court; it shall be the duty of said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

SEC. 7. Exclusion from court room. The judge of such court shall designate a certain time for the hearing of such cases and is hereby empowered, when tried in a summary manner as provided in section four (4) hereof, to exclude from the court room at such hearing any and all persons that in his opinion, are not necessary for the hearing of the case. The probation officer shall be present at every hearing in the interest of the child.

SEC. 8. Commitment. When any child of the age stated in section two (2), hereof, shall be found to be dependent or neglected, within the meaning

of this act, the court may make an order committing the child to the care of some suitable state institution, or to the care of some reputable citizen of good moral character, or to the care of some industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for and obtaining homes for dependent and neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child may require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purposes without charge.

SEC. 9. Guardianship—decree for adoption. In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward and subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may by his or its attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree for adoption. Such guardianship shall not include the guardianship of any estate of the child.

SEC. 10. Disposition of child by agreement. It shall be lawful for the parent, parents, guardian or other person having a right to dispose of [a] dependent or neglected child to enter into an agreement with any association or institution incorporated under any public law of this state for the purpose of aiding, caring for or placing in home such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put in a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceeding for the legal adoption of the child and consent to its adoption, and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto, whether made party to the proceeding or not.

SEC. 11. Optional commitments—parole. In the case of a delinquent child, the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of the probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made in a home without such payment; or the court may commit such child, if a boy, to an industrial school for boys; or, if a girl, to an industrial school for girls; or the court may commit the child to any institution within the county, incorporated under the laws in this state, that may care for delinquent children, or be provided by a city or county, suitable for the care of such children, or to any state institution which may be established for the care of delinquent boys or girls over the age of ten years. In no case shall a child be committed beyond his or her minority. A child committed to such institution shall be subject to the control of the board of managers thereof, and said board shall have power to parole the child on such conditions as it may

prescribe; and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as hereinafter provided.

SEC. 12. Custody of child. No court or magistrate shall commit a child not yet having reached his seventeenth birthday, to jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, probation officer, or other person, who shall keep such child in some suitable place provided by the city or county, outside the enclosure of any jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present. Any such child, taken before any justice of the peace or police court, in such counties, charged with misdemeanor, shall, together with the case, be at once transferred by said justice of the peace or police court, to said district court and proper order shall be made therefor.

SEC. 13. Support of child. In any case in which the court shall find a child dependent, neglected or delinquent, it may, in the same or subsequent proceedings, upon the parents of said child or either of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute thereto, and if the court shall find such parent or parents able to support the child or contribute to its support, the court may enter such order or decree as shall be according to equity in the premises, and may enforce the same by execution or in any way in which a court of equity may enforce its orders or decrees.

SEC. 14. Supervision of institutions—annual reports. The board of control shall designate and approve the institutions and associations to have charge of juveniles under this act and shall have supervision, oversight and right of visitation (by all or any of its members or by such persons as it shall appoint thereto) to all institutions and associations having charge of juveniles under this act, and said court, institutions and associations shall make annual reports in the first fifteen days in January of each year to said board of control. The report of the court shall include the number of juveniles of each sex brought before it, the number for whom homes have been obtained, the number sent to state institutions, and the number under charge of such association.

SEC. 15. Religious belief. The court in committing children shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith with the parents of said child.

SEC. 16. Statutes construed liberally. This act shall be construed liberally to the end that its purpose may be carried out, to wit: that the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child to be placed in an approved family home and become a member of the family by legal adoption or otherwise.

Approved April 7, A. D. 1904.

CHAPTER 12.

DONATED CEMETERY FUNDS.

H. F. 810.

AN ACT amendatory to the law as it appears in chapter five-a (5-a) of title three (III) of the supplement to the code, relating to appointment of trustees by district court to manage, control and invest cemetery funds.

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

SECTION 1. County auditor to act as trustee—when. That the law as it appears in chapter five-a (5-a), of title three (III) of the supplement to the code, is hereby amended by adding thereto the following:

“In case no trustee is appointed by said court, or if so appointed does not qualify as provided in this chapter then such funds as are therein mentioned or any funds donated by any person or estate to improvement of cemeteries, shall be placed in the hands of the county auditor who shall receipt for, loan, and make annual reports of such funds in manner as provided by the law as it appears in sections two hundred and fifty-four-e (254-e), two hundred and fifty-four-f (254-f) and two hundred and fifty-four-j (254-j), of the supplement to the code. The said auditor shall annually turn over the accrued interest in his hands to the cemetery association or other person having control of the cemetery entitled thereto who shall use the same in carrying out the provisions of said trust, and who shall file a written report annually with the county auditor.”

Approved April 12, A. D. 1904.

CHAPTER 13.

DUTIES OF CLERKS OF DISTRICT COURT IN CASES OF SUSPENSION OR REVOCATION OF THE LICENSE OF AN ATTORNEY.

H. F. 222.

AN ACT defining the duties of clerks of district courts in cases of suspension or revocation of the license of an attorney or counselor at law to practice, amendatory of chapter ten (10) title three (III) of the code.

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

SECTION 1. Clerk to certify order or judgment. When a judgment has been entered in any court of record in the state of Iowa revoking or suspending the license of any attorney at law to practice in the said court, the clerk of the court in which the judgment is rendered shall immediately certify to the clerk of the supreme court the order or judgment of the court in said cause.

SEC. 2. In effect. This act, being deemed of immediate importance, it shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, March 10, 1904, and the Des Moines Daily Capital, March 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 14.

COMPENSATION OF JURORS.

S. F. 55.

AN ACT to amend section three hundred and fifty-four (354) of the code in relation to compensation of jurors.

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

SECTION. 1. Jurors summoned on special venire. That subdivision one of section three hundred and fifty-four (354) of the code be and the same is hereby amended by inserting after the word "record" in the first line of said subdivision the words "including jurors summoned on special venire".

Approved February 10, A. D. 1904.

CHAPTER 15.

COUNTY BONDS.

H. F. 432.

AN ACT to amend section four hundred three (403) of the code relating to county bonds.

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

SECTION 1. Funding or refunding county indebtedness. That section four hundred three (403) of the code, be amended by striking out the word "April" in the second line and insert "January, April, June or September" in lieu thereof.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 16.

REFUNDING OUTSTANDING COUNTY INDEBTEDNESS.

S. F. 169.

AN ACT to amend the law as it appears in section four hundred and three (403) of the code relating to funding and refunding outstanding county indebtedness.

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

SECTION 1. Indebtedness for bridge purposes. That the law as it appears in section four hundred and three (403) of the code be and the same is hereby amended by adding to said section, after the word "date", in the seventh line of said section, the following words, to wit:

"In counties containing a city or cities of the first class, the indebtedness incurred in the making and repairing of the bridges may be refunded whenever such outstanding indebtedness equals or exceeds the sum of five thousand (\$5,000.00) dollars, the tax to pay such bonds and interest to be levied under the provisions of section four hundred and six (406) of the code, but only on the assessable property in the county outside of the limits of said city or cities of the first class."

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 17.

INDIGENT SOLDIERS, SAILORS AND MARINES.

H. F. 374.

AN ACT to amend the law as it appears in section[s] four hundred and thirty (430) and four hundred and thirty-three (433) of the code, relative to the power and duty of boards of supervisors with regard to indigent soldiers, sailors and marines.

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

SECTION 1. Indigent United States soldiers' and sailors' tax. That the law as it appears in section four hundred and thirty (430) of the code, be and the same is hereby amended by striking out the word "Union" in the sixth line thereof, and inserting in lieu thereof the words "United States".

SEC. 2. Burial. That the law as it appears in section four hundred and thirty-three (433) of the code be and the same is hereby amended by striking out the word "the" after the word "during" in the fourth line thereof, and the word "late" in the fifth line thereof and inserting in lieu thereof the word "any".

Approved April 13, A. D. 1904.

CHAPTER 18.

OFFICIAL NEWSPAPERS.

H. F. 180.

AN ACT to amend the law as it appears in section four hundred and forty-one (441) supplement to the code relating to the number of papers authorized to publish the proceedings of the board of supervisors.

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

SECTION. 1. Newspapers printed in foreign languages. That section four hundred and forty-one (441) of the code supplement be amended by adding the following words after the word "of" in the last line of said section, to wit:

"And in counties where a newspaper of general circulation is printed in a foreign language, the board may, in addition to those already provided for in this section, select one of such newspapers as one in which the proceedings of the board of supervisors may be published, in a foreign language, and said newspaper shall receive the same compensation therefor as is paid the official papers of said county for such publication, not exceeding thirty-three and one-third (33 $\frac{1}{3}$) cents per square. Provided that said paper shall have at least 600 actual bona fide yearly subscribers residing within said county, and shall file a list thereof as provided by law."

Approved April 6, A. D. 1904.

CHAPTER 19.

COMPENSATION OF COUNTY AUDITORS.

H. F. 248.

AN ACT to repeal section four hundred seventy-nine (479) of the code, relating to the compensation of county auditors, and to enact a substitute therefor.

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

SECTION 1. Repealed—compensation. That section four hundred seventy-nine (479) of the code be and is hereby repealed, and the following ing enacted in lieu thereof:

“County auditors shall receive as full annual compensation for all services, the following: In counties having a population of less than ten thousand, twelve hundred dollars per annum; in counties having a population of ten thousand and not exceeding twenty-five thousand, the sum of fourteen hundred dollars per annum; in counties having a population of more than twenty-five thousand, the board of supervisors may allow such additional compensation to the auditor, deputy or clerks as they may deem reasonable.”

Approved April 6, A. D. 1904.

CHAPTER 20.

DUTIES OF COUNTY RECORDERS.

H. F. 98.

AN ACT to amend section four hundred ninety-four (494) of the code, relating to the duties of the county recorder.

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

SECTION 1. Correction of errors. That section four hundred ninety-four (494) of the code be, and the same is, hereby amended by adding thereto the following:

“If in the recording of any such instrument heretofore recorded or hereafter to be filed for record, the recording fee for which has once been paid, the recorder shall commit an error in making the record thereof it shall be his duty to re-record such instrument upon the presentation of the original by the owner thereof, without further compensation; and he shall also enter upon the margin of the new record a reference to the original record, and upon the margin of the original record a reference to the new record, giving the book and page thereof. When an error has been made in indexing any instrument, it shall be the duty of the recorder to re-index the same without further compensation.”

Approved March 30, A. D. 1904.

CHAPTER 21.

COMPENSATION OF COUNTY RECORDERS.

H. F. 140.

AN ACT to amend the law as it appears in section four hundred ninety-five (495) of the code and in section four hundred and ninety-six (496) of the supplement to the code, relating to the compensation of county recorders.

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

SECTION 1. County recorder—compensation. That the law as it appears in section four hundred ninety-five (495) of the code be and the same is hereby amended by striking out all following the words “received by him”

in the sixth line of said section and inserting in lieu thereof words as follows: "And the recorder shall receive as full compensation for all services the sum of twelve hundred dollars (\$1,200) per annum in counties having a population of less than twenty-five thousand (25,000), and fifteen hundred dollars (\$1,500) per annum in counties having a population of twenty-five thousand (25,000) and over."

SEC. 2. **Deputies—Compensation.** That the law as it appears in section four hundred ninety-six (496) of the supplement to the code be and the same is hereby amended by striking out the last sentence thereof beginning with the word "but" in the seventeenth line of said section.

Approved March 21, A. D. 1904.

CHAPTER 22.

TOWNSHIP CLERK AND TRUSTEES.

H. F. 829.

AN ACT to amend section five hundred sixty (569) of the code relating to township clerk and trustees.

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

Township and city coterminous—clerk and trustees abolished. That section five hundred sixty (569) of the code be amended by striking out after the word "city" in the first line thereof the following "having a population of less than seven thousand and constitutes one civil township" and substituting therefor the following: "Not acting under a special charter constitutes one or more civil townships".

Approved March 30, A. D. 1904.

CHAPTER 23.

POWERS OF TOWNSHIP TRUSTEES.

H. F. 130.

AN ACT to amend the law as it appears in section five hundred eighty-six (586) of the supplement to the code, relating to the powers of township trustees.

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

SECTION 1. **Tax for public cemeteries.** That the law as it appears in section five hundred eighty-six (586) of the supplement to the code be and the same is hereby amended by adding at the end of said section as follows:

"They shall also have power to levy a tax not to exceed one (1) mill to improve and maintain any cemetery not owned by the township, provided the same is devoted to general public use."

Approved April 12, A. D. 1904.

CHAPTER 24.

JOINT OWNERSHIP OF LIBRARIES BY CITIES AND TOWNS AND INSTITUTIONS OF LEARNING.

S. F. 62.

AN ACT to amend section seven hundred twenty-eight (728) and section seven hundred thirty (730) of the code, relating to library trustees and library treasurer, and to legalize the maintenance and control under joint ownership and control of cities and towns and institutions of learning.

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

SECTION 1. **Joint ownership authorized.** That section seven hundred twenty-eight (728) of the code be and the same is hereby amended by adding thereto [the following]:

“Provided that in cities and incorporated towns where a college or university is located, it shall be lawful for the city or town and such institution of learning to jointly establish and maintain a public library for their mutual benefit, upon such terms and conditions as regards maintenance, control, appointment of library trustees and other incidents of joint control as may in any lawful manner be mutually agreed upon between them; but no city or town may undertake to contribute toward the maintenance more than the amount produced by a rate of taxation therefor allowed by law, and no persons shall be appointed or confirmed as library trustees other than such having the qualifications required by law.”

SEC. 2. **Library treasurer.** That section seven hundred thirty (730) of the code be and the same is hereby amended by adding thereto the following:

“Provided that in any city or incorporated town where is maintained jointly by the city or town and an institution of learning a free public library, for the support and maintenance of which both the city and the institution of learning contribute, the library trustees may elect a library treasurer therefor, and it shall be the duty of the city treasurer to pay over to said library treasurer any and all library taxes that may be collected by him monthly.”

SEC. 3. **Contracts, elections and ordinances legalized.** Where cities or incorporated towns and institutions of learning have established or contracted to establish public libraries to be maintained and controlled jointly as contemplated by this act, all contracts, elections, ordinances and other proceedings made, held or passed in the manner provided by law are hereby declared as valid and obligatory upon the parties thereto as though the same had been made, held or passed after the taking effect of this act.

Approved April 13, A. D. 1904.

CHAPTER 25.

SUPPORT OF FREE PUBLIC LIBRARIES.

S. F. 149.

AN ACT to amend the law as it appears in section seven hundred and thirty-two (732) of the supplement of the code, relating to the support and maintenance of free public libraries.

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

SECTION 1. **Additional support.** That the law as it appears in section seven hundred and thirty-two (732) of the supplement to the code be, and is hereby amended by adding thereto the following:

“In any city or town or city under special charter where the mulct law is in force, the city or town council may, in addition to the tax hereinbefore provided for, appropriate not to exceed twenty per cent (20%) of the total amount of the mulct tax received by said municipality, for the support the maintenance of its free public library including the purchase of books and furniture.”

Approved April 13, A. D. 1904.

CHAPTER 26.

SEWERS IN TOWNS AND SMALLER CITIES.

S. F. 118.

AN ACT repealing sections seven hundred and thirty-eight (738) and seven hundred and thirty-nine (739) of the code.

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

SECTION 1. **Repealed.** That section seven hundred and thirty-eight (738) and seven hundred and thirty-nine (739) of the code be and the same are hereby repealed.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 31, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 1, 1904, and the Register and Leader, April 2, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 27.

CONSTRUCTION OF PUBLIC BUILDINGS IN CERTAIN CITIES.

H. F. 461.

AN ACT authorizing cities over sixty thousand (60,000) inhabitants to levy a tax for the purpose of erecting public buildings and procuring grounds for the same. [Additional to chapter four (4), of title five (V) of the code, relating to general powers of cities and towns.]

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

SECTION 1. Tax for buildings and grounds. Cities over sixty thousand (60,000) inhabitants are hereby authorized to levy a tax not exceeding in any one year two mills on the dollar upon all property within the corporate limits of said cities, for the purpose of creating a fund to be used for erecting city buildings and procuring ground.

SEC. 2. Construction authorized by majority vote. No buildings shall be erected, unless a majority of the legal voters voting thereon, vote in favor of the same at a general or a special election.

SEC. 3. Question submitted—notice. In cities over sixty thousand (60,000), the question provided in the preceding section may be ordered by the city council, submitted to a vote at a general election or at one specially called for that purpose. Notice of such election shall be given in two newspapers published in said city, once each week for at least four consecutive weeks.

SEC. 4. Bonds. For the purpose of paying for real estate and the construction of buildings herein contemplated said cities may issue bonds for such amounts as it may be necessary to be paid from the fund created by the levy herein provided.

Approved April 13, A. D. 1904.

CHAPTER 28.

CONSTRUCTION OF PUBLIC BUILDINGS IN CITIES OF THE SECOND CLASS AND TOWNS.

H. F. 70.

AN ACT authorizing cities and towns to levy a tax for the purpose of erecting public buildings and purchasing grounds for the same. [Additional to chapter four (4) of title five (V) of the code, relating to general powers of cities and towns.]

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

SECTION 1. Tax for buildings and grounds. Cities of the second class and towns shall have the power to levy a tax not exceeding three mills on the dollar upon all the property within the corporate limits of said cities and towns, excepting lots greater than ten acres in area used for agricultural and horticultural purposes for the purpose of creating a sinking fund

to be used as provided in this chapter for the purchase or erection of a city building or fire station or both, and necessary ground therefor.

SEC. 2. Subsequent levies. Cities of the second class and towns are hereby authorized to purchase buildings and grounds or to erect buildings specified in section one (1) of this chapter and are authorized to continue the levying of the three mill tax herein provided for until the purchase price principal and interest or the cost incurred in the erection of said buildings is fully paid and discharged.

SEC. 3. Contracts—bonds or warrants. Cities of the second class and towns levying such sinking fund tax are hereby authorized to let a contract or contracts for the purchase or erection of said buildings and purchase of grounds and upon the approval and adoption of said contract or contracts as hereinafter provided to apply such sinking fund on the cost thereof and cities and towns so purchasing or constructing such buildings or grounds are authorized to pledge the proceeds of the continuing three mill levy provided for in this chapter and shall have the right to issue bonds or warrants to secure the payment of the purchase price of said buildings or grounds or the cost of constructing said buildings provided that said bonds or warrants shall bear not more than five per cent interest per annum but no part of the general fund of such city or town shall be applied on such bonds or warrants or upon the purchase price of buildings or grounds or cost of erection of said buildings. In the payment thereof the city or town and holders of said contracts, bonds or warrants shall be restricted to the proceeds of said taxes.

SEC. 4. Question submitted. Said contract or contracts shall not be binding on said city or town until the same shall have been approved by the city or town council at a regular meeting or a special meeting called for such purpose and shall have been adopted by a majority of the electors of said city or town voting at a general or special election which shall have been duly called after thirty days notice by said city or town. Proposition to be submitted at said election and the form of ballot shall be: Shall the contract or contracts approved by the city or town council in relation to the purchase of buildings or grounds or erection of buildings be adopted? The proposition shall be printed and placed on the ballots and the voter shall designate his choice and the election shall be conducted in the manner provided in the chapter on elections.

Approved March 17, A. D. 1904.

CHAPTER 29.

CONSTRUCTION OF VIADUCTS IN CERTAIN CITIES.

S. F. 189.

AN ACT to amend the law relating to the construction of viaducts appearing as section seven hundred and seventy one (771) of the code supplement.

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

SECTION 1. Viaduct fund. That the law as it appears in section seven hundred and seventy one (771) of the code supplement, be, and the same is, hereby amended by adding thereto the following:

“In cities having a population of fifty thousand or over, where a viaduct is required to be constructed, and the plans therefor have been approved, and there are no available funds in the general bridge fund, or any fund or funds of said city which may be legally used for the payment of such damages, such city may levy an annual tax not exceeding two mills on the dollar for the purpose of creating a fund to be known as a ‘viaduct fund’, for the payment of damages caused to property by reason of the construction of such viaduct and approaches thereto.”

Approved March 17, A. D. 1904.

CHAPTER 30.

CONSTRUCTION OF PERMANENT SIDEWALKS.

S. F. 45.

AN ACT relating to the construction of permanent sidewalks and providing for the assessment and collection of the cost thereof. [Amendatory of chapter six (6) of title five (V) of the code, relating to streets and public grounds.]

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

SECTION 1. Objections. All objections to the cost of construction of permanent sidewalks, as provided by the code, against the lots or parcels of land in front of which the same are constructed and all objections to the prior proceedings, on account of errors, irregularities or inequalities, must be made in writing and filed with the city clerk prior to the date fixed for said assessment; and all objections not so made shall be deemed waived, except where fraud is shown.

SEC. 2. Tax—how paid. If the owner of any lot or parcel of land against which an assessment for permanent sidewalks is made shall, at the time of making said special assessment, promise and agree in writing, endorsed on a certificate, or in a separate agreement, that in consideration of having the right to pay his assessment in installments, he will not make any objection of illegality or irregularity as to the assessment or levy of such tax upon and against his property, and will pay said assessment, with interest thereon at such rate, not exceeding six per cent per annum, as shall by ordinance, or resolution of the council be prescribed, such tax, so levied against the lot or parcel of land of such owner, shall be payable in seven equal installments, the first of which shall mature and be payable on the date of said assessment and the others, with interest on the whole amount unpaid, annually thereafter, at the same time and in the same manner as the March semiannual payment of ordinary taxes; but where no such promise and agreement in writing shall be made by the owner of any lot or parcel of land, then the whole of said assessment so levied upon and against the property of such owner, shall be assessed and collected as provided for in section seven hundred and seventy-nine (779) of the code and amendments thereto. All such taxes, with interest, shall become delinquent on the first day of March next after their maturity and shall bear same rate of interest, with same penalties as ordinary taxes.

SEC. 3. Certificates of levy—lien upon property. A certificate of levy of such special assessment, fixing the number of installments and the time when payable, certified as correct by the city clerk, shall be filed with the auditor of the county, or each of the counties in which the city is situated and thereupon said special assessment, as shown therein, shall be placed on the tax list of the proper county and said taxes and special assessment, with all interest and penalties thereon, shall become and remain a lien upon such lot or parcel of land until the same is paid; and said lien shall have precedence over all other liens, except ordinary taxes.

SEC. 4. Interest—rate. Each installment of any such special assessment shall bear interest from the date of the assessment, not to exceed six per cent per annum, which shall become due and payable at the March semiannual payment of ordinary taxes. Upon the payment of any installment there shall be computed and collected the installment and interest on the whole assessment remaining unpaid up to the first day of April following.

SEC. 5. Payment of assessment, interest, costs and penalties. The owner of any property against which said special assessment is made and levied shall have the right to pay the same, or the unpaid installments thereof, with all interest up to the time of said payment, with any penalties and the cost of any proceedings for the sale of the property for such special assessment or installments.

SEC. 6. Tax sale. Property against which a special assessment has been levied for permanent sidewalks, may be sold for any sum of principal or interest due and delinquent at any regular or adjourned tax sale, in the same manner, with the same forfeitures, penalties and rights of redemption and certificates and deeds on such sales shall be made in the same manner and with like effect, as in case of sales for the non-payment of ordinary taxes.

SEC. 7. Sidewalk certificates. The council may provide, by ordinance or resolution, for the issuance of permanent sidewalk certificates in the same manner and to the same effect as street improvement and sewer certificates provided for in chapter eight (8) title five (V) of the code.

SEC. 8. Special charter cities. The provisions of this act shall apply to cities under special charter.

SEC. 9. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 17, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 18, 1904, and the Register and Leader, March 19, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 31.

CONSTRUCTION OF SEWERS BY INCORPORATED TOWNS.

S. F. 112.

AN ACT to provide for the construction of sewers by incorporated towns. [Amendatory of chapter seven (7) of title five (V) of the code, relating to street improvements, sewers and special assessments.]

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

SECTION 1. Statutes applicable to towns. That all of the provisions of section seven hundred and ninety-two (792) to eight hundred and forty (840), inclusive of title five (V) chapter seven (7) of the code, granting to cities of the first and second classes the power to construct sanitary sewers and assess the cost of the same to the real property abutting on, adjacent to or benefited by such sewers shall be applicable and apply to incorporated towns.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 31, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 1, 1904, and the Register and Leader, April 2, 1904.

W. MARTIN,
Secretary of State.

CHAPTER 32.

REFUNDING COST OF PAVEMENT REMOVED BY STREET RAILWAY COMPANY.

H. F. 288.

AN ACT to amend the law as appearing in section eight hundred and thirty-five (835) of the code, relating to refunding the cost of pavement removed by a street railway company.

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

SECTION 1. Appeal to district court. That the law as appearing in section eight hundred and thirty-five of the code be, and it is, amended by adding thereto the following:

"The company or any person affected by or interested in such determination of the value of such pavement may appeal therefrom to the district court within thirty days thereafter and in the manner provided in section eight hundred and thirty-nine of the code."

Approved April 13, A. D. 1904.

CHAPTER 33.

PROTECTION OF CITY PROPERTY FROM FLOODS.

S. F. 310.

AN ACT to authorize cities to protect lots, lands and property within their limits from danger and damage from floods and high water by deepening, widening, straightening, altering or changing and otherwise improving water courses within their limits and by constructing levees, embankments and other works and to provide for the levy of special assessments and other taxes and the issuance of bonds and certificates to defray the expense of such improvements. Additional to chapters seven (7) and eight (8) of title five (V) of the code.

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

SECTION 1. Protection authorized. That in addition to the powers they now have all cities in this state shall have power in accordance with the provisions of this act to protect lots, lands and property within their limits from danger and damage from floods and high water by deepening, widening, straightening, altering or changing and otherwise improving water courses within their limits and by constructing levees, embankments and other works, and to provide for the levy of special assessments and other taxes and the issuance of bonds and certificates to defray the expense of such improvements.

SEC. 2. Petition—plans and specifications. Whenever a petition requesting the exercise of the powers named in section one of this act and signed by one hundred resident taxpayers of said city shall be presented to the city council of said city, the council shall direct the city engineer, if there is one, and if not, one employed by it to make the proper plans and specifications for doing the work, with an estimate of the cost thereof, including damages to property if any, and a map or plat showing the boundaries of the territory or district which will be benefited by such improvement and showing as near as may be the name of the owner and the value of each lot or parcel of land, and other property therein as shown by the last assessment roll.

SEC. 3. Resolution—notice—hearing—question submitted. If the council upon receiving such plans, specifications, estimate and map shall approve or modify and approve the same and be of opinion that the work should be done as proposed it shall in a proposed resolution declare the necessity or advisability of such improvement, describing the same in general terms and stating the estimated cost thereof, and the boundaries or other description of the territory or district which will be benefited, and shall cause twenty days notice of the time when said resolution will be considered by it for passage to be given by two publications in each daily newspaper of general circulation published in the city, the last of which publications shall be not less than two, or more than four weeks, prior to the time fixed for consideration of said resolution, at which time the owners of property benefited or affected by such improvement, may appear and make objections in writing to the contemplated improvement and the passage of said proposed resolution, at which hearing the resolution may be amended and passed or passed as proposed. The council shall after adopting said resolution submit to the electors of said city for final determination the question of whether said improvement shall be made as proposed and of levying for

that purpose a special tax, of not more than four (4) mills in any one year, in addition to all other taxes now provided by law. If the council shall determine that the estimated cost is greater than should be levied and collected in a single year, it may fix the yearly proportion and determine in what years the same shall be levied and collected. The percentage or rate of tax levied on property within the territory or district benefited by such improvement shall be double the percentage or rates levied upon property outside such territory or district. The council shall provide by resolution or ordinance the time of submitting the question to a vote. Said question shall be submitted either at the general city election, or at a special election, or at the general November election in the manner provided by law. When said question is to be voted upon at the general November election the county auditor shall cause the same to be printed on the official ballot to be voted at the several precincts within said city and the returns shall be certified by the auditor to the city council.

SEC. 4. Contracts. If the majority of the votes cast on such proposition shall be in favor of the same the council may by ordinance or resolution order the making or construction of such improvement and thereupon the council, or board of public works where such board exists, shall contract for furnishing labor and material and for the making or construction either of the entire improvement in one contract or in separate and specified sections. Such contract or contracts shall be made as nearly as may be in the manner provided for contracting for street improvements in section[s] eight hundred and twelve, eight hundred and thirteen, eight hundred and fourteen and eight hundred and fifteen of the code and acts amendatory thereof.

SEC. 5. Levy of tax—placed on tax list. As soon as may be after such improvement or specified section thereof has been contracted for, the council, or board of public works, where such board exists, shall ascertain as near as may be the cost thereof, including cost of property purchased or appropriated for the purpose of carrying into effect the provisions of this act and including the costs of plans, specifications, estimates, notices, inspection and preparing plats, schedules and assessments and thereupon the council shall by resolution levy the whole of said cost at one time as a special tax, of not more than four (4) mills in any one year, upon all taxable property within said city and upon all taxable property within the territory or district benefited by such improvement, and shall determine the whole percentage of tax necessary to pay the same and the percentage to be paid each year, and the number of years not exceeding ten given for maturity of each installment thereof. But such percentage of tax and such number of years shall not exceed the percentage of tax and the number of years authorized under the provisions of section three of this act, but no part of said cost shall be levied upon property owned by the city, the state or the United States and the percentage or rate levied upon property within the territory or district benefited by such improvement shall be double the percentage or rate levied upon property outside such territory or district. Certificates of such levies shall be filed with the auditor of the county in which the city is located, setting forth the boundaries of the territory or district benefited by such improvement and the amount or percentage and maturity of said tax, or each installment thereof, upon the assessed valuation of all property in said city and upon the assessed valuation of all property within said territory or district benefited, certified as correct by the city clerk and thereupon said tax shall be placed upon the tax list of the proper county. The proceeds of such tax shall be kept as a separate fund and shall be used for the purpose of paying for the cost of said improvement or in paying bonds and certificates issued thereupon and for no other purpose whatsoever.

SEC. 6. Diversion of stream. Whenever in making such improvement a stream shall be diverted from its old channel or any part thereof, the city

shall have and may exercise in respect thereto all the powers named in sections eight hundred and two and eight hundred and three of the code.

SEC. 7. Purchase or condemnation of private property. Said cities may also purchase or condemn and appropriate so much private property as may be necessary to carry into effect the provisions of this act, and the cost thereof shall be included in and paid as a part of the cost of said improvement.

SEC. 8. Bonds and assessment certificates. Any city constructing any improvement authorized by this act may issue bonds and assessment certificates in anticipation of any special tax or special assessment: said bonds and certificates shall be issued and sold in accordance with and be governed by the provisions of sections eight hundred and forty-one, eight hundred and forty-two, eight hundred and forty-three, eight hundred and forty-four, eight hundred and forty-five, eight hundred and forty-six and eight hundred and forty-seven of the code and acts amendatory thereof.

SEC. 9. Costs—how paid. The entire cost of constructing any improvement authorized by this act and any bonds or certificates issued in anticipation thereof shall be paid out of the special taxes and special assessments authorized by this act and no part of said cost or of any such bond or certificate shall ever be a charge upon or paid out of any other fund or the proceeds of any other assessment, tax or levy.

SEC. 10. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 31, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 1, 1904, and the Register and Leader, April 2, 1904.

W. B. MARTIN,
Secretary of State.

*CHAPTER 34.

POWERS AND DUTIES OF PARK COMMISSIONERS.

H. F. 828.

AN ACT to amend section eight hundred and fifty-two (852) of the supplement to the code, and sections eight hundred and fifty-three (853) and eight hundred and fifty-eight (858) of the code, relating to park commissioners, their powers and duties.

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

SECTION 1. Additional tax in certain cities. That section eight hundred and fifty-two (852) of the supplement to the code be, and the same is hereby amended, by striking out the figures "1900, 1901, 1902 and 1903" in the twenty-second and twenty-third lines of said section, and inserting in lieu thereof, the figures "1904, 1905, 1906 and 1907".

SEC. 2. Power to lease real estate. That section eight hundred and fifty-three (853) of the code be, and the same is hereby amended, by inserting after the word "exchange" in the fifth line of said section, the words "or lease".

Approved April 13, A. D. 1904.

* The title of this act recites the fact of amendment to section 852 of the code, but the part amending said section was stricken from the bill before it passed and no change was made in the title.

CHAPTER 35.

ISSUANCE OF BONDS BY CITIES AND TOWNS FOR PARK PURPOSES.

H. F. 888.

AN ACT to amend the law as it appears in section eight hundred and sixty (860) of the supplement to the code, in relation to the creation and improvement of parks, and to provide for the issuing of bonds therefor in cities and towns having a population of twelve thousand five hundred and less.

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

SECTION 1. Bonds. That the law as it appears in section eight hundred and sixty (860) of the supplement to the code, be and the same is hereby amended by adding to said section the following:

"Whenever any city having a population of twelve thousand five hundred or less or any incorporated town, has by ordinance provided for the election of park commissioners, and has voted a tax for a term of years for park purposes as provided by statute, the board of park commissioners, of such city or town may issue bonds, in anticipation of the collection of such tax, in such sums and amounts as they may deem necessary for the purposes contemplated by said tax, but such bonds in the aggregate shall not exceed two thirds of the amount estimated to be realized by said tax, based on the amount which may be yielded on the property valuation of the year in which the tax is voted, and such bonds shall be issued in the manner provided in section eight hundred and fifty-four (854) of the code, and shall be a lien upon the property purchased with the proceeds of such bonds, as provided in section eight hundred and fifty-five (855) of the code."

Approved April 12, A. D. 1904.

CHAPTER 36.

PARK COMMISSIONERS.

S. F. 280.

AN ACT to amend the law as it appears in section eight hundred and sixty one (861) of the supplement to the code, relating to park commissioners.

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

SECTION 1. To serve without compensation. That the law as it appears in section eight hundred and sixty-one (861) of the supplement to the code, be and the same is hereby amended by striking out of the first, second and third line of said section the following "each of the commissioners shall receive for services performed, compensation not exceeding one hundred dollars (100) per annum, to be paid out of the park fund". That said section be further amended by striking out the word "they" in the third line of said section and insert in lieu thereof the words "the commissioners". That said section be further amended by adding thereto the following: "In cities having a population of less than forty thousand (40,000) inhabitants, said commissioners shall receive no compensation for their services."

SEC. 2. In effect. This act, being deemed of immediate importance, shall be in effect and force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 8, 1904, and the Des Moines Daily Capital April 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 37.

SEWER OUTLETS AND SEWER AND GARBAGE DISPOSAL PLANTS.

H. F. 69.

AN ACT to amend section eight hundred and eighty-one (881) of the code relative to condemnation and purchase of land for sewer outlets and for sewer and garbage disposal plants.

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

SECTION 1. **Repealed.** That section eight hundred and eighty-one (881) of the code be and the same is hereby repealed and the following be enacted in lieu thereof:

"SEC. 2. **Sewer outlets—disposal plants.** Cities and towns shall have the power to acquire real estate within or without their territorial limits necessary for sewer outlets, garbage disposal plants, sewage disposal plants and dump grounds, by purchase or condemnation as in this chapter provided, and the expense of such acquisition of real estate for sewer outlets, garbage disposal plants, sewage disposal plants and dump grounds, shall, in the case of garbage disposal plants and dump grounds, be paid out of the general fund, and in the case of sewer outlets and sewage disposal plants, out of the general fund or out of the sewer fund of the sewer district for which the sewer outlet or sewage disposal plant is established."

SEC. 3. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 38.

LEVY OF TAXES FOR LIBRARY PURPOSES.

S. F. 298.

AN ACT to repeal the law as it appears in subdivision four (4) of section eight hundred ninety-four (894) of the code and of the supplement to the code and to enact a substitute therefor, relating to the levy of taxes for library purposes.

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

SECTION 1. **Repealed—library tax.** That the law as it appears in subdivision four (4) of section eight hundred ninety-four (894) of the code and the supplement to the code be and the same is hereby repealed, and the following enacted in lieu thereof:

"4. **Library tax.** In cities and towns which have established, or may hereafter establish, a free public library, when the trustees of such library have made the certificate provided for in chapter four (4) of this title, a tax in the amount so certified, but not exceeding in any one year two mills on the dollar, to be used for the maintenance of such library; and in such cities and towns an additional tax not exceeding in any one year three mills on the dollar, for the purchase of real estate and the erection of a building or buildings thereon for a public library, or for the payment of interest on any indebtedness incurred for that purpose, and for the creation of a sinking fund for the extinguishment of such indebtedness."

Approved April 13, A. D. 1904.

CHAPTER 39.

RELATING TO ELECTIONS AND PAYMENT OF EXPENSES THEREOF.

S. F. 248.

AN ACT amending the law as it appears in section eleven hundred and twenty-nine (1129) of the code, relating to elections and the payment of the expenses thereof.

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

SECTION 1. Special policemen—compensation. That the law as it appears in section eleven hundred and twenty-nine (1129) of the code be and the same is hereby amended by striking out the capital "T" in the first word of said section, and inserting a small letter "t" in lieu thereof; and by inserting after the number of said section and before the word "the" in the first line thereof, the following: "The special policemen appointed under the provisions of this chapter shall be entitled to receive two dollars (\$2) a day as compensation for their services, which with".

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in "The Register and Leader" and "The Des Moines Daily Capital," newspapers published at the city of Des Moines, Iowa.

Approved March 31, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 1, 1904, and the Register and Leader, April 2, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 40.

PRIMARY ELECTIONS.

H. F. 1.

AN ACT providing for the election of delegates of political parties by a primary election and for the nomination of officers by a delegate convention system. [Additional to chapters three (3) and four (4) of title six (VI) of the code, relating to elections and canvass of votes.]

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

SECTION 1. Primary elections authorized. That in all counties having a population of seventy-five thousand (75,000) or more, the nomination of candidates for all offices filled by election of voters, except those of incorporated towns and school districts, by all political parties, shall be made by conventions composed of delegates, and the selection and instruction of delegates shall be made and given at primary elections conducted under the regulations herein provided. All delegates chosen and serving as such in convention assembled shall be considered as instructed to vote for, as long as good faith requires, and use their best endeavors to secure the nomination of persons for the various positions to be filled who have received the largest number of votes respectively in the precinct wherein the delegate was elected. The provisions of chapters three (3) and four (4) title six (6) and of chapter eight (8) title twenty-four (24) of the code, and the law as it appears in sections forty-nine hundred nineteen-a (4919-a), forty-nine hundred nineteen-b (4919-b), forty-nine hundred nineteen-c (4919-c) of the supplement to the code, shall apply to all such primary elections, the same as general elections, when not in conflict with this act.

SEC. 2. When held—polls open. This primary election shall consist of an election by all political parties held on the first Tuesday in May preceding the November general election at the usual voting places of the sev-

eral precincts, and shall be conducted in the same manner as general elections. In cities where registration is required by law, the polls shall be open from seven (7:00) A. M. to six (6:00) P. M., and in all other precincts from twelve (12) o'clock noon to six (6:00) P. M.

SEC. 3. Election officers—expenses. The election officers of the first general election after the primary election shall also be the officers at said primary election. Such judges and clerks of election shall be designated and so notified at least thirty (30) days prior to the primary election day and shall be required to take the same oath as is required by law for judges and clerks of a general election, and their duties, liabilities and compensation shall be the same. The expense of the primary election provided for in section two (2) of this act, shall be paid by the counties in which said primary election is held, all bills to be audited and passed upon by the board of supervisors.

SEC. 4. Prima facie electors—challenges. Any person is *prima facie* an elector in a precinct who is a qualified elector in such precinct at the time of such primary election and who has designated the political party with which he desires to be affiliated at the general election held in the preceding November (unless challenged, and if challenged then only in the event the challenge is determined in favor of the voter) and shall be entitled forthwith but not later, to receive a ballot of the political party with which it is determined by the poll books of the preceding year, that he declared his affiliation. The elector voting at such primary election, shall be allowed to vote for candidates for nominations on the ticket of only one political party, and that to be the party with which he is registered as affiliated with; provided however, that those who failed to register their party affiliations for any of the reasons enumerated in section five (5) of this act or who become legal voters of the county after the last general election preceding such primary election, who are otherwise qualified electors of such precinct, shall upon complying with the requirements of said section, have their names registered as provided therein and be entitled to vote, when not challenged, and when a challenge is not sustained, but such person shall not be permitted to vote until the provisions of this act are complied with. When an elector has changed his residence within the county after the November election at which he voted and registered his party affiliation and before the primary election following, he may show his party affiliations by a certificate from the county auditor, which certificate shall be issued upon request by such officer. The endorsement of the judges of election shall appear upon the ballots, as provided by law for the ballots issued at the November election. No person shall vote at a primary election who has not registered as herein provided. The judges of election shall instruct the voter that he is to vote for his choice of the candidates for each office, using only the ballot of the party with which he affiliates, and he must return the ballot folded that it may be deposited in the ballot box.

SEC. 5. Registration of voters. In order that none but qualified electors and those affiliating with and who are members of a political party shall participate in any primary election held by such political party, a system for the registration of voters is hereby provided, and such registration shall be conducted in form and manner as follows, to wit: at the general election held in November of each year there shall be set aside, on the regular poll books used for the purpose of registering the names of persons who are qualified to and do vote, space for the registration of all persons who may desire to take part in any primary election held thereafter by any political party. Such space shall be provided on the regular election poll books, immediately following the last perpendicularly ruled column in such book, and shall be headed as follows: "Party Affiliation." It shall be the duty of the judges at such general election to ask each person who votes the question, "With what political party do you desire to affiliate?" and the name of the political

party given by such person shall be recorded in the column provided on the poll books for that purpose. In case any person does not desire to state his party affiliation he shall not be required so to do nor shall his failure so to do act as a bar to his voting at any but a primary election. Any elector who voted at the last general election whose party affiliation was not recorded at such general election or having declared his party affiliation, desires to change the same may, not less than thirty nor more than forty days prior to the date of the primary election, file an affidavit with the officer charged with the custody of the poll books of the last general election, stating his party affiliation and such officer shall enter a record of the same on the poll books in the proper column opposite the voter's name. Any such person who was necessarily absent from the precinct and for said reason was unable to file his affidavit of party affiliation or change of party affiliation during the ten days provided therefor, or any person or persons who were too ill to vote at the last general election or who were prevented therefrom by sickness or death, or other calamity in their family, or any person or persons who have moved into such precinct since the date of the last general election, and who is not provided with a certificate from the county auditor of the county as provided in section four (4) of this act, and who is a qualified elector at the time of said primary election, and any person who became a qualified elector of such precinct since such last general election shall be allowed an opportunity to register at the time and in the manner set forth herein, as follows, to wit: Any such person may apply at the polls of the precinct in which he resides at the time of the primary election, and make affidavit before the officers of said primary election, who are hereby authorized to administer oath or affirmation thereto, and certify to the same, that he was prevented from registering at the regularly appointed time and the cause for such failure, together with his qualifications as a voter and membership in the political party with which he desires to affiliate. In all such cases the person so applying to the officers of the primary election for registration shall, in addition to his own affidavit, produce the affidavit of at least two well known and reputable electors, residents and freeholders of the precinct, setting forth the qualification of such person as an elector and reason or reasons for the failure of such persons to attend the general election held in November for the purpose of voting and registering thereat. In all cases where illness is given as the cause for failure to register, the affidavit of some reputable physician setting forth the fact shall also be produced. The officers of such primary election shall then register the name of the person so applying in the poll book for the precinct on the page immediately following the last page containing the names of those regularly registered, and opposite each name so registered at such primary election shall be marked the words "specially registered," and such person if not challenged or if a challenge is not sustained shall thereupon be allowed to vote. Such poll books shall be delivered to the primary election board by the custodian thereof at least one day prior to the day of the primary election, and be returned to such custodian in good condition forthwith after said primary election to be preserved by him as provided by section eleven hundred and forty-five (1145) of the code.

SEC. 6. Challenged voter—affidavit. When the right of any person to vote is challenged, who voted at the last preceding general election and at that time declared and had recorded his party affiliations, or who voted at such general election in some other precinct of the county and there declared and had recorded his party affiliations and has produced the auditor's certificate herein required, or who voted at such preceding general election and declared his party affiliations not less than thirty (30) days before such primary election as herein provided, the election judges shall require of such person his own affidavit showing his qualifications to vote at such primary election.

SEC. 7. Candidates for nomination—affidavit. The names of candidates for nomination for all county offices, also members of board of supervisors and township offices in townships composed of more than one precinct and of candidates for nomination for offices to be determined in representative, senatorial, judicial, congressional or state conventions who are residents of said county, shall be filed with the county auditor at least twenty (20) days before said primary election. And said candidates shall each file therewith an affidavit stating that he is a resident of the county and that it is his bona fide intention to be a candidate for the nomination upon a stated party ticket for the office specified, as follows:

I, A. _____ being duly sworn, say that I reside at _____ street _____ (city or town) of _____ county of _____ state of Iowa and that the political party with which I affiliate is the _____ party; and I am a qualified voter therein, and a _____; that I am a candidate for nomination to the office of _____ to be voted upon at the primary election to be held on _____ and hereby request that my name be printed upon the official primary ballot as provided by law, as a candidate of the _____ party.

(Signed) _____

Subscribed and sworn to (or affirmed) before me _____ by _____ on this day of _____ 190—

SEC. 8. Ballot—form. Ten days prior to the primary election day the county auditor shall prepare the primary election ballot for each political party as hereafter provided and a facsimile thereof shall be published at least once in the official papers of the county prior to the primary election day. The primary election ballot of each political party shall be separately printed upon paper of uniform quality, texture and size and printed in black ink. No two party ballots shall be of the same color or tint of paper. The paper shall be of such quality, thickness and weight and folded in a way that the names of the candidates cannot be seen and the candidate for whom an elector votes cannot be determined,—except by opening the ballot. Across the head of each ballot shall be printed in a plain heavy letter the name of the political party, followed in the next line by the words “primary election ballot”. On the next lines and in smaller type shall be printed the words “lists of candidates for nomination to be voted for at the 19— primary election in _____ (precinct) _____ (township or ward) _____ county.” Next following and separated from the above heading by a light-faced dash shall appear the words: “To vote for a person mark a cross (X) in the square at the left of the name of the person for whom you desire to vote.” The remainder of the ballot shall be made up in the same manner as the ballots used at general elections, except that: Following the name of each office for which nominations are to be made shall be printed in a column the names of all the candidates in alphabetical order preceded by the words “vote for _____ (giving the number to be elected).” Each position with names of the candidates for that position shall be separated by a black-faced dash one inch in length, to separate each position clearly. Following the last names upon the ticket and separated from them by a black-faced dash, shall be a group of blank spaces headed by the word, “delegates”. On the next line shall be the words, “vote for _____,” designating the number of delegates to which that precinct is entitled. The requisite number of delegates to which each precinct is entitled shall be determined by the county auditor from the written reports of the chairmen of the respective county central committees, said reports to be filed with the county auditor on or before April 20th of each year, and setting forth the number of delegates to which each precinct is entitled in the county convention of their party. In case no report is filed by any of said chairmen as herein provided, then the auditor shall determine the requisite number of delegates to which each precinct is entitled, as he may deem just and proportionate. Opposite each blank space on the left shall be placed a square, and the elector voting the

ballot may while in the booth write or paste upon the blank spaces his choice of the requisite number of individuals who are bona fide members of that party and qualified residents of the precinct for delegates placing an X in the square opposite the name of each. Following the group of blank spaces for delegates shall be a blank space with a square set opposite to the left, headed by the word, "committeemen." The elector voting the ballot may likewise write or paste upon this space his choice of an individual who is a bona fide member of that party and a qualified resident of that precinct for precinct committeeman, placing an X in the square opposite the name. In the right hand column at the bottom shall appear upon each ballot the facsimile of the signature of the county auditor making up the tickets, followed by the words, "county auditor." There shall be no printing upon the back of the ballots, or any mark or distinguishing feature other than the party tint or color of paper excepting the initials of one of the judges.

SEC. 9. Supplies—poll books. The primary election board in each voting precinct shall be furnished by the county auditor with the necessary election supplies, including poll books, which shall contain tally sheet pages with the names of the candidates of the several parties for the different offices, also blank spaces for the lists of delegates voted for and for those voted for committeemen, and blank spaces for recording by the clerks of the names of the electors voting at said primary election; and upon the pages provided for the recording of said voters, there shall be ruled, commencing at the left-hand side of each page, separate columns perpendicularly, and across each line upon which the name of the voter is to be recorded and headed at the top of said page with the word "Republican", "Democrat", or the names of whatever political parties authorized by this act to appear upon the ballots used at said primary election to designate the several parties, the names of said political parties to be placed in the order of their numerical strength at the preceding November election held in the county. It shall be the duty of the clerks of the primary election when registering the name of a voter to place in the poll book a cross thus (X) in the column designating the party ticket which was given to said voter upon his application for a ticket.

SEC. 10. Challengers. The party committeeman for each party in each precinct may appoint in writing over his signature, two party agents or representatives, supporting different candidates for nomination for an office upon which the principal contest at said primary is being made, when there are two or more candidates for such position in the same party, who shall act as challengers for their respective parties, and shall have the same powers as challengers at general elections. The right of a person to vote at a primary election may be challenged upon the same ground and his right to vote be determined in the same manner as at a general election, also upon any ground touching his qualifications to vote under the provisions of this act. The committeeman of such party may represent the party at the polling place during the canvass of the votes or he may appoint another for that duty.

SEC. 11. Canvass of votes. The canvass of the votes after the close of the polls shall begin immediately in each precinct by opening the ballot boxes by the judges who shall proceed to take therefrom the ballots. Said officers shall count the number of ballots cast by each party, at the same time bunching the tickets cast by each party, together in separate piles, and then shall fasten each pile together, at the top of each ticket. As soon as the primary election board shall have sorted and fastened together the ballots of each separate party, then they shall take the tally sheets provided in the poll books and shall count all the ballots for each party separately until the count is completed, and shall certify to the number of votes cast for each candidate for each office and for delegates and committeeman upon the ticket of each party. They shall then place the counted ballots in a canvas bag

furnished for that purpose by the county auditor, but in no case shall they separate them from each other, and the bag shall be securely fastened and sealed. After all have been counted and duly certified to by the judges and clerks, they shall seal the returns for all parties in one envelope provided for that purpose, on the outside of which shall be printed in perpendicular columns the names of the several political parties, with the names of the candidates for the different offices under their respective party heading, together with blank spaces under appropriate headings for names of party delegates and committeemen, and opposite each candidate's name shall be placed the number of votes cast for such candidate in said precinct, and the names of the persons voted for under the head of delegates and committeemen shall be listed and opposite these names shall be placed the number of votes cast for each, and at the bottom the total vote cast for each political party in said precinct, to be returned to the county auditor.

SEC. 12. Delegates—credential certificates—vacancies. The requisite number of persons for delegates receiving the highest number of votes upon the respective party tickets, shall constitute the delegates from such precinct to the county convention, and a credential certificate shall be issued by the primary election board, upon a blank provided by the county auditor for that purpose, naming said delegates, their precinct, and the party selecting them, which credential shall be placed in the custody of the delegate receiving the highest number of votes, to be delivered to the committee on credentials at the county convention. In case of a tie vote in any precinct upon any delegate or delegates, the selection shall be determined by lot to be cast then and there as the primary board may determine. It shall be unlawful for any delegate to grant or convey his proxy to another person to serve in his place as a delegate, and the members of the precinct delegations duly selected at the primary election and in attendance at the party convention shall have the authority to either fill any vacancies arising upon the precinct delegation or to cast the full number of votes to which their precinct is entitled in the convention.

SEC. 13. Returns. The returns of the vote cast at the primary election together with the canvas bag containing the ballots, shall be made to the county auditor by the primary election boards, including a separately certified list of the delegates chosen to represent the various precincts in the county conventions, and also the committeemen elected to serve upon the county committees of the various political parties, by twelve o'clock noon of the next day following that upon which the primary election was held, and the county auditor shall certify a tabulated statement of the returns as reported to him from all the precincts of the county, together with the lists of delegates and committeemen and a list of the candidates for district and state offices voted upon and the vote cast for each, indicating the candidates for each office receiving the largest number of votes for district and state offices, to the chairmen of the respective county committees of the several political parties participating in said primary election by ten o'clock A.M. of the Friday following the first Tuesday in May, which returns shall be delivered by the county chairmen to the county convention of each party hereinafter provided.

SEC. 14. Party conventions—nominations. There shall be held conventions of delegates of the several political parties participating in the primary election on the Saturday following the first Tuesday in May at an hour and place designated by the county committees of the respective parties, and the chairman and secretary of the committee shall issue a call for same which shall be published in a newspaper of general circulation in the county at least ten (10) days preceding the time of meeting, designating the hour and place of holding the party convention. After the party convention shall have been duly constituted and organized, the secretary thereof shall read the detailed certification of returns from the primary

election as transmitted by the county auditor through the chairman of the county committee to the convention. If it shall appear that any candidate for any county office shall have a number of instructed delegates sufficient to be a majority of the whole number of delegates constituting the convention, said candidate shall thereupon be declared duly nominated without the formality of a ballot; and for such offices where no candidate shall have a majority of instructed delegates, a roll call shall be had of the various precincts of the county together with the number of votes to which each precinct may be entitled, the delegates announcing by precincts their choice for the particular office called, which balloting shall continue until some candidate for each office shall be declared the nominee of the convention for said office. And no person whose name shall not have appeared upon the primary ticket of his party in the primary election shall be entitled to receive votes in said county convention. The county convention shall by its chairman and secretary certify to the auditor of the county wherein same is held the nominees of the party; and no nominee shall be certified to except from among those whose names were printed upon the official ballot of the primary election. The conventions of the supervisorial districts and of the townships composed of more than one voting precinct shall be held in the forenoon of the same day as the county convention, and the nominees of said convention shall be duly certified to the county auditor as by law provided.

SEC. 15. Nominees for township offices. Candidates for township offices, except in townships composed of more than one precinct, receiving the highest number of votes cast as determined upon by a count of the votes by the primary election board shall be declared the nominee of the party in such townships. The names of candidates for nomination for offices in such townships as heretofore stated, shall be presented to the primary election board of their respective elective precincts and said board shall declare the same to the electors voting at said primary election so that said electors may vote for such candidates for nomination the same as for candidates for the various county and other offices and the nominees for township offices in such townships shall be duly certified to the county auditor by the officers of the primary election as by law provided.

SEC. 16. Names on ballot. There shall not be placed upon any official ballot to be voted in the next general election the name of any candidate of a political party which cast ten (10) per cent or more of the total vote cast at the preceding general election except in the manner hereinbefore provided.

SEC. 17. County committees. The county committees of the various political parties recognized by this act shall consist of one elector, a member of that particular political party from each voting precinct in the county, who shall be a legal voter in the precinct he is elected to represent. He shall be known as precinct committeeman and shall be elected at the primary election as hereinbefore provided.

SEC. 18. Saloons closed. The provision of section twenty-four hundred and forty-eight (2448) of the code, relating to the closing of saloons on election days, shall apply in like manner to the primary election day, under this act.

SEC. 19. Primary elections in cities—conventions—committees. The primary election in cities, as provided in this act, for the selection of delegates to municipal conventions and for voting instructions to delegates for candidates for municipal offices, and for the election of city committeemen, shall be held on the fourth Tuesday preceding the day of the municipal or city election, and all the provisions of this act shall apply to nomination of candidates for elective offices by political parties for municipal elections in such cities so far as applicable, and said municipalities shall pay the expenses of the same, all bills to be audited and passed upon by the city council. The city clerk shall receive the affidavits of candidates, and shall arrange, publish, have printed and furnish to the precinct election officers

the party tickets and necessary election supplies; to him shall be made the returns by the primary election boards, and he shall make certification of the results of the primary election to the chairmen of the city committees of the several political parties participating in said primary election by 1:30 P. M. of the Friday following said primary election, and perform such other duties relative [to] the city primary election, which shall be applicable thereto, as are provided for the county auditor in the primary election. A city convention of the various political parties participating in a primary election shall be held on the Saturday next following the day of holding the primary election, and in a like manner as provided for a county convention by this act. The delegates to the city convention shall nominate the candidates by a majority vote of said delegates from among those whose names were on the printed ballot of that party, and who were voted for at said primary election. The city committees of the various political parties recognized by this act shall consist of one elector, a member of that particular political party, from each voting precinct in the city, who shall be a legal voter in the precinct he is elected to represent. He shall be known as precinct committeemen [committeeman], and shall be elected at the city primary election.

SEC. 20. Official neglect or misconduct—penalty. Any primary election or other public officer, upon whom a duty is imposed by this act or by acts herein made applicable to primary elections, who shall willfully neglect to perform such duty or who shall willfully perform it in such a way as to hinder the objects thereof or shall disclose to anyone, except as may be ordered by any court of justice the contents of any ballot or any part thereof, as to the manner in which the same may have been voted, shall be punished by a fine of not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, or by imprisonment in the penitentiary not less than one or more than five years or by both fine and imprisonment.

SEC. 21. Agreement to assist candidate for pay or acceptance of pay—penalty. Any person who shall agree to perform any services in the interest of any candidate in consideration of any money or other valuable thing, or who shall accept any money or other valuable thing for such services performed in the interest of any candidate, shall be punished by a fine of not more than three hundred dollars (\$300.00) or be imprisoned in the county jail not exceeding thirty days. But nothing herein shall be construed to include persons making contracts in good faith for the conveyance of voters to and from polling places on the day of the primary election and the payment of any reasonable compensation for such services.

SEC. 22. Bribery—penalty. Any person offering or giving a bribe either in money or other consideration to any elector for the purpose of influencing his vote at any primary election, or any elector entitled to vote at such primary election receiving and accepting such bribe, any person making false answer to any of the provisions of this act relative to his qualifications and party affiliations; any person willfully voting or offering to vote at a primary election who has not been a resident of this state for six (6) months next preceding said primary election, or who, at the primary election, is not twenty-one (21) years of age, or is not a citizen of the United States; or knowing himself not to be a qualified elector of such precinct where he offers to vote; or any person violating any of the provisions of this act or of the code, as may be hereto applied, and any person knowingly procuring, aiding, abetting such violation, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum not less than one hundred (100) dollars nor more than five hundred (500) dollars, and be imprisoned in the county jail not less than ten (10) days nor more than ninety (90) days.

SEC. 23. When applicable. This act shall not apply to the nomination of candidates or choice of delegates made prior to the next general election.

SEC. 24. In effect. This act shall take effect and be in force from and after its publication in the Register and Leader and the Daily Iowa Capital,

newspapers published in Des Moines, Iowa, and the same shall be published in the official newspapers of the county wherein same shall be applicable at the expense of the respective counties.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Daily Iowa Capital, April 13, 1904,

W. B. MARTIN,
Secretary of State.

CHAPTER 41.

FILLING VACANCIES IN OFFICE.

H. F. 14.

AN ACT to amend section twelve hundred and seventy-two (1272), of the code relating to the filling of vacancies in office.

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

SECTION 1. Vacancies. That section twelve hundred seventy-two (1272) of the code be and the same is hereby amended by striking out all after the word "offices" in the nineteenth line of said section down to and including the word "council" in the twenty-fourth line of said section, and enacting in lieu thereof the following:

"the council may appoint any qualified elector to fill such vacancy, who shall qualify in the same manner as persons regularly elected to fill such office, and shall hold such office until the qualification of the officer elected to fill such vacancy, who shall be elected at the next regular municipal election;"

SEC. 2. In effect. This act, being deemed of immediate importance, shall be in force from and after its publication in the Register-Leader & Des Moines Daily Capital, newspapers published in the City of Des Moines.

Approved February 27, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, February 29, 1904, and Register-Leader February 29, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 42.

COUNTY LEVY FOR BRIDGE PURPOSES.

H. F. 16.

AN ACT to amend section one thousand three hundred three (1303) of the code, in relation to county levy for bridge purposes.

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

SECTION 1. Levy—amount of. That line one in paragraph four of section thirteen hundred and three (1303) of the code be amended by striking out the word "three" and inserting in lieu thereof the word "four".

Approved February 24, A. D. 1904.

CHAPTER 43.

ERECTION OR PURCHASE OF WATERWORKS AND A SYSTEM OF SEWERS.

H. F. 862.

AN ACT to amend section two (2), chapter forty-one (41) of the acts of the Twenty-eighth General Assembly as found in section thirteen hundred and six-b (1306-b) of the supplement to the code relating to the amount of indebtedness which incorporated towns and cities of the second class may incur, for the purpose of erecting or purchasing waterworks and a system of sewers.

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

SECTION 1. Amount of indebtedness. That section 2, chapter 41, of the acts of the Twenty-eighth General Assembly as found in section thirteen

hundred and six-b (1306-b) of the supplement to the code be, and the same is hereby, amended by adding thereto the following words, namely:

“Provided, however, that incorporated towns and cities of the second class for the purpose of erecting or purchasing waterworks and a system of sewers, shall be allowed to become indebted for said purpose to an amount aggregating, with all other indebtedness of such incorporated town or city, in a sum not exceeding two and one-half per centum of the actual value of the property within said city or town, to be ascertained in the manner and form aforesaid.”

SEC. 2. Petition for election. Provided; that before such indebtedness can be contracted in excess of one and one-quarter per centum of the actual value of the taxable property ascertained as provided in said section two (2), chapter forty-one (41) as found in section thirteen hundred and six [b] (1306-b) of the supplement to the code, a petition signed by a majority of the qualified electors of such city or town shall be filed with the council of such city or town, asking that an election shall be called, stating the purposes for which the money is to be used, and the necessary waterworks or system of sewers cannot be purchased or built and furnished within the limit of one and one-quarter per centum of the valuation.

SEC. 3. Notice of election—ballot. The council of such city or town on the receipt of such petition shall at the next regular meeting call such election fixing the time and place thereof, and give four weeks' notice thereof, in some newspaper published in the said town or city, or if none be published there then in the next nearest town or city in the county, at such election the ballots shall be prepared, and used in substantially the following form:

For the issuance of bonds in the sum of \$.....

for waterworks or sewer purposes,

Against the issuance of bonds in the sum of \$.....

for waterworks or sewer purposes,

SEC. 4. Bonds. If two-thirds or more of all the electors voting at such election vote in favor of the issuance of such bonds, the council of such city or town shall issue the same and make provision for the payment of the same and the interest thereon as provided in section twenty-eight hundred and twelve (2812) and twenty-eight hundred and thirteen (2813) of the code.

SEC. 5. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 8, 1904, and in the Des Moines Daily Capital, April 9, 1904.

W. B. MARTIN,
Secretary of State

CHAPTER 44.

REPORT OF TELEGRAPH AND TELEPHONE COMPANIES FOR ASSESSMENT PURPOSES.

H. F. 254.

AN ACT providing the manner in which telegraph and telephone companies shall report for assessment purposes, amendatory of code sections number thirteen hundred twenty-eight (1328), and thirteen hundred twenty-nine (1329).

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

SECTION 1. To report to executive council. That section thirteen hundred twenty-eight (1328) of the code be amended by striking out of the

third line the words "auditor of state" and inserting in lieu thereof the words "executive council of Iowa".

SEC. 2. Failure to make statement. That section thirteen hundred twenty-nine (1329) of the code be amended by striking out of the second and third lines the words "The auditor of state shall lay the same before the executive council" and inserting in lieu thereof the words "The executive council shall examine said statements". And by striking out of the eleventh line of said section the words, "auditor of state", and inserting in lieu thereof the words, "executive council of Iowa".

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the "Register and Leader" and the "Des Moines Daily Capital", newspapers published at Des Moines, Iowa.

Approved March 24, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 25, 1904, and the Register and Leader, March 26, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 45.

ASSESSMENT OF TELEGRAPH AND TELEPHONE COMPANIES.

S. F. 302.

AN ACT to amend the law, as it appears in section thirteen hundred and thirty-b (1330-b) of the supplement to the code in reference to the assessment of telegraph and telephone companies.

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

SECTION 1. Assessment in each county—how certified. That the law as it appears in section thirteen hundred and thirty-b (1330-b) of the supplement to the code be amended by striking out all of said section after the word "certified" in the seventh (7th) line, and inserting the following in lieu thereof: "to the several county auditors of the respective counties into, over or through which said line extends".

Approved April 6, A. D. 1904.

CHAPTER 46.

RAILWAY AND OTHER CORPORATIONS TO REPORT REAL ESTATE OWNED BY THEM TO EXECUTIVE COUNCIL.

H. F. 305.

AN ACT requiring railway and other corporations owning real estate to report the same to the executive council for assessment and amending the law as it appears in section thirteen hundred thirty-four (1334) of the supplement to the code.

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

SECTION 1. Detailed statements—what to include. Each railway or other corporation required by law to report to the executive council under the provisions of the law as it appears in section thirteen hundred thirty-four (1334) of the supplement to the code shall, on or before the first day of April, 1905, make to the executive council a detailed statement showing the amount of real estate owned or used by it on December 31, 1904, for railway purposes, in each county in the state in which said real estate is situated, including the right of way, roadbed, bridges, culverts, depot grounds, sta-

tion buildings, yards, section and tool houses, round houses, machine and repair shops, water tanks, turn-tables, gravel beds and stone quarries, and for all other purposes, with the estimated actual value thereof, in such manner as may be required by the executive council. Only one such detailed statement by any corporation shall be necessary, and when received by the council it shall become the record of railway lands of such corporation, and be deemed as annually thereafter reported for valuation and assessment by the executive council. On or before the first day of April of each subsequent year such corporation shall in like manner report all real estate acquired for any of the railway purposes above named during the preceding calendar year; and also a list of any real estate, previously reported, disposed of during the same period, which disposition shall be noted by the council in an appropriate column opposite to the description of said tract in the original report of the same in the record of railway land.

SEC. 2. Record of railway lands. The executive council shall, by some convenient method of binding, arrange the statements required to be made under the provision of the preceding section so as to form a consolidated list of all real estate reported to it as being owned or used for railway purposes within the state of Iowa, which list shall be known as the record of railway lands.

SEC. 3. Repealed. Sub-section three (3) of the law as it appears in section thirteen hundred thirty-four (1334) of the supplement to the code and all other statutes or parts of statutes in conflict herewith are hereby repealed.

Approved March 30, A. D. 1904.

CHAPTER 47.

TAXATION OF FREIGHT LINE AND EQUIPMENT COMPANIES.

S. F. 265.

AN ACT to amend the law as it appears in sections thirteen hundred forty-two-b (1342-b) and thirteen hundred forty-two-d (1342-d) of the supplement to the code, relating to the taxation of freight line and equipment companies.

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

SECTION 1. Verified statement—what to include. That the law as it appears in section thirteen hundred forty-two-b (1342-b) of the supplement to the code be and the same is hereby amended by striking out sub-section six (6) of said section and inserting in lieu thereof the following:

“Sixth—The aggregate number of miles traveled within the state of Iowa by its cars during the preceding calendar year.”

SEC. 2. Same. That the law as it appears in section thirteen hundred forty-two-b (1342-b) of the supplement to the code be further amended by striking out sub-section seven (7) of said section and inserting in lieu thereof the following:

“Seventh—The average number of miles traveled by the cars of each class of its cars during the preceding calendar year. The number of cars necessary for the mileage traveled within the state of Iowa, under the circumstances that ordinarily attend the use of such cars and where different classes of cars are used by said company, as to the matters embraced in this and the preceding paragraph, it shall furnish the required information as to each class of said cars, in the form prescribed by blanks to be furnished by the executive council.”

SEC. 3. Assessment by executive council. That the law as it appears in section thirteen hundred forty-two-d (1342-d) of the supplement to the code be and the same is hereby amended by striking out the words “para-

graph six of the preceding section" in lines five and six of said section and inserting in lieu thereof the following: "paragraphs six and seven of section two".

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 48.

VOCATION OF PEDDLERS.

H. F. 165.

AN ACT to repeal the law as it appears in section thirteen hundred and forty-seven-a (1347-a) of the supplement to the code relating to the vocation of peddlers and to enact a substitute therefor.

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

SECTION 1. Repealed—peddlers—amount of tax. That the law as it appears in section thirteen hundred forty-seven-a (1347-a) of the supplement to the code be, and the same is hereby repealed, and the following is enacted in lieu thereof:

"Peddlers plying their vocation in any county in this state outside of a city or incorporated town, shall pay an annual county tax of not less than five dollars (\$5.) or more than one hundred dollars (\$100), as the board of supervisors of any county may provide for that county. Such tax shall be paid to the county treasurer, who shall issue to the person making such payment duplicate receipts therefor and upon presentation of one of same to the county auditor he shall issue to the person presenting such receipt a license which shall not be transferable authorizing such person to ply the vocation of a peddler in such county for the term of one year from the date thereof. The word "peddlers" under the provisions of this act, and wherever found in the code, shall be held to include and apply to all transient merchants and itinerant vendors selling by sample or by taking orders, whether for immediate or future delivery. The provisions of this act shall not be construed to apply to persons selling at wholesale to merchants, nor to transient vendors of drugs, nor to persons running a huckster wagon, or selling and distributing fresh meats, fish, or vegetables, nor to persons selling their own work or production."

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 12, 1904, and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 49.

PLATS OF TELEGRAPH AND TELEPHONE LINES FILED WITH COUNTY AUDITOR.

S. F. 806.

AN ACT providing for the filing with county auditors of maps of telephone and telegraph lines within the several counties in the state. [Additional to chapter one (1), of title seven (VII) of the code, relating to assessment of taxes.]

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

SECTION 1. Plats—when filed. That on or before the first day of August, A. D. 1904, each telephone or telegraph company owning or operating a telephone or telegraph line, any part of which lies within the state of Iowa, shall file with the several county auditors of the counties within which any part of its line is located, a map of all its lines within said county, except its line within any platted city or town, drawn to a scale of not less than one (1) inch to four (4) miles, on which the location of the line or lines of said company is correctly shown. The map of any line situated upon any highway or street which is the dividing line between taxing districts, shall show on which side of said street or highway said line is situated and shall locate all points at which said line may cross said street or highway. A statement showing the length of pole line in each taxing district, of each company shall be filed when no map of the pole lines of such company is required under the terms of this act. A telephone or telegraph company whose line is situated upon the right of way of a railway may file, in lieu of the map required to be filed by the provisions of this section, a certificate setting forth along what lines of railway said company's telephone or telegraph line extends. On or before the first day of March, A. D. 1905, and annually thereafter, like maps, statements or certificates shall be filed with the several county auditors of counties in which any part of said lines may have been extended, constructed, relocated or taken down entirely, during the preceding calendar year, showing the correct location of all such new or relocated lines, and the location of any part abandoned or taken down, as the same existed on the thirty-first day of December preceding. Provided, county auditors of the several counties shall, upon application of any company, owning or operating a telephone or telegraph line in their respective counties, furnish a map or maps accurately showing the boundaries of all taxing districts in said county, and the public highways located within such taxing districts.

SEC. 2. Failure or refusal to file. In the event of the failure or refusal of any telephone or telegraph company, owning or operating any telephone or telegraph line not situated upon the right of way of a railway, to file the map required under the provisions of section one (1) of this act, at the time and according to the conditions named, then the county auditor may cause the same to be prepared by the county surveyor and the cost thereof shall, in the first place, be audited and paid by the board of supervisors of the county, out of the county fund, and the amount thereof shall be by said board levied as a special tax against said company and the property of said company, which shall be collected in the same manner as county taxes and become a part of the county fund.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Daily Capital and the Register and Leader, newspapers published at Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 8, 1904, and the Des Moines Daily Capital, April 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 50.

ROAD TAX.

H. F. 255.

AN ACT relating to road tax, and amending sections thirteen hundred eighty-three (1383), and fifteen hundred thirty-three (1533), of the code.

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

SECTION 1. Not included in consolidated tax. Section thirteen hundred eighty-three (1383), of the code, is hereby amended, by inserting the words, "except road-tax", after the word, "taxes", in the first line of said section.

SEC. 2. Collection of tax. Section fifteen hundred thirty-three (1533), of the code, is hereby amended by striking from the eleventh line of said section, the words, "as other taxes".

SEC. 3. In effect. This act shall take effect and be in force, from and after its publication in the Register and Leader, and the Des Moines Daily Capital, two newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 51.

COLLECTION OF TAX ON COLLATERAL INHERITANCES.

S. F. 225.

AN ACT to amend section fourteen hundred and sixty-seven (1467) of the code, relating to the collection of a tax on collateral inheritances.

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

SECTION 1. Rate. That section fourteen hundred and sixty-seven (1467) of the code be and the same is hereby amended by the addition thereto of the following, to wit:

"Whenever property, or any interest therein, shall pass to heirs, devisees, or other beneficiaries, as contemplated in the foregoing provisions, who are aliens, non-residents of the United States, the same shall be subject to a tax of twenty per centum (20%) of its true value, except where such foreign beneficiaries are brothers or sisters of the decedent owner, when the rate of tax to be assessed and collected therefrom shall be ten per centum (10%) of the value of the property or interest so passing."

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 52.

STEAM ENGINES ON PUBLIC ROADS.

S. F. 296.

AN ACT to amend the law as it appears in section fifteen hundred seventy-one (1571) of the supplement to the code, relating to steam engines on public roads.

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

SECTION 1. County not liable for personal injuries. That the law as it appears in section fifteen hundred and seventy-one (1571) of the supplement to the code be, and the same is hereby amended by inserting after the word "no" in the sixteenth line of said section, and before the word "case" in the seventeenth line of said section the word "such"; and by inserting after the word "liable" in the seventeenth line thereof the following: "for personal injuries or".

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 53.

MOTOR VEHICLES.

H. F. 142.

AN ACT requiring registration of motor vehicles and regulating their use or operation upon highways or streets. [Additional to chapter two (2) of title eight (VIII) of the code, relating to working roads.]

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

SECTION 1. Terms defined. The words and phrases used in this act shall, for the purposes of this act only, be construed as follows: 1, "Motor vehicle" shall include all vehicles propelled by any power other than muscular power, excepting such motor vehicles as run only upon rails or tracks, provided that nothing herein contained shall apply to traction engines or road rollers; 2, "Closely built up portions", shall mean the territory of a city town or village contiguous to a public highway devoted to business or where for not less than one fourth ($\frac{1}{4}$) of a mile the dwelling houses on such highway average not more than one hundred (100) feet apart.

SEC. 2. Statement—fees. Every owner of a motor vehicle shall, for every such vehicle owned by him, file in the office of the secretary of state a statement of his name and address, with a brief description of the vehicle to be registered, on a blank to be prepared and furnished by such secretary for that purpose. The filing fee shall be one (1) dollar.

SEC. 3. Statement filed—registration number. The secretary of state shall thereupon file such statement in his office, register such motor vehicle in a book to be kept for that purpose, and assign it a number, beginning with the number one (1) and so on in the order of filing.

SEC. 4. Change of owner—re-registration. Every person acquiring a motor vehicle shall file a like statement with the secretary of state and such secretary of state shall, in like manner, file such statement, register such vehicle and assign it a number. If the vehicle has previously been regis-

tered, such fact and number assigned it shall be set forth in the statement, and the previous registration shall be canceled; but the number of such previous registration may be assigned under the new registration.

SEC. 5. Seal. The secretary of state shall forthwith on such registration, and without other fee, issue and deliver to the owner of such motor vehicle a seal of aluminum or other suitable metal, which shall be circular in form, not over two (2) inches in diameter, and have stamped therein the words "registered in the office of the secretary of state for the state of Iowa, under the motor vehicle law, No.———" with the registration number inserted therein; which seal shall thereafter at all times be conspicuously displayed on the motor vehicle to which such number has been assigned.

SEC. 6. Number displayed. Every motor vehicle shall also at all times have the number assigned to it by the secretary of state displayed on the back of such motor vehicle in such a manner as to be plainly visible, the number to be in Arabic numerals, each not less than three (3) inches in height, and each stroke to be of a width not less than one half ($\frac{1}{2}$) inch, and also as a part of such number the initial and terminal letters of the state's name, such letters to be not less than two (2) inches in height.

SEC. 7. Non-resident owner. The provisions of sections two (2) to five (5) inclusive shall not apply to motor vehicles owned and operated by non-residents of this state, provided the owners thereof have complied with any law requiring the registration of owners of motor vehicles in force in the state, territory or federal district of their residence, and the registration number showing the initial of such state, territory or federal district shall be displayed on such vehicle substantially as provided by section six (6) of this act.

SEC. 8. Regulations. No person shall operate a motor vehicle on a public highway at a rate of speed greater than is reasonable and proper, having regard to the traffic and use of the highway, or so as to endanger the life or limb of any person, or in any event in the closely built up portions of a city, town or village, at a greater rate than one (1) mile in six (6) minutes, or elsewhere in a city, town or village at a greater rate than one (1) mile in four (4) minutes, or elsewhere outside of a city town or village at a greater average rate than twenty (20) miles per hour; subject, however, to the other provisions of this section. Upon approaching a crossing of intersecting public highways, or a bridge, or a sharp curve, or a steep descent, and also in traversing such crossing, bridge, curve or descent, a person operating a motor vehicle shall have it under control and operate it at a rate of speed less than hereinbefore specified, and in no event greater than is reasonable and proper, having regard to the traffic then on such highway and the safety of the public.

SEC. 9. Caution—signals. Any person operating a motor vehicle shall, at request or on signal by putting up the hand, from a person riding or driving a restive horse or other draft or domestic animals, bring such motor vehicle immediately to a stop, and, if traveling in the opposite direction, remain stationery so long as may be reasonable to allow such horse or animals to pass, and, if traveling in the same direction, use reasonable caution in passing such horse or animal, and the operator and occupants of any motor vehicle shall render necessary assistance to the party having in charge said horse or other draft animal in so passing.

SEC. 10. Brakes—signal bell or horn—lamps. Every motor vehicle while in use on a public highway shall be provided with good and efficient brakes, and also with a suitable bell, horn or other signal, and be so constructed as to exhibit, during the period from one (1) hour after sunset to one (1) hour before sunrise, one or more lamps showing white light visible within a reasonable distance in the direction toward which such vehicle is proceeding, and also a red light visible in the reverse direction.

SEC. 11. Powers of cities and towns. Cities and towns shall have no power to pass, enforce or maintain any ordinance, rule or regulation requiring of any owner or operator of a motor vehicle any license or permit to use the public highways or excluding or prohibiting any motor vehicle whose owner has complied with section two (2) or section four (4) of this act from the free use of such highway, and all such ordinances, rules or regulations now in force are hereby declared to be of no validity or effect; provided that nothing in this act shall be construed as limiting the power of local authorities to make enforce and maintain ordinances, rules or regulations, in addition to the provisions of this act, affecting motor vehicles which are offered to the public for hire.

SEC. 12. Penalties. The violation of any of the provisions of this act, shall be deemed a misdemeanor, punishable by a fine not exceeding twenty-five dollars (\$25.) for the first offense, and punishable by a fine of not less than twenty-five dollars (\$25.) nor more than fifty dollars (\$50.), or imprisonment not exceeding thirty (30) days in the county jail for a second or subsequent offense.

Approved April 12, A. D. 1904.

CHAPTER 54.

OWNERSHIP OF REAL PROPERTY BY CORPORATIONS.

H. F. 158.

AN ACT to amend section sixteen hundred and forty-one (1641) of the code, relating to ownership of real property by corporations organized in this or any other state for pecuniary profit.

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

SECTION 1. Repealed—ownership of property. That section sixteen hundred and forty-one (1641) of the code be repealed and the following enacted in lieu thereof:

“Corporations organized in any foreign country or corporations organized in this country, the stock of which is owned in whole or in part by non-resident aliens, shall have the same rights, powers and privileges with regard to the purchase and ownership of real estate in this state as are granted to non-resident aliens in section twenty-eight hundred and ninety (2890) of the code.”

Approved February 27, A. D. 1904.

CHAPTER 55.

THE VOTING OF CORPORATE STOCK.

S. F. 206.

AN ACT relating to the right to vote corporate stock. Additional to chapter one (1), title nine (IX), of the code.

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

SECTION 1. Right to vote stock. Every executor, administrator, guardian, or trustee, shall represent the stock in his hands at all corporate meetings, and may vote the same as a stockholder; and every person who shall pledge his stock, in the absence of a written agreement to the contrary, may represent the same at all such meetings and vote accordingly. The owner of corporate stock levied upon by attachment or other proceeding, shall have the right to vote the same at all corporate meetings, until such time as that

he shall have been divested of his title thereto by execution sale. But nothing contained in this section shall in any manner conflict with any provision in the articles of incorporation, or the by-laws of the corporation issuing the stock.

Approved March 21, A. D. 1904.

CHAPTER 56.

EXAMINATION OF INSURANCE COMPANIES.

H. F. 144.

AN ACT to provide for the examination of insurance companies. [Amendatory of chapters four (4), five (5), six (6), seven (7) and eight (8) of title nine (IX) of the code, relating to insurance.]

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

SECTION 1. Examination authorized—at least biennially. The auditor of state may, at any time he may deem it advisable, make an examination of or inquire into the affairs of any insurance company authorized or seeking to be authorized to transact business within this state, provided that such examination shall not be less frequent than once during each biennial period.

SEC. 2. Companies to assist—administer oaths. When any company is being examined, the officers, employes or agents thereof shall produce for inspection all books, documents, papers or other information concerning the affairs of such company, and shall otherwise assist in such examination so far as they can do. The auditor of state, or his legally authorized representative in charge of the examination, shall have authority to administer oaths and take testimony bearing upon the affairs of any company under examination.

SEC. 3. Examiner—assistants—compensation—expenses—how paid. For the purpose of carrying into effect the provisions of this act, the auditor of state is hereby authorized to appoint an insurance examiner, who shall also be a competent actuary, who shall receive for his services a salary of two thousand dollars per year, and who, while conducting examinations, shall possess all the powers conferred upon the auditor of state for such purposes. Said examiner shall give bond to the state conditioned upon the faithful performance of his duties, in the sum of five thousand dollars, which bond shall be filed with and approved by the auditor of state. The entire time of the examiner shall be under the control of the auditor of state, and shall be employed as he may direct. The auditor of state may, when in his judgment it is advisable, appoint assistants to aid in making examinations. Such assistants shall receive as compensation for their services not to exceed five dollars per day each. Said examiner and assistants shall receive no other or further compensation than as above provided, except that they and the auditor of state shall receive actual and necessary traveling, hotel and other expenses while engaged in conducting examinations away from their respective places of residence. Such expenses, together with the compensation of the assistants, shall be paid by the treasurer of state, upon warrants drawn by the auditor of state, bills for the same having first been approved by the executive council. Such bills shall be filed under oath of the party incurring the expense and shall be approved by the person in charge of the examination. The salary of the examiner shall be paid as are the salaries of other employes of the auditor's office. All bills for expenses of any examination, together with the compensation of the assistants, shall be charged to and paid by the companies examined, and upon failure or refusal of any company examined to pay such bill or bills, the same may be recovered in an

action brought in the name of the state under the direction of the executive council, and the auditor may also revoke the certificate of authority of such company to transact business within this state. All fees collected under the provisions of this chapter shall be paid to the auditor of state and shall be by him turned into the state treasury as are other fees of his office.

SEC. 4. Revocation of certificate—publication of results of examination. If upon investigation or examination, it shall appear that any company is insolvent or in an unsound condition, or is doing an illegal or unauthorized business, or that it has refused or neglected for more than thirty days to pay final judgment rendered against it in the courts of this state, the auditor of state may suspend its authority to transact business within this state until it shall have complied in all respects with the laws applicable to such company or has paid such judgment, or he may revoke its certificate of authority to transact business within this state and having revoked the certificate of any company organized under the laws of this state, he shall at once report the same to the attorney-general, who shall apply to the district court or any judge thereof for the appointment of a receiver to close up the affairs of said company; provided that in the case of companies organized on the stock plan under the provisions of chapter four, title IX of the code, the above named officers shall proceed as provided in sections seventeen hundred thirty-one (1731) and seventeen hundred thirty-two (1732) of the code; and in case of companies organized under the provisions of chapter six, title IX of the code, said officers shall proceed as provided in sections seventeen hundred seventy-seven (1777) and seventeen hundred seventy-eight (1778) of the code, and no receiver shall be appointed for any company contemplated by this chapter except upon application of the attorney-general, unless five days notice shall have been served upon the auditor of state and attorney-general, stating the time and place of the hearing of such application, at which time and place said officers shall have the right to appear and be heard as to such application and appointment. The results of any examination shall be published in one or more newspapers of the state or in pamphlet form, when in the opinion of the auditor of state the interests of the public require it.

SEC. 5. Transfer of stock pending examination. Any transfer of stock of any company, pending an investigation, shall not release the party making the transfer from any liability for losses that may have occurred previous to such transfer.

SEC. 6. Soliciting business after revocation of authority—penalty. Any officer, manager, agent or representative of any insurance company contemplated by this act, who, with knowledge that its certificate of authority has been suspended or revoked, or that it is insolvent, or is doing an unlawful or unauthorized business, solicits insurance for said company, or receives applications therefor, or does any other act or thing toward receiving or procuring any new business for said company, shall be deemed guilty of a misdemeanor and shall be subject to the penalties provided in section eighteen hundred fourteen (1814) of the code, and the provisions of said section are hereby extended to all companies contemplated by this act.

SEC. 7. Refusing to be examined—penalty. Should any company decline or refuse to submit to an examination as in this act provided, the auditor of state shall at once revoke its certificate of authority, and if such company is organized under the laws of this state, he shall report his action to the attorney-general, who shall at once apply to the district court or a judge thereof for the appointment of a receiver to wind up the affairs of the company.

SEC. 8. Non-resident companies. Examination of insurance companies not located within this state shall only be made by order of the executive council, and at such time as it may direct.

SEC. 9. "Company" defined. The word "company" as used in this act shall mean all companies or associations organized under the provisions

of chapters four, five, six, seven or eight of title nine of the code, except county mutuals, and all companies or associations admitted or seeking to be admitted to this state under the provisions of any of the chapters herein referred to.

SEC. 10. Acts in conflict—repealed. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 11. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the "Register and Leader," and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved March 17, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 18, 1904, and the Register and Leader, March 19, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 57.

LICENSING OF INSURANCE AGENTS.

H. F. 888.

AN ACT to provide for the licensing of agents of insurance companies and associations. [Amendatory of chapters four (4), five (5), six (6), seven (7) and eight (8) of title nine (IX) of the code, relating to insurance.]

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

SECTION 1. Agent must be licensed—Auditor may revoke license. No person shall directly or indirectly, act within this state as agent or otherwise, in receiving or procuring applications for insurance, or in doing or transacting any kind of insurance business for any company or association, other than county mutuals or fraternal beneficiary associations, until he has procured from the auditor of state a license authorizing him to act for such company or association as agent which license shall terminate at the end of the insurance year for which such company or association is authorized to transact business. The auditor of state may, for good cause, decline to issue such license or may, for like cause, revoke the same. The fee charged for such agent's license shall be, for domestic companies, fifty cents, and for companies located outside the state, two dollars.

SEC. 2. Acting without license—penalty. Any person acting as agent or otherwise representing any insurance company or association, in violation of the provisions of this act, shall be liable to a fine of twenty-five dollars for each day he shall so act.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the "Register and Leader" and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 12, 1904, and in the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 58.

CONSOLIDATION OR RE-INSURANCE OF THE RISKS OF INSURANCE COMPANIES.

H. F. 145.

AN ACT to provide for the consolidation or re-insurance of the risks of insurance companies or associations with or by other companies or associations authorized to transact business within this state, and providing a plan for such consolidation or re-insurance. [Additional to chapters four (4), five (5), six (6), seven (7) and eight (8) of title nine (IX) of the code, relating to insurance.]

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

SECTION 1. "Company" defined. The word "company" or "companies" when used in this act shall mean any company or association organized under the provisions of chapters four, five, six, seven or eight of title nine of the code, except county mutuals.

SEC. 2. Life companies. No company organized under the laws of this state to do the business of life insurance, either on the stock, mutual, stipulated premium or assessment plan, shall consolidate with any other company or re-insure its risks, or any part thereof, with any other company, or assume or re-insure the whole or any part of the risks of any other company, except as hereinafter provided. Provided that nothing contained in this chapter shall prevent any company as defined in section one (1) of this act from re-insuring a fractional part of any single risk.

SEC. 3. Submit plan to auditor of state—statement as to condition. When any such company shall propose to consolidate or enter into any re-insurance contract with any other company, it shall present its plan to the auditor of state, setting forth the terms of its proposed contract of consolidation or re-insurance, asking for the approval or any modification thereof, which the commission hereinafter provided for may approve. The company must also file a statement of its assets and if a legal reserve company, of the reserve value of its policies or contracts.

SEC. 4. Commission to proceed without notice—may require notice. The commission shall proceed to hear and determine such petition, without notice. But if the commission shall deem it necessary in order to conserve the interests of the policy holders that notice shall be given, it shall require the company or companies to notify, by mail, all of the members or policy holders of the said company or companies of the pendency of such petition, and the time and place at which the same will be heard, the length of time of such notice to be determined by the commission.

SEC. 5. Commission—how composed—unanimous approval. For the purpose of hearing and determining such petition, a commission consisting of the governor, auditor of state and attorney-general is hereby created. In the inability of the governor to act, the secretary of state may act in his stead. The commission may make such examination into the affairs and condition of any company or companies as it may deem proper, and shall have power to summon and compel the attendance and testimony of witnesses, and the production of books and papers before said commission and may administer oaths. When notice shall have been given as above provided, any policy holder or stockholder of said company or companies shall have the right to appear before said commission and be heard with reference to said petition. Said commission, if satisfied that the interests of the policy holders of said company or companies are properly protected and no reasonable objection to said petition exists, may authorize the proposed consolidation or re-insurance or may direct such modification thereof as may seem to it best for the interests of the policy holders; and said commission may make such order and disposition of the assets of any such company thereafter remaining as shall be just and equitable. Such consolidation or re-insurance shall

only be approved by the consent of all of the members of said commission, and it shall be the duty of said commission to guard the interests of the policy holders of any such company or companies proposing consolidation or re-insurance. In case of companies organized on the assessment plan, the commission may require the plan of consolidation or re-insurance to be submitted to the membership of such company or companies to be voted upon. When submitted, it shall be at a meeting called for that purpose, thirty days notice being given, and a two-thirds vote of all the members present and voting shall be necessary to an approval of any plan of consolidation or re-insurance, and no proxies shall, in any case, be voted. Any plan of consolidation or re-insurance submitted as herein contemplated, must first have been approved by the commission, and the result of said vote must be filed with the auditor of state and be by him determined before any consolidation or reinsurance shall be effected.

Sec. 6. Companies other than life—approval of plan. When any company or companies not named in section two of this act desire to consolidate or re-insure, it shall only be necessary for such company or companies to submit the plan of consolidation or re-insurance with any other information that may be required, to the auditor of state and the attorney-general and have the same by them approved.

SEC. 7. Consolidation with unauthorized companies prohibited. No company or companies as defined by section one of this act shall consolidate or re-insure with any other company or companies not authorized to transact business in this state.

SEC. 8. Expenses, how paid. All expenses and costs incident to proceedings under the provisions of this chapter, shall be paid by the company or companies bringing the petition.

SEC. 9. Penalty. Any officer, director or stockholder of any company or companies, as defined in this act, violating or consenting to the violation of any of the provisions hereof, shall be punished by a fine of not less than one thousand dollars, or by imprisonment in the county jail for not less than one year, or by both such fine and imprisonment in the discretion of the court.

SEC. 10. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the "Register and Leader" and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved March 30, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital March 31, 1904, and the Register and Leader, April 1, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 59.

APPROVAL OF POLICIES OR CONTRACTS OF LIFE INSURANCE COMPANIES.

H. F. 889.

AN ACT to provide for the approval of policies or contracts of life insurance companies contemplated by chapter six (6) of title nine (IX) of the code.

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

SECTION 1. Policy forms filed with auditor of state. It shall be unlawful for any insurance company transacting business within this state, under the provisions of chapter six (6) of title nine (9) of the code, to write or use any form of policy or contract of insurance, on the life of any individual in this state, until a copy of such form of policy or contract has been filed with the auditor of state subject to approval or disapproval by the governor, auditor of state and attorney-general, or by any two of them. Any

form of policy or contract which has been disapproved by said officials shall not be written or used in this state.

SEC. 2. Medical examination. Said officials shall decline to approve any such form of policy or contract of insurance unless the same shall, in all respects, conform to the laws of this state applicable thereto, and unless the issuance of the same is based upon a satisfactory medical examination of the applicant by a physician duly authorized to practice medicine in the state of Iowa, or the state where examined and no policy or contract of insurance shall be issued by any insurance company to any individual in this state until such examination shall have been passed and duly approved by the medical examiner or medical board of such company.

SEC. 3. Penalty. Any company violating any of the provisions of this act shall, upon conviction thereof, be fined in a sum not less than one hundred nor more than one thousand dollars for each such offense, and the court may also revoke its authority to do business within this state. Should any company decline to file a copy of its form of policies or contracts, as provided in this act, the auditor of state shall suspend its authority to transact business within the state until such form of policies or contracts have been so filed and approved.

Approved April 12, A. D. 1904.

CHAPTER 60.

RELATING TO STIPULATED PREMIUM, AND ASSESSMENT LIFE INSURANCE ASSOCIATIONS.

H. F. 819.

AN ACT to amend section seventeen hundred and eighty-eight (1788) of the code, relating to stipulated premium, and assessment life insurance associations.

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

SECTION 1. Transfer of funds. That section seventeen hundred and eighty-eight (1788) of the code be amended by adding thereto the words "except that all sums collected for expenses and not used for that purpose may be transferred to the benefit, emergency or reserve fund."

Approved March 30, A. D. 1904.

CHAPTER 61.

EXAMINATION OF FRATERNAL BENEFICIARY ASSOCIATIONS.

H. F. 881.

AN ACT to provide for the examination of fraternal beneficiary associations. [Amendatory to chapter nine (9) of title nine (IX) of the code, relating to fraternal beneficiary societies, orders and associations.]

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

SECTION 1. "Association" defined. The term "association" when used in this act shall mean any society, order or association organized or authorized under the provisions of chapter nine of title nine of the code.

SEC. 2. Examination—assistants—compensation. The auditor of state may, at any time he may deem it advisable, either in person or by his legally appointed representative, make an examination of or inquire into the affairs of any fraternal beneficiary association authorized or seeking to be authorized to transact business within this state, provided the examination of associations organized under the laws of this state shall not be less frequent than once during each biennial period. To aid in making such examination, the auditor of state may appoint such assistants as may be necessary, each of whom shall receive as compensation for his services not to exceed five dollars per day.

SEC. 3. Officers to assist—examiner may administer oaths. When an association is being examined, the officers, agents or employes thereof shall produce for inspection all books, papers, documents or other information concerning the affairs of the association and shall otherwise assist in the examination. The auditor of state or examiner shall have authority to administer oaths, and may summon and may examine under oath any officer, employe, representative or agent of any association concerning its affairs or condition.

SEC. 4. Revocation or suspension of authority. If upon investigation or examination, it shall appear to the satisfaction of the auditor of state that any association is doing an illegal or unauthorized business, or is failing to fulfill its contracts with its members, or is conducting its business fraudulently, or if its membership or the amount of its insurance in force has been reduced below the legal requirement, or should any association decline or refuse to submit to an examination, the auditor of state may suspend or revoke its certificate of authority to transact business within this state, and having revoked the certificate of authority of any association organized under the laws of this state, he shall at once report the same to the attorney-general who shall apply to the district court or any judge thereof for the appointment of a receiver to wind up the affairs of such association.

SEC. 5. Expenses—how paid. In addition to the compensation of the assistants provided for in section two of this act, the auditor or examiner and assistants shall be entitled to actual and necessary traveling, hotel and other expenses while conducting examinations away from their respective places of residence, the same to be paid by the treasurer of state upon warrants drawn by the auditor of state, bills therefor having been filed under oath and approved by the executive council. Such expense and compensation shall, by the auditor of state, be charged to and collected from the associations examined and should any association neglect or refuse to pay the same, the auditor of state shall at once revoke its certificate of authority to transact business within this state.

SEC. 6. Soliciting new business—penalty. Any officer, manager, agent or representative of any association who with knowledge that its certificates [certificate] of authority has been suspended or revoked or that it is doing an illegal, unauthorized or fraudulent business, solicits insurance for said association or receives applications therefor, or does any other act or thing toward receiving or procuring any new business for said association, shall be deemed guilty of a misdemeanor and for every such act, on conviction thereof, shall pay a fine of not less than one hundred nor more than one thousand dollars, or be imprisoned in the county jail not more than one year, or be punished by both such fine and imprisonment.

SEC. 7. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the "Register and Leader," and the "Des Moines Daily Capital" newspapers published in the city of Des Moines, Iowa.

Approved March 17, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital March 18, 1904, and Register and Leader March 19, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 62.

FRATERNAL BENEFICIARY ASSOCIATIONS.

H. F. 226.

AN ACT to repeal the law which appears as section eighteen hundred and thirty-two (1832) of the supplement to the code, relating to fraternal beneficiary associations and to enact a substitute therefor.

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

SECTION 1. Annual certificate—amount of insurance required.
That the law which appears as section eighteen hundred and thirty-two

(1832) of the supplement to the code be and the same is hereby repealed and the following enacted in lieu thereof:

"Before any beneficiary society, order or association shall be authorized to commence business within this state, it shall submit to the auditor of state its by-laws or rules by which it is to be governed, and also its articles of incorporation which shall include its plan of business. The auditor of state shall thereupon submit its articles of incorporation to the attorney-general for examination, and if found by him to be in harmony with this title, chapter and with law, he shall so certify upon said articles and return them to the auditor of state. If the auditor of state shall approve the articles and also the by-laws or rules, he shall issue to the society, order or association a permit in writing, authorizing it to transact business within this state for a period of one year from the first day of April of the year of its issue, for which certificate and all proceedings in connection therewith, there shall be paid to the auditor of state a fee of twenty-five dollars, and for each annual renewal thereof a like fee shall be paid; provided, however, that before such certificate shall be issued, the fraternal society, order or association shall have actual bona fide applications upon the lives of at least five hundred (500) persons, residents of this state, for at least one thousand dollars of insurance each, and the auditor of state may require the presentation of such applications, signed by the applicants themselves. No renewal of certificate of authority shall be made to any society, order, or association whose membership, in good standing, or the amount of whose insurance in force shall be reduced below the above requirements. Societies, orders or associations not organized under the laws of this state, in addition to the requirements of the provisions of section eighteen hundred twenty-nine (1829) of the code, must also comply with all of the provisions of this chapter, except as to the residence of membership; provided, that no such society, order or association shall be authorized to transact business within this state unless it shall be shown to have actual members, in good standing, of at least one thousand, and at least one million dollars of insurance in force."

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the "Register and Leader" and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved March 30, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 31, 1904, and the Register and Leader, April 1, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 63.

CONSOLIDATION OR RE-INSURANCE OF RISKS OF FRATERNAL BENEFICIARY SOCIETIES.

H. F. 256.

AN ACT to provide for consolidation or re-insurance of the risks of fraternal beneficiary societies with or by other societies or organizations, and providing a plan therefor. [Additional to chapter nine (9) of title nine (IX) of the code, relating to fraternal beneficiary societies, orders and associations.]

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

SECTION 1. Plan of consolidation or re-insurance—approval. When any fraternal beneficiary association shall propose to consolidate or enter into any re-insurance contract with any other association or organization, it shall present its proposed plan of consolidation or re-insurance, together with a

statement of the condition of its affairs to the auditor of state for his approval. Should he approve the plan, the same shall be submitted by any association proposing to re-insure its risks or transfer its business, to its local lodges or organizations or to a regular or special meeting of its supreme lodge or governing body to be voted upon, such notice being given as the auditor of state may direct. If, in the judgment of the auditor of state, it is deemed advisable he may also require the plan to be in like manner submitted to the association proposing to accept or re-insure the risks of any other association. In case two or more associations propose to consolidate, the proposed plan of consolidation shall be submitted, as above provided, to all of the associations interested in such consolidation. In any of the above cases, a two-thirds vote of all of the members of each association present and voting shall be necessary to an approval of any plan of consolidation or re-insurance, and in no case shall proxies be voted. On presenting to the auditor of state satisfactory proof that the foregoing provisions have been complied with and that the required number of votes have been cast in favor of the proposed plan, he shall issue to the associations an order to the effect that the plan has been approved, and the same shall be in force and effect from and after the date of such order, and the auditor of state shall direct such distribution of the assets of any such association or associations as shall be just and equitable.

SEC. 2. Expenses, how paid. All expenses or costs incident to proceedings under the provisions of this act shall be paid by the associations interested.

SEC. 3. Penalty. Any officer, director or manager of any association violating or consenting to the violation of any of the provisions of this act shall be punished by a fine of not less than one thousand dollars, or by imprisonment in the county jail not less than one year, or by both such fine and imprisonment in the discretion of the court.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the "Register and Leader," and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved March 30, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 31, 1904, and the Register and Leader, April 1, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 64.

BANK EXAMINERS.

S. F. 801.

AN ACT to repeal the law as it appears in section eighteen hundred seventy-five (1875) and eighteen hundred seventy-six (1876) of the code relating to the appointment, compensation and expenses of bank examiners, and providing a substitute therefor.

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

SECTION 1. Repealed—examiners—fees. That the law as it appears in sections eighteen hundred and seventy-five (1875) and eighteen hundred and seventy-six (1876) of the code, be and the same is hereby repealed and the following enacted in lieu thereof:

"The auditor of state may appoint not to exceed four bank examiners, to hold office at his pleasure, who shall give bond to the state, conditioned for the faithful discharge of their duties, in the sum of four thousand dollars (\$4,000), which shall be filed with and the sureties therein approved by said auditor. Said examiners shall receive as compensation for their services, a salary of eighteen hundred dollars each, per annum. The auditor of state

and examiners shall be entitled to actual and necessary expenses incurred in the examination of banks, which shall be audited by the executive council and paid by the treasurer of state upon warrants drawn by the auditor of state, but the total amount of such expenses and the salaries of examiners shall not in any one year, exceed the amount of fees collected from such banks. Each of such banks shall pay to the auditor of state annually before the first day of March, the following fees: which shall be by him turned into the state treasury as other fees of his office: banks having a paid up capital of fifty thousand dollars or under, the sum of fifteen dollars; banks possessing a paid up capital of more than fifty thousand and under one hundred thousand dollars, twenty dollars; banks possessing a paid up capital of one hundred thousand and under two hundred thousand dollars, twenty-five dollars; and banks possessing a paid up capital of two hundred thousand dollars or over, thirty dollars: provided, that, banks which have been examined between the first day of January, 1904, and the taking effect of this act, shall not be required to pay such fee for the year 1904, and banks which have not been so examined, shall pay such fee on or before the first day of September, nineteen hundred and four, provided that no bank examiner shall be assigned by the auditor of state to examine a bank in a county in which he is interested in the business of banking."

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 65.

CAPITAL STOCK OF LOAN AND TRUST COMPANIES.

H. F. 25.

AN ACT to amend section eighteen hundred and eighty-nine (1889) of the code in relation to savings and state banks and loan and trust companies, and the capital and examination thereof.

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

SECTION 1. **Capital.** That section eighteen hundred and eighty-nine (1889) of the code be, and the same is hereby amended by omitting the words "but such companies" in the fifteenth line thereof and by inserting in lieu thereof the words:

"All such companies and all corporations now existing or hereafter organized under the provisions of chapter 1, title 9 of the code whose articles of incorporation authorize the acceptance and execution of trusts, and all corporations in whose name the word "trust" is incorporated and forms a part, shall have a full paid capital of not less than the amount of capital of saving [savings] banks, as provided in section 1843 of chapter 10 and".

Approved March 30, A. D. 1904.

CHAPTER 66.

REGULATION OF CERTAIN PERSONS, FIRMS, COMPANIES, PARTNERSHIPS, ASSOCIATIONS OR CORPORATIONS.

H. F. 423.

AN ACT to provide for the regulation of persons, firms, companies, partnerships, associations or corporations, other than building and loan associations and insurance companies and associations, which issue, place, sell or otherwise engage in the business of handling certificates, memberships, shares, contracts, debentures, bonds, stocks, tontine contracts, or other investment securities or agreements of any kind or character, on the partial payment or installment plan, prescribing the terms and conditions upon which such persons, firms, companies, partnerships, associations or corporations shall be permitted to do business within this state. [Additional to title nine (IX) of the code, relating to corporations.]

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

SECTION 1. Terms defined. The term "association" when used in this act shall mean any person, firm, company, partnership, association or corporation, other than building and loan associations and insurance companies and associations, which issue stocks on the partial payment or installment plan. The term "issue" shall mean issue, sell, place, engage in or otherwise dispose of or handle. The term "stock" shall mean certificates, memberships, shares, bonds, contracts, debentures, stocks, tontine contracts, or other investment securities or agreements of any kind or character issued upon the partial payment or installment plan.

SEC. 2. Certificate—how obtained. No association contemplated by this act shall issue any stock until it shall have procured from the auditor of state a certificate of authority authorizing it to engage in such business. To procure such certificate of authority it shall be necessary for such association to file with the auditor of state a statement, under oath, showing the name and location of such association, the name and postoffice address of its officers the date of organization, and if incorporated a copy of its articles of incorporation, also, a copy of its by-laws or rules by which it is to be governed, the form of its certificates, stocks or contracts, all printed matter issued by it, together with a detailed statement of its financial condition and such other information concerning its affairs or plan of business as the auditor of state may require. The same shall be, by the auditor of state laid before the executive council for consideration.

SEC. 3. Executive council to approve plan. If the executive council is satisfied that the business is not in violation of law or of public policy, and is safe, reliable and entitled to public confidence, and if it shall approve the form of certificate of stock or contract, it shall direct the auditor of state to issue to such association a certificate of authority authorizing it to transact business within this state until the first day of March next succeeding the date of such authorization.

SEC. 4. Existing companies. Every such association at present transacting, within this state, the business contemplated by this act, shall be subject to all the provisions hereof, and shall within sixty days from the taking effect of the same, comply with all of its requirements.

SEC. 5. To report annually. During the month of January of each year, every association transacting the business contemplated by this act, shall file with the auditor of state a statement showing its condition on the 31st day of December preceding. Said statement shall be in such form as shall be prescribed by the auditor of state. If it appears from such statement that such association is doing a safe business and is solvent, the auditor of state may renew its certificate of authority authorizing it to transact business within the state until the first day of March of the following year. If at any time it shall appear that such association is doing an unsafe business or is insolvent the auditor of state may revoke its certificate of authority

to authorizing [authorize] it to transact business within the state until the first day of March of the following year. If at any time it shall appear that such association is doing an unsafe business or is insolvent the auditor of state may revoke its certificate of authority to transact business and having revoked the certificate of authority of an association organized under the laws of this state, he shall report his action to the attorney-general who shall at once apply to the district court or a judge thereof for the appointment of a receiver to close up the affairs of such association, and an injunction may issue in the same proceeding enjoining and restraining the association from transacting business in this state.

SEC. 6. Deposit of bonds or securities. Before any association shall be authorized to transact business contemplated by this chapter, it shall deposit with the auditor of state a bond approved by the executive council, guaranteeing the faithful performance of all contracts entered into by such association or securities of the kind designated in subdivisions one, two, three, four and five of section eighteen hundred and six of the code, as amended by chapter sixty-six (66), acts of the Twenty-eighth General Assembly, or such other securities as shall be approved by the executive council in the amount of twenty-five thousand dollars, which amount shall remain in possession of the auditor of state until the end of the calendar year in which the association shall first be authorized to transact business. At the end of such calendar year, such association shall deposit with the auditor of state securities of the kind above provided in an amount equal to all its liabilities to persons residing within this state and shall keep such deposit at all times equal to such liability; provided that at no time shall such deposit be reduced below twenty-five thousand dollars except at such time as such association shall be by law closing out its business and its liabilities shall have been reduced below twenty-five thousand dollars.

SEC. 7. Unauthorized companies—penalty. Any member or representative of any association who shall attempt to issue or sell any stock as contemplated by this act or to transact any business whatsoever in the name of or on behalf of such association, not authorized to do business within this state, or which has failed or refused to comply with the provisions of this act, or has violated any of its provisions shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by imprisonment in the county jail not to exceed one year, or by a fine of not less than one hundred nor more than one thousand dollars or by both such fine and imprisonment in the discretion of the court.

SEC. 8. Fee for annual certificate. Such association shall pay to the auditor of state for its certificate of authority to transact business, a fee of twenty-five dollars, and for each annual renewal thereof at the time of filing the annual statement ten dollars, which fee shall be by the auditor of state turned into the state treasury as are other fees of his office.

SEC. 9. Examination. Every such association doing business within this state, shall be subject to examination in the same manner as is provided for the examination of insurance companies and shall pay the same fees and costs therefor, and shall so far as is consistent with the plan of business, be subject to the same restrictions and regulations. Such examinations shall be full and complete and in making the same the auditor of state or examiner shall have full access to and may demand the production of all books, securities, papers, moneys, etc., of the association under examination, and may administer oaths, summon and compel the attendance and testimony of any persons connected with such association. If upon such examination, it shall appear that such association does not conduct its business in accordance with law, or if it permits forfeiture of payments by persons holding its stock, after three years from the issuance of said stock or provides for the payment of its expenses other than from earnings, or that any profits, advantage or compensation of any form or description is given to any member

or investor over any other member or investor of the same class, or if beneficiaries are selected or determined or advantages given one over another by any form of chance, lottery or hazard, or if certificates of stock are by their terms or by any other provision to be redeemed in numerical order or by any arbitrary order or precedence, without reference to the amount previously paid thereon by the holder thereof, or that the affairs are in an unsound condition, or if such association refuses such examination to be made, the auditor of state may revoke its certificate or [of] authority to do business in this state, and having revoked the certificate of authority of an association organized under the laws of this state, he shall report the same to the attorney-general, who shall proceed as provided in section five (5) hereof.

SEC. 10. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the "Register and Leader", and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved April 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, May 3, 1904, and the Register and Leader, May 4, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 67.

LEVEES, DRAINS, DITCHES AND WATER COURSES.

S. F. 15.

AN ACT relating to levees, drains, ditches and water courses, and to the apportionment, assessment, levy, reassessment, reley and collection of taxes therefor, and issuance of drainage bonds, and to amend section one thousand nine hundred and forty-six (1946) of the code.

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

SECTION 1. Notice of hearing. That section one thousand nine hundred and forty-six (1946) of the code be and it is hereby amended by striking out the semicolon immediately following the word "supervisors" in the sixteenth line of said section, and inserting immediately following said word and before the word "which" in said sixteenth line the following: "and file the same with the county auditor who shall immediately thereafter fix a time for hearing objections thereto before the board of supervisors, and cause to be served upon the owner of each tract of land or lot described in said report as shown by the transfer books in the auditor's office notice in writing of the filing and pendency of said report, the amount of special assessment apportioned to such owner, the day set for hearing the same, and that all objections thereto must be made in writing and filed with the county auditor on or before noon of the day set for such hearing, which notice as to residents of the county shall be served not less than ten days prior to the day set for such hearing in the same manner that original notices are required to be served and as to non-residents of the county such notice shall be served by publishing the same one [once] each week for two consecutive weeks the last publication not less than ten days prior to the day set for hearing in some newspaper published in the county and by serving the same upon the person or persons in the actual occupancy of the property not less than ten days prior to the day set for such hearing. When the day set for hearing has arrived the board of supervisors shall proceed to hear and determine all objections made and filed to said report, and may increase, diminish, annul or affirm the apportionment made in said report or any part thereof as may appear to the board to be just and equitable".

SEC. 2. Proceedings now pending. That said section one thousand nine hundred and forty-six (1946) of the code as amended by section one

(1) hereof shall be construed to apply to all proceedings now pending before boards of supervisors for the location and construction of levees, drains, ditches or water courses under the provision of chapter two (2) title ten (X) of the code where the apportionment, assessment or levy of the cost of the improvement has not yet been made as well as to proceedings instituted hereafter.

SEC. 3. Re-assessment and relevy. Where the assessment and levy on account of any ditch, drain or water course has been made by the board of supervisors of any county under the provisions of said section one thousand nine hundred and forty six (1946) of the code without notice or legal notice to the owner of the land affected thereby and the whole or any part thereof remains unpaid, the board of supervisors shall have the authority to recall the assessment or levy thus made without notice and proceed anew as provided in section one (1) hereof to apportion and levy the cost of such improvement among the owners and upon the land benefited thereby, taking as a basis the original apportionment, and report of the commissioners upon which the board had theretofore acted, and the new assessment and levy made upon notice and hearing in such cases shall be certified by the county auditor to the county treasurer, re-entered upon the tax list and collected as other taxes for county purposes, and all payments made under the prior assessment, and levy shall be credited upon the new assessment and levy.

SEC. 4. Completion and payment of work already begun. When any levee, ditch, drain, water course or change of water course shall have been heretofore established by any of the boards of supervisors of this state and contract or contracts let therefor, and the improvement wholly or partly constructed or drainage bonds issued on account thereof and the proceedings or tax therefor have been or shall be for any cause found invalid and the board of supervisors has found or shall find that such improvement will be conducive to the public health, convenience or welfare, such board is authorized to provide for the completion of the work and the payment therefor, and for the payment of the work already done and of the drainage bonds issued and to that end shall recall the tax theretofore levied and shall reascertain the cost and expense of such improvement, and after notice and hearing as provided in this act shall assess and levy the same upon the lands benefited thereby, and the said board and the other county officers shall proceed as provided by section three (3) and the other provisions of this act. Such re-assessment and relevy of taxes shall be in proportion to and not in excess of benefits, and all taxes theretofore paid upon such improvement shall be credited as provided in section three (3) of this act.

SEC. 5. Future levies. Such assessment shall fix the proportion for all future levies on account of such improvement or the repair or re-opening thereof, and may be levied in one year or apportioned among a series of years, and drainage bonds issued therefor as provided by section one thousand nine hundred and fifty-three (1953) of the code, and appeals may be taken as provided by section one thousand nine hundred and forty-seven (1947) of the code.

SEC. 6. Drainage bonds. Section one thousand nine hundred and fifty-three (1953) of the code shall be construed to apply to and authorize the issuance of drainage bonds in proceedings heretofore or hereafter instituted under section one thousand nine hundred and forty (1940) of the code.

SEC. 7. In effect. This act, being deemed of immediate importance, shall take effect from and after its publication in the "Register and Leader" and the "Des Moines Daily Capital," newspapers published at Des Moines, Iowa.

Approved April 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, May 3, 1904, and the Register and Leader, May 4, 1904.

W. B. MARTIN.
Secretary of State

CHAPTER 68.

LEVEES, DITCHES, DRAINS AND WATER COURSES.

S. F. 16.

AN ACT to promote the public health, convenience and welfare, by leveeing, ditching and draining the lands of the state, and providing for the establishment of levees, drainage districts, or for the changing or [of] natural water courses to secure better drainage, and providing for the construction of ditches, drains and water courses and prescribing the method for so doing, and providing for the assessment and collection of the costs and expenses of the same, and issuing improvement certificates, or issuing and selling bonds therefor, additional to title ten (X), chapter two (2) of the code and code supplement.

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

SECTION 1. Board of supervisors to establish drainage district. The board of supervisors of any county shall have jurisdiction, power and authority at any regular, special or adjourned session, to establish a drainage district or districts, and to locate and establish levees, and cause to be constructed as hereinafter provided any levee, ditch, drain or water course, or to straighten, widen, deepen or change any natural water course, in such county, whenever the same will be of public utility or conducive to the public health, convenience or welfare, and the drainage of surface waters from agricultural lands shall be considered a public benefit and conducive to the public health, convenience, utility and welfare.

SEC. 2. Proceedings—bond—survey. Whenever a petition signed by one or more of the land owners whose lands will be affected by, or assessed for the expenses of, the proposed improvement, shall be filed in the office of the county auditor setting forth that any body or district of land in the county, described by metes and bounds, or otherwise, so as to convey any [an] intelligible description of such lands, is subject to overflow or too wet for cultivation, and that the public benefit or utility, or the public health, convenience of [or] welfare will be promoted by draining, ditching, tiling or leveeing the same, or by changing a natural water course, and setting forth therein the starting point, route and terminus and lateral branches, if necessary, of the proposed improvement, and there is filed therewith a bond, in amount and with sureties to be approved by the county auditor and conditioned for the payment of all costs and expenses incurred in the proceedings in case the supervisors do not grant the prayer of said petition, the board shall at its first session thereafter, regular, special or adjourned, appoint a disinterested and competent engineer and place a copy of the petition in his hands and he shall proceed to examine and survey the lands described in said petition, and other lands if necessary, and locate such improvement or improvements as may be petitioned for along the route described in the petition or other route answering the same purpose if found more practicable or feasible, as will be for the public benefit or utility, or conducive to the public health, convenience or welfare and he shall make return of his proceedings to the county auditor, which return shall set forth a full and complete description of all lands which in his opinion will be affected by said improvement or improvements, and the names of the owners thereof, as they appear in the transfer books of the auditor's office, and he shall also return a plat and profile of said lands and proposed improvement or improvements with the levels and elevations of the same thereon, and how said different tracts of lands will be affected thereby, and the course and length of the drain or drains through each tract of land and its situation and elevation so far as he may deem necessary, together with the probable cost and such other facts and recommendations as he may deem material.

SEC. 3. Notice of hearing. Upon the filing of the return of the engineer, if the same recommends the establishment of the levee or drainage district, the auditor shall immediately thereafter cause notice in writing to be served upon the owner of each tract of land or lot within the proposed levee or

drainage district, as shown by the transfer books of the auditor's office, and also upon the person in actual occupancy of any lands or lots, and upon each lien holder or incumbrancer of any land through which or abutting upon which the proposed improvement extends as shown by the county records, of the pendency and prayer of said petition, the favorable report thereon by the engineer, the day set for hearing the same before the board of supervisors and all claims for damages must be filed in the auditor's office not less than five days before the day set for hearing upon the petition, which notice, as to residence as to the county, shall be served not less than twenty days prior to the time set for such hearing, in the manner that original notices are required to be served. In case any such owner, lien holder or incumbrancer is a non-resident of the county, such notice as to him shall be published once each week for two consecutive weeks in some newspaper of general circulation published in the county, the last of which publications shall be not less than twenty days prior to the day set for hearing upon the petition proof of such service to be made by affidavit of the publisher and filed with the county auditor.

SEC. 4. Claims for damages. Any person claiming damages as compensation for or on account of the construction of such improvement shall file such claim in the office of the county auditor at least five days prior to the day on which the petition has been set for hearing, and on failure to file such claim at the time specified, shall be held to have waived his rights thereto.

SEC. 5. Location—damages. The board of supervisors at the session set for the hearing on said petition, which session may be regular, special or adjourned, shall thereupon proceed to hear and determine the sufficiency of the petition in form and manner [matter], which petition may be amended as to form and substance at any time before final action thereon, and, if deemed necessary, the board may view the premises and if they shall find that such levee or drainage districts would not be for the public benefit or utility nor conducive to the public health, convenience or welfare, they shall dismiss the proceedings; but, if they shall find such improvement conducive to the public health, convenience or welfare or to the public benefit or utility and no claim shall have been filed for damages as provided in section four hereof, they may if deemed advisable locate and establish the same in accordance with the recommendations of the engineer; but if any claims have been filed for damages, as provided in section four hereof, then the board of supervisors shall proceed no further than to determine the necessity of the levee or drainage districts and further proceedings shall be continued to an adjourned, regular or special session, the date of which shall be fixed at the time of the adjournment; and the county auditor shall appoint three appraisers to assess such damages who shall be disinterested freeholders of the county and not related to any party interested in the proposed improvement nor themselves interested in a like improvement.

SEC. 6. Assessment of damages—appeal. The appraisers appointed to assess damages shall proceed to view the premises and determine and fix the amount of damages to which each claimant is entitled and shall, at least five days before the date fixed by the board to hear and determine the same, file with the county auditor reports in writing showing the amount of damages sustained by each claimant. Should the report not be filed in time or should any good cause for delay exist the board may postpone the time of final action on the subject and, if necessary, the auditor may appoint other appraisers. When the time for final action shall have arrived, and after the filing of the report of the appraisers, said board shall consider the amount of damages awarded in their final determination in regard to establishing such levee or drainage district, and if in their opinion the cost of construction and the amount of damages awarded is not excessive and a greater burden than should be properly borne by the land benefited by the improvement, they

shall locate and establish the same, and shall thereupon proceed to determine the amount of damages sustained by each claimant, and may hear evidence in respect thereto and may increase or diminish the amount awarded in respect thereto, and any party aggrieved may appeal from the finding of the board in establishing the improvement district or from its finding in the allowance of damages to the district court by filing notice with the county auditor at any time within ten days after such finding, at the same time filing a bond with the county auditor, approved by him, and conditioned to pay all costs and expenses of the appeal unless the judgment of the district court shall be more favorable to the appellant or appellants than the finding of the board, which appeal shall be tried in the district court as an ordinary proceeding, except that when the appeal is from the order of the board in establishing the levee or drainage district, it shall be tried in equity and the appearance term shall be the trial term.

SEC. 7. Damages, by whom paid—engineer. The amount of damages finally determined by the board in favor of any claimant or claimants shall be required to be paid in the first instance by the parties benefited by the said levee or drainage district, or secured to be paid upon such terms and conditions as the county auditor may deem just and proper, and after such damages shall have been paid or secured as aforesaid, the board shall divide said improvement into suitable sections, numbering the same consecutively from the source or beginning of the improvement downward towards its outlet and prescribe the time within which the improvement shall be completed and appoint a competent engineer to have charge of the work of construction thereof, who shall be required before entering upon the work to give a bond to the county for the use and benefit of the levee or drainage district to be approved by the auditor in such sum as the board may fix, conditioned for the faithful discharge of his duties.

SEC. 8. Letting work. The board shall cause notice to be given for four consecutive weeks in some newspaper published in the county wherein such improvement is located and such additional publication elsewhere as they may direct, of the time and place of letting the work of construction of said improvement, and in such notice they shall specify the approximate amount of work to be done in each section and the time fixed for the completion thereof and they shall award contract or contracts for each section of the work to the lowest responsible bidder or bidders therefor, or to the lowest responsible bidder considering the same as a whole, exercising their own discretion as to letting said work as a whole or in sections and reserving the right to reject any and all bids and re-advertise the letting of the work. Each person bidding for such work shall deposit in cash or certified check a sum equal to ten per centum of the amount of the bid, not in any event however to exceed ten thousand dollars, said deposit to be returned to him if his bid is not successful, and if successful to be retained as a guarantee only of his good faith in entering on said contract. The successful bidder shall be required to execute a bond with sufficient sureties in favor of the county for the use and benefit of the levee or drainage district in an amount equal to twenty-five per centum of the estimated cost of the work so let, or he may deposit such amount in cash with the auditor as security for the performance of his contract and upon the execution of such bond, or the making of such deposit, the deposit originally made with his bid shall be returned to him.

SEC. 9. Payment. The engineer in charge of the construction shall furnish the contractor monthly estimates of the amount of work done on each section and upon filing the same with the auditor, he shall draw a warrant in favor of such contractor, or deliver to him improvement certificates, as the case may be, for eighty per centum of the value of the work done according to the estimate, and when said improvement is completed to the satisfaction of the engineer in charge thereof and so certified by him to the board and

approved by it, the auditor shall draw a warrant in favor of said contractor upon the levee or drainage fund, or deliver to him improvement certificates, as the case may be, for the balance due.

SEC. 10. Failure to perform work—penalty. If any person to whom any portion of said work shall have been let shall fail to perform the same according to the terms specified in his contract, then the cash deposited by him shall be forfeited to the county, or recovery may be had in an action on the bond by the county, for the benefit of the levee or drainage district, for the damages sustained and the work shall be relet by the board in the manner hereinbefore provided.

SEC. 11. Changes in dimensions. If, after said contract shall have been let and the work begun, it shall become apparent to the engineer in charge that the dimensions of the levee, ditch or drain should be enlarged, deepened or otherwise changed for the better service thereof of the lands benefited, then the engineer shall report such fact to the supervisors, explaining to them the necessity for such change, and the board may by resolution authorize such change in the dimensions of said improvement as the engineer shall recommend, provided that before such action shall be taken, like notices shall be given and like proceedings had as hereinbefore provided for the establishment of the levee or drainage district.

SEC. 12. Assessment of costs and damages. When the levee or drainage district or other improvement herein provided for shall have been located and established as provided for in this act, or when it shall be necessary to cause the same to be repaired, enlarged, reopened or cleared from any obstruction therein, unless such repairs, reopening or clearing of obstructions can be paid for as hereinafter provided, the board shall appoint three commissioners, one of whom shall be a competent civil engineer and two of whom shall be resident freeholders of the county, not living within the levee or drainage district and not interested therein or in a like question, nor related to any party whose land is affected thereby; and they shall within twenty days after such appointment personally inspect and classify all the lands benefited by the location and construction of such levee or drainage district, or the repairing or reopening of the same, in tracts of forty acres or less according to the legal or recognized subdivisions in a graduated scale of benefits, to be numbered according to the benefit to be received by the proposed improvement; and they shall make an equitable apportionment of the costs, expenses, costs of construction, fees and damages assessed for the construction of any such improvement, or the repairing or reopening of the same, and make report thereof in writing to the board of supervisors. In making the said estimate the lands receiving the greatest benefit shall be marked on a scale of one hundred and those benefited in a less degree shall be marked with such percentage of one hundred as the benefit received bears in proportion thereto. This classification when finally established shall remain as a basis for all future assessments connected with the objects of said levee or drainage district, unless the board, for good cause, shall authorize a revision thereof. In the report of the appraisers so appointed, they shall specify each tract of land by proper description and the ownership thereof as the same appears on the transfer books in the auditor's office, and the auditor shall cause notice to be served upon each person whose name appears as owner and also upon the person or persons in actual occupancy of any such land in the time and manner provided for the establishment of a levee or drainage district, which notice shall state the amount of special assessments apportioned to such owner, upon each tract or lot, the day set for hearing the same before the board of supervisors and that all objections thereto must be made in writing and filed with the county auditor on or before noon of the day set for such hearing. When the day set for hearing shall have arrived, the board of supervisors shall proceed to hear and determine all objections made and filed to said report and may increase, diminish, annul or affirm the apportionment

made in said report or in any part thereof as may appear to the board to be just and equitable; but in no case shall it be competent to show that the lands assessed would not be benefited by the improvement, and when such hearing shall have been had the board shall assess such apportionment so fixed by it upon the lands within such levee or drainage district. If the first assessment made by the board of supervisors for the original cost or for repairs of any improvement as provided in this act is insufficient, the board may make an additional assessment and levy in the same ratio as the first for either purpose.

SEC. 13. Levy and collection of tax. In estimating the benefits as to the lands not traversed by said improvement they shall not consider what benefits such lands will receive after some other improvements shall have been constructed, but only the benefits which will be received by reason of the construction of the improvement in question as it affords an outlet for the drainage of such lands. Said tax shall be levied upon the lands of the owners so benefited in the ratio aforesaid and collected in the same manner as other taxes for county purposes, and the funds so collected shall be kept as a separate fund and shall be paid out only for purposes properly connected with such improvement on the order of the board of supervisors.

SEC. 14. Appeal—"Drainage Record." An appeal may be taken to the district court from the order of the board fixing the assessment of benefits upon the lands in the same manner and time as herein provided for appeals from the assessment of damages. The board shall provide a book to be known as the "Drainage Record" and the county auditor shall keep a full and complete record therein of all proceedings in each case and upon an appeal being taken shall make a full and complete transcript thereof and transmit the same to the clerk of the district court on or before the first day of the term to which the appeal shall be taken.

SEC. 15. Nuisance. Any ditch, drain or water course which is now or may hereafter be constructed so as to prevent the surface and overflow waters from the adjacent lands from entering the same is hereby declared a nuisance and may be abated as such; and any person or corporation diverting, obstructing, impeding or filling up any such ditch, drain or water course or breaking down any levee established under the provisions of this act without legal authority, shall be deemed guilty of a nuisance and criminally punished as such.

SEC. 16. Subsequent proceedings. In any proceedings heretofore or hereafter had for the establishment of a ditch, drain, levee or the changing of a natural water course, or the establishment of a levee or drainage district where an engineer has been appointed and has made a complete survey, return and plat thereof and for any reason the improvement has been abandoned and the proceedings dismissed and afterwards proceedings are instituted for the establishment of a levee or drainage district, or the changing [of] a natural water course, for the benefit or reclamation of the same territory surveyed in said former proceedings a part thereof, or the same with territory additional thereto, the engineer shall use the return, plat and profile made in said former proceedings, or so much thereof, as may be applicable.

SEC. 17. Relevy. Where proceedings have been had for the establishment of a ditch, drain, levee, change of natural water course or the establishment of a drainage district under the law as heretofore existing and such improvement has been established and constructed and taxes levied upon the land benefited thereby, or upon any portion thereof for the cost of such improvement, and where the levy so made cannot for any reason be enforced, the board shall proceed as to all lands benefited by said improvement in the same manner as if the appraisalment and apportionment of benefits had never been made; and they shall proceed in the manner hereinbefore provided, using as a basis the entire cost of such improvement, and in taxing up said benefits account shall be taken of the amount of tax, if any, that has been paid by those benefited and credit therefor shall be given accordingly.

SEC. 18. Establishment across right of way of railroad company. Whenever the engineer in charge shall make survey for the purpose of preparing his return, plat and profile of a proposed levee or drainage district or change of a natural water course and the same as surveyed would cross the right of way of any railroad company, it shall be the duty of the engineer in charge of the work to notify the railroad company by serving a written notice upon a station agent of such company or its lessee or receiver that he will meet the company at the place where the said proposed ditch, drain or water course crosses the right of way of said company, said notice fixing the time of such meeting which shall not be less than five days after the service of the same, for the purpose of conferring with such railroad company in relation to the place where and the manner and method in which such improvement shall cross such right of way. When the time shall arrive, fixed for such conference, unless for good cause some other time is agreed upon, it shall be the duty of the engineer in charge and the railroad company to agree, if possible, upon the place where, and the manner and method in which such improvement shall cross such right of way. If the engineer in charge and the railroad company cannot agree, or if the railroad company shall fail, neglect or refuse to confer with the engineer in charge, the county auditor shall at once notify the railroad commissioners in writing by registered letter of the failure of the engineer in charge and the railroad company to agree, and it shall be the duty of the railroad commissioners to proceed within thirty days to view the premises and hear the parties in relation thereto, giving to the county auditor and the railroad company notice by registered letter of the time when they will view the premises and hear the parties which notice shall be mailed to each party at least ten days prior to the time fixed for such hearing. At the close of the hearing it shall be the duty of the railroad commissioners to determine the place where, and the course, direction and manner in which such ditch, drain or water course shall cross such right of way and notify each party in writing of their decision and finding. The determination and finding of the railroad commissioners in relation thereto shall be final and binding upon the parties.

SEC. 19. Construction across right of way. Whenever the board of supervisors shall have established any levee or drainage district or change of any natural water course and the levee, ditch, drain or water course crosses the right of way of any railroad company, and the place where and the manner and method of crossing such right of way shall have been determined as provided in the preceding section, such railroad company shall within thirty days after being notified by the county auditor to construct the same and the time within which the work must be completed, proceed to construct such levee, ditch, drain or change of natural water course in accordance with the plans and specifications as shown by the plat and profile of the engineer. If such railroad company shall fail, neglect or refuse to do so within the time fixed in such notice, the auditor shall cause the work to be done under the supervision of the engineer in charge of the improvement and the railroad company shall be liable for the cost thereof, to be collected by the county in any court having jurisdiction. All other proceedings in relation to railroads shall be the same as provided for individual property owners within the district, except that the cost of constructing the improvement across its right of way shall be considered as an element of its damages by the appraisers thereof; and the commissioners to assess benefits shall fix and determine the actual benefits to the property of the railroad company within the levee or drainage district and make return thereof with their regular return. Such special assessment shall be a debt due personally from the railroad company, and unless the same is paid by the railroad company as a special assessment, it may be collected in the name of the county in any court having jurisdiction.

SEC. 20. Construction across highway. Where the board of supervisors shall have established any levee, drainage district or change of any

natural water course, and when such levee, ditch, drain or change of any natural water course crosses any public highway, the actual cost of constructing the same across such highway shall be paid by the township trustees from the road fund of such township; and whenever the making of such improvement across any highway necessitates the building of a bridge over the same, the board of supervisors shall build and construct the same and pay all costs and expenses thereof out of the county bridge fund. Whenever any highway within the levee or drainage district will be beneficially affected by the construction of any improvement or improvements in such district, it shall be the duty of the commissioners appointed to classify and assess benefits to determine and return in their report the amount of the benefit to such highway, and notice shall be served upon the clerk of the township in which said highway is located as provided in case of an individual property owner. At the time fixed for hearing upon such report the board of supervisors shall fix and determine the amount to be apportioned to the road district on account of such benefit; and the amount so fixed shall be paid to the county for the use and benefit of the levee or drainage district, from the road fund of such township or from the county road fund, or partly from each of said funds as the board may determine.

SEC. 21. Construction on or along highway. Whenever a levee or drainage district shall have been established by the board and it shall become necessary or desirable that the levee, ditch, drain or improvement should be located and constructed within the limits of any public highway, on either or both sides and along the same, it shall be so built as not materially to interfere with the public travel thereon; and the board of supervisors shall have power and authority to lay out and establish public highways along and upon any levee or embankment along any ditch or drain built under the provisions of this act, provided that when so established the same shall be worked as other highways and so as not to impair the levee, ditch or drain.

SEC. 22. Control—repairs. Whenever any levee or drainage district shall have been established and the improvement constructed as in this act provided, the same shall at all times be under the control and supervision of the board of supervisors and it shall be the duty of the board to keep the same in repair and for that purpose they may cause the same to be enlarged, reopened, deepened, widened, straightened or lengthened for a better outlet, and they may change or enlarge the same or cause all or any part thereof to be converted into a closed drain when considered for the best interests of the public rights affected thereby. The cost of such repairs or change shall be paid by the board from the drainage fund of said levee or drainage district, or by assessing and levying the cost of such change or repair upon the lands in the same proportion that the original expenses and cost of construction were levied and assessed, except where additional right of way is required or additional lands affected thereby, in either of which cases the board shall proceed as hereinbefore provided; provided, however, that if the repair is made necessary by the act or negligence of the owner of any land through which such improvement is constructed or by the act, or the negligence of his agent or employe, or if the same is filled and obstructed by the cattle, hogs or other stock of such owner, employe or agent, then the cost thereof shall be assessed and levied against the lands of such owner alone.

SEC. 23. Outlet for lateral drains. The owner of any land, lot or premises that have been assessed for the payment of the cost of the location and construction of any ditch, drain or water course as hereinbefore provided, shall have the right to use the ditch, drain or water course as an outlet for lateral drains from said land, lot or premises.

SEC. 24. Sub-drainage districts. If any person who owns land within the drainage district which has been assessed for benefits and which is separated from the ditch, drain or water course for which it has been assessed, by the land of another or others, shall desire to ditch or drain his said land

across the land of such other or others into such ditch, drain or water course and shall be unable to agree with such other or others on the terms and conditions on which he may enter upon their lands and construct such drain or ditch, he may proceed in the manner in this section provided, and the ditch or drain which he shall construct or cause to be constructed shall be considered to be conducive to the public health, welfare, convenience and utility to promote which said drainage district was established. He may file his petition with the county auditor asking the board to establish a sub-district within the limits of the original district for the purpose of securing more complete drainage, describing the lands to be affected thereby by metes and bounds or otherwise so as to convey an intelligible description of such lands; and the bond and all other proceedings shall be the same as herein provided for the establishment, formation and construction of original districts and improvement thereof, including the assessment of damages and the assessment of benefits and when established and constructed, it shall be and become a part of the drainage system of such drainage district and be under the control and supervision of the board of supervisors.

SEC. 25. Enlargement of water course or stream. When two or more districts shall have their outlet or discharge into the same natural water course or stream and it shall become necessary to deepen or enlarge said natural water course or stream, each district shall be assessed for the cost of such work in the same ratio to such total cost as the discharge of waters of such district bears to the combined discharge of waters of the several districts emptying into said natural water course or stream; but no district shall be liable to contribute for any improvement or costs and expenses incurred in improving said natural water course or stream above the point of discharge of the waters of such district into the same.

SEC. 26. New levee or drainage districts. If any levee, drainage district or improvement heretofore established, or which may hereafter be established, shall prove insufficient to protect or drain all of the lands necessarily tributary thereto, the board of supervisors, upon petition therefor as for the establishment of an original levee or drainage district, shall have the power and authority to establish a new levee or drainage district covering and including such old district or improvement, together with any additional lands deemed necessary; and whenever a new district shall be established as contemplated in this section and the new improvement shall extend into or along the former improvement, the commissioners of classification and benefits shall take into consideration the value of such old improvement in the construction of the new improvement and credit the same to the parties owning the old improvement as their interests may appear.

SEC. 27. Tax, how paid—improvement certificates. The special assessment for benefits made by the commissioners appointed for that purpose, as corrected and approved by the board of supervisors, shall be levied at one time by the board against the property so benefited, and when levied and certified shall be payable at the office of the county treasurer. If the owner of any parcel of land, lot or premises against which any such levy shall have been made and certified, which is embraced in any certificate provided for in this section, shall within thirty days from the date of such assessment promise and agree in writing endorsed upon such certificate, or in a separate agreement, that in consideration of having the right to pay his assessment in installments, he will not make any objection of illegality or irregularity as to the assessment of benefits, or levy of such tax upon and against his property, but will pay said assessment with interest thereon at such rate not exceeding six per centum per annum as shall be prescribed by resolution of the board, such tax so levied against the land, lot or premises of such owner shall be payable in ten equal installments, the first of which with interest on the whole assessment shall mature and be payable on the date of such assessment, and the others with interest on the whole amount

unpaid annually thereafter at the same time and in the same manner as the March semi-annual payment of ordinary taxes; but where no such terms and agreement in writing shall be made by the owner of any land, lot or premises then the whole of said special assessment, so levied upon and against the property of such owner, shall mature at one time and be due and payable with interest from the date of such assessment, and shall be collected at the next succeeding March semi-annual payment of ordinary taxes. All of such tax with interest shall become delinquent on the first day of March next after its maturity and shall bear the same interest with the same penalties as ordinary taxes. And the board may provide by resolution for the issuance of improvement certificates, payable to bearer or to the contractors who have constructed the said improvement or completed part thereof within the meaning of this act in payment or part payment therefor, each of which certificates shall state the amount of one or more assessments or part thereof made against the property designating it and the owners thereof liable to assessments for the cost of same, and said certificate may be negotiated. Such certificates shall transfer to the bearer, contractor or assigns all right and interest in and to the tax in every such assessment, or part thereof, described therein and shall authorize such bearer, contractor or assignee to collect and receive every assessment embraced in said certificate, by or through any of the methods provided by law for their collection, as the same mature. Such certificates shall bear interest not to exceed six per centum per annum, payable annually, and shall be paid by the taxpayer to the county treasurer who shall receipt for the same and cause the amount paid to be applied to the payment of the certificate issued therefor. Provided, that any person shall have the right to pay the full amount of the tax so levied against his property, together with interest thereon to date of payment at any time he desires so to do, even before the maturity of any certificates issued therefor. No certificate shall be issued or negotiated for the use of the drainage district for less than par value with accrued interest up to the delivery or transfer thereof. Should the costs of such work exceed the amount of benefits assessed and certificates issued, a new apportionment and levy of tax may be made and other certificates issued in like manner.

SEC. 28. Drainage bonds. If the board of supervisors shall determine that the estimated cost of reclamation and improvement of such district of land is greater than should be levied in a single year upon the lands benefited, instead of issuing improvement certificates as provided in the preceding section, it may fix the amount that shall be levied and collected each year and may issue drainage bonds of the county, bearing not more than six per centum annual interest and payable semi-annually in the proportions and at the times when such taxes shall have been collected, and may devote the same at par to the payment of the work as it progresses or may sell the same at not less than par and devote the proceeds to such payment; and if in the sale of said bonds a premium is received, such premium shall be credited to the drainage fund, and should the cost of such work exceed the estimate, a new apportionment of the tax may be made and other bonds issued and sold in like manner, but in no case shall the bonds run longer than fifteen years. Any property owner may pay the full amount of the benefit assessed against his property before such bonds are issued and receive a receipt in full therefor. The terms and times of payment of the bonds so issued shall be fixed by the board. Said bonds shall be issued for the benefit of the district numbered thereon and each district shall be numbered by the board of supervisors and recorded by the auditor, said record showing specifically the lands embraced in said district and upon which the tax has not been previously paid in full. In no case shall the amount of bonds exceed the benefits assessed. Each bond issued shall show expressly upon its face that it is to be paid only by a tax assessed, levied and collected on the lands within the district so designated and numbered, and for the benefit of which

district such bond is issued; nor shall any tax be levied or collected for the payment of said bond or bonds, or the interest thereon, on any property outside the district so numbered, designated and benefited.

SEC. 29. Establishment when owners mutually agree. Owners of land which requires combined drainage may provide for the establishment of a drainage district or location and construction of drains, ditches and water courses upon their own lands by mutual agreement in writing duly signed, acknowledged and filed with the county auditor; such agreement may include the location, the character of the work to be done, the adjustment of the damages, the classification of the lands to be benefited thereby, the amount of taxes or special assessments to be levied, when the same shall be levied, or so many of these or other provisions as may be agreed upon, and to such extent shall be as valid and binding as though performed in the mode and manner provided for in this act. Upon the filing of the agreement with the county auditor, the board of supervisors shall at the next session thereafter establish such drainage district, and locate the ditch, drain or water course provided for in said mutual agreement according to the terms thereof, and shall thereafter have full and complete jurisdiction of the parties and subject-matter, and order such procedure under the provisions of this act as may be required or necessary to carry out the object, purpose and intent of such agreement and to complete and construct the desired improvement and shall retain jurisdiction of the same as fully as in other cases made and provided for in this act.

SEC. 30. Establishment through two or more counties. When the desired levy [levee] or drainage district extends into or through two or more counties and embraces land in two or more counties, the petition of one or more owners of land to be affected or benefited by such improvement shall be presented to the county auditor of each county into or through which said levy [levee] or drainage district will extend, accompanied by a bond to be filed with the county auditor of each of the said counties at the time of filing such petition, conditioned as provided when the district is wholly within one county, in an amount and with sureties satisfactory to, and approved by, the board of supervisors. Upon the presentation of such petition and the approval of such bond, the board of supervisors of each of said counties shall appoint a commissioner, and the commissioners of the several counties thus appointed shall meet within ten days thereafter and appoint a competent engineer, and such commissioners and engineer shall together make a survey of the entire lands embraced in the district, and shall determine what improvement or improvements in the way of levees, drains, ditches or changing of natural water courses are necessary for the reclamation of the lands described in the said petition; the engineer shall make a plat of all of the lands of said district, showing thereon the proposed improvements, the elevations and levels of said lands, so far as he may deem necessary, and a profile of said levee, drains, ditches or changes in any natural water course and shall file a copy in the auditor's office of each of said counties together with a full return of said commissioners and engineer, explaining the situation, describing the lands, the improvements, what effect said improvements will have upon the lands of said district, the course and length of any levee, drain, ditch or change of any natural water course through each tract of land, the estimated cost of the same, the dimensions of said improvement together with the names of the owners of all lands included within said district, as shown by the transfer books in the auditor's office, and which in their opinion will be affected or benefited thereby, together with such other facts and recommendations as to them shall seem advisable, and especially whether or not in their judgment such levee or drainage district should be established. Immediately upon the filing of such return, plat and profile, if such recommends the establishment of the levee or drainage district, each county auditor of said counties shall cause the owners of the lands, as shown by the transfer books

in the auditor's office, and also the person in actual occupancy of any lots or lands in the district and also each lien holder or incumbrancer, as shown by the county records, of any land through or abutting upon which the proposed improvement extends, to be notified of the time and place where the boards of the several counties will meet in joint session for the consideration of said petition and return. Such notice shall be the same and served in the same time and manner as provided in this act when the levee or drainage district is wholly within one county.

SEC. 31. Claims for damages—where filed. Any person claiming damages as compensation for, or on account of, the construction of such improvement shall file his claim in writing therefor in the office of the county auditor of the county in which his land is situated, at least five days prior to the time at which the petition has been set for hearing, and on failure to file such claims at the time specified shall be held to have waived his right thereto.

SEC. 32. Hearing—appraisers. At the time set for hearing such petition the boards of the several counties shall meet at the place designated in said notice and sit jointly in considering the petition and proceed in the same manner as provided in section five of this act, except that if it becomes necessary to appoint appraisers, the boards of supervisors acting jointly shall appoint one appraiser from each county, and if said levee or drainage district extends into or through only two counties then the two appraisers shall choose a third, each of whom shall have like qualifications as provided where the improvement is wholly within one county and they shall then proceed in the same manner and make the same return as provided in section six of this act, except that a copy thereof shall be filed in the auditor's office of each of the several counties. After the filing of the report of such appraisers the further proceedings of the board[s] of supervisors acting jointly shall be the same, as in this act provided where the levee or drainage district is wholly within one county so far as applicable except as herein otherwise provided.

SEC. 33. Assessment of costs and damages—improvement certificates—bonds. If the boards of supervisors, acting jointly, shall establish the levee or drainage district, they shall appoint a commission, one of whom shall be selected from each county and in addition thereto a competent engineer, each of whom shall have the same qualifications as provided where the district is wholly within one county; and said commission shall within twenty days go upon and view the premises and classify the same as hereinbefore provided where the district is wholly within one county, and in addition thereto shall make and [an] equitable apportionment of the costs, expenses, costs of construction, fees and damages assessed for the construction of such improvement or of the repairing or reopening the same, and make report thereof as provided where the improvement is wholly within one county, except that a copy of said report shall be filed with each of the several county auditors. Immediately upon the filing of such report the several county auditors, acting jointly, shall cause notice to be served of the time when and the place where the boards of supervisors will meet and consider such report, which notice shall be the same and served in the same time and manner and all proceedings thereon shall be the same as provided where the district is wholly within one county, except after the amount to be assessed and levied against the several parcels or tracts of land shall have been apportioned and finally determined, the several boards of supervisors acting separately, and within their own counties, shall proceed to levy and collect the taxes thus apportioned in the same manner as provided where the district is wholly within one county, and they may issue improvement certificates or may sell bonds for the full amount of the benefits apportioned to such county.

SEC. 34. Letting work. If the boards of supervisors, acting jointly, shall establish such levee or drainage district, the auditors of the several

counties shall immediately thereafter, acting jointly, cause notice to be given of the time and place of the meeting of the boards for letting the contract or contracts for the construction of the improvement. The notices, bond and all other proceedings in relation to letting the contract or contracts shall be the same as in this act provided where the district is wholly within one county, except that the several boards shall act jointly.

SEC. 35. Supervising engineer—contractor, how paid. At the time of establishing the levee or drainage district the boards of supervisors shall appoint a competent engineer to have charge of the construction of the work, and they shall fix his compensation therefor, and he shall before entering upon and taking charge of said work give bond to the counties for the use and benefit of the levee or drainage district, approved by the boards of supervisors in such sum as they may direct, conditioned for the faithful discharge of his duties. The engineer in charge of the work shall furnish the contractor monthly estimates of the amount of work done on each section and the amount due from each county, a duplicate of which shall be filed with the auditor of each of the several counties. Upon the filing of such statement each auditor shall draw a warrant or deliver to him improvement certificates, as the case may be, in favor of the contractor for eighty per centum of the amount due from his respective county. When said improvement is completed to the satisfaction of the engineer in charge and accepted by the boards of supervisors, the engineer shall certify such fact to the several county auditors and each county auditor shall draw a warrant in favor of the contractor, or deliver to him improvement certificates, for the balance due from his respective county.

SEC. 36. Appeals. Any person or persons aggrieved shall have the right to appeal in the same time and in the same manner as provided when the district is wholly in one county, except that if the appeal is taken from the action of the boards in establishing the levee or drainage district, such appeal may be taken to the district court of either county in which the district or some part thereof is located. If said appeal is from the award of damages or assessment of benefits the appeal shall be taken to the district court of the county in which the land affected is located.

SEC. 37. District court to establish—when. Whenever the establishment of a levee or drainage district, extending into or through two or more counties, if petitioned for as hereinbefore provided and one or more of such boards of supervisors neglect, fail or refuse to take action thereon, the petitioner or petitioners may cause notice in writing to be served upon the chairman of such board or boards, demanding that action be taken upon the prayer of the petition within twenty days from and after the service of such notice; and if such board or boards shall neglect, fail or refuse to take action thereon within the time named, or if such action is taken and the boards of supervisors cannot agree as to the proper determination thereof, the petitioner or petitioners may cause such proceedings to be transferred to the district court of either of the counties into or through which such proposed district, or some part thereof, extends by serving notice upon the auditors of the several counties within ten days after the expiration of the time fixed by the notice, served upon the chairman of the board or boards, or within ten days after the failure of such boards to agree. Upon such notice being given the auditors shall, acting jointly, prepare and certify to the clerk of the district court a full and complete transcript of all proceedings had in such case, on or before the first day of the next succeeding term of said court. The clerk of the district court shall thereupon docket the case and the same shall be tried as in equity and the appearance term shall be the trial term, and the court shall enter judgment and decree dismissing the case or establishing such levee or drainage district and may by proper orders and writs enforce its judgment and decree.

SEC. 38. Special sessions of boards of supervisors. Whenever the district is located in two or more counties, the boards of supervisors shall have power and authority to adjourn from time to time and meet in special session and in all cases shall have the same jurisdiction, power and authority as provided where the improvement is wholly within one county, and all proceedings shall be the same so far as applicable and not herein otherwise provided.

SEC. 39. Cities and towns included. The board of supervisors shall have the same power, right and authority to establish a levee or drainage district that includes the whole or any part of any incorporated town or city, including cities acting under special charter, as they have to establish districts as hereinbefore provided, and they shall have the same power, right and authority with respect to the assessment of damages and benefits within such towns or cities as they have in other cases provided for in this act, and like notice to such city or town with respect to the establishment of such district and the apportionment and assessment of damages and benefits shall be given as is required by this act to be given to owners of property damaged or benefited by the establishment or construction of such improvement.

SEC. 40. Outlet in another state. Whenever a drainage district is established in any county in this state and no practicable or feasible outlet can be obtained except through the lands of an adjoining state, the board of supervisors of such county shall have power and authority to purchase a right of way for such outlet in such adjoining state and pay for the same out of the funds of such district.

SEC. 41. Watchmen. Whenever a levee has been established, or shall hereafter be established, and constructed in any county, the board of supervisors shall be empowered and authorized to employ one or more persons whose duty it shall be to watch such levee and make repairs thereon in case of emergency or cause the same to be made. And such employe shall file with the county auditor an itemized bill for services rendered, and cost and expense incurred in watching or repairing such levee, and the same shall be audited and allowed by the board as other claims and demands and the amount or amounts so allowed shall be paid by the county from the funds belonging to such levee district. If there are no funds on hand belonging to such district, the same shall be paid in the first instance by the county from the general fund and the board shall proceed to assess and levy a tax upon the lands in such district, which assessment and levy shall be apportioned to each tract of land in the same ratio that the original cost thereof was apportioned, and when collected the auditor shall draw a warrant thereon in favor of the county for the sum or sums so paid from the county funds.

SEC. 42. Fees and expenses. Any engineer employed under the provisions of this act shall receive such compensation per diem as shall be fixed and determined by the board of supervisors. Appraisers of damages and commissioners to assess benefits, other than the engineer, shall receive three dollars per day each, and all other fees and costs required under the provisions of this act shall be the same as provided by law for like services in other cases. Such costs and expenses shall be paid by the order of the board of supervisors out of the county treasury from the levee or drainage funds collected for that purpose upon warrants drawn by the county auditor.

SEC. 43. County auditor—compensation—Drainage record. Whenever a levee or drainage district or districts shall be petitioned for or established in any county, the board of supervisors shall allow the county auditor such compensation or furnish such additional help, as shall be just and reasonable, to be paid by the county; and the county auditor shall be the custodian of all papers and records pertaining to the levee or drainage matter in his county and shall keep the book known as the "Drainage Record" and shall record therein all of the proceedings of the board of supervisors per-

taining to the subject of levees or drainage, as well as the papers required to be issued or filed by the county auditor in such proceedings.

SEC. 44. Draining of highways. Whenever the township trustees of any township or townships shall desire to drain any highway within or under the jurisdiction of such trustees, and it becomes necessary to cross the lands of a private owner or owners to obtain a proper outlet and the trustees cannot agree with the owner or owners of such land as to how, where and upon what terms such drain may be constructed, such trustees may file in the office of the county auditor a petition describing the highway to be drained and the lands necessary to be crossed to obtain a proper outlet, the starting point, route and terminus of the desired drain, as near as may be, and asking the establishment of such drain. Upon the filing of such petition the county auditor shall appoint a commissioner, who shall be a competent engineer, and place a copy of the petition in his hands and he shall proceed to survey the proposed ditch or drain along the route described in the petition, or other route if found more practicable or feasible, and shall return a plat and profile thereof to the county auditor, and his return shall set forth a full and detailed description thereof, its size, dimensions, whether it will require a covered or open drain, its availability, necessity and probable cost, with a description of each tract of land or lot owned by different persons through which or abutting upon which the drain is proposed to be located and such other facts and recommendations as he may deem material; and he shall also apportion among the several townships, if more than one, the ratio of the cost of construction and expenses that shall be borne by each township. After the filing of such report the further proceedings shall be the same as provided in title eight (VIII), chapter one (1) of the code in relation to the establishment of highways, except that the costs, expenses and damages shall be paid by the township trustees from the road fund of such township or townships, or from the county road fund, or partly from each of said funds, as the board of supervisors may determine. If the board of supervisors shall establish such drain, the same shall be constructed by the board of supervisors in the same manner that other county work is done, and the cost thereof shall be paid from the road fund of such township or townships, or from the county road fund, or partly from each of said funds, as the board of supervisors may direct.

SEC. 45. Inspection. The board of supervisors of any county in or through which an improvement of the character provided for in this act extends, or shall extend, shall cause a competent engineer to inspect such improvement whenever they may deem it necessary, and he shall make report to such board of the condition of the improvement together with such recommendation as he deems necessary.

SEC. 46. Tax, a lien upon premises. The tax provided for in this act, when levied, shall be a lien upon all premises upon which the same is assessed to the same extent and in the same manner as taxes levied for county and state purposes.

SEC. 47. Defects in proceedings. The provisions of this act shall be liberally construed to promote the leveeing, ditching, draining and reclamation of wet, overflow or [of] agricultural lands; the collection of the assessments shall not be defeated, where the proper notices have been given, by reason of any defect in the proceedings occurring prior to the order of the board of supervisors locating and establishing the levee, ditch, drain or change of natural water course provided for in this act, but such order or orders shall be conclusive and final that all prior proceedings were regular and according to law unless they were appealed from. But if upon appeal the court shall deem it just and proper to release any person or modify his assessment or liability, it shall in no manner affect the rights or liability of any person other than the appellant; and the failure to appeal from the order of the board of supervisors of which complaint is made shall be a waiver of any

illegality in the proceedings and the remedies provided for in this act shall exclude all other remedies.

SEC. 48. Additional to statutes. The provisions of this act shall be construed as additional to chapter two (2) title ten (X) of the code and supplement, relating to the location, establishment and construction of levees, drains, ditches and water courses and shall not be held to repeal any of such provisions.

SEC. 49. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, May 3, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 69.

PUMPING STATIONS IN LEVEE DISTRICTS.

H. F. 480.

AN ACT to establish and maintain pumping stations or plants in levee districts of the state, presenting the method of so doing. Additional to title ten (X) chapter two (2) of the code and code supplement.

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

SECTION 1. Pumping stations. The board of supervisors of any county or counties in the state in which a drainage district has been or may hereafter be organized in the manner provided in chapter two (2) of title ten (10) of the code may provide for the establishment and maintenance of a pumping station when and where the same shall be necessary to secure a proper outlet for the lands comprising the district, and the costs of construction and maintenance of such pumping station or plant shall be levied upon and collected from the lands in the drainage district in the same manner as provided for the construction and maintenance of ditches as provided in title ten (10) chapter two (2) of the code, and code supplement—except the petition referred to shall require the signature[s] of fifty (50) per cent. of the land owners of such district.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital April 15, 1904, and the Register and Leader April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 70.

DRAINAGE OF SURFACE WATERS.

S. F. 239.

AN ACT to define the rights of owners and proprietors of land in respect to surface waters. [Additional to chapter two (2) of title ten (X) of the code, relating to levees, drains, ditches and water courses.]

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

SECTION 1. Owners may drain. Owners of land may drain the same in the general course of natural drainage, by constructing open or covered

drains, discharging the same into any natural water course, or into any natural depression, whereby the water will be carried into some natural water course, and when such drainage is wholly upon the owner's land he shall not be liable in damages therefor to any person or persons or corporation. Nothing in this act shall, in any manner, be construed to affect the rights or liabilities of proprietors in respect to running waters or streams.

Approved April 29, A. D. 1904.

CHAPTER 71.

CONDEMNATION OF REAL PROPERTY FOR USE OF STATE.

S. F. 829.

AN ACT providing for the condemnation of real property for the use of the state. [Amendatory of chapter (4) of title ten (X) of the code, relative to the taking of private property.]

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

SECTION 1. Additional grounds for buildings. Whenever, in the opinion of the executive council of the state, public interest requires the taking of real estate as a site for any state building, or as additional grounds for any existing state building, or for any other state purpose, the state may take and hold, under its right of eminent domain, so much real estate as is necessary for the purpose for which the same is taken; and proceedings may be instituted in the name of the state of Iowa for the condemnation of such real estate under the provisions of chapter four (4) of title ten (X) of the code, which proceedings shall be conducted by some person appointed by the governor of the state.

SEC. 2. Damages—how paid. When the amount of damages is determined, the sheriff or clerk, as the case may be, shall certify the amount thereof to the executive council which shall, by an order endorsed upon the certificate, direct the payment of the same, and the auditor of state shall, upon receipt of such order, issue a warrant on the treasury for the amount, which warrant shall be paid out of any money appropriated by the general assembly for that purpose, or out of any money received from the sale of other property, the proceeds of which may have been authorized by law to be used for the purpose of the purchase of real estate for state use; and when the amount of such damages is paid to the sheriff, the clerk, or the person entitled thereto, the state, through its proper officer or agent, may enter upon the possession of the real estate taken, and use and occupy the same for state purposes.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Daily Capital and the Register and Leader, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 72.

CONDEMNATION OF REAL PROPERTY FOR COURT HOUSES AND JAILS.

H. F. 451.

AN ACT providing for the condemnation of real estate for erection of court houses and jails. [Additional to chapter four (4) of title ten (X) of the code, relating to the taking of private property.]

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

SECTION 1. Condemnation proceedings authorized. Whenever the interest of any county requires real estate for the erection of court houses

or jails by a county, such county may take and hold such real estate for the purpose for which same is taken, by condemnation proceedings. Such proceedings shall be instituted pursuant to a resolution of the board of supervisors of a county, and shall be instituted and prosecuted in the name of the county seeking such condemnation by the county attorney for such county, under the provisions of chapter four (4) of title ten (X) of the code.

SEC. 2. Damages—how paid. In cases where such condemnation is sought by a county, the sheriff or clerk, as the case may be, shall, when the amount of the damages is determined, certify the amount thereof to the board of supervisors and such board may direct payment thereof by resolution, and the county auditor shall thereupon issue his warrant therefor upon the proper fund of such county. In any case when the amount of the damages is paid to the sheriff or clerk, or the person entitled thereto, and the time for appeal has expired or final judgment entered upon appeal, the county may enter into possession of the real estate taken, through its proper officers or agents, and use and occupy the same for the purpose taken.

SEC. 3. Appeals. No county condemning or seeking to condemn land under the provisions of this act, shall be entitled to the possession of the lands condemned or sought to be condemned until the time for appeal to the district or supreme court from such condemnation has expired, or final judgment rendered on appeal, and in all appeals from the award of the sheriff's jury in such proceedings, the court shall have jurisdiction to pass upon the public necessity for the condemnation of such real estate, and shall determine the same without the intervention of a jury, and may make such order with reference thereto as it may deem proper within its discretion, and may modify, enlarge or diminish the area of grounds sought to be condemned, but all questions as to amount of damages shall be determined by ordinary proceedings as in other cases of condemnation.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect from and after publication thereof in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Polk county, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 73.

PURCHASE OR CONDEMNATION OF GRAVEL LANDS FOR ROAD PURPOSES.

S. F. 86.

AN ACT to empower boards of supervisors, township trustees, city and town councils to buy or condemn land for gravel and other material to improve roads, public highway[s], streets and alleys. [Additional to chapter four (4) of title ten (X) of the code, relating to the taking of private property.]

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

SECTION 1. Counties and townships. The board of supervisors of any county and the township trustees of any township are hereby authorized and empowered within their respective limits, and without the limits of any city or town to procure, purchase or condemn, enter upon and take any lands for the purpose of obtaining gravel or other suitable material with which to improve the roads and highways of such county or township, including a sufficient roadway to such land by the most reasonable route, and pay for the same out of the county or township road funds.

SEC. 2. Cities and towns. Cities and towns including cities under special charter are hereby authorized and empowered within or without their limits to procure, purchase or condemn, enter upon and take any lands for the purpose of obtaining gravel, stone or other suitable material with which to improve the streets and alleys of such city or town, including a suitable roadway thereto by the most reasonable route, and pay for the same from the general fund, grading fund, or from the highway or poll taxes of such city or town, or partly from each of said funds.

SEC. 3. Condemnation proceedings. Proceedings for condemnation of land as contemplated in this act shall be in accordance with the provisions relating to taking private property for works of internal improvements.

SEC. 4. Reversion of lands. When lands that have been condemned and taken under this act, and not used for the purpose herein specified for the period of five consecutive years, such lands shall then revert to the owner or owners of the tract from which it was taken.

SEC. 5. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Jefferson Bee, a newspaper published in Jefferson, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Jefferson Bee, April 7, 1904, and the Register and Leader April 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 74.

LIABILITY OF COMMON CARRIERS.

H. F. 183.

AN ACT in relation to common carriers additional to section two thousand and seventy-four (2074) of the code.

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

SECTION 1. Actions against joint carriers. That in cases where a railway company makes a contract to carry property to a point beyond the terminus of its own railway and in such contract provides that it shall not be liable for the destruction of, or damage to, such property beyond the terminus of its own railway and said property is injured or destroyed between the place of shipment and the place of destination named in the said contract, the initial carrier and the connecting carrier, or carriers if more than one, over whose line or lines of railway the property is carried between the said place of shipment and the said place of destination, may be joined as defendants in one action, brought in the county from which shipment is made and service of original notice may be made on the connecting carrier, or on each of the connecting carriers if more than one, in any county of the state where such carrier has a station agent by serving such notice on such station agent.

SEC. 2. Liability of joint carriers. On proof being made by the shipper or his agent that the property shipped has been destroyed or damaged while in transit between the said place of shipment and the said place of destination, the liability of a common carrier shall attach to all the defendants and judgment shall be entered accordingly unless one or more of the defendants shall prove that it or they were not liable, in which case judgment shall go only against the remaining defendant or defendants.

Approved April 9, A. D. 1904.

CHAPTER 75.

CLASSIFICATION OF RAILWAYS.

H. F. 804.

AN ACT to repeal the law as it appears in section two thousand and seventy-eight (2078) of the code and enact a substitute therefor, and providing for the classification of railways

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

SECTION 1. Repealed—classification of railways. The law as it appears in code section two thousand and seventy-eight (2078) is hereby repealed and the following enacted in lieu thereof:

“The executive council shall at its regular meeting on the second Monday in July in each year classify the different railways, as provided by section two thousand and seventy-six (2076) of the code, from information as to gross earnings obtained from the annual reports of railways made to the executive council for assessment and taxation, if it shall be satisfied of the correctness of same, or from information obtained by said executive council from any other source, and, when there shall be any change in classification, shall issue a certificate to any corporation or corporations affected by such change, certifying the class to which they are respectively assigned; any change of rates by any corporation pursuant to any change of classification shall take effect and be in force from and after the date of such certificate.”

Approved March 30, A. D. 1904.

CHAPTER 76.

REQUIRING COMMON CARRIERS TO ISSUE TRANSPORTATION TO LIVE STOCK SHIPPERS.

H. F. 266.

AN ACT to require common carriers to issue transportation to owners shipping live stock, additional to chapter seven (7), title ten (X), of the code, relating to the regulation of common carriers.

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

SECTION 1. Transportation—conditions. On and after May 1, 1904, common carriers of live stock, in car load lots, upon receiving, in this state, for shipment one or more car loads of horses or mules or two or more car loads of other live stock, shall upon demand of the owner of such animals offered for shipment, issue to such owner, or the actual agent or employe of such owner, without other consideration transportation from the place of receiving such shipment to the place of destination, and return, such transportation to be limited to one person for each shipment, as is above set out. When a single shipment aggregates six cars or more, such owner shall be entitled, on demand, as is above provided, to transportation for one additional person, such additional person to be an actual agent or employe of such owner, and such common carrier shall in like manner and under similar conditions issue transportation for one person to destination of shipment only to the shipper of one car load of cattle hogs or sheep. The return transportation herein provided for is to be delivered, upon demand, at the office of the carrier at the place of destination, upon proper identification of the person so entitled to same, and shall be good for transportation if presented within forty-eight hours from the time of the delivery of such shipment at place of destination.

SEC. 2. Penalty. Any common carrier violating the above provisions shall forfeit and pay to the owner of any shipment, as is above provided, three times the amount of the regular fare expended by such owner for himself, or his agent, in going from point of shipment to point of destination, and return, of a shipment of stock as herein provided.

SEC. 3. Trespasser. Any person other than the owner, his agent or employe, as is described in section 1 hereof, attempting to use, or using, the transportation therein provided for, shall be considered a trespasser upon the trains or premises of such common carrier.

SEC. 4. Water closets in cabooses. That the cabooses or cars attached to such stock trains, and in which the holders of such transportation are required to ride when accompanying such live stock to market, shall be provided with suitable water closets for the use of such persons while in transit, provided that the provisions of this section shall not go into effect until January 1, 1905, and that all such railroads shall be allowed until said time to comply with the requirements of this section.

SEC. 5. Penalty. Any railroad in this state engaged in the transportation of live stock, and failing or refusing to comply with the requirements of the foregoing section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars (\$100.00) for each day's negligence or refusal to comply therewith; and all moneys so collected as fines shall be paid into the public school funds of the state.

SEC. 6. In effect. This act, being deemed of immediate importance, shall take effect upon publication thereof in the "Register and Leader" and "Des Moines Daily Capital," newspapers published at the city of Des Moines, Polk county, Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader April 12, 1904, and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 77.

THE MILITIA.

H. F. 216.

AN ACT additional to and amendatory of the law as it appears in chapter one (1) of title IX [eleven (XI)] of the code and supplement to the code, relative to the state military force and Iowa national guard. [Repealing sections twenty-one hundred and sixty-nine-a (2169 a), twenty-one hundred and seventy-three-a (2173-a), twenty-one hundred and seventy-five (2175), twenty-one hundred and seventy-six-a (2176-a), twenty-one hundred and seventy-eight (2178), twenty-one hundred and seventy-nine-a (2179-a), twenty-one hundred and eighty-one-a (2181-a), twenty-two hundred and twelve (2212), twenty-two hundred and thirteen (2213) and twenty-two hundred and fourteen (2214) of the supplement to the code and sections twenty-one hundred and eighty-three (2183), twenty-one hundred and eighty-four (2184) and twenty-one hundred and eighty-eight (2188) of the code, and enacting substitutes in lieu thereof.]

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

SECTION 1. Repealed—governor to call out. That the law as it appears in section twenty-one hundred and sixty-nine-a (2169-a) of the supplement to the code be and the same is hereby repealed and re-enacted to read as follows:

"When a requisition shall be made by the president of the United States for troops, the governor, as commander-in-chief, shall order into service the national guard of the state, or such portion thereof as may be necessary, and if insufficient, so many of the militia as is required, designating the same by draft if a sufficient number do not volunteer, and shall commission officers therefor; and while so in the service, the national guard and militia shall be subject to the same regulations as those of the United States army,

and receive the same compensation and subsistence as when in active service of the state until mustered into the United States service, and the same compensation, subsistence and allowances as officers and men of like rank and service in the United States army thereafter. The state shall pay for such service only that part not paid by the United States."

SEC. 2. Repealed—enlistments. The law as it appears in section twenty-one hundred and seventy-three-a (2173-a) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"All enlistments in the guard shall be for three (3) years and re-enlistments, if within thirty (30) days from date of discharge, shall be considered continuous service and may be for one, two or three years as the soldier may elect; and made by signing the enlistment prescribed by the adjutant general and taking the following oath or affidavit which may be administered by the enlisting officer, to wit: "You do solemnly swear (or affirm) that you will bear true allegiance to, and that you will support the constitution of the United States and that of the state of Iowa, and will, as a member of the national guard, serve the United States and the state of Iowa faithfully through your term of service, unless sooner discharged and that you will obey the orders of the commander-in-chief and such officers as may be placed over you, and the laws and regulations governing the military forces."

SEC. 3. Repealed—adjutant general—duties. The law as it appears in section twenty one hundred and seventy five (2175) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"The adjutant general shall issue and transmit all orders of the commander-in-chief, and shall keep a record of appointments, of all officers commissioned by the governor, of all general and special orders and regulations, and of such matters as pertain to the organization of the military force and his duties. He shall reside at the capital and hold his office at the pleasure of the governor, and shall perform the duties of quartermaster general. He shall have charge of the state arsenal and grounds and all other property of the state kept or used for military purposes, and receive and issue all quartermaster and ordnance stores and camp equipage upon the order of the commander-in-chief. The adjutant general shall furnish at the expense of the state such blanks and forms as shall be approved by the commander-in-chief. He shall in each year preceding a regular session of the general assembly make out a detailed report of the transactions of his office, the expenses thereof and such other matters as shall be required by the commander-in-chief for the period since the last preceeding report, and the governor may at any time require a similar report. Upon the recommendation of the adjutant general, there may be appointed an assistant adjutant general with the rank of major, who shall hold his office at the pleasure of the governor."

SEC. 4. Repealed—adjutant general—compensation. The law as it appears in section twenty one hundred and seventy six-a (2176-a) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"When a requisition shall be made by the president of the United States for troops upon the state, the adjutant general shall also act as quartermaster general, and as full compensation as adjutant general and acting quartermaster general, shall receive a salary from the state during the period said troops are in such service equal to the compensation of colonel of the army of the United States, without increase, additions or allowances on account of length of service."

SEC. 5. Repealed—regimental staff—band. The law as it appears in section twenty-one hundred and seventy-eight (2178) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"The regimental staff shall be appointed and commissioned by the governor upon recommendation of the regimental commander, and shall consist of

an adjutant, a chaplain, a quartermaster, a commissary, each of which officers shall have the same rank as corresponding officers in the United States army; an adjutant with rank of first lieutenant for each battalion. The commander of each regiment shall appoint by warrant from the enlisted men of his regiment a non-commissioned staff, consisting of a regimental sergeant-major, a sergeant-major for each battalion, a quartermaster sergeant, a commissary sergeant, two color sergeants. The commissions of regimental staff officers shall expire when the officer nominating them, or his successor, shall make new nominations for their respective offices, and such nominations shall be confirmed by the commander-in-chief. Each regimental commander subject to the approval of the commander-in-chief may cause to be enlisted and organized a band, composed of one chief musician, one principal musician, one drum major, four sergeants, eight corporals, one cook and not more than sixteen privates. The members of such bands, except as otherwise provided, shall be subject to the same regulations and receive the same compensation as other enlisted men of like grade. The regimental commander, shall appoint the non-commissioned officers of band and upon recommendation of the company commander appoint the non-commissioned officers of each company and issue warrants to the persons so appointed."

SEC. 6. Repealed—company and troop-officers. The law as it appears in section twenty-one hundred and seventy-nine-a (2179-a) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"A company of infantry shall consist of a captain, a first lieutenant, a second lieutenant, a first sergeant, a quartermaster sergeant, four sergeants, six corporals, two cooks, two musicians, an artificer, and not less than forty nor more than sixty-four privates and non-commissioned officers. A signal company shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, eight sergeants, sixteen corporals, two cooks, two musicians, an artificer and not less than forty nor more than sixty-four privates and non-commissioned officers. A cavalry troop or battery of light artillery shall have the same officers, non-commissioned officers and number of enlisted men as an infantry company, and a farrier, a blacksmith and a saddler. In time of war or public danger the commander-in-chief may increase the enlisted strength of such organizations as he may deem necessary. Company officers shall be elected by the officers and enlisted men of the company and shall hold office for five (5) years, unless their resignation shall have been accepted or they are dismissed by sentence of court-martial."

SEC. 7. Repealed—medical and staff departments. The law as it appears in section twenty-one hundred and eighty-one-a (2181-a) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"The medical department, in addition to the surgeon general, shall consist of a deputy surgeon general with rank of lieutenant colonel, and for each regiment, a surgeon with rank of major and two assistant surgeons; assistant surgeons, for the first five years of commission, shall have rank of first lieutenant and that of captain thereafter. The enlisted men of the medical department shall consist of a first-class sergeant for each regiment and one sergeant for each assistant-surgeon and such number of privates as the commander-in-chief may prescribe. The other staff officers and enlisted men, in addition to the heads of departments and personal aides and regimental staff shall be as follows; assistant inspector general, with rank of major; an assistant general inspector of small arms practice, with rank of major; and an inspector of small arms practice with rank of captain for each regiment, all of whom shall possess the same qualifications for appointment as the heads of departments, and such officers, non-commissioned officers and enlisted men as the commander-in-chief may prescribe, for the engineer department. All staff officers, except heads of departments, aids to commander-in-chief and regimental staff shall be appointed and commissioned by the commander-in-chief for five years on the recommendation of the

chiefs of their respective departments, selected by examination, under such rules as the chiefs may prescribe.

SEC. 8. Repealed—term of service—resignation—discharge. The law as it appears in section twenty-one hundred and eighty-three (2183) of the code is hereby repealed and re-enacted to read as follows:

“Every officer of the guard shall be held to duty for the full term of his commission, unless his resignation shall have been sooner accepted, or he shall have been dismissed by sentence of court-martial. Every enlisted man of the guard shall be held to duty for the full term of his enlistment unless regularly discharged for good and sufficient cause by the regimental commander, approved by the commander-in-chief. All company officers and members of a company or band permanently removing their place of residence from the station of such company or band, except in time of war or public danger, and all members of the guard who have served the full term for which they were commissioned or enlisted, shall upon application be entitled to honorable discharge exempting them from military duty except in time of war or public danger, and it shall be the duty of a company officer upon permanently removing his place of residence from the station of such company to resign his commission and upon failure to do so his commission may be revoked by the commander-in-chief. The term of enlistment of a member of a company or band shall be deemed to have expired upon such removal and he shall be discharged accordingly.”

SEC. 9. Repealed—parades—encampments. The law as it appears in section twenty-one hundred and eighty-four (2184) of the code is hereby repealed and re-enacted to read as follows:

“The guard may parade for encampment or drill not less than three nor more than ten days annually, by company, battalion, regiment or brigade as ordered by the commander-in-chief, and the members thereof, or assignments of details therefrom, at the discretion of the commander-in-chief, may be called out or detailed for target practice, school of instruction or such other practice or instruction as the commander-in-chief may order not exceeding ten days in any one year for any member, except members of the general staff and those detailed upon staff duty, or such other duties as the exigencies of the service require.

“In lieu of the encampments provided in paragraph one of this section, the commander-in-chief may, in his discretion, order part or all of the guard to participate in field maneuvers or other exercises for instruction in conjunction with troops of the United States army, for a period of not more than fifteen days.”

SEC. 10. Repealed—penalties. The law as it appears in section twenty-one hundred and eighty-eight (2188) of the code is hereby repealed and re-enacted to read as follows:

“Any person who shall trespass upon the encampment grounds or the camp grounds of the military force of the state in active service, or of the guard called out for encampment, drill, target practice or other duty, or interrupt, molest or interfere with any member of the guard in the discharge of his duty, or sell any malt or spirituous or other intoxicating liquor within one mile of such encampment, camp or station, except a person engaged in the business prior to the establishment of such encampment, camp or station under permit issued by lawful authority, shall be guilty of a misdemeanor and punishable therefor, and the commanding officer of such force may order the arrest of such person and cause him to be delivered to a peace officer or magistrate as soon as practicable.”

SEC. 11. Repealed—compensation of officers and men. The law as it appears in section twenty-two hundred and twelve (2212) of the supplement to the code is hereby repealed and re-enacted to read as follows:

“The military force, when in active service of the state upon the call of the governor or sheriff of any county, and the guard when paraded for drill,

encampment, target practice, school of instruction, or other duty under orders of the commander-in-chief, shall be paid the following compensation for time actually on duty; each commissioned officer shall receive the pay of his rank in the United States army, at the time of such service, without allowances, increase or additions on account of length of service, and without subsistence or any allowances other than transportation, quarters and stationery. Enlisted men shall be furnished transportation, subsistence and quarters, and in addition thereto shall receive the following per diem: Chief musician, three dollars (\$3.00); principal musician, drum major, first class sergeant, regimental sergeant major, commissary sergeant, quartermaster sergeant, color sergeant, first sergeant two dollars (\$2.00); battalion sergeant major, company quartermaster sergeant, sergeant and cook one dollar and seventy-five cents (\$1.75); corporal, farrier, saddler, blacksmith, one dollar and fifty cents (\$1.50); private one dollar and twenty-five cents (\$1.25). Enlisted men who have served continuously for three years and not more than five years, shall receive an added amount of fifteen per cent of the above per diem, and those who have served continuously five years or more, an added amount of twenty-five per cent of the above per diem. When in actual service of the state, pursuant to the order of the governor, the compensation of the military force shall be paid out of the state treasury, and when such service is rendered upon the call of the sheriff of a county, such compensation shall be paid from the treasury of the county whose sheriff called for such military force. The claims for such services shall be audited and allowed in the former case by the executive council and in the latter by the board of supervisors, upon presentment of proper claim therefor, at its next session. Should any part of the compensation above provided be paid from the United States, there shall be paid from the state or county treasury only that part thereof not paid by the United States."

SEC. 12. Repealed — compensation for company drill and band practice. That the law as it appears in section twenty-two hundred and thirteen (2213) of the supplement to the code is hereby repealed and re-enacted to read as follows:

"There shall also be paid to each officer and enlisted men [man] for attendance at company drill or band practice at company or band station, the sum of ten cents (10c.) per hour and not exceeding twenty cents (20c.) in any one week provided that from any moneys due any officer or enlisted man for attendance at such drills there shall be deducted the sum of ten [cents] (10c.) per hour and not exceeding twenty cents (20c.) in any one week for absence without leave from such drills. The commander-in-chief when sufficient funds are available beyond the other requirements of this chapter, may at his discretion authorize and order the payment of the further sum of ten cents (10c.) per hour and not exceeding twenty cents (20c.) in one week and not exceeding two dollars (\$2.00) in one year to each officer or enlisted man for time actually spent in target practice upon the rifle range at the station of such officers or enlisted men."

SEC. 13. Repealed—appropriation. That the law as it appears in section twenty-two hundred and fourteen (2214) of the supplement to the code be and the same is hereby repealed and the following enacted in lieu thereof:

"There is appropriated out of any moneys in the treasury not otherwise appropriated, the sum of seventy thousand dollars (\$70,000) per annum, or so much thereof as may be necessary, for the support of the guard under the provisions of this chapter not applying to active service, which shall be drawn by a warrant, drawn by the auditor of state on the state treasurer, upon the certificates of the adjutant general approved by the governor, showing for what purpose each draft is to be or has been used, and no indebtedness shall be created in excess of such annual appropriation."

SEC. 14. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the "Register

and Leader" and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 14, 1904, and the Des Moines Daily Capital April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 78.

COSTS AND EXPENSES WHICH ACCRUE FROM THE CARE AND INVESTIGATION OF THE INSANE.

H. F. 840.

AN ACT to provide for the payment of costs and expenses which accrue from the care and investigation of persons found to be insane in counties in which they do not have a legal settlement. [Amendatory of chapter two (2) of title twelve (XII) of the code, relating to the care of the insane.]

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

SECTION 1. **Costs and expenses—how paid.** That in all cases where the commissioners of insanity of a county find to be insane a person who does not have a legal settlement within that county, the costs and expenses of the arrest, care, investigation and commitment of such person authorized by law, including the costs of appeal if an appeal be taken and the person is found to be insane on appeal, shall be paid in the first instance by the county in which such person is so found to be insane. If such person is found to have a legal settlement in another county of this state, such costs and expenses shall be audited and paid by the supervisors of that county in the manner provided for the payment of other claims. If such person be found to have no legal settlement within this state, such costs and expenses shall be paid out of any money in the state treasury not otherwise appropriated, on vouchers executed by the auditor of the county which has paid them and approved by the board of control of state institutions. Such vouchers shall contain an itemized statement of the costs and expenses, and payment shall be made to the treasurer of the county.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa:

Approved March 30, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 31, 1904, and the Register and Leader, April 1, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 79.

RETURN OF PATIENTS ESCAPED FROM HOSPITALS FOR THE INSANE.

H. F. 183.

AN ACT amending section twenty-two hundred and eighty-seven (2287) of the code in relation to the return of patients escaped from hospitals for the insane.

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

SECTION 1. **Expenses—how paid.** That section twenty-two hundred and eighty-seven (2287) of the code be and the same is hereby amended by

striking out the period at the end of said section and inserting a comma and adding thereto the following:

“and all necessary expenses incurred in the capture and return of such insane patient shall be paid directly from the state treasury upon a sworn statement of expenses by said commissioners and the approval of the superintendent of the hospital and of the board of control appended to such expense bill.”

Approved March 15, A. D. 1904.

CHAPTER 80.

STATE HOSPITAL FOR INEBRIATES.

S. F. 86.

AN ACT providing for the establishment, location, erection and operation of a state hospital for dipsomaniacs, inebriates, and for those addicted to the excessive use of narcotics, and providing for its support, and for the discipline of persons committed to it, and for the repeal of all laws inconsistent herewith. [Amendatory of chapter two-a (2-a) of title twelve (XII) of the supplement to the code, relating to the detention and treatment of dipsomaniacs, inebriates and those addicted to the excessive use of narcotics and repealing section thirty-two hundred and twenty-one (3221) of the code.]

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

SECTION 1. State hospital for inebriates. The industrial home for the adult blind at Knoxville shall hereafter be called the state hospital for inebriates, and shall be used for the detention, care, and treatment of all male dipsomaniacs, inebriates, and persons addicted to the excessive use of morphine, cocaine, or other narcotic drugs.

SEC. 2. Officers and employes. The officers and employes of said hospital shall consist of a superintendent, who shall be a reputable physician, and such other officers and employes as the board of control of state institutions shall deem necessary for the proper operation of said institution. Said superintendent shall be appointed by the board of control of state institutions for the term of four years and shall receive such salary as said board may fix, not exceeding two thousand dollars (\$2,000.00) per annum.

SEC. 3. Control. The board of control of state institutions shall have the same power and control over said hospital as is now given it with reference to the several institutions mentioned in chapter one hundred and eighteen (118) of the acts of the Twenty-seventh General Assembly and all amendments thereto, and said act and amendments shall apply to and govern said hospital in every respect in so far as they are not in conflict with the provisions of this act.

SEC. 4. Notice of opening of hospital. When said hospital buildings are erected, refitted, equipped, furnished, and ready for occupancy, said board of control shall mail written notice to every judge of the district court and to every clerk of the district court in the state, notifying them that said hospital is open for the reception of patients.

SEC. 5. Male patients. Said hospital shall receive all male patients regularly committed to it who are dipsomaniacs, inebriates, or who are addicted to the excessive use of morphine, cocaine, or other narcotic drugs.

SEC. 6. Application for commitment. Applications for commitment to said hospital shall be made to the judge of the district court of the district which embraces the county in which the person whom it is proposed to commit resides, and said application may be made in person by any dipsomaniac, inebriate, or user to excess of morphine, cocaine, or other narcotic drug, or it may be made against any such person by his wife, or other relative, or by his guardian, or by any other person, such other person having first obtained the consent of the district judge for so doing.

SEC. 7. Examination—commitment. On presentation of the application provided for in section six (6) hereof, unless made in person by an inebriate, dipsomaniac, or user to excess of narcotic drugs, the judge shall issue an order, which may be served by any peace officer, directing him to bring the accused person before him for examination, and on his appearance, unless he demands a formal trial, the judge shall hear any evidence which may be adduced touching the accusation. The accused may be represented by counsel and the judge may, if he deems it necessary, require the county attorney of the county where the hearing is had to attend and assist in such hearing. In case said application be voluntarily or involuntarily made and the said judge shall determine that the accused is a proper person to be committed to said hospital, he shall make an order committing him thereto; otherwise he shall be discharged. The term of detention and treatment shall be until the patient is cured and not exceeding three years.

SEC. 8. Formal trial. If the accused shall not voluntarily apply for commitment and shall prior to the beginning of the hearing before the judge, demand a formal trial, the judge shall continue the hearing to the next term of the district court, or if the court shall be in session the case shall be transferred to it, and in either case the cause shall be docketed and tried as a civil case, and all papers used before the judge shall be filed with the clerk of the court; pending such hearing the judge may make such order in relation to the custody, restraint or control of the accused as he shall deem necessary.

SEC. 9. Warrant of commitment. If on a formal trial the accusation is proven the judge of the court shall impose sentence of detention, as provided in section seven (7) hereof, and the clerk of the court shall issue a warrant of commitment in accordance therewith to said hospital. If the truth of the charge is not established he shall be discharged.

SEC. 10. Costs and expenses. All costs and expenses incurred in the arrest of the accused and other costs incurred in any hearing before the judge, and all costs and expenses of trial, and the costs and expenses incurred in taking the accused to the hospital, shall be taxed up on the proceeding or trial as the case may be and be made a matter of record in the proper books of the office of the clerk of the district court of the county where the accused resided and shall be paid by the county and may, if he be committed, be recovered by it of the accused.

SEC. 11. Per capita allowance. The board of control of state institutions shall fix the per capita monthly allowance which may be charged by said hospital for the care, treatment, and maintenance of each patient therein, which shall not exceed the sum of twenty dollars (\$20.00) per capita per month, which shall be certified by the superintendent of [to] said board and paid out as provided in chapter one hundred and eighteen (118) of the acts of the Twenty-seventh General Assembly applicable to state hospitals for the insane. Provided, however, that so much of the monthly sum as exceeds fifteen dollars (\$15) shall be paid by the state from any money in the state treasury not otherwise appropriated and shall not be charged to any county or person. Provided, that until the average number of patients in said hospital shall exceed two hundred per month, it shall be credited by the auditor of state and the treasurer of state with not to exceed the sum of four thousand dollars (\$4,000.00) per month, which may be drawn as above provided.

SEC. 12. Rules and regulations—blanks. The superintendent of said hospital, subject to the approval of the board of control, shall prepare rules and regulations for the government of said hospital and its inmates, and said board of control shall cause to be prepared a blank form of warrant or order of commitment which shall contain such printed questions as may tend to bring out the previous history, condition and treatment of the accused, which blanks shall be furnished to the district judges and to the clerks of the

district court. The judge when he investigates the charge and the clerk of the court when the case is tried, shall, so far as they are able, fill out said blanks.

SEC. 13. Patients to labor—treatment. Patients received at said hospital shall be required to labor if in the opinion of the superintendent it is for their physical and mental welfare, and the method of treatment shall be that which is deemed best to eliminate the effects of the alcohol or narcotic drug and to build up the system physically and mentally and which will tend to strengthen the moral character of the patient and enable him to resist the temptation to drink or to use narcotic drugs.

SEC. 14. Conditions of parole. Any patient whom the superintendent believes to be cured may be paroled, conditioned on said patient's signing a written pledge agreeing to refrain from the use of all intoxicating liquors as a beverage, and from the use of morphine and cocaine or other narcotic drugs during the term of his commitment and shall avoid frequenting places and the association of people tending to lead him back to his old habits of inebriety. And said paroled patient must make written reports to the superintendent of said hospital at the beginning of each month on blanks to be furnished the clerk of the district court for that purpose, to the effect that he has not during the month past in any respect violated any of the terms and conditions of his parole, which reports must be investigated and approved by the clerk of the district court of the county in which the patient resides, who may demand from said paroled patient satisfactory evidence as to the truth of his statement. If, at any time, a patient on parole shall fail to make said report, or shall fail in any respect to fulfill all of the conditions upon which said parole was granted, he may without any further proceeding whatever and on the written order of the superintendent of said hospital be taken and returned to the hospital, there to be detained and treated as provided herein. Said patient so violating his parole may be returned by any peace officer, or by any officer or person whom the superintendent of the hospital may direct so to do, and in every such case all of the expenses of such taking and return of such patient shall be paid by said hospital and shall be certified by the superintendent thereof to the auditor of state and the amount thereof shall be by him and by the treasurer of state credited to the support fund of said hospital and shall be drawn by said hospital as other funds are drawn.

SEC. 15. Misdemeanor. Any patient in said hospital who shall without due authority leave the hospital, including its grounds and any other place to which he may be permitted to go, shall be guilty of a misdemeanor and shall upon conviction be punishable by imprisonment in the county jail not less than thirty nor more than ninety days, and the district court of the county in which the institution is situated as well as the district court of any county in which the patient may be found shall have jurisdiction in such cases.

SEC. 16. Refusal to work. Any patient in said hospital who, shall be required to work as hereinbefore provided, and who shall refuse so to do, or who shall violate any of the rules and regulations of the hospital, shall be subject to punishment therefor and shall not be paroled.

SEC. 17. Commitment of females. Females who are dipsomaniacs, inebriates, or addicted to the excessive use of morphine, cocaine, or other narcotic drugs, may be committed to a state hospital for the insane to be designated by the board of control, for treatment, and all the provisions of this act, so far as applicable and except as modified by this section, shall apply in such cases and also to the cases of such females as may remain in the hospital for inebriates connected with any state hospital.

SEC. 18. Transfer of patients—appropriation. When the hospital for inebriates is open for the reception of patients the board of control shall cause to be transferred to it all male persons then in the inebriate hospitals

connected with the insane hospitals of the state, and for the purpose of covering the expense of said transfer there is hereby appropriated the sum of four thousand dollars (\$4,000.00), or so much thereof as may be necessary, out of any funds in the state treasury not otherwise disposed of.

SEC. 19. Penalties. Any person who shall furnish any patient of said hospital for inebriates, or any patient who has been or may hereafter be committed to any insane hospital as an inebriate, dipsomaniac, or as one addicted to the excessive use of narcotics, any intoxicating liquor or narcotic drug, except on the written prescription of the superintendent, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state penitentiary for not less than six months nor more than one year, or by a fine, not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) at the discretion of the court. Any person who shall knowingly furnish any intoxicating liquor or narcotic drug to one who has been discharged from either of said institutions as cured, except upon the written prescription of a reputable practicing physician, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000.00), and stand committed to the county jail until such fine is paid.

SEC. 20. Per capita support for first month. For the purpose of the maintenance of said hospital for inebriates during the first month of its operation the superintendent thereof may estimate in advance of said opening and on the basis of a population of three hundred inmates at twenty dollars (\$20.00) per capita per month for the necessary supplies to operate the hospital for the first month, and the aggregate of said per capita shall be credited to said institution by the auditor of state and treasurer of state and may be drawn against as provided in chapter 118 of the acts of the Twenty-seventh General Assembly.

SEC. 21. Additional land and buildings—appropriation. To carry out the purposes of this act and provide for the purchase of the necessary land, and to erect proper additional buildings and out-buildings, and to refit the present buildings, and to equip and furnish the same, and to purchase all necessary animals, tools, implements, and other needed articles, there is hereby appropriated the sum of one hundred and twenty-five thousand dollars (\$125,000.00), or so much thereof as may be necessary, out of any funds available therefor, and on the passage and publication of this act the board of control shall proceed to purchase land, and erect, refit, equip and furnish said buildings as are herein provided for.

SEC. 22. Repealed. Section three thousand two hundred twenty-one (3221) of the code and all acts and parts of acts in conflict with this act are hereby repealed; provided, however, that nothing in this act shall in any way interfere with the execution of any commitment heretofore made under chapter ninety-three (93) of the acts of the Twenty-ninth General Assembly; and provided, further, that commitments may continue to be made under such act up to the time the hospital for inebriates provided for herein shall be formally declared ready for the reception of patients.

SEC. 23. Insane patients—expenses. Whenever any person committed to and received in the hospital for inebriates shall become insane, it shall be the duty of the superintendent to file, or cause to be filed, with the commissioners of insanity of Marion county, Iowa, an information charging the said patient with insanity and the said insane commission shall proceed to inquire into the sanity of said patient as provided in title XII, chapter two (2) of the code. In the event that said person shall be adjudged insane, he shall be transferred to the hospital for the insane, where he shall be detained until such time as that he shall be discharged by the superintendent of the insane hospital, when he shall be returned to the hospital for inebriates, where he

shall remain under the terms of the original commitment. All the expense incident to the commitment of said patient to the state hospital for the insane, including the expense of the hearing before the commissioners of insanity of Marion county, and the expense of returning said patient to the hospital for inebriates, shall in the first instance be paid by said hospital for inebriates, and an itemized statement thereof shall be certified by said superintendent to the auditor of state, and said auditor of state and treasurer of state shall credit said hospital with the amount of said expense, which may be drawn by said hospital in the same manner as other funds to its credit in the treasury of the state are drawn, and the auditor of state is authorized to collect said sum from the county where the patient has his legal residence.

SEC. 24. Physical condition of patients. Whenever the physical condition of any patient shall become such that, in the judgment of the superintendent, further confinement will prove injurious to the health of said patient, the state board of control may parole him, under proper conditions and restrictions, for such period of time as it may deem advisable.

SEC. 25. Escape—expenses. In case of the escape of any patient from the hospital, all necessary expense incurred in the recapture and recommitment of such patient, shall be paid by the state.

SEC. 26. Subject to prosecution. Whenever any person shall have been committed to the state hospital for inebriates under the provisions of this act, he shall still be subject to prosecution for any public offense committed against the penal statutes of the state and he shall, at all times, be subject to arrest notwithstanding such commitment. Such person shall, when discharged be returned to said hospital at the expense of the county in which said prosecution was pending and concluded.

SEC. 27. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 81.

DAMAGE DONE BY DOGS.

H. F. 44.

AN ACT to amend section twenty-three hundred and forty (2340) of the code, relating to damage done by dogs.

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

SECTION 1. Liability of owner. That section twenty-three hundred and forty (2340) of the code, be, and the same hereby is amended as follows: by striking out the words "by his dog" in the fifth line thereof.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 82.

INJUNCTION ACTIONS FOR SUPPRESSION OF ILLEGAL SALE OF INTOXICATING LIQUORS.

S. F. 24.

AN ACT to amend section twenty-four hundred six (2406) of the code, relating to the sale of intoxicating liquors and the manner of bringing and prosecuting injunction actions for the suppression of the illegal sale of intoxicating liquors.

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

SECTION 1. Investigation by county attorney—report. That section twenty-four hundred six (2406) of the code be and the same is hereby amended by adding thereto the following:

“Such action, when brought by a citizen, shall not be dismissed upon the motion of either the plaintiff or defendant until the county attorney shall have been notified in writing of the filing of such motion, and until such county attorney shall have made a personal investigation of the place of business sought to be enjoined, and of all matters set forth in said motion for dismissal, and shall have filed, in writing, a report of his findings in said cause, and his recommendation in reference to the disposition of the same. If any such action shall remain upon the docket for two terms of court, without trial, it shall be the duty of the judge of such court to order the plaintiff and his attorney or attorneys of record, to appear in open court for examination as to the reasons why such cause has not been brought on for trial; and it shall be the duty of the county attorney to conduct such examination, if the judge shall so order. Whenever the court shall have reason to believe that any action commenced under this section has not been brought or prosecuted in good faith said court shall direct the grand jury to investigate all the facts and circumstances connected with the bringing and prosecution of the same.”

Approved April 7, A. D. 1904.

CHAPTER 83.

RELATING TO MULCT TAX.

S. F. 210.

AN ACT to amend sections twenty four hundred thirty seven (2437), and twenty four hundred thirty eight (2438), of the code, relating to mulct tax.

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

SECTION 1. Mulct tax account. That section twenty four hundred thirty seven (2437), of the code be and the same is hereby amended by striking out the period after the word “property” in the eighth line, and inserting a comma in lieu, and adding the following:

“and the county auditor shall keep in his office in books to be provided for that purpose, an account to be known as the ‘Mulct Tax Account’ in which memoranda of all moneys which may come into his hands and those of the county treasurer, from the mulct tax, shall be entered; and the county treasurer shall keep a like account and record of all mulct tax coming into his hands. Settlement of such accounts shall be made with the board of supervisors at the January and June sessions of the board, which settlement shall be published with the proceedings of the board.”

SEC. 2. Payments made to county treasurer. That section twenty four hundred thirty eight (2438), of the code be and the same is hereby

amended by striking out the period after the word "maintained" in the sixth line and inserting a comma in lieu and adding the following:

"All payments of mulct tax shall be made to the county treasurer upon a certificate from the county auditor showing the amount due."

Approved March 15, A. D. 1904.

CHAPTER 84.

RELATING TO BOOTLEGGING.

S. F. 124.

AN ACT relating to the sale of intoxicating liquors, and defining a bootlegger, and prescribing punishment therefor. [Additional to chapter six (6) of title twelve (XII) of the code, relating to intoxicating liquors.]

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

SECTION 1. "Bootlegger" defined. Any person who shall, by himself, or his employe, servant or agent, for himself or any person, company or corporation, keep or carry around on his person, or in a vehicle, or leave in a place for another to secure, any intoxicating liquor as herein defined, with intent to sell or dispose of the same by gift or otherwise, in violation of law, shall be termed a bootlegger.

SEC. 2. Penalty. Every such bootlegger may be restrained by injunction from doing or continuing to do any of the acts prohibited by law, and all the proceedings for injunctions, temporary and permanent, and for fines and costs for violation of same, as defined by law, shall be applicable to such person, company or corporation, and the fact that an offender has no known or permanent place of business or base of supplies, or quits the business after the commencement of an action shall not prevent a temporary or permanent injunction, as the case may be, from issuing.

Approved April 6, A. D. 1904.

CHAPTER 85.

EXPENSES OF THE BUREAU OF LABOR STATISTICS.

H. F. 189.

AN ACT to repeal section twenty-four hundred and seventy-seven (2477) of the code, relating to the expenses of the bureau of labor statistics, and to enact in lieu thereof the following:

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

SECTION 1. Repealed—compensation and expenses. That section twenty-four hundred and seventy-seven (2477) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

"The commissioner of the bureau of labor statistics shall receive a salary of fifteen hundred dollars per annum and shall be allowed a deputy at a salary of twelve hundred dollars per annum payable monthly; he shall also be allowed one factory inspector at a salary of one hundred dollars per month, one office clerk at a salary of sixty-five dollars per month. The appointment by the commissioner of such factory inspector shall be subject to the approval of the executive council. Said commissioner shall be allowed necessary postage, stationery and office expenses; the said salaries and expenses shall be paid as the salaries and expenses of other state officers are provided for. The commissioner or any officer or employe of the bureau of labor statistics shall be allowed, in addition to his salary, his actual and necessary traveling

expenses while in the performance of his duties, said expenses to be audited by the executive council and paid out of the general fund of the state upon a voucher verified by the commissioner or his deputy; but the total of the expense for the officers and employes of said bureau, other than the salaries of the commissioner, his deputy, the factory inspector and clerk, shall not exceed fifteen hundred dollars per annum."

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 86.

BOARD OF EXAMINERS OF MINE INSPECTORS.

H. F. 847.

AN ACT to amend section twenty-four hundred and seventy-nine-a (2479-a) of the supplement to the code relating to mines and mining.

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

SECTION 1. **Board of examiners.** That the law which appears as section twenty-four hundred and seventy-nine-a (2479-a) of the supplement to the code be and the same is hereby amended by striking out of the sixth and seventh lines of said section the following words: "at least one of whom shall also hold a certificate of competency as hoisting engineer".

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall be in effect from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved March 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, and the Des Moines Daily Capital, March 14, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 87.

INSPECTION OF PETROLEUM PRODUCTS.

S. F. 76.

AN ACT to repeal the law as it appears in chapter eleven (II), title twelve (XII), of the code and the law as it appears in sections two thousand five hundred and three (2503), two thousand five hundred and eight (2508) and two thousand five hundred and eight-a (2508-a), of the supplement to the code, relating to the inspection of petroleum products and enacting a substitute therefor.

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

SECTION 1. **Inspectors—chief inspector.** The governor shall appoint inspectors of products of petroleum, not exceeding fourteen in number, one of whom shall be designated as chief inspector, who shall have general supervision of the inspection service of the state, except in the matter of

making reports and the payment and receipt of fees. All differences arising in the inspection of oils shall be referred to the chief inspector and his decision of the question shall be final. The chief inspector shall make such recommendations to the state board of health as may be deemed necessary to improve the inspection service. He shall devote his time and service wholly to the inspection of oil and the duties of his office. Inspectors may appoint such deputies, helpers and branders as may be necessary in the proper discharge of their official duties, but such appointments before becoming effective must be submitted to, approved and confirmed, and their compensation fixed by the executive council as in their judgment may be necessary, equitable and just. Each inspector shall be a resident of the state, and not interested directly or indirectly in the manufacture or sale of products of petroleum. His term of office shall begin on the first day of July in each even numbered year. He shall give bond to the state in the penal sum of five thousand dollars, conditioned upon the faithful performance of his duties, with sureties who shall, in addition to the usual justification, make oath, entered on the bond, that they are not directly or indirectly interested in the manufacture or sale of products of petroleum for illuminating purposes, which bond shall be for the benefit of all persons injured through the failure of the inspector to perform his duties, and shall be filed with, and the sureties thereon approved by, the secretary of state.

SEC. 2. **Regulations.** The state board of health shall make rules and regulations for the inspection of petroleum products, for the government of inspectors, and prescribe the instruments and apparatus to be used. Such rules and regulations shall be approved by the governor, and, when so approved, shall be binding upon all inspectors.

SEC. 3. **Inspection—branding—fees—supplies.** Each inspector shall be furnished, at reasonable expense to the state, with the necessary supplies, instruments and apparatus for testing, and shall promptly make inspection, and test and brand all illuminating oils kept for sale, and for such purpose may enter upon the premises of any person. He shall reject all oils for illuminating purposes which will emit a combustible vapor at a temperature of 105 degrees, standard Fahrenheit thermometer, closed test, not less than one-half pint of oil to be used in the flash test. If upon test and examination the oil shall meet the requirements, he shall brand over his official signature and date the barrel or package holding the same, "approved, flash test.....degrees", inserting in the blank the number. Should it fail to meet the requirements, it shall be branded under his official signature and date, "rejected for illuminating purposes". All inspections shall be made within the state, and paid for by the person for whom the inspection is made, at the rate of ten cents per barrel, fifty-five gallons for this purpose constituting a barrel, which charge shall be a lien upon the oil inspected, and be collected by the inspector, reported and paid to the secretary of state, on or before the fifteenth day of each month. For the purposes of this act, gasoline, benzine and naphtha shall be deemed illuminating oil. No gasoline shall be sold, given away or delivered to any person in this state until the package, cask, barrel or vessel containing the same has been plainly marked "gasoline" in such manner as the executive council may prescribe. There shall be no refund nor rebate of charges made or paid for inspection except upon a duly verified certificate of the owner that the goods, for which such rebate is asked, have been disposed of outside of the state. Said certificate to be in such form as shall be prescribed by the secretary of state and shall be delivered to the inspector and attached to his monthly report. The expense of inspection shall be deducted from any rebate or refund so granted. Any person, firm, corporation or agent violating any of the provisions of this act shall be deemed guilty of a misdemeanor and punished accordingly. All necessary supplies, labels, instruments and apparatus as contemplated in this chapter, shall be purchased by the executive council, and shall be

furnished to inspectors as needed by them, upon requisition therefor, made to the chief inspector, approved by him and forwarded to the executive council. Every person who receives products of petroleum for sale which have not been inspected as provided in this chapter, shall, within five days after the receipt thereof, notify the inspector of that inspection district that the same is in his possession; and to neglect so to do shall be deemed a misdemeanor.

SEC. 4. Record and report—reports from companies, agents, etc. Each inspector shall keep an accurate record of all oils inspected and branded, the number of gallons, the number and kind of barrels or packages, the date and number of gallons approved, the number rejected, the name of the person for whom inspection was made, and the amount of money received therefor, the necessary traveling expenses incurred, and the expenses incurred in prosecution, which record at all reasonable times shall be open to public inspection. A copy of this record duly verified under oath for the preceding month shall be filed with the secretary of state on or before the fifteenth day of each month, who shall examine said report and if found correct endorse his approval thereon, and certify the same to the executive council, and when approved by said council, the auditor of state shall issue his warrant upon the treasurer of state for the amount so approved and due the several inspectors, and no item of expense shall be allowed and paid not shown in such reports. It shall be the duty of all persons, firms or corporations, officers or agents thereof within the state, receiving any of the products of petroleum subject to inspection, to file with the secretary of state on or before the tenth day of each month, a certificate duly verified, in such form as shall be approved by the secretary of state, to cover the month preceding the one in which said report is made. Such report shall show the number of tanks or barrels, and if in tanks the tank number, of each product inspected for such person, firm, corporation, officer or agent, the amount of fees paid for such inspection, to whom paid, and, that the amounts so stated are all the products received by him or them which are subject to inspection during such period. For any failure to make the reports contemplated in this section the person, firm, corporation, officer, agent or employe shall be liable to a fine of not less than ten dollars nor more than one hundred dollars.

SEC. 5. Compensation of inspectors — expenses. Each inspector shall be allowed as full compensation for his services all fees and commissions earned and collected by him up to fifty dollars per month, and twenty-five per cent. of any sum collected in any one month in excess of fifty dollars, but in no case shall his compensation exceed one hundred dollars per month, except that the chief inspector shall be allowed twenty-five per cent. of any sum collected by him in any one month in excess of fifty dollars, up to and not exceeding one hundred and fifty dollars. Inspectors shall also be allowed such other sums necessarily and actually expended in the discharge of their official duties; and for necessary expenses incurred for prosecution of violation of the provisions of this chapter, and for necessary help in branding barrels. All money collected each month by inspectors, shall, on or before the fifteenth day of the following month, be paid to the secretary of state, and by him accounted for as other fees of his office.

SEC. 6. Penalties—damages. If any person, company or corporation, or agent thereof, shall sell, or attempt to sell, any product of petroleum for illuminating purposes which has not been inspected and branded as in this chapter provided, or shall falsely brand any barrel or package containing such petroleum product, or shall refill with products of petroleum barrels or packages having the inspector's brand thereon, without erasing such brand and having the contents thereof inspected, and the barrel or package rebranded, or shall purchase, sell or dispose of any empty barrel or package without thoroughly removing the inspection brand, or shall knowingly or negligently sell, or cause to be sold, or shall use or cause to be used, any

product of petroleum mentioned in this chapter not inspected and tested, except as otherwise authorized herein; or if any person shall adulterate with any substance for the purpose of sale or use any product of petroleum to be used for illuminating purposes in such a manner as to render it dangerous, or shall sell or offer for sale, or use any product of petroleum for illuminating purposes which will emit a combustible vapor at a temperature of less than 105 degrees, standard Fahrenheit thermometer, closed test, except as otherwise provided in this section for illuminating railway cars, boats and public conveyance, and except when the oils from which said gas or vapor is generated in closed reservoirs outside the building to be lighted thereby, and except the lighter products of petroleum when used in such lamps or apparatus which, having been submitted to the state board of health and having been examined and tested by said board shall be found to be safe for the use of the public and for street light by street lamps, shall be fined not less than ten dollars nor more than fifty dollars, or if any common carrier shall carry in any railway passenger, baggage, mail, or express car, street railway car, boat, stage coach, omnibus, or other means of public conveyance, or use or burn therein any oil or fluid, whether composed wholly or in part of petroleum or its products, which will ignite and burn at a temperature of 300 degrees Fahrenheit thermometer, open test, for lighting any lamp, vessel, or fixture of any kind, or boat or street railway car, stage coach or other means of public conveyance; or if any inspector shall falsely brand any package or barrel, or shall practice any fraud or deceit in office, or be guilty of any official misconduct or culpable negligence to the injury of another, or shall deal or have any pecuniary interest, directly or indirectly in any oils or fluids sold for illuminating purposes while holding such office, he or such person, company, corporation or agent shall be fined not less than fifty dollars and shall be liable in a civil action for all damages which may be sustained on account thereof, and each such inspector shall be fined in a sum not less than ten dollars nor more than one thousand dollars, or imprisoned in the county jail not exceeding six months, or be punished by both fine and imprisonment.

SEC. 7. Examination of lamps and apparatus. The state board of health shall examine the particular design, mechanism, and workmanship of such lamps or apparatus as shall be presented to such board, and test said lamps or apparatus, and, if it shall find any lamp or apparatus to be safe, said board shall enter the findings of the board upon the records of the proceedings of said board. The board shall have power, in case it comes to the notice of the board that any lamp or apparatus which it has heretofore approved as safe, because either of change of design, the use of unsuitable material, or poor workmanship in the construction of such lamps or apparatus, or for any other cause, is unsafe as then manufactured, and dangerous to public safety to cancel its approval of such lamp or apparatus, and after such cancellation of the approval of said lamp or apparatus, it shall be unlawful to sell or use the same, and no lamps or apparatus manufactured or sold after such disapproval shall be used in burning the lighter products of petroleum for illuminating purposes. The state board of health shall notify by registered letter the several inspectors of any approval or disapproval by them of any lamp or apparatus submitted to them for examination.

SEC. 8. Removal of inspectors. It shall be the duty of the governor to remove from office any inspector who is incompetent or unfaithful in the discharge of his official duty, or, having knowledge of the violation of any of the provisions of this chapter, shall neglect or refuse to prosecute the offender. In July of each year each inspector shall file with the secretary of the executive council an inventory of all instruments and apparatus belonging to the state, in his possession, or that of his deputy or helper, which shall be fully accounted for in such manner as may be prescribed by the executive council.

SEC. 9. Biennial report. The secretary of state shall make and deliver to the governor a report, for the fiscal year ending on the thirtieth day of June in each odd numbered year, of all inspections made, the receipts and expenditures therefor, and such other items as are by this chapter required to be made of record.

SEC. 10. Repealed. The law as it appears in chapter eleven (11), title twelve (12), of the code and the law as it appears in sections two thousand five hundred and three (2503), two thousand five hundred and eight (2508) and two thousand five hundred and eight-a (2508-a), of the supplement to the code, relating to the inspection of petroleum products, are hereby repealed and the foregoing enacted in lieu thereof.

Approved April 6, A. D. 1904.

CHAPTER 88.

DEPUTY AND ASSISTANT DAIRY COMMISSIONERS.

S. F. 67.

AN ACT amending the law relating to deputy and assistant dairy commissioners, appearing as section twenty-five hundred fifteen (2515), of the supplement to the code.

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

SECTION 1. Appointment—compensation. That the law relating to deputy and assistant dairy commissioners, appearing as section twenty-five hundred fifteen (2515), of the supplement to the code, be and the same is hereby amended by striking out the word "ten" in the twenty-fourth line thereof, and inserting the word "twelve" in lieu thereof; and by striking out the word "one" in the twenty-seventh line and inserting the word "two" in lieu thereof, and by striking out the word "ten" in the twenty-ninth line and inserting the word "twelve" in lieu thereof.

Approved April 2, A. D. 1904.

CHAPTER 89.

APPROPRIATION FOR CARRYING ON THE WORK OF THE VETERINARY SURGEON.

S. F. 312.

AN ACT amending the law as it appears in section two thousand five hundred and thirty-six (2536) of the supplement to the code, making appropriation for carrying on the work of the veterinary surgeon.

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

SECTION 1. Annual appropriation. That the law as it appears in section two thousand five hundred and thirty-six (2536) of the supplement to the code is hereby amended by striking out the words "three" and "five thousand", as it [they] appears [appear] in line two, and insert in lieu thereof the words "seven thousand five hundred".

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 90.

REGISTRATION OF VETERINARIANS REGISTERED IN OTHER STATES OR IN FOREIGN COUNTRIES.

H. F. 887.

AN ACT to amend section twenty-five hundred and thirty-eight-i (2538-i) of the supplement of the code and provide for registering without examination veterinarians registered in other states or in foreign countries.

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

SECTION 1. Registration—fee. That section twenty-five hundred and thirty-eight-i (2538-i) of the supplement of the code be, and the same is hereby amended by adding thereto, the following:

“(a) A certificate of registration showing that an examination has been made by the proper board of any state or foreign country, the holder thereof having been at the time of said examination a graduate of a legally chartered and authorized veterinary college, or veterinary department of any university or agricultural college, recognized as in good standing by the Iowa state board of veterinary medical examiners.

“(b) A certificate of registration or license issued by proper board of any state or foreign country, may be accepted as evidence of qualification for registration in this state, provided that the holder thereof was at the time of such registration the legal possessor of a diploma issued by a legally chartered and authorized veterinary college or veterinary department of any university or agricultural college in any state or foreign country, and that the date thereto was prior to the legal requirement of the examination test in this state. The fee for such registration shall be fifty dollars (\$50.00)”

SEC. 2. Restrictions. If by the laws of any state or foreign country, or rulings or decisions of the appropriate officers of boards thereof any burden, obligation, requirement, disqualification or disability is put upon veterinarians registered in any state or foreign country, or holding diplomas from any legally chartered and authorized veterinary college, or veterinary department of any university or agricultural college, recognized as in good standing by the Iowa state board of veterinary medical examiners, affecting the right of said veterinarians to be registered or admitted to practice in said state or foreign country, then the same or like burdens, obligations, requirements, disqualifications or disability shall be put upon the registration in this state of veterinarians registered in said state or foreign country or holding diplomas from any legally chartered and authorized veterinary college, or veterinary department of any university or agricultural college recognized as in good standing by the Iowa state board of veterinary medical examiners.

SEC. 3. In effect. This act, being deemed of immediate importance, shall be in effect upon, and after its publication in the Register and Leader and Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Daily Capital, April 13, 1904,

W. B. MARTIN,
Secretary of State.

CHAPTER 91.

DEPARTMENT OF VETERINARY SURGERY AND MEDICINE.

S. F. 205.

AN ACT to amend the law as it appears in sections twenty-five hundred and thirty-eight j (2538-j) and twenty-five hundred and thirty-eight-p (2538-p) of the supplement to the code in reference to the department of veterinary surgery and medicine.

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

SECTION 1. **Annual fee.** That the following be added to section twenty-five hundred thirty-eight-j (2538-j) of the supplement to the code:

"It shall be the duty of each person registered as a practitioner under this section, to pay to the secretary of the board an annual fee of one dollar, on or before June 1st of each year, as long as he shall continue in practice in the state of Iowa."

SEC. 2. **Necessary expenses.** That the law as it appears in section twenty-five hundred and thirty-eight-p (2538-p) of the supplement to the code shall be amended by inserting after the word "paid" the following, "together with the necessary expenses of the board".

SEC. 3. **In effect.** This law shall go into effect on its passage and publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 4, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 5, 1904, and Register and Leader April 6, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 92.

PROTECTION OF FISH AND GAME.

S. F. 158.

AN ACT to amend the law as the same appears in section twenty-five hundred and forty (2540) and section twenty-five hundred and fifty-one (2551) of the code supplement, relative to the protection of fish and game.

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

SECTION 1. **Fishing season extended.** Amend the law as it appears in section twenty-five hundred and forty (2540) of chapter fifteen (15) of the code supplement by striking out the word "first" in the third line of said section and inserting in lieu thereof the word "fifteenth".

SEC. 2. **Same.** Amend the law as it appears in section twenty-five hundred and forty (2540) of chapter fifteen (15) of the code supplement by striking out the words "first day of December" in the thirteenth line of said section and inserting in lieu thereof the words "fifteenth day of November".

SEC. 3. **Game protected.** Amend the law as it appears in section twenty-five hundred and fifty-one (2551) of chapter fifteen (15) of the code supplement by striking out the words "first day of January" in the fifth line of said section and inserting in lieu thereof the words "fifteenth day of December".

Approved March 21, A. D. 1904.

CHAPTER 93.

PROTECTION OF FISH AND GAME.

H. F. 188.

AN ACT to amend the law which appears as section twenty-five hundred and forty (2540) of the supplement to the code, relating to protection of fish and game.

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

SECTION 1. **Fishing—what permitted.** That the law which appears as section twenty-five hundred and forty (2540) of the supplement to the code, be, and is, hereby amended by striking out the word "black" in the twenty-sixth line thereof.

Approved March 15, A. D. 1904.

CHAPTER 94.

TAKING FISH FROM THE WATERS OF THE STATE.

S. F. 106.

AN ACT to amend the law as the same appears in section twenty-five hundred and forty-six (2546) of the code supplement.

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

SECTION 1. **Written permits.** That all of section twenty-five hundred and forty-six (2546), as it appears in chapter fifteen (15) of the code supplement, after the word "states", in the fifth (5th) line of said section, be stricken out and the following inserted in lieu thereof:

"Provided, further, that the warden may, upon proper application in writing, made upon blanks furnished by said warden, issue to whomsoever he may see fit, written permits, upon blank forms to be furnished by said warden, suspending for a specified period specified portions of this chapter relating to fishing and authorizing the person to whom said permit is issued, to take from certain designated lakes of the state, having an area of not less than two (2) square miles, buffalo, carp, quillbacks, redhorse, suckers and gar, as in said permit named, in any quantities and for all purposes; provided, however, that no such permit holder shall be authorized to exercise the rights granted in said permit, except in the presence and under the supervision of the warden or one or more of his regularly constituted deputies, without expense to the state, and provided that seining shall not be permitted between the first day of December and the fifteenth day of June".

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Register and Leader and Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 22, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 23, 1904, and the Register and Leader, March 24, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 95.

PROTECTION OF GAME.

H. F. 249.

AN ACT to amend section twenty-five hundred and fifty-two (2552) of chapter fifteen (15) title twelve (XII) of the code relative to the protection of fish and game.

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

SECTION 1. **Number killed in one day.** Amend section twenty-five hundred and fifty two (2552) of chapter fifteen (15) of the code by inserting

after the word "birds" in the fifth (5th) line of said section, the following words, "or of wild turkey, duck, goose or brant".

SEC. 2. **Ducks excepted.** Amend section twenty-five hundred and fifty-two (2552) of chapter fifteen (15) of the code, by inserting after the word "birds" in the seventh (7th) line of said section the following words "except ducks".

SEC. 3. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Register and Leader, and Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 15, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 16, 1904, and the Register and Leader, March 17, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 96.

PROTECTION OF LIVE BIRDS.

H. F. 60.

AN ACT for the protection of live birds, and providing penalties for the violation thereof. [Additional to chapter fifteen (15) of title twelve (XII) of the code, relating to fish, birds and game.]

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

SECTION 1. **Using birds as targets—penalty.** Any person who keeps or uses a live pigeon, fowl or other bird for the purpose of a target or to be shot at either for amusement or as a test of skill in marksmanship, or shoots at a bird kept or used as aforesaid, or is a party to such shooting, or leases any building, room, field or premises, or knowingly permits the use thereof, for the purpose of such shooting, shall upon conviction thereof be fined not less than ten dollars nor more than one hundred dollars or imprisoned in the county jail not exceeding thirty days. Nothing in this act shall apply to the shooting of wild game.

Approved March 7, A. D. 1904.

CHAPTER 97.

MEETINGS OF STATE BOARD OF HEALTH.

H. F. 111.

AN ACT to amend section twenty-five hundred and sixty-four (2564), of the code relating to the meetings of the state board of health.

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

SECTION 1. **Meetings—when held.** That section twenty-five hundred and sixty-four (2564), of the code be and the same is hereby amended by striking out the word "May" in the lines nine (9) and twelve (12) in said section and inserting in lieu thereof the word "July", and by striking out the word "November" in line ten (10) in said section and inserting in lieu thereof the word "January".

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register-Leader and Daily Capital, newspapers published in the city of Des Moines.

Approved March 24, A. D. 1904.

I hereby certify that the foregoing act was published in the Daily Capital, March 25, 1904, and the Register and Leader, March 26, 1904.

W. B. MARTIN.
Secretary of State.

CHAPTER 98.

EXPENSES OF LOCAL BOARDS OF HEALTH IN RESTRICTING SPREAD OF INFECTIOUS DISEASES.

S. F. 268.

AN ACT to amend the law as it appears in section twenty-five hundred and seventy-a (2570-a) of the supplement to the code and to repeal the law as it appears in section twenty-five hundred and seventy-b (2570-b) of the supplement to the code, relating to payment of expenses of local boards of health in restricting the spread of infectious diseases.

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

SECTION 1. Expenses. That the law as it appears in section twenty-five hundred and seventy-a (2570-a) of the supplement to the code be and the same is hereby amended by inserting after the word "section" in line sixteen (16) thereof, the words "in establishing, maintaining or raising a quarantine, detention or other hospital".

SEC. 2. Repealed. That the law as it appears in section twenty-five hundred and seventy-b (2570-b) of the supplement to the code be and the same is hereby repealed.

Approved April 6, A. D. 1904.

CHAPTER 99.

REMOVAL OF PERSONS SICK WITH INFECTIOUS DISEASES.

H. F. 812.

AN ACT to regulate the removal of persons sick with infectious and contagious diseases from one city, town or township to another city, town or township. Additional to chapter sixteen (16), title twelve (XII), of the code.

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

SECTION 1. Removal—written permission. That no person known to be infected, or sick with any contagious disease dangerous to the public health shall move or be removed from one city, town or township to another city, town or township except as hereinafter provided and by written permission of the local board of health of the city, town or township to which such person is to be removed.

SEC. 2. Expenses—how paid. If any person known to be infected or sick with smallpox or other contagious disease dangerous to the public health shall with the knowledge or consent of any member of the local board of health of the city, town or township in which he resides be removed from said city, town or township to another city, town or township either with or without the permission of the local board of such city, town or township to which he is removed, all expense of quarantine or care of such person incurred by the city, town or township to which he is removed shall be paid by the city, town or township from which such person was so removed, in the manner provided in section two thousand five hundred and seventy-a (2570-a) of the supplement to the code. If said person be so removed to another county, said expenses shall in the first instance be paid by such county and recovered from the county from which such person had been removed.

SEC. 3. Same. When it is determined by any physician or health officer that any person is sick with smallpox or any other contagious disease dangerous to the public health while in any city, town or township other than the one in which he resides, provided the distance be not to exceed fifteen (15) miles from his place of residence, then and in that event if the person so diseased elect to be moved to the city, town or township in which he resides, he may be so removed by private conveyance along the least frequented highways under escort of a health officer to his abode immediately on determining that he is so diseased; and every such vehicle shall carry as a signal of warning, conspicuously displayed, a yellow flag not less than two feet square. All expenses of removal, care and quarantine of such person shall be paid by the city, town or township to which he is removed and shall be paid in the manner provided in section two (2) of this chapter.

SEC. 4. Misdemeanor. Any person who shall move, or any physician or any member of a local board of health who shall cause or assist any person known to be infected or sick with smallpox, or any contagious disease dangerous to the public health to be removed from one city, town or township, to another city, town or township, contrary to the provisions of this act or of any regulation of the state board of health, shall be guilty of a misdemeanor, and be punished by a fine not exceeding one hundred dollars (\$100) or imprisonment not exceeding thirty (30) days, or both at the discretion of the court.

Approved April 13, A. D. 1904.

CHAPTER 100.

REGISTRATION OF BIRTHS AND DEATHS.

H. F. 418.

AN ACT to require the registration of births and deaths in Iowa. [Additional to chapter sixteen (16) of title twelve (XII) of the code, relating to the state board of health.]

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

SECTION 1. State registrar of vital statistics. That for the complete and proper registration of births and deaths for legal, sanitary and statistical purposes, the state board of health is hereby constituted state registrar of vital statistics, and it shall be his duty to promulgate and enforce all necessary rules and regulations that may be required to carry out the purpose of this act.

SEC. 2. Local registrars—sub-registrars. Local registrars of vital statistics shall be the health officers of cities and the clerks of townships. Each local registrar shall at once, upon his election or appointment, appoint a deputy, subject to the approval of the state board of health, who shall act as registrar in case of his absence, illness or other disqualifications, and the state board of health may also appoint, as sub-registrars, the clerks of all incorporated villages and not more than three other persons in each township, to file certificates of births and deaths, transmit them to the township registrars, and to issue burial and removal permits, as hereinafter provided.

SEC. 3. Certificates of death—burial or removal permits. The undertaker or person in charge of the funeral of any person dying in Iowa shall cause a certificate of death to be filled out, with all the personal particulars contained in the standard blank adopted by the U. S. census, and with a statement of cause of death by the attending physician, or, in his absence, by the health officer or coroner, and shall file it with the local registrar before the body is interred, deposited in a vault or otherwise disposed of, or removed from the township, village or city in which the death occurred. On receipt of a certificate of death properly and completely filled out, the local registrar

shall issue a burial or removal permit, and no sexton or superintendent of a cemetery shall permit interment, and no railroad or other transportation company shall permit shipment, of a body unaccompanied by a registrar's burial or removal permit.

SEC. 4. Certificates of birth. A certificate of birth of the standard form adopted by the U. S. census shall be made out by the physician, midwife, or other person attending the birth of every child born in Iowa, or in default of such person by the parent, householder, superintendent of an institution, or other responsible person, and filed with the local registrar of vital statistics within ten days after the birth. In case the child is not named, the registrar shall deliver a supplementary blank for report of given name to the person filing the certificate, to be filled out and returned as soon as the child shall be named.

SEC. 5. Monthly reports. Sub-registrars shall deliver all certificates of births and deaths filed with them for any month to the township registrar on or before the third day of the following month. Local registrars shall record and number, in order of filing, all certificates of births and deaths, including those filed by sub-registrars, and on the fifth day of the following month shall mail them to the state board of health in a stamped return envelope provided by the state board of health and include a statement card showing the number returned, with their registered numbers, and that no other births and deaths have occurred and failed to be registered. In case no births or deaths have occurred, then the local registrar shall make a report to that effect upon a postal card blank provided by the state board of health.

SEC. 6. Duties of secretary of state—compensation of registrars. The secretary of state shall furnish blank certificates of birth and death to physicians, undertakers and local registrars, and shall supply local registrars with all necessary blanks, forms and instructions for the effective execution of the law. He shall, annually, certify to the board of supervisors of each county the number of certificates of births and deaths received from each local registrar, for each of which, when completely and properly made out and properly transmitted to the secretary of state on the fifth day of the following month, the local registrar shall be entitled to the sum of twenty-five cents (25c) to be paid out of the county fund. Provided, that for certificates originally filed with sub-registrars, completely made out and promptly transmitted, the sub-registrar shall receive ten cents (10c) each and the registrar shall receive fifteen cents (15c) each; provided further, that city registrars of cities having ten thousand (10,000) population or more by the last U. S. census shall receive no special compensation other than that included in their salaries for acting as registrars under this act. Each report of "no deaths" or "no births" shall be included in the warrant for payment as one certificate.

SEC. 7. Misdemeanor. Any undertaker, person acting as undertaker, physician, midwife, sub-registrar, local registrar, sexton, agent of a transportation company, or other person violating any of the provisions of this act or failing to properly register a birth or death as herein required, shall, upon conviction, be considered guilty of a misdemeanor, and shall be fined not less than five (5) and not more than one hundred (100) dollars, or be imprisoned not more than sixty (60) days, or be subjected to both such fine and imprisonment, at the discretion of the court. It shall be the duty of the prosecuting attorney in each county, upon complaint of a local registrar or of the state board of health, to aid in the enforcement of this act, and the state board of health shall endeavor to see that it is uniformly and officially executed throughout the state.

SEC. 8. Repealed. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 13, A. D. 1904.

CHAPTER 101.

BACTERIOLOGICAL LABORATORY.

H. F. 453.

AN ACT to provide for the maintenance of a bacteriological laboratory at Iowa City, Iowa, in connection with the medical department of the State University. Additional [to] chapter sixteen (16), title twelve (XII) of the code.

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

SECTION 1. Establishment. The bacteriological laboratory of the medical department of the state university at Iowa City, is hereby established as a permanent part of the medical department of the university work, and it shall in addition to its regular work perform all scientific analyses and tests, chemical, microscopical or other scientific investigations, which may be required by the state board of health, and it shall make prompt report of the results thereof, under such rules and regulations as the said state board of health may from time to time adopt.

SEC. 2. Director—reports. The professor of bacteriology of the medical department of the state university shall be the director of said laboratory and shall make or cause to be made all such analyses, tests and investigations as shall be required by the state board of health as provided in the preceding section, causing the same to be made without delay and giving such analyses, tests or investigations the preference of the point of time over all other work and shall make prompt report of the result thereof to the board of health or to such person or persons as the board of health may by rule or designation designate.

SEC. 3. Appropriations—purposes. There is hereby appropriated for the purpose of more perfectly equipping the present bacteriological laboratory at the state university and for the purpose of enabling it to perform the duties hereby imposed, and to provide it with the necessary apparatus and assistants to render the same effective, the sum of one thousand dollars (\$1,000) for apparatus and the further sum of five thousand dollars (\$5,000) or so much thereof as may be necessary, biennially to be the additional salary of said director, the assistants, the expenses of said laboratory as may be necessary by this act, including postage, stationery and other contingent and miscellaneous expenses which may be incurred in the maintaining of said laboratory and perform the duties required therein by the provisions of this act. The director shall receive such additional salary not exceeding twelve hundred dollars (\$1,200) per year as the state board of health may fix. The appropriations hereby provided shall be expended in the manner provided in section two thousand five hundred and seventy-five (2575) of the code.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 102.

REGISTRATION OF PHYSICIANS REGISTERED IN OTHER STATES.

S. F. 178.

AN ACT to amend the law as it appears in section two thousand five hundred eighty-two (2582) of the code supplement, and to provide for registering, without examination, physicians registered in other states.

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

SECTION 1. Registration—fee. That the law as it appears in section two thousand five hundred eighty-two (2582) of the code supplement be, and the same is hereby amended by adding thereto the following:

“(a) A certificate of registration showing that an examination has been made by the proper board of any state, on which an average grade of not less than seventy-five (75) per cent was awarded, the holder thereof having been at the time of said examination the legal possessor of a diploma from a medical college in good standing in this state, may be accepted in lieu of an examination, as evidence of qualification. But in case the scope of said examination was less than that prescribed by this state, the applicant may be required to submit to a supplemental examination in such subjects as have not been covered.

“(b) A certificate of registration or license, issued by the proper board of any state, may be accepted as evidence of qualification for registration in this state, provided the holder thereof was, at the time of such registration, the legal possessor of a diploma issued by a medical college in good standing in this state, and that the date thereof was prior to the legal requirement of the examination test in this state. The fee for such examination shall be fifty dollars.”

SEC. 2. Restrictions. If, by the laws of any state or the rulings or decisions of the appropriate officers or boards thereof, any burden, obligation, requirement, disqualification or disability is put upon physicians registered in this state or holding diplomas from medical colleges in this state, which are in good standing therein, affecting the right of said physicians to be registered or admitted to practice in said state, then the same or like burdens, obligations, requirements, disqualification or disability shall be put upon the registration in this state of physicians registered in said state, or holding diplomas from medical colleges situated therein.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved March 15, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 16, 1904, and the Register and Leader, March 17, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 103.

PENSION MONEY OF MEMBERS OF THE IOWA SOLDIERS' HOME.

H. F. 295.

AN ACT to amend the law as it appears in section twenty-six hundred and six-b (2606-b) of the supplement to the code, in regard to the pension money of members of the Iowa soldiers' home.

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

SECTION 1. Abstinence from intoxication. That section twenty-six hundred and six-b (2606-b) of the supplement to the code be, and the same

is hereby amended by inserting after the word "provide" in the seventeenth line thereof, the following:—

"but in case the pensioner abstain from intoxication and is not guilty of further violation of the criminal statutes of the state for a period of ten months from the date of conviction or of intoxication, as hereinbefore provided, he shall be entitled to receive two dollars for the eleventh month and four dollars for the twelfth month following such conviction, from his said pension; and if, during these two months he shall conduct himself in an orderly and sober manner, he shall then have the same control of his pension money as though he had not been twice convicted of violating the criminal statutes, or of being intoxicated, as provided in this act."

Approved March 21, A. D. 1904.

*CHAPTER 104.

REPORTS FROM EDUCATIONAL INSTITUTIONS.

H. F. 457.

AN ACT requiring a report from the state university, state college of agriculture and mechanic arts and the state normal school, and appointing a committee to inspect and report upon said institutions. [Additional to chapters three (3), four (4) and five (5) of title thirteen (XIII) of the code, relating to the state educational institutions.]

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

SECTION 1. Reports—what to contain. That the secretary of the state university, the secretary of the state college of agriculture and mechanic arts and the secretary of the state normal school be required hereafter to make report to each general assembly within three (3) days after the said general assembly shall have convened. Said reports shall show in plain manner the amount available each fiscal year from state appropriations and all other sources, for the erection, equipment, improvement and repair of buildings, also the funds received from state appropriations, interest on endowment funds, tuition, laboratory fees, janitor fees, donations, rent of lands and from all sources whatsoever going to effect the annual income of the support funds of said institutions. Any appropriation or funds received for any special purpose whatsoever shall also be reported. Hospital receipts and sales of departments shall be listed separately. The report shall show how the moneys thus received were expended giving under separate heads the cost of instruction, administration, maintenance and equipment of departments, and the general expenses of the institutions. It shall clearly state the number of professors, instructors, fellows and tutors and the number of students enrolled in each course during each year of the biennial period. Students attending the short courses shall be reported separately. The amount of unexpended balances of departments, remaining in the hands of the treasurer and the amounts undrawn from the state treasury on the 30th of June of the last year of the biennial period shall be given. The report of the secretary of the state college of agriculture and mechanic arts shall also show the receipts of the experiment station from all sources for each fiscal year and how such funds were expended.

Approved April 13, A. D. 1904.

*The title of this act recites the fact of appointing a committee to inspect and report upon said institutions, but this provision was stricken out of the bill before it passed and no change was made in the title.

CHAPTER 105.

HIGHWAY COMMISSION.

H. F. 871.

AN ACT to create a highway commission for the state of Iowa, and defining the duties of same [Additional to chapter four (4) of title thirteen (XIII) of the code, relating to the state college of agriculture and mechanic arts.]

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

SECTION 1. Highway commission—duties. That the Iowa state college of agriculture and mechanical [mechanic] arts at Ames, shall act as a highway commission for Iowa, whose duties shall be:

1. To devise and adopt plans and systems of highway construction and maintenance, suited to the needs of the different counties of the state, and conduct demonstration in such highway construction, at least one each year at some suitable place, for the instruction of county supervisors, township trustees, superintendents, students of the college, and others.

2. To disseminate information and instruction to county supervisors, and other highway officers who make request; answer inquiries and advise such supervisors and officers on questions pertaining to highway improvements, construction and maintenance, and whenever the board of supervisors of a county adjudge that the public necessity requires a public demonstration of improved highway construction or maintenance in said county, and so request and agree to furnish necessary tools, help, and motor power for same, the commission shall furnish as soon as practicable thereafter, a trained and competent highway builder for such demonstration free to the county.

3. To formulate reasonable conditions and regulations for public demonstrations; and to promulgate advisory rules and regulations for the repair and maintenance of highways.

4. To keep a record of all the important operations of the highway commission, and report same to the governor at the close of each fiscal year.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Register and Leader and Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Capital, April 15, 1904, and the Register and Leader, April 16, 1904,

W. B. MARTIN,
Secretary of State.

CHAPTER 106.

SUPPORT OF IOWA SOLDIERS' ORPHANS' HOME.

S. F. 228.

AN ACT to amend the law as it appears in section twenty-six hundred and ninety-one (2691) of the code, and to repeal section twenty-six hundred and ninety-two (2692) of the supplement to the code and enact a substitute therefor, relating to the support of the Iowa soldiers' orphans' home.

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

SECTION 1. Per capita support. That the law as it appears in section twenty-six hundred and ninety-one (2691) of the code is hereby amended by striking out the word "ten" in the third line of said section and inserting in lieu thereof the word "twelve".

SEC. 2. Repealed—counties liable. That the law as it appears in section twenty-six hundred and ninety-two (2692) of the supplement to the code is hereby repealed and the following enacted in lieu thereof:

“Each county shall be liable for sums paid by the home in support of all its children, other than the children of soldiers, to the extent of six dollars (\$6.00) per month each, which shall be charged to the county, and collected as a part of the taxes due the state, and paid by the county at the same time state taxes are paid; the cost of support in excess of the six dollars (\$6.00) per capita per month shall be paid by the state from any money in the state treasury not otherwise appropriated.”

Approved March 31, A. D. 1904.

CHAPTER 107.

COMPENSATION FOR NON-RESIDENT PUPILS IN COLLEGE FOR THE BLIND.

R. F. 160.

AN ACT to amend section twenty-seven hundred and fifteen (2715) of the code relating to compensation for non-resident pupils in the college for the blind.

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

SECTION 1. Admission fee. That section twenty-seven hundred and fifteen (2715) of the code be amended by striking from the fifth line thereof the words “fifty-four” and inserting in lieu thereof the words “sixty-six.”

Approved February 24, A. D. 1904.

CHAPTER 108.

COMPENSATION FOR NON-RESIDENT PUPILS IN SCHOOL FOR THE DEAF.

H. F. 161.

AN ACT to amend section twenty-seven hundred and twenty-four (2724) of the code relating to compensation for non-resident pupils in the school for the deaf.

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

SECTION 1. Admission fee. That section twenty-seven hundred twenty-four (2724) of the code be amended by striking from the fifth line thereof the word “forty” and inserting in lieu thereof the words “sixty-six”.

Approved February 24, A. D. 1904.

CHAPTER 109.

EMPLOYMENT OF ARCHITECTS BY THE BOARD OF CONTROL.

S. F. 320.

AN ACT to amend the law as it appears in section twenty-seven hundred twenty-seven-a-twenty-three (2727-a-23) of the supplement to the code in regard to the employment of architects by the board of control of state institutions.

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

SECTION 1. Plans and drawings from other architects. That the law as it appears in section twenty-seven hundred twenty-seven-a-twenty-three (2727-a-23) of the supplement to the code is hereby amended by striking therefrom, after the word “or” in the twelfth line the words “secure additional skilled assistance before the adoption of the plans of the state architect”, and inserting in lieu thereof the following: “may procure plans, specifications and drawings from other architects”.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 110.

QUARTERLY CONFERENCES OF CHIEF EXECUTIVE OFFICERS OF STATE INSTITUTIONS.

H. F. 60.

AN ACT to appropriate money in aid of the quarterly conferences of the chief executive officers of the institutions under the management of the board of control of state institutions. [Additional to chapter eleven-B (11-B) title thirteen (XIII) of the supplement to the code, relating to the board of control of state institutions.]

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

SECTION 1. **Annual appropriation—purpose.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of two hundred fifty dollars annually for the payment of the actual and necessary expenses of persons who shall, at the solicitation of the board of control of state institutions, read papers at the quarterly conferences of the chief executive officers of the state institutions under the management of said board. The papers so read shall have especial application to the objects and work of one or more of said institutions.

SEC. 2. **How and when payable.** The money hereby appropriated shall be payable on the first day of July of each year and shall be paid from the state treasury as the expenses of the members of the board of control are paid.

Approved March 17, A. D. 1904.

CHAPTER 111.

APPOINTMENT OF POLICEMEN AT CERTAIN STATE INSTITUTIONS.

H. F. 421.

AN ACT authorizing the appointment of policemen at certain state institutions. [Additional to chapter eleven-B (11-B) of title thirteen (XIII) of the supplement to the code, relating to the board of control of state institutions.]

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

SECTION 1. **Special policemen.** That upon the application and recommendation of the board of control of state institutions the governor shall commission any number of employes of any institution under the control of said board, not exceeding three, to be designated by the chief executive officer, to be special policemen thereof; and such officer or officers shall take an oath of office and shall have power to protect the property of such institution, to suppress riots, disturbances and breaches of the peace, and to enforce all laws for the preservation of good order, and may, upon view or information, without warrant, arrest any person trespassing upon the grounds or destroying the property of such institution, or violating any of the existing laws of the state, and bring such person so offending before the mayor or any justice of the peace within such township, to be dealt with according to law. This act shall not be construed to authorize any additional employes in any institution, or any increase of compensation to any employe so designated.

Approved April 13, A. D. 1904.

CHAPTER 112.

DISPOSITION OF UNCLAIMED MONEY LEFT BY DECEASED INMATES OF STATE INSTITUTIONS.

S. F. 818.

AN ACT to provide for the disposition of unclaimed money left by deceased inmates of state institutions. [Additional to chapter eleven-B (11-B) of title thirteen (XIII) of the supplement to the code, relating to the board of control of state institutions.]

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

SECTION 1. Credited to support fund—record. That when an inmate of any state institution under the control of the board of control of state institutions dies intestate, leaving money on deposit with the chief executive or other officer of the institution, and administration of the estate of such intestate is not granted and no surviving spouse or heirs are known to the officers of the institution or are ascertained although diligent search for them be made, the money so left shall be transmitted to the treasurer of state at the end of one year from the death of the intestate and shall be credited to the support fund of the institution from which it was sent. A complete permanent record of the money so sent, showing by whom and with whom it was left, its amount, the date of the death of the owner, his reputed place of residence before he became an inmate of the institution, the date on which it was sent to the state treasurer and any other facts which may tend to identify the intestate and explain the case shall be kept by the chief executive officer of the institution and a transcript thereof shall be sent to and kept by the treasurer of state.

SEC. 2. Payment to party entitled thereto. The money so sent to treasurer of state, or any part thereof, shall be paid at any time within ten years from the death of the intestate to any person who is shown to be entitled thereto by evidence satisfactory to the board of control or to the district court of the county in which the institution from which the money was sent is located. Payment shall be made from the state treasury out of the support fund of such institution in the manner provided for the payment of other claims from that fund.

SEC. 3. Money now held. The provision of this act shall also apply to all money left by inmates of institutions who have heretofore died intestate and which is now held by the chief executive or other officer of the institutions.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 113.

PUBLICATION OF REPORTS OF COUNTY SUPERINTENDENTS.

S. F. 148.

AN ACT to amend the law as it appears in section twenty-seven hundred thirty-eight (2738) of the supplement to the code in relation to the publication of reports of county superintendents of schools.

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

SECTION 1. Expenditures and receipts of normal institutes. That the law as it appears in section twenty-seven hundred and thirty-eight (2738)

of the supplement to the code be and the same is hereby amended by inserting in the twenty-ninth line after the word "publish" the words "a summary thereof".

Approved April 13, A. D. 1904.

CHAPTER 114.

INDEBTEDNESS FOR SCHOOLHOUSE PURPOSES.

H. F. 263.

AN ACT to amend chapter fourteen (14) of title thirteen (XIII) of the code relating to the system of common schools, and the incurring of indebtedness for schoolhouse purposes.

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

That chapter fourteen (14) of title thirteen (XIII) of the code, be and the same is hereby amended, by adding thereto the following:

"SECTION 1. **Indebtedness authorized—amount.** Any independent school district containing, or contained in, any incorporated town or city of the second class, of three thousand or less population shall be allowed to become indebted, for the purpose of building and furnishing a schoolhouse or houses and procuring a site therefor, to an amount not exceeding in the aggregate, two and one half per centum of the actual value of the taxable property within such independent school district such value to be ascertained by the last county tax list previous to the incurring of such indebtedness, anything contained in section two (2) chapter forty-one (41) of the acts of the 28th General Assembly notwithstanding.

"SEC. 2. **Petition.** Provided; that before such indebtedness can be contracted in excess of one and one quarter per centum of the actual value of the taxable property ascertained as provided in section one (1) of this act, a petition signed by a majority of the qualified electors of such independent district, shall be filed with the president of the board of directors asking that an election shall be called, stating the purpose for which the money is to be used, and that the necessary schoolhouse or houses cannot be built and furnished within the limit of one and one quarter per centum of the valuation.

"SEC. 3. **Question submitted.** The president of the board of directors on the receipt of such petition shall within ten (10) days call a meeting of the board who shall call such election fixing the time and place thereof, and give four weeks notice thereof, in some newspaper published in the said town or city, or if none be published therein in the next nearest town or city in the county. At such election the ballot shall be prepared and used in substantially the following form:

"For the issuance of bonds in the sum of \$——— for schoolhouse purposes.

"Against the issuance of bonds in the sum of \$———for schoolhouse purposes.

"SEC. 4. **Bonds.** If two thirds or more of all the electors voting at such election vote in favor of the issuance of such bonds, the board of directors shall issue the same and make provision for the payment of the same and the interest thereon as provided in section twenty-eight hundred twelve (2812) and twenty-eight hundred thirteen (2813) of the code."

SEC. 5. **In effect.** This act, being deemed of immediate importance shall take effect and be in force from and after the date of its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 30, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines [Daily Capital, March 31, 1904, and Register and Leader April 1, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 115.

TEXT-BOOKS IN PUBLIC SCHOOLS.

S. F. 17.

AN ACT to amend section number twenty-seven hundred and eighty-three (2783) of the code relating to text-books in public schools, and use of contingent funds.

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

SECTION 1. Books on vocal music. That section twenty-seven hundred and eighty-three (2783) of the code be and the same is hereby amended by inserting in the third line of said section after the words, "library books", the following words, "including books for the purpose of teaching vocal music".

Approved February 24, A. D. 1904.

CHAPTER 116.

COMPULSORY EDUCATION.

S. F. 40.

AN ACT to amend the law as it appears in sections twenty-eight hundred and twenty-three-a (2823-a) and twenty-eight hundred and twenty-three-e (2823-e) of the supplement to the code, relating to compulsory education.

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

SECTION 1. Duties of parents and guardians. That the law as it appears in section twenty-eight hundred and twenty-three-a (2823-a) of the supplement to the code, be and the same is hereby amended by striking from the eighth line of said section the words, "twelve (12) consecutive school weeks in each school year", and inserting in lieu thereof the following, "sixteen (16) consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date which date shall not be later than the first Monday in December."

SEC. 2. Appointment of truant officers. That the law as it appears in section twenty-eight hundred and twenty-three-e (2823-e) of the supplement to the code, be and the same is hereby amended by inserting after the word "may" and before the word "at" in the second line thereof the following: - "and in school corporations having a population of twenty thousand (20,000) or more shall".

Approved April 6, A. D. 1904.

CHAPTER 117.

STATE HISTORICAL SOCIETY.

H. F. 297.

AN ACT making appropriations to the state historical society of Iowa. [Amendatory of chapter eighteen (18) of title thirteen (XIII) of the code, relating to the state historical society.]

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

SECTION 1. Annual appropriation—purposes. That there be and is hereby appropriated to the state historical society of Iowa, out of any money

in the state treasury not otherwise appropriated, the sum of seven thousand five hundred dollars (\$7,500), annually hereafter as permanent support: For the continued publication of The Iowa Journal of History and Politics; for the continuation of the compilation and publication of the messages and proclamations of the governors of Iowa; for the collection, compilation and publication of documentary materials relating to the history of Iowa, including such of the archives of the state and territory of Iowa as are of historical importance; for the publication of historical monographs, biographies, essays, lectures, bibliographs and indexes; for the proper maintenance of the library of the society, the collection and purchase of publications bearing upon Iowa and American history, and the proper classifying, cataloguing and indexing of such material; for the carrying out of a systematic and scientific anthropological survey of the state; for conducting public lectures of an historical character; and for meeting the incidental and other necessary expenses incurred in connection with the prosecution of the work of the said state historical society of Iowa, as indicated in this act and title XIII, chapter 18, section 2882 of the code.

SEC. 2. How paid. That the permanent annual appropriation herein provided for shall take the place and be in lieu of all other permanent annual appropriations heretofore made to the state historical society of Iowa, and the same shall be paid in quarterly installments on the order of the board of curators of the said state historical society of Iowa, the first installments to be paid July 1st, 1904.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Daily Register and Leader, April 12, 1904, and in the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 118.

CONVEYANCES OF REAL ESTATE.

H. F. 18.

AN ACT to amend the law which appears as section twenty-nine hundred and forty-two-f (2942-f) of the supplement to the code, relating to certain conveyances of real estate.

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

SECTION 1. Conveyances under power of attorney. That the law which appears as section twenty-nine hundred and forty-two-f (2942-f) of the supplement to the code be and the same is hereby amended by striking out of the fourth line the word "each" and inserting in lieu thereof the word "such".

Approved March 17, A. D. 1904.

CHAPTER 119.

CONVEYANCE OF REAL PROPERTY BY ONE SPOUSE WHEN THE OTHER IS INSANE.

H. F. 172.

AN ACT to repeal section three thousand one hundred sixty-seven (3167) and three thousand one hundred sixty-nine (3169) of the code and to enact substitutes therefor.

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

SECTION 1. Repealed—insanity of either spouse—conveyance of property. That section three thousand one hundred sixty-seven (3167) of

the code be and the same is hereby repealed and there is hereby enacted in lieu thereof the following:

“Where either the husband or wife is insane and incapable of executing a deed or mortgage relinquishing, conveying or incumbering his or her right to the real property of the other the other may petition the district court of the county of his or her residence or the county where the real estate to be conveyed or incumbered is situated, setting forth the facts and praying for an order authorizing the applicant or some other person to execute a deed or mortgage and relinquish or incumber the interest of the insane person in said real estate.”

SEC. 2. **Repealed—decree.** That section three thousand one hundred sixty-nine (3169) of the code be and the same is hereby repealed and there is hereby enacted in lieu thereof the following:

“Upon the hearing of the petition the court if satisfied that it is made in good faith by the petitioner and he is a proper person to exercise the power and make the conveyance or mortgage and it is necessary and proper shall enter a decree authorizing the execution of the conveyance or mortgage for and in the name of such husband or wife by such person as the court may appoint.”

SEC. 3. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved February 27, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, February 27, 1904, and the Register and Leader February 29, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 120.

INHERITANCE OF CHILD BORN AFTER THE MAKING OF A WILL.

S. F. 7.

AN ACT governing the right of inheritance of a child born after the making of a will, providing manner of payment of claims and amounts necessary to be paid in disregard of, or opposition to the terms of a will, repealing section thirty-two hundred and seventy-nine (3279) of the code, and amending section thirty two hundred and seventy-six (3276) of the code.

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

SECTION 1. **Posthumous children.** Whenever a testator shall have a legitimate child born after the making of a last will, either in the lifetime or after the death of such testator, and shall die leaving such child so after born, unprovided for by any settlement, and neither provided for nor mentioned in such will, every such child shall succeed to, and inherit the same interest in such parent's real and personal estate as though no will had been made, and the said interest shall be taken ratably from the interests of heirs, devisees, and legatees.

SEC. 2. **Claims.** All claims which it becomes necessary to satisfy, and all amounts necessary to be paid from the estate of a testator in disregard of or in opposition to the provisions of a will, shall be taken ratably from the interests of heirs, devisees, and legatees.

SEC. 3. **Repealed.** Section thirty-two hundred and seventy-nine (3279) of the code is hereby repealed, and all that part of section thirty-two hundred and seventy-six (3276) of the code, from and including the semi-

colon in the fifth line thereof, to the period in the last line thereof is hereby repealed and stricken out.

SEC. 4. In effect. This act, being deemed of immediate importance, shall be and become of full force and effect from and after its publication in the Des Moines Daily Capital, and the Register and Leader, two newspapers published in the city of Des Moines, Iowa.

Approved April 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital and the Register and Leader, April 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 121.

DISTRIBUTIVE SHARE OF SURVIVING SPOUSE AS AFFECTED BY WILL.

H. F. 487.

AN ACT to amend section three thousand three hundred and seventy-six (3376) of the code of Iowa, as to distributive share of surviving spouse as affected by will.

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

SECTION 1. Election made by court. That section three thousand three hundred and seventy-six (3376) of the code be amended by adding at the end of said section the following:

“But when such surviving spouse is mentally incapable of making such election, the court on petition being filed alleging such disability, may set the matter down for hearing at such time and place as it may deem best, and direct what notice thereof shall be given; and at such hearing the court may enter an order electing for such spouse, which shall be the election under this section, of the person under such disability.”

Approved April 12, A. D. 1904.

CHAPTER 122.

TIME OF TRYING APPEAL CASES IN CONTESTED ELECTIONS.

H. F. 198.

AN ACT to amend section three thousand six hundred fifty-six (3656) of the code, relating to the time of trying appeal cases in contested elections.

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

SECTION 1. Trial term. That section three thousand six hundred fifty-six (3656) of the code, be and is hereby amended by adding thereto the following words, to wit: “or appeal cases in contested elections.”

Approved March 7, A. D. 1904.

CHAPTER 123.

RELEASE OF LIENS ON ATTACHED PROPERTY.

S. F. 190.

AN ACT relating to the release of liens on attached property. (Amendatory of chapter one (1), title nineteen (XIX) of the code, relating to attachments.)

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

SECTION 1. Certificate of release. When real estate or an equitable interest therein is attached, in any county, other than that in which the

action is commenced, or is pending, and the action is dismissed, or the attachment is dissolved and discharged, or satisfied the clerk of the court of the county wherein such action is pending must issue a certificate directed to the clerk of the court in which the land is situated giving date of release and setting forth a true copy of the order or release and he shall be allowed as compensation for such service the sum of fifty cents, to be taxed as a part of the costs in the case.

SEC. 2. Filed and recorded. The clerk of the court receiving such certificate shall file and record the same upon the margin of the incumbrance book at place where the original entry of attachment is found.

Approved March 17, A. D. 1904.

CHAPTER 124.

PROTECTION OF EMPLOYES IN GARNISHMENT CASES.

H. F. 102.

AN ACT to protect employes in garnishment cases. [Additional to chapter three (3) of title nineteen (XIX) of the code, relating to executions.]

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

SECTION 1. Exemption from garnishment. Wages earned outside of this state by a non-resident of this state, and payable outside of this state, shall in all cases where the garnishing creditor is a non-resident of this state, be exempt from attachment or garnishment where the cause of action arises outside of this state; and it shall be the duty of the garnishee in such cases to plead such exemption, unless the defendant shall be personally served with original notice in this state.

Approved March 7, A. D. 1904.

CHAPTER 125.

PROCEDURE IN SUPREME COURT.

S. F. 180.

AN ACT to amend section four thousand one hundred thirty-four (4134) of chapter two (2) title twenty (XX) of the code, in relation to procedure in supreme court.

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

SECTION 1. Penalty of bond. That section four thousand one hundred thirty-four (4134) of the code be, and the same is hereby amended, by striking out the word "condition" in the third line thereof and inserting the word "penalty" in lieu thereof; and by inserting after the word "be" at the beginning of the fourth line, the word "sufficient".

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Daily Capital and the Des Moines Daily News, newspapers published in the city of Des Moines, Iowa.

Approved March 22, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 23, 1904, and the Des Moines Daily News, March 24, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 126.

ASSIGNMENTS OF ERROR IN APPEALS TO THE SUPREME COURT.

H. F. 5.

AN ACT to repeal sections four thousand one hundred and thirty-six (4136), and four thousand one hundred and thirty-seven (4137) of the code, relating to assignments of error in appeals to the supreme court, and to enact a substitute therefor.

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

SECTION 1. Repealed—assignment of errors not required. That sections four thousand one hundred and thirty-six (4136) and four thousand one hundred and thirty-seven (4137) of the code be and they are hereby repealed, and in lieu thereof is enacted the following:

“No assignment of errors shall be required in any case at law or in equity now pending or hereafter docketed in the supreme court.”

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved February 18, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, February 19, 1904, and the Register and Leader, February 20, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 127.

CHANGING NAMES.

H. F. 316.

AN ACT repealing chapter eighteen (18) title twenty-one (XXI) of the code and enacting a substitute therefor, relative to change of names.

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

SECTION 1. Repealed. Chapter eighteen (18) title twenty-one (XXI), of the code is hereby repealed and the following is enacted in lieu thereof:

“**SEC. 2. Who authorized.** Any person, under no civil disabilities, who has attained his or her majority and is unmarried, if a female, desiring to change his or her name, may do so as provided in this chapter.

“**SEC. 3. Statement—what to contain.** Such person shall make and subscribe to a statement under oath showing that he or she is a resident of the county where such application is made and of the state of Iowa for a period of not less than one year; his or her place of residence, giving lot and block if in a city, town or village and street number and business address if any, and the section, township, range and name of civil township if not in a city or town; the different places of residence and times of such residence for the past five years; place and date of birth, and, if of foreign birth, the date of immigration to the United States; legal name and name or names by which such person is usually known and new name as changed or adopted; name of parents of such person, his or her height and color of hair and eyes; the reason or cause for change of name briefly and concisely stated, and there shall be incorporated in such statement or attached thereto a concise description of all real estate within this state the title to which is in the person making such statement.

"SEC. 4. **Affidavit of freeholder.** An affidavit of the freeholder of the county shall be attached to such statement to the effect that affiant has personally investigated the facts set out in same and that the same are true; that the person filing such statement is an actual resident of the county and the identical person he or she is represented to be.

"SEC. 5. **Statement filed and recorded.** Such statement shall be presented to the clerk of the district court who shall file same if it is found to be in substantial compliance with all of the provisions of this chapter and not otherwise, and enter same of record in a book kept for that purpose and index same both under the former name and new name, and shall enter upon the back the date of filing, the book and page where recorded and serial number thereof and file same in his office.

"SEC. 6. **Re-indexing real estate.** When such statement shall have been filed and recorded as herein provided, the clerk shall, if the description of any real estate of that county be contained therein, deliver it to the county recorder who shall index the same, both under the former name and under the new name as changed or adopted, in the manner of indexing transfers of real estate, and enter opposite thereto, the description of real estate as found in such statement; such indexing shall be in the index of transfers of land or town property according to the description of said real estate, or both as the case may be. The index shall also show the serial number of such statement and book and page where same is recorded in the office of the clerk of the district court, and the words, "change of name" shall be written on said index in red ink, at or opposite to the name.

"SEC. 7. **Fees.** The clerk shall receive a fee of one dollar (\$1.00) for his services, and shall also collect ten cents (10c.) for each separate description of real estate in the statement, which sum shall be paid to the recorder for indexing same. The clerk shall, upon demand of any party and the payment of the fee of one dollar (\$1.00), furnish a certified copy of such statement showing the serial number thereof, date of filing and the book and page of record of same; and, upon the payment of twenty-five cents (25c.) shall compare and certify to any correct copy of such statement furnished him for that purpose.

"SEC. 8. **New name—when effective.** Upon the expiration of thirty (30) days from the time of filing the statement herein provided for, the new name as changed or adopted therein shall become the legal name of the party filing such statement, and the surname of such new name shall become the legal surname of the wife and minor children of such person. No person shall change his or her name more than once under the provisions of this act.

"SEC. 9. **Certified copy—indexing real estate in other counties.** Within one year after the filing of such statement, the party changing his or her name, shall cause a certified copy thereof to be presented to the recorder of each county in Iowa where there is real estate the legal title to which is in such party, and pay such recorder ten cents (10c) for each separate description in such county, and such recorder shall index same in the manner prescribed in this chapter and return same.

"SEC. 10. **Misdemeanor.** Any person failing or neglecting to comply with the provisions of the preceding section, shall be guilty of a misdemeanor and punished accordingly."

Approved April 6, A. D. 1904.

CHAPTER 128.

PLACE OF BRINGING ACTIONS AND TAXATION OF COSTS THEREIN.

H. F. 210.

AN ACT to amend section four thousand four hundred and eighty-one (4481) of the code in relation to place of bringing actions, and a taxation of costs therein.

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

SECTION 1. Actions on written contracts—costs. That section four thousand four hundred and eighty-one (4481) of the code be and the same is hereby amended by adding thereto the following:

“Provided, that should action be brought under the provisions of this section in any county other than that of the residence of the defendant and the plaintiff shall fail to appear at the time fixed for the trial in the original notice, the justice of the peace before whom said action is brought, shall, upon presentation of the copy of the original notice served upon the defendant, docket said cause and enter judgment therein against the plaintiff in favor of the defendant for all costs in the action, which costs shall include all reasonable expenses of the defendant in attending the place of trial and an attorney’s fee not to exceed fifteen dollars for defendant’s attorney; and should any action brought under the provisions of this section for any cause, except upon trial upon the merits, be dismissed the defendant shall recover like costs and expenses and attorney fees.”

Approved April 9, A. D. 1904.

CHAPTER 129.

ASSAULT WITH INTENT TO COMMIT MURDER.

S. F. 81.

AN ACT to amend section forty-seven hundred and sixty-eight (4768) of the code, relating to punishment for the crime of assault with intent to commit murder.

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

SECTION 1. Penalty. That section forty-seven hundred and sixty-eight (4768) of the code be and the same is hereby amended by striking out the word “ten” in the third line, and inserting in lieu thereof the word “thirty”.

Approved February 10, A. D. 1904.

CHAPTER 130.

MALICIOUS MISCHIEF AND TRESPASS.

H. F. 881.

AN ACT to repeal section four thousand eight hundred and seven (4807) of the code and of the supplement to the code, and to enact a substitute therefor, relating to malicious mischief and trespass.

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

SECTION 1. Repealed—malicious injury to highways, bridges, railways, telegraph lines, etc. That section four thousand eight hundred and seven (4807) of the code, as the same appears in the code and the supplement to the code, be, and the same is, hereby repealed and re-enacted; and when re-enacted, the same shall read as follows:

“If any person maliciously injure, remove or destroy any electric railway or apparatus thereto belonging, or any bridge, rail or plank road; or place,

or cause to be placed, any obstruction on any electric railway, or on any such bridge, rail or plank road; or wilfully obstruct or injure any public road or highway; or maliciously cut, burn, or in any way break down, injure or destroy any post or pole used in connection with any system of electric lighting, electric railway or telephone or telegraph system; or break down and destroy or injure and deface any electric light, telegraph or telephone instrument; or in any way cut, break or injure the wires of any apparatus thereto belonging; or shall wilfully tap, cut, injure, break, disconnect, connect, make any connection with or destroy any of the wires, mains, pipes, conduits, meters or other apparatus belonging to, or attached to, the power plant or distributing system of any electric light plant, electric motor, gas plant or water plant; or shall aid or abet any other person in so doing, he shall be imprisoned in the penitentiary not more than five years, or be fined not exceeding five hundred dollars, or imprisoned in the county jail not more than one year, or by both such fine and imprisonment at the discretion of the court."

Approved March 30, A. D. 1904.

CHAPTER 131.

PROTECTION OF PROPERTY OF PUBLIC LIBRARIES AND READING ROOMS.

S. F. 265.

AN ACT to protect the property of public libraries and reading rooms. [Additional to chapter four (4) of title twenty-four (XXIV) of the code, relating to malicious mischief and trespass.

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

Injury to property—penalty. Any person who shall wilfully, maliciously or wantonly tear, deface, mutilate, injure or destroy in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to any public library or reading room, shall be deemed guilty of a misdemeanor and shall be fined not more than one hundred dollars, or imprisonment not more than thirty days.

Approved March 31, A. D. 1904.

CHAPTER 132.

THE WILFUL TAKING OF ANY ELECTRIC CURRENT, GAS OR WATER FROM THE WIRES, METERS OR PIPES.

H. F. 332.

AN ACT prohibiting the wilful taking of any electric current, gas or water from the wires, meters, pipes or any apparatus of any electric light, electric motor, gas or water plant with intent to defraud. (Additional to chapter five (5) title twenty-four (XXIV) of the code.)

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

SECTION 1. Larceny. If any person wilfully and with intent to defraud, in any manner take from the wires, pipes, meters or any other apparatus of any electric motor, electric light, water or gas plant or works, any electric current, water or gas, he shall be guilty of larceny and shall be punished accordingly.

Approved March 30, A. D. 1904.

CHAPTER 133.

LARCENY OF DOMESTIC FOWL OR POULTRY IN THE NIGHTTIME.

H. F. 180.

AN ACT providing punishment for the larceny of domestic fowl or poultry in the night-time from buildings, sheds, coops or enclosed premises. [Additional to chapter five (5) of title twenty four (XXIV) of the code, relating to larceny and receiving stolen goods.]

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

SECTION 1. Penalty. Any person guilty of larceny of domestic fowl or poultry in the night-time from any building, shed, coop or enclosed premises shall, upon conviction thereof, be punished by imprisonment in the penitentiary not exceeding two years, or by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or by both fine and imprisonment in the county jail, as above provided, at the discretion of the court.

Approved April 12, A. D. 1904.

CHAPTER 134.

BRINGING INTO ANY PENITENTIARY, REFORMATORY OR INDUSTRIAL SCHOOL OF THE STATE OF CERTAIN DRUGS, LIQUORS, WEAPONS OR ARTICLES DESIGNED TO AID ESCAPES.

S. F. 187.

AN ACT relating to the bringing into any penitentiary, reformatory or industrial school of the state or into any buildings or grounds appurtenant thereto of certain drugs, intoxicating liquors, weapons, or articles designed to aid escapes. [Additional to chapter seven (7) of title twenty-four (XXIV) of the code, relating to offenses against public justice.]

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

SECTION 1. Penalty. That any person, not authorized by law, who shall bring or pass or cause to be brought into any penitentiary, reformatory or industrial school of the state, or the grounds thereof, or into any enclosure, building, quarry, farm, garden, or other place used in connection with any such institution in which prisoners or other inmates are required or permitted to be, any opium, morphine, cocaine or other narcotic or any intoxicating liquor, or any firearm, weapon or explosive of any kind, or any rope, ladder or other instrument or device for use in making or attempting an escape, shall be punished by imprisonment in the penitentiary for a term not exceeding five years. The bringing or passing of any rope, ladder or other instrument or device adapted for use in making an escape, into any of the places designated in this act shall be presumptive evidence that they were so brought or passed for such use. An attempt to do any of the acts prohibited shall be subject to the same punishment as the completed act.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved March 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 8, 1904, and the Register and Leader, March 10, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 135.

TO PROHIBIT DOCKING HORSES.

H. F. 52.

AN ACT to prohibit docking horses, and providing penalties for the violation thereof. [Additional to chapter nine (9) of title twenty four (XXIV) of the code relating to offenses against chastity, morality and decency.]

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

SECTION 1. Unlawful. It shall be unlawful for any person or persons to dock the tail of any colt or horse of any age within the state of Iowa, or to procure the same to be done therein.

SEC. 2. Penalty. Any person or persons violating any of the provisions of this act shall be deemed guilty of a misdemeanor; and upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars, or by imprisonment in the county jail not to exceed thirty days.

Approved March 31, A. D. 1904.

CHAPTER 136.

CONSTRUCTION OF FIRE ESCAPES.

H. F. 88'.

AN ACT to repeal the law as it appears in sections forty-nine hundred and ninety-nine-e (4999-e), forty-nine hundred and ninety-nine-f (4999-f), forty-nine hundred and ninety-nine g (4999-g), forty-nine hundred and ninety-nine-h (4999-h), forty-nine hundred and ninety-nine-i (4999-i) forty-nine hundred and ninety-nine-j (4999-j) of the supplement of code and enact in lieu thereof the following, relative to the preservation of life and protection of property to require the construction of fire escapes to certain buildings and enclosures now constructed or hereafter to be erected, providing the manner of constructing same, and imposing penalties for violation thereof additional to chapter ten (10) of title twenty-four (XXIV) of the code, relating to offenses against the public health.

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

SECTION 1. Protection against fire—means of escape. The owners, proprietors and lessees of all buildings, structures or enclosures of three or more stories in height, now constructed or hereafter to be erected, shall provide for and equip said buildings and structures with such protection against fire and means of escape from such buildings as shall hereafter be set forth in this bill.

SEC. 2. Buildings and enclosures—how classified. The buildings, structures and enclosures contemplated in this act shall be classified as follows:

First. Hotels office buildings or lodging rooms of three or more stories in height.

Second. Tenements or boarding houses, of three or more stories in height, occupied by one or more families or aggregating twenty (20) persons or more; provided that a mansard roof or attic, when used for sleeping rooms, shall be counted as one story.

Third. Buildings used as opera houses, theaters or public halls, of a seating capacity exceeding three hundred (300).

Fourth. Seminaries and colleges public school buildings hospitals and asylums of three or more stories in height.

Fifth. Manufactories, warehouses and buildings of all character of three or more stories in height, not specified in the foregoing sections.

Sixth. Hotels and other buildings which are of strictly fireproof construction.

SEC. 3. Fire escapes and stairways. Each twenty-five hundred (2500) superficial feet of area, or fractional part thereof, covered by buildings or structures specified under classification one, of section 2, of this act, shall be provided with one ladder fire escape of steel or wrought iron construction, attached to the outer wall thereof, and provided with platforms of steel or wrought iron construction of such size and dimensions and such proximity to one or more windows of each story above the first with all doors leading thereto of half glass locked in such manner as to render access to such ladder from each story easy and safe, and with red lights to designate location of escapes said ladder to start about five feet from the ground and extend above the roof, or a drop ladder may be hung at the second story in such a manner that it can be easily lowered in case of necessity, provided, however, that where such buildings shall be occupied by more than twenty (20) persons, the said building shall as a substitute for one ladder be provided with one stairway of steel or wrought iron construction with above described platforms, accessible from each story with a drop or counterbalance stairway from the second story balcony to the ground, or a stationary stairway may be carried down to within five feet from the ground. Buildings under classification 2 of section 2 of this act shall be provided for in the same manner as those under the head of classification 1. Buildings under classification 3, of section 2, of this act shall be provided with at least one of above described outside stairways, or such a number of exits or such a number of above described stairways as may be determined by the chief of fire department, or the mayor of each city or town where no such chief of fire department exists. Each twenty-five hundred (2,500) superficial feet of area or fractional part thereof covered by buildings, structures or enclosures under classification 4 of section 2 of this act, shall be provided for in the same manner as those under the head of classification 3. Each twenty-five hundred (2,500) superficial feet of area or fractional part thereof covered by buildings, structures or enclosures under classification 5, section 2, of this act shall be provided with at least one above described outside stairway, provided, however, that if there be living or sleeping quarters for more than twenty-five (25) persons in such building, then there shall be at least two of the above described outside stairways. Each five thousand (5,000) superficial feet of area, or fractional part thereof covered by buildings under classification 6, section 2 of this act, shall be provided with at least one above described ladder, and platforms at each story, if not more than twenty (20) persons be employed in the same. If more than twenty (20) persons be employed, then there shall be at least two of the above described ladders, and platforms attached, or one such stairway, and platforms of sufficient size at each story, and if more than forty (40) persons be employed in said building, then there shall be at least two, or such number of the above described outside stairways as the chief of fire department, or the mayor of any city or town where no such chief of fire department exists, may from time to time determine. Each six thousand (6,000) superficial feet of area or fractional part thereof covered by buildings specified in classification seventh [sixth] of this act, shall be provided with one steel or wrought iron ladder fire escape with platform constructed, located and attached to such building in the manner herein provided.

SEC. 4. Signs. In buildings under all above classification[s] signs indicating location of fire escapes shall be posted at all entrances to elevators, stairway landings and in all rooms.

SEC. 5. Enforcement—penalty. It is hereby made the duty of commissioner of the bureau of labor statistics the chief of fire department, or the mayor of each city or town where no such chief of fire department exists, or the chairman of the board of supervisors, in case such building is not within the corporate limits of any city or town, to adopt uniform specifications for fire escapes hereinbefore provided, and keep such specifications on

file in their respective offices, and to serve or cause to be served a written notice in behalf of the state of Iowa upon the owner or owners, or their agents or lessees, of buildings within this state not provided with fire escapes in accordance with the provisions of this act, commanding such owner, owners, or agents or either of them, to place or cause to be placed upon said buildings, such fire escape or fire escapes as are provided in this act within sixty days after service of such notice, pursuant to the specifications established. Any such owner, owners' agents, trustees and lessees or either or any of them so served with notice as aforesaid, who shall not within sixty days after the service of said notice upon him or them, place or cause to be placed such fire escape or fire escapes upon such buildings as required by this act and the terms of said notice, shall be subject to a fine not less than fifty (\$50) dollars, and not more than one hundred (\$100) dollars, and shall be subject to a further fine of twenty-five (\$25) dollars for each additional-week of neglect to comply with such notice.

SEC. 6. **Inspection.** All fire escapes erected under the provisions of this act shall be subject to inspection and approval or rejection in writing, by the person named in section 4 of this act who has caused such written notice to be served.

SEC. 7. **Pending litigation--repealed.** Nothing in this act shall in any manner affect pending litigation. That sections four thousand nine hundred and ninety-nine-e (4999-e), four thousand nine hundred and ninety-nine-f (4999-f), four thousand nine hundred and ninety-nine-g (4999-g), four thousand nine hundred and ninety-nine-h (4999-h), four thousand nine hundred and ninety-nine-i (4999-i), four thousand nine hundred and ninety-nine-j (4999-j) of the supplement of the code are hereby repealed.

SEC. 8. **In effect.** This act, being deemed of immediate importance, shall take effect from and after its publication in the Register and Leader and Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Daily Capital, April 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 137.

OBJECTIONABLE ADVERTISEMENTS IN THE VICINITY OF PUBLIC SCHOOL BUILDINGS.

H. F. 352.

AN ACT relating to objectionable advertisements in the vicinity of public school buildings. [Additional to chapter eleven (11) of title twenty-four (XXIV) of the code, relating to offenses against public policy.]

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

SECTION 1. **What prohibited.** That no bills, posters or other matter used to advertise the sales of intoxicating liquors or tobacco shall be distributed posted painted or maintained within four hundred feet of premises occupied by a public school or used for school purposes, provided however that nothing in this act contained shall apply to advertisements in newspapers of regular publication, distributed to subscribers or purchasers thereof.

SEC. 2. **Penalty.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding thirty days.

Approved April 12, A. D. 1904.

CHAPTER 138.

CLERKS OF GRAND JURIES.

H. F. 50.

AN ACT to amend section fifty-two hundred and fifty-six (5256) of the code relating to clerks of grand juries, and providing for the appointment and compensation thereof.

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

SECTION 1. Shorthand reporter—compensation. That section fifty-two hundred and fifty-six (5256) of the code be and the same is hereby amended by adding thereto the following, to wit:

“Provided, however, that in all counties having a population of fifty thousand (50,000) or more inhabitants the court may, if it deems it necessary, appoint as clerk of the grand jury a competent shorthand reporter, and such clerk shall receive such compensation as may be fixed by the court at the time of the appointment, but said compensation shall not exceed four dollars (\$4.00) per day, for each day actually and necessarily employed in the performance of the duties herein defined.”

Approved March 30, A. D. 1904.

CHAPTER 139.

ASSISTANT DEPUTY WARDENS FOR THE PENITENTIARIES.

S. F. 156.

AN ACT to amend sections fifty-six hundred sixty-three, (5663), fifty-six hundred sixty-nine (5669) and fifty-seven hundred sixteen (5716) of the code as amended, to repeal section fifty-seven hundred eleven (5711) thereof and to provide for the appointment of assistant deputy wardens for the penitentiaries.

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

SECTION 1. One assistant deputy. That section fifty-six hundred sixty-three (5663) of the code is hereby amended by striking therefrom the word “and” after the word “warden” in the sixth line and inserting after the word “deputy” in the seventh line the words “one assistant deputy.”

SEC. 2. Appointment—duties. Section fifty-six hundred sixty-nine (5669) of the code is hereby amended by inserting after the words “deputy warden” in the first line the words “and assistant deputy”; also by striking therefrom the word “He” in the sixth line and inserting in lieu thereof the words “The deputy warden”; also by adding at the end of said section the following:

“The assistant deputy warden shall perform the duties of deputy warden in his absence or inability to act, and such other duties as shall be prescribed by the warden with the approval of the board of control of state institutions.”

SEC. 3. Compensation. Section fifty-seven hundred sixteen (5716) of the code as amended is hereby amended by striking from the ninth line thereof the words “charge of the criminal insane department” and inserting in lieu thereof the words “each penitentiary”; also by inserting after the word “matron” in the tenth line thereof the words “at Anamosa”.

SEC. 4. Repealed. Section fifty-seven hundred eleven (5711) of the code is hereby repealed.

SEC. 5. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, and the Des Moines Daily Capital, April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 140.

DISPOSITION OF GATE RECEIPTS OF THE STATE PENITENTIARIES.

S. F. 256.

AN ACT to repeal the law as it appears in section five thousand six hundred eighty-five (5685) and section five thousand six hundred eighty-five-a (5685-a) of the supplement to the code and to enact in lieu thereof a section relating to the disposition of gate receipts of the state penitentiaries.

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

SECTION 1. Repealed—visitors. The law as it appears in section five thousand six hundred eighty-five (5685) and section five thousand six hundred eighty-five a (5685-a) of the supplement to the code is hereby repealed and the following is enacted in lieu thereof:

“The warden of each penitentiary shall demand and receive of each person, except those exempt by law and relatives of a convict confined therein, who visits the prison for the purpose of viewing the interior or precincts, the sum of twenty five cents, of which the warden shall render an account, which shall be applied, in the discretion of the board of control of state institutions, in the purchase of books and periodicals for the use of the prisons and for the use of all other institutions under their control, provided however, that they may if they deem it best use not exceeding ten per cent of such receipts for lectures, concerts or entertainments for the prisoners. This act shall apply also to the disposition of all such funds now on hand.”

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Register and Leader and Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 8, 1904, and the Des Moines Daily Capital, April 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 141.

TURNKEYS AND GUARDS OF THE PENITENTIARIES.

S. F. 146.

AN ACT to amend section fifty-seven hundred and sixteen (5716) of the code relating to the classification and payment of turnkeys and guards of the penitentiaries.

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

SECTION 1. Classification—compensation. That section fifty-seven hundred and sixteen (5716) of the code be and the same is hereby amended by striking out the following words in the fifth and sixth lines of said section, to wit, “each turnkey and guard fifty (\$50) dollars”, and inserting in lieu thereof the following words, to wit:

“the turnkeys and guards of the penitentiaries shall be classified according to qualification, length of service, character of duties performed and general efficiency, the members of the first class shall receive not more than

sixty-five (\$65.00) dollars monthly, the members of the second class shall receive not more than fifty-five (\$55.00) dollars monthly and the members of the third class shall receive not more than fifty (\$50.00) dollars monthly."

SEC. 2. Amended by striking out. Section fifty-seven hundred sixteen (5716) of the code is hereby amended by striking from the fifth and sixth lines thereof the words "each turnkey and guard, fifty dollars".

Approved March 12, A. D. 1904.

CHAPTER 142.

DISTRIBUTION OF CODE AND CODE SUPPLEMENT.

S. F. 231.

AN ACT relating to the distribution of the code and the supplement to the code and other state documents. [Amendatory of chapter twenty (20) of the acts of the Twenty-Sixth General Assembly, extra session, relating to the publication and distribution of the code.]

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

SECTION 1. Exchanges with foreign countries. The secretary of state is hereby authorized to distribute copies of the code and the supplement thereto, the publication of which has heretofore been authorized by law, to any foreign country or province, in exchange for similar publications by such country or province, and all publications received as the result of such exchange shall be deposited in the state library, and shall become a part of such library.

SEC. 2. College libraries. It shall be the duty of the secretary of state, upon approval of the executive council, to forward to the librarian of any duly incorporated college within this state, copies of the code and laws, together with sets of the bound state documents, as the same are issued.

SEC. 3. Same. Upon application, in writing, from the librarian or chief executive officer of any incorporated college in this state, the secretary of state shall, upon the approval of the executive council, forward to said applicant, without charge, bound volumes of the laws heretofore enacted.

Approved April 4, A. D. 1904.

CHAPTER 143.

SUPPORT OF THE INDUSTRIAL SCHOOL FOR GIRLS.

H. F. 185.

AN ACT making provision for the support of the industrial school for girls at Mitchellville. [Amendatory of section one (1) of chapter one hundred and one (101) of the acts of the Twenty-eighth General Assembly.]

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

SECTION 1. Per capita support. That section 1 of chapter 101 of the acts of the Twenty-eighth General Assembly be and is hereby amended by striking out the word "twelve" in the second line from the bottom of said section and inserting in lieu thereof the word "thirteen".

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 12, 1904, and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

PART II.

APPROPRIATION ACTS.

CHAPTER 144.

GENERAL LEVY FOR STATE PURPOSES.

S. F. 845.

AN ACT to provide for the general levy for state purposes for the years nineteen hundred and four (1904) and nineteen hundred and five (1905).

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

SECTION 1. State levy. That the executive council shall in the year nineteen hundred and four (1904) fix the rate per centum to be levied upon the valuation of the taxable property of the state necessary to yield for general state purposes approximately the sum of two million dollars (\$2,000,000); and in the year nineteen hundred and five (1905) shall fix the rate necessary to yield approximately the further sum of two million dollars (\$2,000,000).

SEC. 2. Council to certify rate to county auditor. The executive council shall certify the rate necessary to the auditor of each county.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 145.

MILEAGE AND EXPENSES OF VISITATION COMMITTEES.

S. F. 825.

AN ACT making an appropriation to defray the mileage and expenses of the members of the various committees sent by the Thirtieth General Assembly to visit the several state institutions, the school for the deaf, and the grounds of the Louisiana purchase exposition at St. Louis, and old camp McClellin at Davenport, Iowa.

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

SECTION 1. Appropriation—amounts. There is hereby appropriated, out of any funds in the state treasury not otherwise appropriated, the sum of twelve hundred and forty-seven and 65-100 (\$1,247.65) dollars, to defray the mileage and expenses of the members of the various committees sent by the Thirtieth General Assembly, under concurrent resolutions, to visit the various state institutions, the school for the deaf at Council Bluffs, and the

grounds of the Louisiana purchase exposition at St. Louis, Missouri, and old camp McClellan at Davenport, Iowa. The said sum to be paid to the various persons, and in the amounts as follows, to wit:

Warren Garst,	\$ 1.70
James A. Smith,	14.40
F. M. Hopkins,	20.60
F. L. Maytag,	60.00
A. H. Gale,	17.20
S. H. Harper,	11.50
John T. Brooks,	10.05
C. G. Saunders,	21.15
D. W. Turner,	16.80
Geo. W. Dunham,	5.70
Henry Young,	17.40
Charles Eckles,	14.40
M. F. Stookey,	16.75
George Kinne,	18.50
D. A. Lyons,	18.80
John L. Wilson,	15.30
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J. C. Flenniken,	36.30
Geo. McCulloch,	17.40
A. F. Frudden,	78.85
Edward Boland,	16.45
C. N. Jepson,	20.60
C. C. Colelo,	20.60
E. W. Weeks,	36.75
F. F. Jones,	12.50
O. K. Maben,	18.20
Mahlon Head,	17.20
E. D. Chassell,	11.30
Joseph Mattes,	11.30
Thomas H. Hume,	11.40
B. F. Robinson,	11.40
R. W. Hollembeak,	22.90
R. J. Bixby,	20.40
W. W. McElrath,	16.80
J. S. Stanbery,	16.80
Louis J. Leech,	16.90
James F. Morris,	17.40
Geo. P. Christianson,	15.40
L. L. DeLano,	32.90
G. R. Whitmer,	16.85
R. W. Wright,	16.60
Geo. W. Hanna,	19.50
Albert W. Jacobson,	19.50
Eli Manning,	15.30
D. C. Mott,	15.30
R. H. Gregory,	5.40
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L. W. Lewis,	47.50
Thomas Lambert,	47.50
Scott Skinner,	47.50
H. E. Teachout,	47.50
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E. J. C. Bealer,	\$17.20
J. J. Nichols,	17.20
William Welden,	17.20
Stanley Conn,	17.20
Chas. A. Kennedy,	17.20
R. C. Langan,	17.20
R. M. Peet,	17.20
Jas. H. Jamison,	17.20
R. A. Hasselquist,	17.20
David A. Young,	17.20
W. C. Stuckslager,	17.20

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 146.

STATE AND JUDICIAL OFFICERS; STATE AND OTHER EXPENSES.

S. F. 844.

AN ACT to make appropriations for the payment of state and judicial officers, state and other expenses.

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

SECTION 1. **Appropriation—how drawn.** There is hereby appropriated out of any money in the state treasury not otherwise appropriated, an amount sufficient to pay the salaries of the various officers, whose salaries are fixed by law, and payable from the state treasury, and the auditor of state shall draw warrants therefor in favor of the officers entitled thereto, in monthly installments, when not otherwise provided for by law.

SEC. 2. **Money not expended.** There is further appropriated from the state treasury for a term of two years and three months ending June 30th, 1906, the following sums, or so much thereof as shall be necessary, to-wit: Provided that on the first day of July succeeding the meeting of the regular session of the general assembly all moneys appropriated in this act and remaining unexpended, shall be and are hereby covered into the state treasury.

SEC. 3. Clerical help—other expenses.

1. *Auditor of state.* For the office of auditor of state, for the period ending July 1, 1906, as per joint resolution No. 9, twenty-four thousand four hundred fifty-seven dollars and fifty cents (\$24,457.50).

2. *Attorney-general.* For the office of attorney general, for the period ending July 1, 1906, as per joint resolution No. 9, seven thousand eight hundred seventy-five dollars (\$7,875.00).

3. *State mine inspector.* For the office of state mine inspector, for the period ending July 1, 1906, as per joint resolution No. 9, one thousand seven hundred fifty-five dollars (\$1,755.00).

4. *Railroad commission.* For the railroad commission for clerical help, for the period ending July 1, 1906, as per joint resolution No. 9, the sum of five thousand one hundred thirty dollars (\$5,130.00); for traveling expenses,

one thousand six hundred eighty-eight dollars (\$1,688.00); for maps, seven hundred dollars (\$700.00); for all other expenses, one thousand four hundred eighty-two dollars (\$1,482.00).

5. *Historical department.* For the historical department, for the period ending July 1, 1906, as per joint resolution No. 9, nine thousand one hundred eighty (\$9,180.00) dollars.

6. *Geological survey.* For the geological survey, for the period ending July 1, 1906, as per joint resolution No. 9, two thousand twenty-five (\$2,025.00) dollars.

7. *Clerk of supreme court.* For the office of clerk of the supreme court, for the period ending July 1, 1906, as per joint resolution No. 9, six thousand three hundred forty-five (\$6,345.00) dollars.

8. *Incidental expenses of chief justice—bailiff—messenger.* For the incidental expenses of the chief justice of the supreme court, for the period ending July 1, 1906, the sum of six thousand dollars (\$6,000.00); also for bailiff, messenger, and stenographic service, for the period ending July 1, 1906, as per joint resolution No. 9, five thousand four hundred dollars (\$5,400.00).

9. *Expenses of dairy commissioner, assistant and deputy.* For expenses of the dairy commissioner, assistant commissioner and deputy, and for milk inspection, for the period ending July 1, 1906, twelve thousand three hundred twenty-five (\$12,325.00) dollars.

10. *Treasurer of state.* For the office of treasurer of state, for the period ending July 1, 1906, as per joint resolution No. 9, for salaries and incidental expenses, eleven thousand three hundred seventeen dollars and fifty cents (\$11,317.50).

11. *Superintendent of public instruction.* For the office of superintendent of public instruction, for the period ending July 1, 1906, as per joint resolution No. 9, four thousand seven hundred seventy dollars (\$4,770.00).

12. *State librarian.* For the office of state librarian, for the period ending July 1, 1906, as per joint resolution No. 9, five thousand nine hundred forty dollars (\$5,940.00).

13. *Supreme court reporter.* For the office of supreme court reporter, for the period ending July 1, 1906, as per joint resolution No. 9, one thousand six hundred twenty dollars (\$1,620.00).

14. *Secretary of state.* For the office of secretary of state, for the period ending July 1, 1906, as per joint resolution No. 9, twenty three thousand one hundred sixty-seven dollars and fifty cents (\$23,167.50).

15. *Governor.* For the office of the governor, for the period ending July 1, 1906, nineteen thousand two hundred eighty-five dollars (\$19,285.00); for the expenses of employing additional counsel when necessary, under the provisions of sections sixty-three (63) and sixty four (64) of the code, two thousand two hundred fifty dollars (\$2,250.00); for investigation of applications for pardon and parole and for return of paroled prisoners one thousand seven hundred dollars (\$1,700); for house rent for the governor, one thousand three hundred fifty dollars (\$1,350).

16. *Employes under custodian.* For employes under the custodian, for the biennial period, as per joint resolution No. 9, the sum of fifty-nine thousand eight hundred three dollars and seventy-five cents (\$59,803.75).

17. *Providential contingencies.* For providential contingencies fifty thousand dollars (\$50,000.00), to be expended in accordance with the provisions of section one hundred seventy (170) of the code, the said amount to be under the control of the executive council and all payments from said sum shall first receive its unanimous approval. Any expenditures under this section shall be reported in detail by the auditor of state in his biennial report.

18. *Executive council—furniture, stores, supplies.* There is hereby appropriated the sum of eighty-five thousand five hundred dollars (\$85,500.00), to be expended under the direction of the executive council, under the pro-

visions of section one hundred sixty-five (165) of the code, for furniture, stores, and supplies, and the further sum of twenty-two thousand dollars (\$22,000.00); or so much thereof as shall be necessary, for the purchase of fuel.

19. *Executive council—water, lights, etc.* There is hereby appropriated twelve thousand five hundred dollars (\$12,500.00), to be expended under the direction of the executive council, under the provisions of section one hundred sixty-four (164) of the code.

20. *Mail carrier.* There is hereby appropriated for the payment of mail carrier for the capitol, two thousand seven hundred dollars (\$2,700.00), for the period ending July 1, 1906.

21. *Secretary of executive council.* For the office of secretary of the executive council, for the period ending July 1, 1906, as per joint resolution No. 9, eleven thousand one hundred fifteen dollars (\$11,115.00).

22. *Advertising laws.* There is hereby appropriated for the purpose of advertising laws, to be expended under the provisions of section thirty-six (36) of the code, one thousand dollars (\$1,000.00).

23. *Freight, express and drayage.* There is hereby appropriated for the purpose of paying freight, express, and drayage, ten thousand dollars (\$10,000.00), for the period ending July 1, 1906.

24. *Members of executive council for extra services.* To the members of executive council for extra services for the years 1904 and 1905 to July 1st, 1906, the sum of one thousand eight hundred dollars (\$1,800.00) each, and warrants shall be issued monthly therefor at the end of each month.

SEC. 4. **Vouchers.** Each of the foregoing named officers shall furnish vouchers therefor, containing the items of such expenditures, to the auditor of state before any warrants shall issue therefor, and the amounts thereof, and to whom paid, shall be reported to the next general assembly.

SEC. 5. **Interest due permanent school fund.** For the purpose of paying the interest of the indebtedness of the state to the permanent school fund, the sum of one thousand six hundred forty dollars and fifty-eight cents (\$1,640.58), which is to be in full of such interest on such indebtedness, and the auditor of state shall draw warrants for the above appropriation as said interest shall become due.

SEC. 6. **Lieutenant-Governor.** To John Herriott, lieutenant governor, as president of the senate one thousand one hundred dollars (\$1,100.00).

SEC. 7. **Speaker of house.** To G. W. Clarke, as speaker of the house of representatives, the sum of five hundred fifty dollars (\$550.00), which shall be in addition to his salary as member of the house.

SEC. 8. **Chaplains.** For chaplains of the senate and of the house the sum of six hundred ninety dollars (\$690.00), or so much thereof as shall be necessary; warrants therefor to be drawn in favor of the persons entitled thereto, who shall be determined by the auditor of state upon the certified statement of the president of the senate and the speaker of the house.

SEC. 9. **Reports of U. S. supreme court—Rose's notes.** For United States supreme court reports and Rose's notes for attorney general's office, the sum of four hundred three dollars and forty cents (\$403.40), or so much thereof as shall be necessary, the same to be paid upon the order of the executive council of the state.

SEC. 10. **Publication of notices of pardon applications.** For the payment of the claims due sundry parties for the publication of notices of application for pardon under the provision of section five thousand six hundred twenty-six (5626) of the code, the sum of two hundred seventy-eight dollars and sixty-four cents (\$278.64) to be paid on a statement approved by the governor.

SEC. 11. **Temporary mail carrier.** To W. W. Hyser for services as temporary mail carrier for the 30th General Assembly from January 7, 1904, to January 12, 1904, the sum of fifteen dollars (\$15.00).

SEC. 12. **Assistant curator.** For services of an assistant curator for the historical department five hundred dollars (\$500.00), to be drawn by authority of board of trustees.

SEC. 13. **Wardens' support fund.** For the support fund of the wardens of the penitentiaries at Anamosa and Ft. Madison, five hundred sixty-two dollars and fifty (\$562.50) each, for the period ending July 1, 1906, payable quarterly.

SEC. 14. **Warden's house fund.** For warden's house fund at the penitentiary at Ft. Madison two hundred eighty-one dollars and twenty-five cents (\$281.25), for the period ending July 1, 1906.

SEC. 15. **House and senate employes.** To the employes of the house and senate for services required after adjournment one hundred thirty-five dollars (\$135.00), or so much thereof as shall be necessary.

SEC. 16. **Telephones.** To the Mutual Telephone company for telephones in the house and senate cloak rooms for the 30th General Assembly, forty dollars (\$40.00), and for telephone in senate cloak room for the 29th General Assembly twenty dollars (\$20.00).

SEC. 17. **Additional engineers.** To reimburse the custodian, T. E. McCurdy, for employment of additional engineers to operate the new heating plant, five hundred twenty-six dollars and sixty-six cents (\$526.66).

SEC. 18. **Printing abstract.** To Matt Parrott & Sons, for printing abstract in the case of the State of Iowa vs. Jerome Hoot, twenty-seven dollars and seventy-five cents (\$27.75).

SEC. 19. **Badges.** To Drysdale & Hall for two gold plated badges for the sergeants-at-arms, one gold plated badge for the chief doorkeeper, nineteen badges for assistant doorkeepers, eight badges for messengers, and fourteen badges for pages, forty-three dollars and seventy-five cents (\$43.75).

SEC. 20. **Rent of storage rooms.** For the rent of storage rooms for the adjutant general, for the period ending July 1, 1906, the sum of two thousand two hundred fifty dollars (\$2,250.00).

SEC. 21. **Memorial albums.** To W. F. Giessman, for engrossing two albums of memorial resolutions (Mrs. Cummins and ex-Gov. Drake), forty dollars (\$40.00).

SEC. 22. **Chairs and gavels.** To L. Harbach, for two chairs and two gavels, one hundred two dollars (\$102.00).

SEC. 23. **Paving streets.** To the executive council, to pay excess of cost of paving Walnut street between East 14th and 15th streets, across Governor's square, over and above the appropriation made by the 29th General Assembly, the sum of three hundred seventy-eight dollars and twenty-six cents (\$378.26).

SEC. 24. **Sewer.** To the executive council, to pay cost of sewer across block twenty-seven, Stewart's addition to Des Moines, on Walker street, the sum of two hundred twenty-five dollars and three cents (\$225.03).

SEC. 25. **Approved claims.** To the executive council, to meet necessary expenses for which no appropriation is made, the sum of three thousand dollars (\$3,000.00), to be disbursed on claims approved by the executive council, and the auditor of state shall draw warrants therefor.

SEC. 26. **Gavels.** To L. Harbach, for two gavels for the general assembly, one dollar and sixty cents (\$1.60).

SEC. 27. **Typewriters—files—Cushing's Manual.** To Baker, Trisler Company, to pay for two Densmore typewriters for enrolling bills for the senate and house of representatives, at \$96.00 each, two files for the secretary of the senate at \$1.00 each, and for two copies of Cushing's Manual of parliamentary law at \$5.70 each, the sum of two hundred five dollars and ninety cents (\$205.90).

SEC. 28. **Filing cases.** To the Art Metal Construction Company of Jamestown, N. Y., for two steel filing cases for the general assembly, the sum of two hundred eighty dollars (\$280.00).

SEC. 29. Police badges. To Drysdale & Hall, for four police badges for legislative employes, the sum of four dollars (\$4.00).

SEC. 30. Deficit—state board of health. To cover the deficit in the office of the state board of health for the biennial period, seven hundred sixty-two dollars and thirty-four cents (\$762.34).

SEC. 31. Mileage and expenses. To P. H. Powers for mileage and expenses for visiting the industrial school for girls at Mitchellville, the sum of one dollar and seventy cents (\$1.70).

SEC. 32. Repairs at industrial home for blind. To John Cownie, for money expended for repairs to the industrial home for the blind at Knoxville, the sum of eight dollars and seventy cents (\$8.70).

SEC. 33. Indexing journals. To the secretary of state for indexing journals for the house and senate of the 30th General Assembly, in addition to the amount provided by law, the sum of two hundred dollars (\$200.00).

SEC. 34. Huebinger map. For the purchase of the Huebinger map of Iowa by the executive council, said map to be loaned to the Louisiana purchase exposition commission, the sum of one thousand eight hundred dollars (\$1,800.00).

SEC. 35. Additional janitor service. For additional janitor service for the state library, the sum of two hundred dollars (\$200.00).

SEC. 36. Bronze memorial tablet. To Chas. Aldrich, curator, for a bronze memorial tablet for revolutionary soldiers buried in Iowa, the sum of one hundred dollars (\$100.00).

SEC. 37. Expenses of superintendent of weights. For expense of state superintendent of weights and measures for attending national convention of state sealers of weights and measures, the sum of one hundred dollars (\$100.00).

SEC. 38. Reinforcing vault crowns. For reinforcing vault crowns in the offices of the secretary of state and auditor of state, the sum of one thousand five hundred dollars (\$1,500.00).

SEC. 39. Assistant adjutant general. For the salary of assistant adjutant general, for the period ending July 1st, 1906, the sum of three thousand three hundred and seventy-five dollars (\$3,375.00).

SEC. 40. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 14, 1904, and the Register and Leader, April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 147.

REPAIR OF CAPITOL BUILDING.

S. F. 389.

AN ACT making an appropriation for the restoration and repair of the capitol building, on account of damages caused by the fire therein, and for the purpose of providing for needed additional repairs upon said building.

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

SECTION 1. Appropriation to repair damages caused by fire. For the purpose of providing for the restoration and repair of the capitol building, and property destroyed by the fire which occurred in said building during the month of January, 1904, and for the purpose of providing additional fire protection for said building, there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred

and twenty-six thousand (\$126,000.00) dollars, or so much thereof as may be necessary. Of the sum above appropriated, seventy-five thousand (\$75,000.00) dollars is hereby made available for use during the year 1904, and the balance during the year 1905.

SEC. 2. Appropriation for needed repairs. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of eighty-two thousand seven hundred and forty (\$82,740.00) dollars, to be used for the purpose of making needed repairs upon the capitol building as hereinafter specifically set forth:

For making tunnel waterproof,	\$ 1,000.00
For repairing outside doors,	500.00
Repair of tile floor in basement,	1,500.00
Repairs in attic,	2,300.00
Paving alley at power house,	455.00
Coal scales,	300.00
Grading and sodding around power house and warehouse,	185.00
Completion of floor and walls of engine room,	500.00
Electric fixtures for capitol building,	5,000.00
Plumbing,	16,000.00
Remodeling steam connections in sub-basement, pipe covering, etc.,	5,500.00
Coal feeding apparatus, ash elevator, coal storage under alley, sky light in boiler room, etc.,	5,000.00
Painting and concrete floor in boiler room,	1,200.00
To complete certain items ordered under chapter 179, laws of the 29th General Assembly,	39,320.00
Supervision and contingent,	4,000.00
	\$82,740.00

The said sum is made available during the year 1905.

SEC. 3. Unexpended balances. Any unexpended balance of any appropriation set apart for any of the purposes herein referred to may be used if necessary for the completion of any other purpose hereby authorized.

SEC. 4. How expended. The appropriations made in sections 1 and 2 of this act shall be expended under the direction of the capitol commission, appointed under the provisions of chapter 179, acts of the Twenty-ninth General Assembly, and the duties and compensation of such commission shall be as are named in said chapter.

SEC. 5. Vouchers. The auditor of state is hereby authorized and directed to draw warrants on the state treasury on presentation of vouchers signed and approved by the governor and president of the commission.

Approved April 13, A. D. 1904.

CHAPTER 148.

TO MAKE IMMEDIATELY AVAILABLE FUNDS APPROPRIATED FOR REPAIR OF CAPITOL BUILDING.

S. F. 87.

AN ACT to make immediately available funds appropriated under provisions of chapter 179, laws of the Twenty-ninth General Assembly.

WHEREAS, Under the provisions of section 6, chapter 179, laws of the Twenty-ninth General Assembly, only \$125,000.00 is now available for expenditure under the direction of section 4 of the said act, for fireproof warehouse and for repairs and improvements upon the capitol building, and

WHEREAS, A due regard for efficiency, economy, and the care of public property made necessary improvements in 1903 involving an expenditure of

nearly \$75,000.00 in excess of funds available and this amount is still unpaid on contracts for this work, therefore,

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

SECTION 1. Time limitations repealed. The time limitations placed upon the withdrawal from the state treasury of the appropriation of \$250,000.00, made for the improvement of the state capitol as set forth in section 6, chapter 179, laws of the Twenty-ninth General Assembly, are hereby repealed and the whole unexpended balance of such appropriation is made immediately available for any or all of the objects for which said appropriation was originally made and subject to all of the conditions named in said chapter.

SEC. 2. In effect. This act shall be in full force and effect after its publication in the Register and Leader and the Des Moines Daily News, newspapers published at Des Moines, Iowa.

Approved February 16, A. D. 1904..

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily News, February 17, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 149.

TEMPORARY REPAIR OF HALL OF HOUSE OF REPRESENTATIVES.

S. F. 1.

AN ACT to appropriate eight thousand dollars or so much thereof as may be necessary, to pay the extraordinary expenses caused by the fire in the capitol and the temporary repair of the hall of the house of representatives.

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

SECTION 1. Amount appropriated. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of eight thousand dollars or so much thereof as may be necessary to pay the extraordinary expenses caused by the fire in the capitol and the temporary repair of the hall of the house of representatives.

SEC. 2. Vouchers. The said appropriation shall be drawn on the vouchers of the custodian and capitol commission approved by the executive council.

SEC. 3. In effect. This act, being deemed of immediate importance, shall be in force and effect upon publication in the Register and Leader and the Iowa Capital newspapers published in Des Moines, Iowa.

Approved January 11, A. D. 1904.

I hereby certify that the foregoing act was published in the Iowa Capital January 13, 1904, and the Register and Leader January 14, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 150.

FIRE PROOF BUILDING FOR AGRICULTURAL, HORTICULTURAL AND DAIRY EXHIBITS.

H. F. 141.

AN ACT making an appropriation for the department of agriculture for the purpose of erecting a permanent fire-proof building for agricultural, horticultural and dairy exhibits.

WHEREAS, the department of agriculture is now using for state fair purposes two hundred sixty-six (266) acres of land and its equipment, all of which is owned by the state of Iowa, and,

WHEREAS, the state of Iowa leads all other states in the value of its dairy products, and in the extent and diversity of its general agricultural and horticultural interests, and

WHEREAS, the said fair grounds are not now equipped with buildings adequate for agricultural displays suitable for the better development of this leading industry of the state, therefore,

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

SECTION 1. Amount appropriated—purpose. That there is hereby appropriated out of the money in the state treasury, not otherwise appropriated, the sum of forty-seven thousand (\$47,000) dollars, or so much thereof as may be necessary, for the purpose of erecting a permanent fire proof building on the state fair ground for agricultural, horticultural, and dairy exhibits. Said building to be erected under the supervision of the state board of agriculture, and the exterior dimensions thereof to be approximately one hundred (100) by three hundred (300) feet, and containing approximately thirty-two thousand (32,000) feet of floor space.

SEC. 2. How expended. The money herein appropriated shall be paid out on the order of the president and secretary of the department of agriculture at such times and in such sums as may by them be deemed necessary for the erection and completion of the above described building.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 8, 1904, and the Des Moines Daily Capital, April 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 151.

PERMANENT CAMP GROUND FOR IOWA NATIONAL GUARD.

S. F. 104.

AN ACT making appropriation for the purchase and improvement of a permanent camp ground for Iowa National Guard.

WHEREAS, There is now pending before the congress of the United States an act appropriating twenty thousand five hundred forty-five and seventy one-hundredths dollars (\$20,545.70) the balance due the state of Iowa as a final settlement of the Spanish-American war claims.

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

SECTION 1. Appropriation—purpose. That when the sum appropriated by congress for the purpose above mentioned is received from the United States, the same is hereby appropriated and made available for the purpose of the purchase and improvement of a permanent camp ground for the Iowa National Guard.

SEC. 2. How expended. Said moneys shall be expended by direction of the governor of the state of Iowa in purchase of not less than one hundred and sixty (160) acres of land, centrally located, the deed to be taken in the name of the state of Iowa for the use of the Iowa National Guard, (after procuring an abstract of title showing an absolute title) and for improving and beautifying said grounds.

SEC. 3. How drawn. Said funds are to be drawn upon certificate of the adjutant general, approved by the governor after duplicate expense bills have been filed and audited as now required by law.

SEC. 4. In effect. This act, being deemed of immediate importance, shall be in effect and in force on and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 152.

RELIEF OF IOWA NATIONAL GUARD.

H. F. 112.

AN ACT making an appropriation for relief of the Iowa National Guard.

WHEREAS, The Twenty-eighth (28th) General Assembly amended section two thousand two hundred thirteen (2213) of the code, providing that there should be paid officers and soldiers of the Iowa National Guard for attendance at company drills at company stations, the sum of ten cents per hour and not exceeding twenty cents per week, and no additional appropriation made to provide funds to pay the same, and the additional expense of sending a regiment of Iowa National Guard to St. Louis to attend the dedication of the Louisiana Purchase Exposition in April, 1903, the guard funds have been so depleted, that there is not now sufficient funds to pay the running expenses up to and including June 30th, 1904.

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

SECTION 1. Amount appropriated. That there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of ten thousand (10,000) dollars, or so much thereof as may be necessary to pay the running expenses of the Iowa National Guard up to and including June 30th, 1904.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital March 8, 1904, and the Register and Leader, March 10, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 153.

FISH AND GAME COMMISSION.

H. F. 281.

AN ACT relating to fish and game, and making appropriation for the fish and game commission of the state of Iowa.

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

SECTION 1. Amounts appropriated. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated,

for the fish and game commission of the state of Iowa, the sums appearing hereinafter, or so much thereof as may be necessary to be expended for the purposes expressed, viz:

1st. Salary for the assistant, who is custodian of the state's property at Spirit Lake for twenty-four months, seven hundred and twenty dollars (\$720).

2d. Gathering fish at Sabula for distribution, two thousand five hundred dollars (\$2,500).

3d. For protection of game and pay for deputy wardens other than the custodian above named, three thousand two hundred and eighty dollars (\$3,280).

4th. For protection of fish, three thousand five hundred dollars (\$3,500).

5th. For rebuilding dam at Milford in the outlet of Lake Okoboji, one thousand dollars (\$1,000).

6th. For constructing dam and dikes at Wall Lake, two thousand five hundred dollars (\$2,500).

Making a total appropriation of thirteen thousand five hundred dollars, (\$13,500).

SEC. 2. **Unexpended balances.** Any unexpended balance of the money hereby appropriated and not required for the purposes mentioned, shall be returned to the state treasury.

Approved April 12, A. D. 1904.

CHAPTER 154.

FISH AND GAME WARDEN.

S. F. 25.

AN ACT making an appropriation for the fish and game warden of the state of Iowa to cover a deficit and provide for the expenses of the warden to July 1, 1904.

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

SECTION 1. **Amount appropriated—how drawn.** There is hereby appropriated, out of any money in the state treasury not otherwise appropriated, for the fish and game warden of the state of Iowa, for the purpose of covering an existing deficit and providing for the expenses of the warden to July 1, 1904, the sum of four thousand dollars (\$4,000.), or so much thereof as may be necessary to be expended prior to July 1, 1904, for protection, gathering, distribution of fish, and restocking the lakes and rivers of the state, and for protection of game in the state, the sum hereby appropriated to be drawn from the state treasury upon bills rendered by the state fish and game warden and approved by the executive council.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved February 10, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital February 11, 1904, and the Register and Leader February 12, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 155.

STATE HOSPITALS, PENITENTIARIES, INDUSTRIAL SCHOOLS, INSTITUTIONS FOR FEEBLE-MINDED, SCHOOL FOR THE DEAF, COLLEGE FOR THE BLIND, SOLDIERS' HOME AND SOLDIERS' ORPHANS' HOME.

H. F. 482.

AN ACT making appropriations for the construction, repair, improvement and contingent funds for the state hospitals, penitentiaries, industrial schools, institution for feeble minded children, college for the blind, school for the deaf, Iowa soldiers' home and Iowa soldiers' orphans' home, and authorizing a change in the use of certain other appropriations heretofore made.

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

SECTION 1. Appropriation. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the amount of eight hundred ninety-nine thousand eight hundred ninety (\$899,890.00) dollars for the construction, improvement, repair and contingent funds for the state hospitals, penitentiaries, industrial schools, institution for feeble minded children, college for the blind, school for the deaf, Iowa soldiers' home and Iowa soldiers' orphans' home in sums as hereinafter specified, provided that two hundred thousand (\$200,000.00) dollars of said amount shall not be drawn from the state treasurer during the biennial period ending June 30, 1905.

SEC. 2. How drawn and expended. All money appropriated by this act shall be drawn from the state treasury and expended in the manner provided by chapter eleven-b (11-b) of title XIII. of the supplement to the code. Any balance remaining of any appropriation after the object for which it was made has been accomplished may be expended in the discretion of the board of control of state institutions for any purpose connected with the institution for which the appropriation was made, except appropriations for land, which shall not be used for any other purpose and the board of control shall report within five days after the convening of the next general assembly the amount transferred from each fund as provided in this section and the amount of unexpended balances in the state treasury December 31, 1905.

SEC. 3. Soldiers' home. Of the appropriations made by this act the Iowa soldiers' home at Marshalltown shall receive sums as follows:

For a new kitchen and addition to dining rooms for hospital and equipment,	\$ 6,000.00
For a new barn	3,000.00
For a new greenhouse and appurtenances,	2,000.00
For improvement of water supply, new floors, fire escapes, furniture and repairs,	12,000.00
For operating rooms and equipment,	1,500.00
For additional room for married people,	15,000.00
For gate house and improvement of grounds,	1,400.00
For the purchase of land,	7,000.00

SEC. 4. Soldiers' orphans' home. Of the appropriations made by this act the Iowa soldiers' orphans' home at Davenport shall receive sums as follows:

For ice house and cold storage,	\$ 3,000.00
For storeroom, appurtenances and equipment,	5,500.00
For additional equipment of power house,	7,000.00
For new laundry building,	4,500.00
For laundry equipment,	4,000.00
For changing old laundry building to a general kitchen,	6,000.00
For enlarging and reconstructing tunnels,	6,000.00
For improvement of piping and heating system,	1,500.00

For pipe covering,	\$1,500.00
For books and magazines,	500.00
For contingent and repair fund,	5,000.00

Also the sum of thirteen hundred and fifty (\$1,350) dollars of balance remaining in fund appropriated by this general assembly for the purchase of land for this institution, is hereby reappropriated for filling Duck creek.

SEC. 5. College for the blind. Of the appropriations made by this act the college for the blind at Vinton shall receive sums as follows:

For a hospital building, appurtenances and equipment,	\$ 8,000.00
For fire escapes,	2,000.00
For contingent and repair fund,	2,000.00

SEC. 6. Institution for feeble-minded. Of the appropriations made by this act the institution for feeble-minded children at Glenwood shall receive sums as follows:

For a new engine, boiler and coal house, connections and equipment, for smoke stack, for removal and re-erection of boilers and machinery and ice plant, with necessary building and heat, light and sewer connections,	\$50,000.00
For tunnel from new power plant,	4,000.00
For repairing custodial building,	7,000.00
For laundry machinery and equipment,	6,000.00
For kitchen equipment,	700.00
For beds and bedding,	1,000.00
For furniture and furnishings,	500.00
For plumbing two old cottages,	2,000.00
For painting,	1,000.00
For improvement of grounds,	500.00
For purchase of land,	7,700.00
For farm fences,	500.00
For farm implements,	500.00
For equipment of fire department,	1,000.00
For contingent and repair fund,	10,000.00

SEC. 7. Industrial school for boys. Of the appropriations made by this act the industrial school for boys at Eldora shall receive sums as follows:

For improvement of water system,	\$9,500.00
For new storehouse and cold storage,	5,000.00
For printing and binding outfit,	3,000.00
For machinery and tools for new shop,	1,500.00
For electric motor,	500.00
For shafting and pulleys for shop,	115.00
For implement house,	1,000.00
For piggery,	1,500.00
For fire escapes,	1,000.00
For fire equipment,	1,000.00
For the purchase of land,	4,800.00
For books and periodicals,	500.00
For contingent and repair fund,	5,000.00

Also the balance of sixteen hundred thirty-four and 81-100 (\$1634.81) dollars in the fund appropriated by the Twenty-eighth General Assembly for changing heating station to cold storage department, and materials purchased from said fund are hereby re-appropriated for new storehouse and cold storage, in addition to the sum above specified.

SEC. 8. Industrial school for girls. Of the appropriations made by this act the industrial school for girls at Mitchellville shall receive sums as follows:

For ice house and cold storage,	\$ 2,500.00
For completing new cottage,	3,000.00

For draining and grading,	\$ 500.00
For hose, hose truck and house for same,	450.00
For library and periodicals,	500.00
For chaplain's fund,	300.00
For contingent and repair fund,	3,000.00

SEC. 9. Mt. Pleasant state hospital. Of the appropriations made by this act the Mt. Pleasant state hospital shall receive sums as follows:

For bake ovens and appurtenances,	\$ 2,000.00
For new floors and furnishings,	3,000.00
For painting,	5,000.00
For repairs in basements,	1,200.00
For tempering coils for heating system,	2,000.00
For kitchen equipment,	1,500.00
For installing spray baths,	1,000.00
For new roof for power house and work shop,	5,000.00
For new cisterns and cistern and boiler connections,	4,000.00
For new tunnel, repairing tunnel and installing pipes therein,	3,000.00
For extending and improving sewers,	2,000.00
For walks and improvement of grounds,	2,000.00
For the purchase of land,	5,325.00
For draining and fencing land,	2,500.00
For horses and wagons,	2,000.00
For contingent and repair fund,	10,000.00

SEC. 10. Independence state hospital. Of the appropriations made by this act the Independence state hospital shall receive sums as follows:

For improvement of water system,	\$13,000.00
For painting and decorating,	5,000.00
For carpets and rugs,	6,000.00
For beds, bedding and furniture,	4,000.00
For flooring,	3,000.00
For bath tubs, connections and wainseoting,	2,500.00
For changing elevator,	1,500.00
For fire escapes,	4,000.00
For laundry, dry room and equipment,	2,500.00
For piggery,	1,500.00
For the purchase of land,	2,800.00
For fencing land,	2,500.00
For draining land,	3,000.00
For contingent and repair fund,	10,000.00

SEC. 11. Clarinda state hospital. Of the appropriations made by this act the Clarinda state hospital shall receive sums as follows:

For a cottage for patients, with connections and equipment,	\$60,000.00
For a shop building and equipment,	6,000.00
For coal house and ash elevator,	4,000.00
For new floors,	2,000.00
For contingent and repair fund,	10,000.00

Also the sum of six thousand (\$6,000.00) dollars appropriated by the Twenty-ninth General Assembly for enlarging shop building and equipment is hereby appropriated for a shop building and equipment in addition to the sum above specified.

SEC. 12. Cherokee state hospital. Of the appropriations made by this act the Cherokee state hospital shall receive sums as follows:

For a cottage for patients, with connections and equipment,	\$65,000.00
For increasing and improving the water supply,	30,000.00
For equipment of pathological laboratory,	800.00
For sterilizer,	300.00
For telephone system,	1,500.00

For fire hose, supports and connections,	\$ 1,000.00
For pictures and mouldings,	300.00
For books and periodicals,	300.00
For stereopticon,	300.00
For equipment of industrial building,	1,200.00
For paving courts and for cement walks,	2,500.00
For improvement of grounds,	1,200.00
For repairing smoke stack,	1,000.00
For fencing,	1,500.00
For contingent and repair fund,	10,000.00

SEC. 13. **Penitentiary at Ft. Madison.** Of the appropriations made by this act the penitentiary at Ft. Madison shall receive sums as follows:

For changing and improving buildings,	\$5,000.00
For the transportation of inmates,	2,000.00
For contingent and repair fund,	7,000.00

Authority is hereby given to use the sum of three hundred fifty (\$350.00) dollars re-appropriated by the Twenty-seventh General Assembly for furnishing a new furnace for the warden's residence, and the sum of twelve hundred (\$1,200.00) dollars appropriated by the Twenty-eighth General Assembly for locks for cells in constructing cell bank galleries.

SEC. 14. **Penitentiary at Anamosa.** Of the appropriations made by this act the penitentiary at Anamosa shall receive sums as follows:

For constructing cell bank of north cell house,	\$22,000.00
For galleries, grated doors, heating and lighting,	12,000.00
For closets, laboratories and plumbing,	16,000.00
For salaries of foremen,	11,600.00
For tools for shop and quarry,	600.00
For derrick supplies,	600.00
For powder and fuse,	400.00
For freight on stone,	1,000.00
For purchase of land,	6,000.00
For contingent and repair fund,	6,000.00

SEC. 15. **School for the deaf.** Of the appropriations made by this act the school for the deaf at Council Bluffs shall receive sums as follows:

For rebuilding plant destroyed by fire and equipping the same,	\$250,000.00
For library, books and magazines,	1,500.00
For furniture and furnishings,	1,500.00
For a contingent and repair fund,	3,500.00

Also the sum of one thousand (\$1,000.00) dollars appropriated by the Twenty-ninth General Assembly "For changing and putting in new heating apparatus in the west wing of main building" is hereby re-appropriated for the repair of buildings.

SEC. 16. **In effect.** This act, being deemed of immediate importance, shall take effect and be in full force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 14, 1904, and the Des Moines Daily Capital, April 15, 1904.

W. B. MARTIN,
Secretary of State

CHAPTER 156.

IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS, STATE UNIVERSITY
AND STATE NORMAL SCHOOL.

H. F. 444.

AN ACT making appropriations to the Iowa state college of agriculture and mechanic arts, the state university, and the state normal school.

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

SECTION 1. Agricultural college—amounts appropriated—how paid. There is hereby appropriated to the Iowa state college of agriculture and mechanic arts, out of any money in the state treasury not otherwise appropriated, the sum of fifty thousand dollars (\$50,000.00) annually hereafter for additional support fund, and for the support of the experiment station the sum of fifteen thousand dollars (\$15,000.00) annually hereafter; said sums to be paid in quarterly installments on order of the trustees, the first installment to be paid July 1, 1904. There is further appropriated out of any money in the state treasury, not otherwise appropriated the sum of ninety-five thousand dollars (\$95,000.00) for the central building to be used as follows:

For restoring dome (dome, attic story, east portico, four pilasters on the west side and the pediment over the same),	\$22,000
For restoration of granite instead of Bedford stone for base and steps,	12,000
For heating, lighting, plumbing and fixtures,	29,000
Furnishings,	32,000

The sums as mentioned in this paragraph shall be paid upon the order of the board of trustees of the said agricultural college, to be paid quarterly, but not more than one half thereof shall be paid before July 1, 1905.

There is hereby further appropriated the sum of fifty-four thousand five hundred dollars (\$54,500.00) to be used as follows:

For central heating plant and chimney,	\$25,000
For equipment for central heating plant, tunnel to central building and Morrill hall, and for wreckage of old building and transferring boilers to new building,	29,500

The sums as mentioned in this paragraph shall be paid upon the order of the board of trustees of the said agricultural college, to be paid quarterly, but not more than one half thereof shall be paid before July 1, 1905.

There is further appropriated out of any money in the state treasury not otherwise appropriated the sum of eighty-four thousand five hundred dollars (\$84,500.00) to be used as follows:

For dairy building,	\$45,000
For equipment of dairy building,	10,000
For land,	22,000
For herd, equipment of dairy farm,	7,000
For poultry and equipment of dairy farm,	500

The sums as mentioned in this paragraph shall be paid upon the order of the board of trustees of the said agricultural college, to be paid quarterly, but not more than fifty-five thousand dollars (\$55,000.00) thereof shall be paid before July 1, 1905.

There is hereby further appropriated to the Iowa state college of agriculture and mechanic arts, out of any money in the state treasury not otherwise appropriated the sum of seven thousand dollars (\$7,000.00) for the next biennial period, to be paid quarterly, to be used for good roads experimentation.

There is hereby further appropriated to the Iowa state college of agriculture and mechanic arts, out of any money in the state treasury not otherwise appropriated the sum of six thousand dollars (\$6,000) for the benefit of

the engineering department, to be paid quarterly and expended under the direction of a committee of the engineering faculty appointed by the board of trustees.

There is further appropriated to the Iowa state college of agriculture and mechanic arts, out of any money in the state treasury not otherwise appropriated the sum of forty-five hundred dollars (\$4,500) annually hereafter for the additional support of the repair fund to be paid quarterly. The said sums hereby appropriated shall be paid upon the order of the board of trustees of the Iowa state college of agriculture and mechanic arts.

SEC. 2. State university—amounts appropriated—how and when payable. There is hereby appropriated for the state university out of any money in the state treasury not otherwise appropriated for the further and additional support of said university, in its several colleges and chairs, the sum of twenty-five thousand dollars (\$25,000.00) annually hereafter, and for the repair and contingent fund seven thousand five hundred dollars (\$7,500) annually hereafter; said sums to be paid in quarterly installments on order of the board of regents of the said university, the first installment to be payable on the first day of July, 1904.

There is further appropriated to the state university the sum of one hundred forty-three thousand dollars (\$143,000.00) to be used as follows:

For library,	\$ 20,000
For equipment and supplies,	20,000
For paving and sidewalks,	8,000
For tunnel and extension,	10,000
For land,	25,000
For engineering building,	50,000
For dam and water power,	10,000

The sums as mentioned in this paragraph shall be paid upon the order of the board of regents of the said university, to be paid quarterly, but not more than one-half thereof shall be paid before July 1, 1905.

SEC. 3. State normal school—amounts appropriated—how and when payable. There is hereby appropriated to the state normal school at Cedar Falls, out of any money in the state treasury not otherwise appropriated the sum of thirty-five thousand dollars (\$35,000.00) annually hereafter which shall be paid quarterly on the order of the board of trustees, the first payment to be made October 1, 1904, and to be used as follows:

For payment of teachers,	\$20,000
For contingent expenses,	15,000

There is further appropriated to said normal school the sum of thirteen thousand dollars (\$13,000.00) which shall be paid on the order of the board of trustees of said normal school, but not more than one-fourth shall be paid before October 1, 1904, nor more than one-half before April 1, 1905, nor more than three-fourths before October 1, 1905, for the following purposes:

For librarian and two assistants,	\$5,000
For library,	5,000
For grading, paving, permanent walks, additional trees, improvement of grounds,	3,000

There is further appropriated to said normal school the sum of five thousand dollars (\$5,000.00) which shall be paid on the order of the board of trustees of said normal school immediately upon the taking effect of this act, for the following purposes:

For fuel,	\$3,750
For engineer, firemen, and night watchman,	1,250

SEC. 4. In effect. This act, being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital April 15, 1904, and the Register and Leader April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 157.

STATE AGENT.

S. F. 317.

AN ACT providing for the appointment of a state agent and defining his duties and making an appropriation therefor.

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

SECTION 1. State agent—appointment—salary—supplies. The board of control of state institutions is authorized to appoint some suitable person to act as a state agent for the soldier's orphans' home, the industrial school for boys and the industrial school for girls. His salary shall be fixed by the board and he shall hold his position during its pleasure. The board of control shall furnish him with such furniture, books, blanks and supplies as may be necessary to the proper conduct of his business in the same manner as supplies are now furnished the other offices of the board.

SEC. 2. Duties. The duties of such agent shall be prescribed by the board of control and shall include the finding of suitable homes or positions for orphan children who are or may have been inmates of either of the institutions mentioned in section 1 hereof. He shall visit at such times as said board may direct all children so placed in homes. He shall examine into their condition and care and shall investigate and report whether the persons taking the children have in all respects complied with all of the conditions upon which they were placed. He shall keep such records and make such reports as the board may from time to time require.

SEC. 3. Articles of indenture or adoption. Any orphan child, who is an inmate of either of said institutions, may with the consent of the superintendent of said institution and the approval of the board of control be placed by said agent in any family of good character where he or she will be well cared for and properly educated. In all cases said child shall be indentured or adopted as in the judgment of said board may be deemed best, by written articles and said board shall have power to authorize said agent, in the event any indentured or adopted child is not in all respects educated and otherwise cared for as is provided in said written articles, to take possession of said child and re-place him or her the same as if he or she had never been indentured or adopted, and in the event it shall be necessary said board of control may institute legal proceedings to secure the possession of said child, which proceedings shall at the request of the board of control be begun and prosecuted by the county attorney of the county in which the child may be. All articles of indenture or adoption shall be signed by the party taking the child and the superintendent of the institution and be approved by the board.

SEC. 4. Appropriation. There is hereby appropriated the sum of four thousand (\$4,000.00) dollars or so much thereof as is necessary from any money in the state treasury not otherwise appropriated for the purpose of carrying this act into effect, for two years from the date of the taking effect of this act. The expenses of said agent in placing and looking after children shall be paid from this appropriation in the manner provided by the law as it appears in section twenty-seven hundred and twenty-seven-a-6 (2727-a-6) of the supplement to the code.

Approved April 13, A. D. 1904.

CHAPTER 158.

INSPECTION OF COUNTY AND PRIVATE INSANE INSTITUTIONS AND ASSOCIATIONS, SOCIETIES AND HOMES RECEIVING FRIENDLESS CHILDREN.

H. F. 204.

AN ACT appropriating money for the inspection of county and private institutions in which insane persons are kept and associations, societies and homes receiving friendless children.

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

SECTION 1. **Amount appropriated—unexpended balances.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of four thousand dollars for paying the expenses of inspecting county and private institutions in which insane persons are kept as required by chapter one hundred forty-four of the acts of the Twenty-eighth General Assembly and associations, societies and homes receiving children as contemplated by chapter one hundred thirty-three of the acts of the Twenty-ninth General Assembly. Any balance undrawn July 1, 1906, shall be covered back into the treasury.

Approved March 17, A. D. 1904.

CHAPTER 159.

INSPECTION OF COUNTY AND PRIVATE INSANE INSTITUTIONS.

H. F. 61.

AN ACT to appropriate money for the inspection of county and private institutions wherein insane persons are kept.

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

SECTION 1. **Amount appropriated.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand (\$1,000.00) dollars or so much thereof as shall be necessary to complete the present fiscal year to pay for inspections of county and private institutions where in insane persons are kept, required by sections two (2) and three (3) of chapter one hundred forty-four (144) of the acts of the Twenty-eighth General Assembly.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 8, 1904, and the Register and Leader, March 10, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 160.

PURCHASE OF LAND FOR SOLDIERS' ORPHANS' HOME.

S. F. 6.

AN ACT making an appropriation for the purchase of land for the use of the Iowa soldiers' orphans' home.

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

SECTION 1. **Amount appropriated.** That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum

of six thousand (\$6,000.00) dollars, or so much thereof as shall be necessary, for the purchase of land for the use of the Iowa soldiers' orphans' home at Davenport.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved February 5, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, February 6, 1904, and the Register and Leader, February 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 161.

TO REIMBURSE CERTAIN OFFICERS, TEACHERS AND EMPLOYES OF SCHOOL FOR THE DEAF.

S. F. 155.

AN ACT making an appropriation to reimburse certain officers, teachers and employes of the Iowa school for the deaf, for loss of wearing apparel and other property, by fire, at said school, on the ninth day of May, 1902.

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

SECTION 1. **Appropriation—to whom payable.** There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of one thousand seven hundred and eighty-nine and 12-100 dollars (\$1,789.12) to reimburse certain officers, teachers and employes of the Iowa school for the deaf for personal losses sustained by them by reason of the fire at said school on the 9th day of May, 1902. Said amount to be paid to the following persons, in the sums hereinafter set out, to-wit:

Lizzie Hutton,	\$ 4.50
J. Schuyler Long,	18.75
Mrs. M. C. Evans,	17.25
E. E. Clippinger,	58.50
W. O. Connor,	59.81
Hiram Phillips,	35.01
Robert D. Hoyt,	70.50
Margaret Watkins,	95.20
Laura MacDill,	66.84
Mildred Cooper,	69.75
Florence Wilcoxson,	64.09
Emma Kinsley,	56.25
Mamie Cool,	59.22
Gertrude Brown,	66.56
Stella Stewart,	53.00
Olivia M. Staatz,	99.39
Susie Nourse Whitlock,	69.80
Lizzie Dick Pitzer,	65.13
David Ryan,	57.01
Laura B. Robie,	82.90
Mabel N. McGwire,	56.30
Thomas Bauman,	18.75
Henry W. Rothert,	544.61

SEC. 2. **In full for all claims.** Said payments to be in full for all claims against the state for such losses.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.
Approved March 31, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 1, 1904, and the Register and Leader, April 2, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 162.

INVESTIGATION OF EXTENT OF TUBERCULOSIS.

H. F. 117.

AN ACT to authorize the state board of control to investigate the extent of tuberculosis in Iowa and the best means of prevention of the same.

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

SECTION 1. Board of control to investigate—report. The state board of control is hereby authorized to investigate the extent of tuberculosis in Iowa and the best means of prevention and treatment of the disease and report its findings to the next general assembly.

SEC. 2. Care and treatment—appropriation. If after investigation, the board deems it advisable to place under its immediate observation a number of cases of the disease for the purpose of more fully advising the general assembly of the actual results of care and treatment, it is hereby authorized to expend not to exceed one thousand dollars (\$1,000) in making such investigation and carrying out the provisions of this bill.

SEC. 3. Publication of facts. The said board is further authorized to publish and distribute at its discretion such facts as will advise the public regarding the prevention of tuberculosis.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after the publication of same, in the Des Moines Daily Capital, a newspaper published in Des Moines, Iowa, and the Dubuque Daily Times, a newspaper published in Dubuque, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Dubuque Daily Times, April 14, 1904, and the Des Moines Daily Capital, May 3, 1904.

W. B. MARTIN,
Secretary of State

CHAPTER 163.

HISTORICAL, MEMORIAL AND ART BUILDING.

H. F. 211.

AN ACT providing for the completion of the historical, memorial and art building, and the acquisition of the real estate hereinafter described and making an appropriation therefor.

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

SECTION 1. Appropriation—when available. The executive council is hereby authorized, empowered and directed to proceed with the completion of the state historical, memorial and art building, and the acquisition of the real property hereinafter described, in accordance with the provisions of this act. For these purposes there is hereby appropriated the sum of two hun-

dred thousand dollars to be paid out of any money in the state treasury not otherwise appropriated, one half of which may be expended in the year 1904, and one half in the year 1905.

SEC. 2. Plans and specifications—letting of contracts—furnishings. The executive council is hereby authorized to take such steps as to it shall seem proper and necessary to secure plans for the completion of said building. As soon as satisfactory plans and specifications are secured, the executive council shall proceed to let the necessary contracts to the lowest responsible bidder or bidders, (reserving the right to accept or reject any or all bids), who shall execute such bonds as the executive council may deem necessary for the faithful performance of said work. All payments shall be approved by the executive council. The executive council may set aside so much of said appropriation as they shall deem necessary for the purchase of furnishings for the east wing of the said building during the next biennial period.

SEC. 3. Purchase of additional land. The executive council is further authorized to secure either by purchase or condemnation lot No. 6, in block No. 5, in Lyon's addition to the city of Des Moines, the same being necessary for the purposes of this act.

SEC. 4. Iowa materials. Iowa materials shall be used in the construction of this edifice, quality and price being considered.

SEC. 5. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily Register and Leader, and the Daily Iowa Capital, newspapers published in Des Moines, Iowa.

Approved April 2, A. D. 1904.

I hereby certify that the foregoing act was published in the Daily Register and Leader and the Daily Iowa Capital, April 5, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 164.

LOUISIANA PURCHASE EXPOSITION.

S. F. 200.

AN ACT making twenty thousand dollars (\$20,000) additional appropriation for the Iowa exhibit at the Louisiana purchase exposition at St. Louis and amendatory of the law as it appears in chapter one hundred and ninety-five (195) of the acts of the Twenty-ninth (29th) General Assembly.

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

SECTION 1. Appropriation. The sum of twenty thousand dollars (\$20,000) or so much thereof as may be needed by the Louisiana purchase exposition commission for the purpose of making an exhibit and representation by the state of Iowa at St. Louis, as provided in chapter one hundred and ninety-five (195) of the laws of the Twenty-ninth General Assembly, in addition to the sum thereby appropriated, is hereby appropriated out of any money in the state treasury not otherwise appropriated, to be drawn, expended and reported as provided in said chapters except as hereinafter provided.

SEC. 2. How apportioned—when available. The said twenty thousand dollars (\$20,000.00) shall be apportioned and set apart for the following departments and specific purposes:

For agriculture,	\$4,000.00
For horticulture,	4,000.00
For live stock exhibit,	3,000.00

For dairy and apiary,	\$1,000.00
For lights and insurance,	1,200.00
For emergency contingent fund,	2,500.00
For mineral and geology,	1,500.00
For manufacturing and machinery,	1,500.00
For additional salaries for one month,	800.00
For ice and water,	500.00

And no part of this appropriation shall become available until the respective specific amounts heretofore set apart by the commissioners of the Louisiana purchase exposition, from the appropriation made by the Twenty-ninth General Assembly, for the above purposes, shall have been exhausted.

SEC. 3. Repealed. The law as it appears in section three (3) of chapter one hundred and ninety-five (195) of the laws of the Twenty-ninth General Assembly is hereby repealed.

SEC. 4. Louisiana purchase exposition commission. That section one (1) of chapter one hundred and ninety-five (195) of the acts of the Twenty ninth (29) General Assembly, be, and the same is hereby amended by striking out the words "Louisiana Exposition Purchase Commission" in the fourth line of said section, and inserting in lieu thereof, the words, "Louisiana Purchase Exposition Commission".

SEC. 5. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Iowa Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved March 22, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Iowa Daily Capital, March 23, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 165.

DISPOSITION OF STATE PROPERTY USED AT LOUISIANA PURCHASE EXPOSITION.

S. F. 207.

AN ACT to provide for the disposition of the property of the state used at the Louisiana Purchase Exposition and to appropriate money for that purpose.

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

SECTION 1. Delivered to board of control. That at the close of the Louisiana purchase exposition in the year 1904 the Louisiana exposition purchase commission shall deliver to the board of control of state institutions of Iowa the Iowa building, including all fixtures and furnishings, and all property of the state of whatsoever kind purchased or otherwise acquired for the state by said commission and used at said exposition. *Provided,* That nothing herein contained shall be construed to give to the board any right to property furnished for use at said exposition by any state or private institution, corporation, association or person the title of which is not vested in the state, but the board may do what shall seem necessary and proper to protect property of that class which may come into its possession.

SEC. 2. Disposition of property. The board of control shall take possession of all of the property which shall be delivered to it as aforesaid, and shall cause the building to be taken down and all material and fixtures therefrom and all other property to be moved from the exposition grounds as may be required by the rules and regulations of the exposition under which the building was constructed and furnished. The board of control shall make such disposition of the materials from the building and of all other property

it shall receive as shall in its judgment be for the best interests of the state and so far as not inconsistent with such interests the board shall distribute the property referred to or any part thereof among the various state institutions under its control or supervision. Nothing herein shall be construed as preventing the board of control from selling the building before the same is taken down, provided such sale shall be deemed by them as advantageous to the state, and provided further that they shall require the purchaser of such building to remove the same in accordance with the terms of contract entered into by the Louisiana purchase exposition commission for such removal.

SEC. 3. Expenses—appropriation. For the purpose of paying all expenses incurred under the provisions of this act, including the taking down of the building, the caring for and removal of property, the transportation of property to state institutions or elsewhere and the payment of the necessary expenses of the members of the board and the payment of its employes, there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of five thousand dollars (\$5,000) or so much thereof as shall be necessary. The expenses hereby authorized shall be paid as other expenses of the board of control are paid, but the members of the board, its officers, agents and employes may go to St. Louis and the exposition grounds and do whatsoever shall seem to the board necessary and proper to perform the duties devolved upon it by this act without the adoption of a written resolution by the board or the approval of the governor required by section 5 of chapter 118 of the acts of the Twenty-seventh General Assembly.

SEC. 4. Report. The board of control shall include in its next biennial report to the governor and general assembly a full detailed statement of its proceedings and expenses under this act.

Approved March 22, A. D. 1904.

CHAPTER 166.

ERECTION OF MONUMENT AT SITE OF CONFEDERATE MILITARY PRISON AT ANDERSONVILLE, GEORGIA.

H. F. 215.

AN ACT providing for the erection of a monument at the site of the confederate military prison at Andersonville, Georgia, in commemoration of the patriotism, suffering and martyrdom of the Iowa soldiers who were imprisoned and died in such military prison, and creating a commission to have charge of the erection thereof and providing an appropriation therefor.

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

SECTION 1. Commission—how appointed. That a commission consisting of five honorably discharged union soldiers of the war of the rebellion, who have been prisoners of war three months or more, and at least three of whom were Iowa soldiers who were imprisoned at Andersonville, Georgia, or elsewhere in the south and who shall be appointed and commissioned by the governor and serve without compensation, is hereby created to locate the site of and erect a suitable monument, not to exceed in cost the sum of ten thousand dollars (\$10,000.00), commemorative of the valor, suffering and martyrdom of the Iowa soldiers who were imprisoned and died in the confederate prison at Andersonville, Georgia.

SEC. 2. Expenses—report. The actual, necessary expenses of the members of said commission, while employed in the business thereof, shall be paid from the funds appropriated by this act for that purpose, and the said commission shall make a full report of its doings and proceedings to the governor, on or before the first day of December of each year during the continuance of said commission.

SEC. 3. Title to the land. Said commission shall carefully ascertain the facts with reference to the title to the land where it is proposed to locate the site of such monument, for which purpose they may have the advice and assistance of the attorney-general, and before making any contract for the purchase or erection of a monument, shall secure by contract, conveyance or dedication such right in or title to the site selected, as will, in the opinion of the attorney-general, fully protect the rights of the state therein in perpetuity, and insure its freedom from taxes or other liens of any character.

SEC. 4. Powers of commission. Said commission shall have authority to select and locate a site for such monument; select a design and style of monument; make contracts for its purchase and erection, and fix a time and make arrangements for the proper dedication thereof, and to do and perform such other acts and duties as may be required in fulfillment of the purpose of this act.

SEC. 5. Appropriation. The sum of ten thousand dollars (\$10,000.00) or as much thereof as may be necessary, is hereby appropriated from any funds in the state treasury not otherwise appropriated, to be drawn and used in payment of the contracts of said commission for the purchase and erection of said monument and expense in connection therewith.

SEC. 6. Vouchers. The auditor of state is hereby authorized and directed to draw warrants upon the treasury to the amount of the appropriation herein made, upon presentation to him of proper vouchers certified and sworn to by said commissioners from time to time and approved by the governor, in payment of the expenses of said commissioners, and in payment for said monument, after the same shall be erected, completed and accepted by said commission.

SEC. 7. In effect. This act, being deemed of immediate importance, shall take effect upon publication thereof in the "Register and Leader" and the "Des Moines Daily Capital," newspapers published in the city of Des Moines, Polk county, Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 12, 1904, and in the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 167.

ADDITIONAL EMPLOYES OF THIRTIETH GENERAL ASSEMBLY.

S. F. 65.

AN ACT to appropriate forty-five hundred dollars, or so much thereof as may be necessary, to pay the additional employes of the Thirtieth General Assembly.

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

SECTION 1. Amount appropriated—how drawn. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of forty-five hundred dollars, or so much thereof as may be necessary, to pay additional employes of the general assembly; and the state auditor is hereby authorized to draw warrants against the same in favor of the persons and in the amounts certified to by the president of the senate and the speaker of the house, and the state treasurer is authorized to pay such warrants.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved February 16, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, February 17, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 168.

EXPENSES OF INAUGURAL CEREMONIES.

S. F. 28.

AN ACT making an appropriation to defray the expenses of the inaugural ceremonies.

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

SECTION 1. Amount appropriated—how drawn. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of six hundred and twenty-one dollars and twenty-eight one-hundredths dollars (\$621.28) or so much thereof as may be necessary to pay the expenses incurred on account of the inauguration ceremonies. Warrants shall be drawn upon the treasurer for the sum herein appropriated in favor of the adjutant general, upon filing the vouchers therefor with the auditor of state.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Daily Capital, newspapers published in Des Moines, Iowa.

Approved February 5, A. D. 1904.

I hereby certify that the foregoing act was published in the Daily Capital, February 6, 1904, and the Register and Leader, February 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 169.

EXPRESS, FREIGHT AND CARTAGE.

H. F. 127.

AN ACT appropriating money to pay express, freight and cartage.

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

SECTION 1. Appropriation for bills due and unpaid. That there is hereby appropriated out of any funds not otherwise appropriated from the state treasury the sum of one thousand, three hundred twenty-four and ninety-nine one-hundredths (1,324.99) dollars to pay express, freight and cartage now due and unpaid.

SEC. 2. Appropriation to cover deficiency for approved claims. That there is hereby appropriated out of any funds not otherwise appropriated from the state treasury the sum of one hundred forty and twenty-seven one-hundredths (140.27) dollars, to cover deficiency for claims approved by the executive council prior to this date.

SEC. 3. Appropriation to pay express, freight and cartage during session of Thirtieth General Assembly. That there is hereby appropriated out of any funds not otherwise appropriated from the state treasury the sum of eight hundred (800) dollars or as much thereof as is necessary to pay express, freight and cartage during the present session of the Thirtieth General Assembly, and any part of such appropriation remaining unexpended May 1, 1904, shall be covered back into the treasury.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect and be in force on and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved February 27, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital February 27, 1904, and the Register and Leader February 29, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 170.

METAL SHELVING IN STORAGE BUILDING.

H. F. 822.

AN ACT to appropriate money to pay for metal shelving in the new storage building.

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

SECTION 1. Amount appropriated. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of six thousand dollars (\$6,000) for the purpose of paying for metal shelving now in place in the storage building.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader April 12, 1904, and in the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 171.

DEFICIT IN CONTINGENT FUND OF SUPREME COURT.

S. F. 215.

AN ACT making an appropriation to provide for an existing deficit in the contingent fund of the supreme court.

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

SECTION 1. Amount appropriated. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five hundred dollars (\$500.00) to provide for an existing deficit in the contingent fund of the supreme court of Iowa.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily News, newspapers published at Des Moines, Iowa.

Approved March 17, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily News March 19, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 172.

PURCHASE OF RAILROAD COMMISSIONERS' OFFICIAL MAPS.

S. F. 99.

AN ACT making an appropriation for the purchase of twenty-five thousand (25,000) railroad commissioners' official maps to be distributed by the members of the general assembly and railroad commissioners.

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

SECTION 1. Number ordered—distribution. The railroad commissioners are hereby instructed to procure twenty-five thousand (25,000) copies

of the railroad commissioners' official map of Iowa, fifteen thousand (15,000) of said maps to be printed on heavy paper, mounted and with tape sides, and ten thousand (10,000) of said maps to be folded and enclosed in suitable envelopes; twenty (20) copies in envelopes and seventy-five (75) mounted maps to be delivered to each member of the general assembly for distribution, and the remainder to be distributed under the direction of the railroad commissioners.

SEC. 2. Appropriation. There is hereby appropriated, out of any moneys not otherwise appropriated, the sum of three thousand two hundred dollars (\$3,200) or so much thereof as shall be necessary for the purpose herein stated.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, March 14, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 173.

TO REIMBURSE CERTAIN EX-COMMISSIONERS OF PHARMACY.

S. F. 150.

AN ACT to appropriate money to reimburse the ex-commissioners of pharmacy for the State of Iowa and their attorneys for moneys paid by them and expenses incurred in the enforcement of law.

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

SECTION 1. Amount appropriated. That there be, and is hereby appropriated out of any moneys in the treasury not otherwise appropriated the sum of nine hundred thirty-five dollars and seventy cents (\$935.70) or so much thereof as may be necessary to reimburse the ex-commissioners of pharmacy for expenses paid by them in the enforcement of the laws.

SEC. 2. How and to whom paid. The auditor of state is authorized to draw warrants upon the treasurer for the payment of the same or any part thereof upon certificates of the executive council of amount found due said ex-commissioners of pharmacy and their attorneys upon examination of itemized bills and vouchers, the bills being in accordance with the following claims as set forth in the fourth biennial report of the commissioners of pharmacy:

Geo. H. Shafer,	.	.	.	.	.	\$253.60
R. W. Crawford,	.	.	.	.	.	170.80
C. A. Weaver,	.	.	.	.	.	18.07
J. H. Pickett,	.	.	.	.	.	303.23
Geo. F. Henry,	.	.	.	.	.	60.00
R. L. Parrish,	.	.	.	.	.	130.00
						\$935.70
Total	.	.	.	.	.

Approved March 31, A. D. 1904.

CHAPTER 174.

TO REIMBURSE STATE BOARD OF VETERINARY MEDICAL EXAMINERS.

S. F. 218.

AN ACT making appropriation to return to the state board of veterinary medical examiners of Iowa, money paid by them into the treasury of the state.

WHEREAS, The state board of veterinary medical examiners of Iowa paid into the state treasury of the state of Iowa, for the year 1900, a surplus of four hundred and twenty-nine dollars and sixty-one cents; and,

WHEREAS, Further, there have been the following deficiencies in the payment of the expenses of said board: One hundred and thirty nine dollars and forty-nine cents, for the year 1901; two hundred and eighteen dollars and fifty-three cents, for the year 1902; and two hundred and seventy-nine dollars, for the year 1903; therefore,

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

Amount to be returned. That the said sum of four hundred and twenty-nine dollars and sixty-one cents be returned to the said board of veterinary medical examiners of the state of Iowa, out of any money in the state treasury of Iowa, the said money so returned to be applied in part payment of said deficiency.

Approved March 31, A. D. 1904.

CHAPTER 175.

COURT COSTS.

H. F. M.

AN ACT making an appropriation for the payment of certain costs which were incurred by reason of the intervention of the state of Iowa in certain suits originally commenced in the district court of Humboldt county, Iowa.

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

SECTION 1. Amount appropriated—to whom paid. That for the purpose of paying certain costs occasioned by the intervention of the state of Iowa in certain suits which were originally commenced in the district court of Humboldt county, Iowa, and were by the state of Iowa appealed to the supreme court of Iowa, and afterwards, by writ of error, taken by it to the supreme court of the United States, there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of six hundred and fifty-one dollars and fifty-one cents (\$651.51), and the auditor of state shall draw warrants for the amount appropriated by this act.

To George R. Pearsons, \$198.00

To the clerk of the district court of Humboldt Co., . . . 453.51

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved March 30, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital March 31, 1904, and the Register and Leader April 1, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 176.

COSTS AND ATTORNEY'S FEES IN CERTAIN CASES BROUGHT IN MARION COUNTY.

H. F. 429.

AN ACT to appropriate money to pay the costs and attorney's fees in certain cases brought in Marion county to revoke fraudulent naturalization papers.

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

SECTION 1. Amount appropriated. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of two hundred fifty-six dollars and forty-five cents (\$256.45) with which to pay the witness fees, court costs and attorney's fees incurred by the state of Iowa in the cases brought in the name of the state upon the relation of the attorney-general, in Marion county, for the revocation and cancellation of certain fraudulent naturalization papers issued by the district court of that county.

SEC. 2. How and to whom paid. The auditor of state is hereby authorized and directed to issue his warrant upon the state treasurer for the amounts to which the parties are entitled under the provisions of this act and to be delivered when receipts are filed with the auditor of state acknowledging full payment of the amounts to which such persons are entitled as follows:

The sum of one hundred and twenty dollars and eighty-five cents (\$120.85) to be paid over to the clerk of the district court of Marion county with which to pay the court costs and witness fees in said cases:

The sum of thirty-five dollars and sixty cents (\$35.60) to be paid to Kinkead & Mentzer for their personal expenses incurred in procuring testimony and in the preparation of said cases.

The sum of one hundred dollars (\$100) to be paid to Kinkead & Mentzer for attorney's fees in the prosecution of said cases.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in the city of Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital April 15, 1904, and the Register and Leader April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 177.

COSTS OF CASE OF STATE OF IOWA VS. SIOUX COUNTY.

H. F. 459.

AN ACT making an appropriation to pay the costs of the case of State of Iowa vs. Sioux county.

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

SECTION 1. Executive council to investigate. That the executive council of the state of Iowa is hereby instructed to investigate the matter of costs in the case of State of Iowa v. Sioux County to require said Sioux county to bear the expense incurred in the treatment and care of one Langhorst at the hospital at Independence, Iowa; and if it finds said costs to be reasonable and just, then it shall order the same to be paid.

SEC. 2. Amount appropriated. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one hundred fifty-three dollars five cents, or so much thereof as may be necessary to pay the costs referred to in section one of this act.

Approved April 13, A. D., 1904.

CHAPTER 178.

EXPENSES OF DEPARTMENT OF IOWA, GRAND ARMY OF THE REPUBLIC.

S. F. 279.

AN ACT appropriating annually seven hundred and fifty (\$750) dollars, to assist in defraying the expenses of the headquarters department of Iowa, Grand Army of the Republic, at Des Moines, Iowa.

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

SECTION 1. **Amount appropriated—purposes.** That there is hereby appropriated, out of any funds in the state treasury, not otherwise appropriated, the sum of seven hundred and fifty (\$750) dollars, annually, or so much thereof as may be necessary, for the use of the headquarters, department of Iowa, Grand Army of the Republic, for the payment of incidental office expenses, including postage, printing, telegraph and telephone charges, and other expenses incident to the maintenance of said headquarters.

SEC. 2. **How drawn.** The auditor of state is hereby authorized to draw warrants upon the treasurer of the state for such sums, or such portions thereof, as may be needed from time to time, the same to be certified to the auditor in the form of itemized bills, by the department commander, or assistant adjutant general of the department of Iowa, Grand Army of the Republic.

SEC. 3. **Distribution of annual reports.** Provided that the department of Iowa, Grand Army of the Republic, shall furnish to the secretary of state, for distribution to state institutions fifty copies of the annual reports of the department.

SEC. 4. **In effect.** This act, being deemed of immediate importance, shall be in full force and effect after its publication in the Des Moines Daily Capital and the Register and Leader, newspapers published in Des Moines, Iowa.

Approved March 17, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, March 18, 1904, and the Register and Leader March 19, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 179.

BENEDICT HOME.

H. F. 184.

AN ACT making an appropriation for the Benedict Home, Des Moines, Iowa.

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

SECTION 1. **Amount appropriated—how expended.** There is hereby appropriated for the support of Benedict Home at Des Moines, Iowa, out of any money in the state treasury not otherwise appropriated, the sum of seven thousand dollars (\$7,000), or so much thereof as may be necessary, to be expended as directed by the executive council, provided that not more than one half the amount herein appropriated shall be drawn during the first half of the biennial period.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force, from and after its passage and publication in the Register and Leader and Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 2, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Daily Capital, April 5, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 180.

DUBUQUE RESCUE HOME.

H. F. 234.

AN ACT making an appropriation for the Dubuque Rescue Home at Dubuque, Iowa.

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

SECTION 1. Amount appropriated—how expended. That there is hereby appropriated for the support of the Dubuque Rescue Home at Dubuque, Iowa, out of any money in the state treasury not otherwise appropriated, the sum of two thousand (\$2,000) dollars, or as much thereof as may be necessary to be expended as directed by the executive council: provided, that not more than one-half of the amount herein appropriated shall be drawn during the first half of the biennial period.

Approved, April 2, A. D. 1904.

CHAPTER 181.

FLORENCE CRITTENTON HOME.

H. F. 159.

AN ACT making an appropriation for the Florence Crittenton home, formerly the woman's and baby's home at Sioux City, Iowa.

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

SECTION 1. Amount appropriated—how expended. That there is hereby appropriated for the support of the Florence Crittenton home, formerly the woman's and baby's home at Sioux City, Iowa, out of any money in the state treasury not otherwise appropriated, the sum of two thousand dollars (\$2,000) or so much thereof as may be necessary to be expended as directed by the executive council: Provided, that not more than one-half of the amount herein appropriated shall be drawn during the first half of the biennial period.

Approved April 2, A. D. 1904.

CHAPTER 182.

CHARLES B. FOUNTAIN, HAROLD FOUNTAIN AND AMIL HOCH.

S. F. 213.

AN ACT appropriating the sum of seventy-five hundred dollars (\$7,500) to be paid to Charles B. Fountain, Harold Fountain and Amil Hoch in settlement of all claims against the state of Iowa by reason of the death of Mrs. Charles B. Fountain and Mrs. Amil Hoch, who were killed by an accident which occurred in one of the elevators at the State House on the twenty-sixth day of February, 1904.

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

SECTION 1. Amount appropriated. There is hereby appropriated out of the money in the state treasury not otherwise appropriated, the sum of seventy-five hundred dollars (\$7,500) as payment in full for all claims against the state of Iowa arising from the death of Mrs. Charles B. Fountain and Mrs. Amil Hoch, who were killed on the twenty-sixth day of February, 1904, by an accident which occurred in one of the elevators of the State House on that day.

SEC. 2. To whom paid. That the sum of money hereby appropriated shall be paid to the following named persons and in the following named sums:

To Charles B. Fountain, husband of Mrs. Charles B. Fountain, two thousand dollars (\$2,000);

To Amil Hoch, husband of Mrs. Amil Hoch, twenty-five hundred dollars (\$2,500);

To Harold Fountain, son of Mrs. Charles B. Fountain, three thousand dollars (\$3,000).

SEC. 3. Receipts in full for all claims. The auditor of state of the state of Iowa is hereby authorized to draw his warrant upon the state treasury in favor of Charles B. Fountain for the sum of two thousand dollars (\$2,000), and to Amil Hoch for the sum of twenty-five hundred dollars (\$2,500), when said Charles B. Fountain and Amil Hoch shall file with the auditor of state a receipt acknowledging full payment of all claims for damages against the state sustained by them by reason of the death of the said Mrs. Charles B. Fountain and Mrs. Amil Hoch. The auditor of state of the state of Iowa is hereby further authorized to draw his warrant upon the state treasury for the sum of three thousand dollars (\$3,000), payable to the order of the legally appointed guardian of Harold Fountain, when such guardian shall file with the auditor of state his receipt acknowledging full payment of all claims for damages against the state sustained by the said Harold Fountain, arising out of the death of Mrs. Charles B. Fountain.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in "The Register and Leader" and "The Des Moines Daily Capital," newspapers published in the city of Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 183.

EDUCATION OF WILLIAM REDDEN.

S. F. 328.

AN ACT appropriating one thousand dollars (\$1,000.00) to William Redden to aid in procuring him an education, and providing for the appointment of a trustee to control and disburse the same.

WHEREAS William Redden, now a resident of Howard county, while in the Industrial School at Eldora, Iowa, under the direction of the authorities of said school, and performing work under the direction of said authorities, received serious injuries from which it became necessary to amputate his arm, and

WHEREAS the said William Redden has shown himself to be a deserving youth, and anxious to receive an education and has not the means to provide himself therewith nor the ability to procure such education because of his crippled condition, therefore

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

SECTION 1. Amount appropriated—how expended. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of one thousand (\$1,000.00) dollars, to be paid to a trustee to be appointed by the district court of Howard county, to be held by said trustee for the benefit of William Redden of said Howard county, and to be expended by said trustee in aiding said William Redden to procure an education, such disbursements to be in such amounts and at such times as such trustee shall deem for the best interests of said William Redden.

Approved April 13, A. D. 1904.

PART III.

SPECIAL ACTS.

CHAPTER 184.

H. F. 488.

AN ACT to apportion the state into representative districts and declare the ratio [of] representation.

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

SECTION 1. Apportionment. That one representative from every twenty-seven thousand nine hundred (27,900) inhabitants is hereby constituted the ratio of apportionment and that each representative district shall be as hereinafter described.

SEC. 2. First District. Lee county shall be the first district and entitled to one representative, (39,719).

SEC. 3. Second District. Van Buren county shall be the second district and entitled to one representative, (17,354).

SEC. 4. Third District. Davis county shall be the third district and entitled to one representative, (15,620).

SEC. 5. Fourth District. Appanoose county shall be the fourth district and entitled to one representative, (25,927).

SEC. 6. Fifth District. Wayne county shall be the fifth district and entitled to one representative, (17,491).

SEC. 7. Sixth District. Decatur county shall be the sixth district and entitled to one representative, (18,115).

SEC. 8. Seventh District. Ringgold county shall be the seventh district and entitled to one representative, (15,325).

SEC. 9. Eighth District. Taylor county shall be the eighth district and entitled to one representative, (18,784).

SEC. 10. Ninth District. Page county shall be the ninth district and entitled to one representative, (24,187).

SEC. 11. Tenth District. Fremont county shall be the tenth district and entitled to one representative, (18,546).

SEC. 12. Eleventh District. Mills county shall be the eleventh district and entitled to one representative, (16,764).

SEC. 13. Twelfth District. Montgomery county shall be the twelfth district and entitled to one representative, (17,803).

SEC. 14. Thirteenth District. Adams county shall be the thirteenth district and entitled to one representative, (13,601).

SEC. 15. Fourteenth District. Union county shall be the fourteenth district and entitled to one representative, (19,928).

SEC. 16. Fifteenth District. Clarke county shall be the fifteenth district and entitled to one representative, (12,440).

SEC. 17. Sixteenth District. Lucas county shall be the sixteenth district and entitled to one representative, (16,126).

SEC. 18. Seventeenth District. Monroe county shall be the seventeenth district and entitled to one representative, (17,985).

SEC. 19. Eighteenth District. Wapello county shall be the eighteenth district and entitled to one representative, (35,426).

SEC. 20. Nineteenth District. Jefferson county shall be the nineteenth district and entitled to one representative, (17,437).

SEC. 21. Twentieth District. Henry county shall be the twentieth district and entitled to one representative, (20,022).

SEC. 22. Twenty-first District. Des Moines county shall be the twenty-first district and entitled to one representative, (35,989).

SEC. 23. Twenty-second District. Louisa county shall be the twenty-second district and entitled to one representative, (13,516).

SEC. 24. Twenty-third District. Washington county shall be the twenty-third district and entitled to one representative, (20,718).

SEC. 25. Twenty-fourth District. Keokuk county shall be the twenty-fourth district and entitled to one representative, (24,979).

SEC. 26. Twenty-fifth District. Mahaska county shall be the twenty-fifth district and entitled to one representative, (34,273).

SEC. 27. Twenty-sixth District. Marion county shall be the twenty-sixth district and entitled to one representative, (24,159).

SEC. 28. Twenty-seventh District. Warren county shall be the twenty-seventh district and entitled to one representative, (20,376).

SEC. 29. Twenty-eighth District. Madison county shall be the twenty-eighth district and entitled to one representative, (17,710).

SEC. 30. Twenty-ninth District. Adair county shall be the twenty-ninth district and entitled to one representative, (16,192).

SEC. 31. Thirtieth District. Cass county shall be the thirtieth district and entitled to one representative, (21,274).

SEC. 32. Thirty-first District. Pottawattamie county shall be the thirty-first district and entitled to two representatives, (54,336).

SEC. 33. Thirty-second District. Harrison county shall be the thirty-second district and entitled to one representative, (25,597).

SEC. 34. Thirty-third District. Shelby county shall be the thirty-third district and entitled to one representative, (17,932).

SEC. 35. Thirty-fourth District. Audubon county shall be the thirty-fourth district and entitled to one representative, (13,626).

SEC. 36. Thirty-fifth District. Guthrie county shall be the thirty-fifth district and entitled to one representative, (18,729).

SEC. 37. Thirty-sixth District. Dallas county shall be the thirty-sixth district and shall be entitled to one representative, (23,058).

SEC. 38. Thirty-seventh District. Polk county shall be the thirty-seventh district and entitled to two representatives, (82,624).

SEC. 39. Thirty-eighth District. Jasper county shall be the thirty-eighth district and entitled to one representative, (26,976).

SEC. 40. Thirty-ninth District. Poweshiek county shall be the thirty-ninth district and entitled to one representative, (19,414).

SEC. 41. Fortieth District. Iowa county shall be the fortieth district and entitled to one representative, (19,544).

SEC. 42. Forty-first District. Johnson county shall be the forty-first district and entitled to one representative, (24,817).

SEC. 43. Forty-second District. Muscatine county shall be the forty-second district and entitled to one representative, (28,242).

SEC. 44. Forty-third District. Scott county shall be the forty-third district and entitled to two representatives, (51,558).

SEC. 45. Forty-fourth District. Cedar county shall be the forty-fourth district and entitled to one representative, (19,371).

SEC. 46. Forty-fifth District. Clinton county shall be the forty-fifth district and entitled to two representatives, (43,832).

SEC. 47. **Forty-sixth District.** Jackson county shall be the forty-sixth district and entitled to one representative, (23,615).

SEC. 48. **Forty-seventh District.** Jones county shall be the forty-seventh district and entitled to one representative, (21,954).

SEC. 49. **Forty-eighth District.** Linn county shall be the forty-eighth district and entitled to two representatives, (55,392).

SEC. 50. **Forty-ninth District.** Benton county shall be the forty-ninth district and entitled to one representative, (25,177).

SEC. 51. **Fiftieth District.** Tama county shall be the fiftieth district and entitled to one representative, (24,585).

SEC. 52. **Fifty-first District.** Marshall county shall be the fifty-first district and entitled to one representative, (29,991).

SEC. 53. **Fifty-second District.** Story county shall be the fifty-second district and entitled to one representative, (23,159).

SEC. 54. **Fifty-third District.** Boone county shall be the fifty-third district and entitled to one representative, (28,200).

SEC. 55. **Fifty-fourth District.** Greene county shall be the fifty-fourth district and entitled to one representative, (17,820).

SEC. 56. **Fifty-fifth District.** Carroll county shall be the fifty-fifth district and entitled to one representative, (20,319).

SEC. 57. **Fifty-sixth District.** Crawford county shall be the fifty-sixth district and entitled to one representative, (21,685).

SEC. 58. **Fifty-seventh District.** Monona county and Ida county shall be the fifty-seventh district and entitled to one representative, (30,307).

SEC. 59. **Fifty-eighth District.** Woodbury county shall be the fifty-eighth district and entitled to two representatives, (54,610.)

SEC. 60. **Fifty-ninth District.** Cherokee county shall be the fifty-ninth district and entitled to one representative, (16,570).

SEC. 61. **Sixtieth District.** Sac county shall be the sixtieth district and entitled to one representative, (17,639).

SEC. 62. **Sixty-first District.** Calhoun county shall be the sixty-first district and entitled to one representative, (18,569).

SEC. 63. **Sixty-second District.** Webster county shall be the sixty-second district and entitled to one representative, (31,757).

SEC. 64. **Sixty-third District.** Hamilton county shall be the sixty-third district and entitled to one representative, (19,514).

SEC. 65. **Sixty-fourth District.** Hardin county shall be the sixty-fourth district and entitled to one representative, (22,794).

SEC. 66. **Sixty-fifth District.** Grundy county shall be the sixty-fifth district and entitled to one representative, (13,757)

SEC. 67. **Sixty-sixth District.** Black Hawk county shall be the sixty-sixth district and entitled to one representative, (32,399).

SEC. 68. **Sixty-seventh District.** Buchanan county shall be the sixty-seventh district and entitled to one representative, (21,427).

SEC. 69. **Sixty-eighth District.** Delaware county shall be the sixty-eighth district and entitled to one representative, (19,185).

SEC. 70. **Sixty-ninth District.** Dubuque county shall be the sixty-ninth district and entitled to two representatives, (56,403).

SEC. 71. **Seventieth District.** Clayton county shall be the seventieth district and entitled to one representative, (27,750).

SEC. 72. **Seventy-first District.** Fayette county shall be the seventy-first district and entitled to one representative, (29,845).

SEC. 73. **Seventy-second District.** Bremer county shall be the seventy-second district and entitled to one representative, (16,305).

SEC. 74. **Seventy-third District.** Butler county shall be the seventy-third district and entitled to one representative, (17,955).

SEC. 75. **Seventy-fourth District.** Franklin county shall be the seventy-fourth district and entitled to one representative, (14,996).

SEC. 76. **Seventy-fifth District.** Wright county shall be the seventy-fifth district and entitled to one representative, (18,227).

SEC. 77. **Seventy-sixth District.** Pocahontas county shall be the seventy-sixth district and entitled to one representative, (15,339).

SEC. 78. **Seventy-seventh District.** Buena Vista county shall be the seventy-seventh district and entitled to one representative, (16,975).

SEC. 79. **Seventy-eighth District.** Plymouth county shall be the seventy-eighth district and entitled to one representative, (22,209).

SEC. 80. **Seventy-ninth District.** Sioux county shall be the seventy-ninth district and entitled to one representative, (23,337).

SEC. 81. **Eightieth District.** O'Brien county shall be the eightieth district and entitled to one representative, (16,985).

SEC. 82. **Eighty-first District.** Lyon county and Osceola county shall be the eighty-first district and entitled to one representative, (21,890).

SEC. 83. **Eighty-second District.** Clay county and Palo Alto county shall be the eighty-second district and entitled to one representative, (27,755).

SEC. 84. **Eighty-third District.** Kossuth county shall be the eighty-third district and entitled to one representative, (22,720).

SEC. 85. **Eighty-fourth District.** Cerro Gordo county shall be the eighty-fourth district and entitled to one representative, (20,672).

SEC. 86. **Eighty-fifth District.** Floyd county shall be the eighty-fifth district and entitled to one representative, (17,754).

SEC. 87. **Eighty-sixth District.** Chickasaw county shall be the eighty-sixth district and entitled to one representative, (17,037).

SEC. 88. **Eighty-seventh District.** Allamakee county shall be the eighty-seventh district and entitled to one representative, (18,711).

SEC. 89. **Eighty-eighth District.** Winneshiek county shall be the eighty-eighth district and entitled to one representative, (23,731).

SEC. 90. **Eighty-ninth District.** Howard county shall be the eighty-ninth district and entitled to one representative, (14,512).

SEC. 91. **Ninetieth District.** Mitchell county shall be the ninetieth district and entitled to one representative, (14,916).

SEC. 92. **Ninety-first District.** Winnebago county and Worth county shall be the ninety-first district and entitled to one representative, (23,612).

SEC. 93. **Ninety-second District.** Hancock county and Humboldt county shall be the ninety-second district and entitled to one representative, (26,419).

SEC. 94. **Ninety-third District.** Dickinson county and Emmet county shall be the ninety-third district and entitled to one representative, (17,931).

Approved April 13, A. D. 1904.

CHAPTER 185.

SALE OF ABANDONED RIVER CHANNELS, SAND BARS OR ISLANDS—BOUNDARY COMMISSION.

H. F. 312.

AN ACT to enable the state of Iowa to sell and dispose of all abandoned river channels, and all land within such abandoned river channels, and all sand bars or islands in the navigable waters of the state, and authorizing the appointment of a commission to ascertain and establish the boundary lines between the state of Iowa and adjoining states.

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

SECTION 1. Abandoned river channels, sand bars or islands—sale authorized. That all land between high water mark and the center of the former channel of any navigable stream, where such channel has been

abandoned, so that it is no longer capable of use, and is not likely to again be used, for the purposes of navigation, and all land within such abandoned river channels, and all bars or islands in the channels of navigable streams, not heretofore surveyed or platted by the United States or by the state of Iowa, and all within the jurisdiction of the state of Iowa, shall be sold and disposed of as hereinafter provided.

SEC. 2. Written application—deposit. Any person desiring to purchase any such land shall be required to file written application therefor with the secretary of state, which application shall be accompanied with a deposit of not less than fifty cents per acre for the land so desired to be purchased, and which deposit, in the aggregate, shall in no event be less than twenty-five dollars (\$25.00), the total amount of the deposit to be fixed by the secretary of state, which sum, or so much thereof as may be necessary, shall be applied in the payment of the necessary expense of survey of such land, and appraisement of the value thereof, as hereinafter provided.

SEC. 3. Survey. Upon receiving such application and deposit, it shall be the duty of the secretary of state to order a complete survey of such land to be made by the county surveyor of the county wherein the land is situated, and in case of the refusal or inability of such county surveyor to make such survey then the secretary of state shall appoint some other competent surveyor to make such survey. When such survey is made a full report thereof, with field notes, shall be filed with the land commissioner, and recorded in a book prepared and kept for that purpose, in the office of the secretary of state, which report and field notes shall constitute the official survey of such land.

SEC. 4. Appraisement. Upon the filing of such report, with the accompanying field notes, the secretary of state shall thereupon appoint a commission of three disinterested freeholders of the county wherein the land is situated, to view the land and make appraisement of the value thereof, which appraisement shall be returned and filed with the land commissioner in the office of the secretary of state. Notice of such appraisement shall thereupon be given to such applicant, and upon payment of the balance required, as fixed by the appraised value, such person shall be entitled to a deed or patent therefor.

SEC. 5. Fees. The surveyor making such survey shall be entitled to receive the sum of five dollars per day for his services as such surveyor, and such additional amount as may be agreed upon and necessary for the expenses of chainmen and other attendants; and the commissioners, for their services in making such appraisement, shall each be entitled to receive the sum of three dollars per day, for the actual time employed.

SEC. 6. Sale—how effected. None of such land shall be sold for less than the appraised value thereof, except as hereinafter provided. If the person filing the original application shall be unwilling to pay the amount per acre, as fixed by the appraisers, he shall be permitted to deposit whatever amount he is willing to pay, in addition to his original deposit, for such land so desired to be purchased by him, and, if at the expiration of ninety days no other person has appeared and deposited and offered to pay a larger amount, he shall be entitled to a deed or patent for the land for the total amount deposited by him; but if before the expiration of such ninety days there shall be other applicants and bidders for said land, and the said original applicant shall still be unwilling to increase his total deposit to the amount of the appraisement, or to an amount beyond that of the highest bidder, then the person making the highest bid and depositing the amount therefor, shall be entitled to a deed or patent for such land, and the money deposited by the original applicant shall be refunded. If the said original applicant shall increase his total deposit to the amount of the appraisement, within said period of ninety days, such original applicant shall thereupon be entitled to a deed or patent for such land.

SEC. 7. Application of occupant to have priority. Any person who has in fact lived upon any such land and occupied the same, as a home for himself and family, continuously for a period of three or more years immediately prior to the time of the passage of this act, and such occupation has been in good faith for the purpose of procuring title thereto, whenever by law such title could be vested in him by purchase from the proper authority, shall be allowed ninety days from the date this act takes effect within which to file application as a proposed purchaser of such land. When any such application is filed, accompanied with the required deposit, it shall have priority over any or all other applications filed for such land and shall be treated as the first application therefor.

SEC. 8. Deed or patent. When, upon full compliance with the provisions of this act, any person shall become entitled to a deed or patent for any such land, a deed or patent shall thereupon be executed and delivered to such person by the Governor, on behalf of the state, duly attested with the seal of the state attached thereto, which deed shall, in addition to the usual formalities, also recite the name of the party making the first application to purchase such land, the amount of his deposit, the appraisement, the name of the party making final payment, and entitled to a deed therefor, whether as original applicant, by assignment, or as the highest bidder, and also that such deed is given for the purpose of conveying such title and interest in the land as the state may at the time own and possess, and has the right to convey. A record of such conveyance shall be made and kept by the land commissioner in the office of the secretary of state.

SEC. 9. Previous survey. Whenever any such land shall be found to have been previously surveyed under or by virtue of any order of a court of record, and the record of such survey has been duly made and preserved, then and in that event, in the discretion of the secretary of state, a duly certified transcript of such record, together with the field notes accompanying the same, if obtainable, may be filed with the land commissioner in the office of the secretary of state, and when so filed shall obviate the necessity for any further survey of such land except when such survey becomes necessary for the purpose of execution of conveyances thereof, and the record of such transcript, when filed, shall constitute the official survey of such land.

SEC. 10. Boundary commission. If, in any proceeding contemplated by the provisions of this act, it shall become necessary to determine the boundary line between the state of Iowa and either of the states adjoining, the matter shall then be at once referred to the executive council, who shall thereupon proceed to confer with the proper authority of such adjoining state, and if the co-operation of the proper authority of such adjoining state shall be obtained, then the executive council shall appoint a commission of three disinterested, competent persons, who shall, in conjunction with the parties acting for such adjoining state, have authority to ascertain and locate the true boundary line between the state of Iowa and such adjoining state, so far as the particular land under consideration at the time, is concerned. The lines so ascertained and located shall constitute the true and permanent boundary line between the state of Iowa and such other state to the extent such line shall be so ascertained and located.

SEC. 11. Commission—how constituted—compensation. The members of such commission shall be selected with reference to their fitness for the duties required, and at least one of them shall be a competent surveyor, and civil engineer. They shall receive for their services such amount as the executive council may deem reasonable, to be paid out of the proceeds of the sale of land so surveyed.

SEC. 12. Purchase money refunded—when. If at any time within ten years from the date of any deed or patent, issued under the provisions of this act, the grantee therein, or his successors, administrators or assigns,

shall cause to be filed with the secretary of state a duly certified transcript of a final decree of a court of record showing that the conveyance by the state passed no title whatever to the land therein described, because title thereto had previously, for any reason, been vested in others, then the money so paid for such conveyance shall be refunded by the state to the person or persons entitled thereto.

SEC. 13. Purchase moneys turned into state treasury. All moneys received for the sale or conveyance of any land under the provisions of this act, after the payment of the necessary expenses of survey and appraisement thereof, shall be paid into the state treasury.

SEC. 14. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 11, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 186.

MEANDERED LAKES AND LAKE BEDS.

H. F. 277.

AN ACT relating to the meandered lake beds in the state, and authorizing the executive council to survey, and sell the same.

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

SECTION 1. Survey and sale authorized. The executive council of the state is hereby authorized and empowered to survey the meandered lakes and lake beds within this state, and sell the same as hereinafter provided, and to determine what lakes shall be maintained as the property of the state and what meandered lake beds belonging to the state may be drained, improved, demised or sold.

SEC. 2. Signed statements—survey—report. Upon the presentation to the executive council of a statement signed by not less than fifty (50) freeholders, twenty of whom shall be actual residents of the township or townships in which said lake or lake beds are situated, of any county that any meandered lake or lake bed in such county is detrimental to the public health or the general welfare of the citizens of the county, and that it is unwise to maintain such meandered lake or lake bed as a permanent body of water, and that the interest of the state will be subserved by draining and improving such lake bed, the governor shall, within thirty (30) days after the receipt of such statement, appoint a competent engineer who shall at once examine the situation and condition of such lake or lake bed, make a survey and plat thereof, and ascertain whether its location is such that it can be drained and improved, and make a full report to the executive council of the area and depth of water in the lake and of its general physical condition, which report shall be accompanied by his plat, field notes and profile of his survey.

SEC. 3. Hearing—commissioner—notice. Upon receipt of the report of the engineer, the executive council shall determine whether such lake or lake bed shall be maintained and preserved as the property of the state, or whether the same shall be drained, improved and the land included within the meander lines thereof sold in the manner hereinafter specified; and to

that end they may hear evidence upon any question involved in such determination at such time and place within the county, or within the counties if more than one, as may be fixed by the council, and may appoint a commissioner to take evidence in the county or counties, if more than one, in which the lake or lake bed is located, or at such other place or places within the state as may be directed by the executive council; and notice of the time and place of hearing by the council or by such commissioner shall be published once each week for four consecutive weeks in some newspapers within the county, or in a newspaper within each of the counties if more than one, where the lake or lake bed is located, the last publication being at least ten (10) days prior to the day fixed for such hearing. The compensation of such commissioner shall be fixed by the executive council, which compensation and the cost of the publication of such notice shall be paid from the state treasury upon the order of the council.

SEC. 4. Preservation or sale—drainage. If the executive council shall determine that such lake or lake bed ought not to be drained, demised or sold, the same shall be kept and maintained as the property of the state for the benefit of the general public. If the executive council shall determine that it is to the interest of the state and the general public that the lake or lake bed, as to which the statement is presented, be drained, improved, demised or sold, it may permit the same to be drained under the provisions of the drainage law of the state, and the land included within the meander lines of such lake, which belongs to the state, shall bear its just proportion of the expense of draining such lake and shall be assessed for such expense in the same manner as the lands of private individuals are permitted to be assessed under the drainage laws of the state.

SEC. 5. Power to sell and convey—deed or patent. Whenever the executive council shall determine that any lake or lake bed within the state should be drained, improved, demised or sold, it shall have the right, either before or after such lake or lake bed is drained, to sell and convey by deed or patent the land lying within the meander lines of such lake or lake bed and which belongs to the state; and express authority is hereby given to the executive council to make such sale or sales for and in behalf of the state, and to execute and deliver to the purchaser of such land the necessary deed or patent to insure to him title thereto, which deed or patent shall be executed by the governor in behalf of the state, and have the seal of the state attached thereto. But no sale of any of the lands composing any of the lake beds of the state shall be made by the executive council until a complete survey thereof has been made and the same subdivided to correspond with the government subdivisions of public land.

SEC. 6. Appraisalment. After such lake or lake bed has been surveyed and the land composing the same subdivided as hereinbefore required, and a plat of such survey filed with the secretary of state, and the county auditor of the county in which said lake or lake bed is situated, the lands belonging to the state which lie within the meander lines of the original government survey, and composing the lake beds, shall be appraised by a commission appointed by the governor, consisting of three (3) disinterested freeholders of the state, one of whom shall be a resident of the county in which the land is situated, who shall examine and appraise said land, and return a written report of such appraisalment to the governor, which report shall be filed in the office of the secretary of state.

SEC. 7. Sale—abutting land owners—conveyance to counties, when. After the report of the appraisers has been received and filed in the office of the secretary of state, the executive council shall offer the land belonging to the state and composing such lake bed, and included in such survey and appraisalment, for sale, and the persons owning lands abutting upon such lake or lake bed and contiguous to lands owned by the state therein, shall have the first right to purchase the lands offered for sale by the state.

in an amount sufficient to make the lands owned by them which abut upon the lake or lake bed and are contiguous to lands of the state conform to the smallest government subdivisions of public lands, at the price fixed by the appraisers. All other lands included in such survey and composing the lake bed belonging to the state, which may be sold under the provisions hereof, shall be sold for the highest price obtainable; but no sale of any of said land shall be made at less than the appraised value thereof. Provided, however, that in any case where it is made to appear to the executive council by a duly certified copy of the deed, certified to by the recorder of deeds and the county auditor of the county in which the lake or lake bed is situated, and by the sworn statement of the present owner, that the board of supervisors of the county in which such lake or lake bed is situated has heretofore, in good faith, sold and conveyed by deed, any lake or lake bed in such deed named, specified and described, to a *bona fide* purchaser who has paid to the county the reasonable value of such lake or lake bed, and who has heretofore paid taxes or made valuable improvements in such lake bed; then and in such case the governor shall execute, or cause to be executed, to the county in which such lake or lake bed is situated, a deed or patent, under the seal of the state, conveying to said county all the right, title and interest of the state of Iowa in and to such lake or lake bed, and the title so conveyed shall enure to the grantee of such lake or lake bed holding the same under title derived from the county in which such lake or lake bed is situated, in the manner in this section provided.

SEC. 8. Cash sales—expenses. All sales of land under this act, except as otherwise provided in section seven of this act, shall be for cash, and the purchase price thereof shall be paid to the secretary of state and by him paid over to the state treasurer. All expenses of the survey of the lakes and lake beds herein provided for, and the appraisalment thereof, and all assessments made against the lands belonging to the state for draining such lakes or lake beds, shall be audited by the executive council, and by it certified to the auditor of state and paid out of the general fund of the state treasury upon the warrant of the auditor of state.

SEC. 9. Net proceeds. After deducting all costs and expenses connected with the survey, appraisalment, drainage and sale of said lands, the net proceeds derived from the sale thereof shall be transmitted by the treasurer of state to the county treasurer of the county in which the land is situated, and the county treasurer to whom such proceeds are transmitted shall execute his receipt in duplicate for the same to the treasurer of state, and one of such receipts shall be filed in the office of the county auditor in the county where the land is located. The money received by the county treasurer shall be placed to the credit of the county road fund and expended under the direction of the board of supervisors in the same manner as other road funds.

SEC. 10. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in "The Register and Leader" and "The Des Moines Daily Capital," newspapers published at the city of Des Moines, Iowa.

Approved April 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, May 3, 1904, and the Register and Leader May 4, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 187.

SALE OF ISLANDS IN THE WATERS OF THE STATE.

S. F. 280.

AN ACT relating to islands in the waters of the state, and authorizing the executive council to sell or lease the same.

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

SECTION 1. Sale or lease authorized. That the executive council of the state be, and it is hereby, authorized and empowered to sell, convey, lease or demise any of the islands belonging to the state which are within the meandered banks of rivers in the state, and to execute and deliver a patent or lease thereof. Provided that nothing in this act shall be construed to apply to islands in the Mississippi or Missouri rivers.

SEC. 2. Survey—appraisement—sale advertised—written bids. Before a sale of any island is made under the provisions of section one (1) hereof, the executive council shall cause a survey and plat of such island to be made, showing its location and area, and the plat and notes of such survey shall be filed with the secretary of state. The land composing the island shall then be appraised by a commission appointed by the governor, consisting of three (3) disinterested freeholders of the state, who shall report their appraisement to the executive council. The sale of the island shall then be advertised once each week for four consecutive weeks in some newspaper of general circulation published in the county where the island is located, and proof of such publication filed with the executive council. The sale shall be made upon written bids addressed to the executive council of the state, and the advertisement shall fix the time when such bids will be received and opened. All bids shall be opened by the executive council at the time fixed, and the island may thereupon be sold to the highest bidder and at not less than its appraised value.

SEC. 3. Lease—written bids. If it shall be deemed expedient to lease any such island, a lease thereof may be made upon written bids addressed to the executive council, and the island proposed to be leased shall be surveyed and platted, and notice of the leasing thereof and of the receiving and opening of bids shall be published, in the manner provided in section two (2) hereof, but no appraisement shall be necessary. Upon the opening of the bids received by the executive council it may make a lease of such island to the highest bidder for such term as is deemed advisable.

SEC. 4. Sales and leases for cash—expenses. All sales and leases must be for cash, and the money received therefor shall be paid into the state treasury. All expenses incurred in making the survey, plat, appraisement, sale or lease of any such island shall be certified by the executive council to the auditor of state, who shall draw his warrant upon the state treasury for the amount, and the same shall be paid from the general fund.

SEC. 5. Patent or lease. When any sale or lease of any island belonging to the state is made by the executive council as herein provided, the governor shall execute and deliver to the purchaser or lessee a patent or a lease thereof, as the case may be, duly attested by the seal of the state of Iowa.

Approved April 29, A. D. 1904.

CHAPTER 188.

SALE OF AN ISLAND IN THE MISSISSIPPI RIVER, ADJACENT TO THE IOWA SHORE IN LEE COUNTY.

S. F. 142.

AN ACT authorizing the executive council to have surveyed, and to convey an island newly formed by accretion in the Mississippi river off the southeastern portion of Green Bay township, being township 69 north, range 3 west of the 5th P. M., in Lee county, Iowa.

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

SECTION 1. Survey—appraisers—bids—conveyance. That, whereas, an island has been formed by accretion in the Mississippi river, near the Iowa shore, off a part of the southeast portion of Green Bay township in Lee county, Iowa, which island is called Willow island (sometimes called Willow bay) and is located in or adjacent to sections 25, 28 and 35 in township 69 north, range 3 west of the 5th P. M. in said Lee county, Iowa; and

Whereas, Said island is not needed by the state of Iowa for any specific purpose, and has not been otherwise disposed of; now, therefore, be it enacted that the executive council of the state of Iowa be and is hereby authorized and empowered to have said island surveyed and its location determined, and have same appraised by three disinterested persons; and have authority to receive bids for same and sell and convey to the highest cash bidder, all of the right, title and interest of the state in and to said island, and in no case to be sold for less than the appraisement.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 4, A. D. 1904.

I hereby certify that the foregoing act was published in the Daily Capital April 5, 1904, and the Register and Leader April 6, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 189.

SALE OF STATE SQUARE.

H. F. 807.

AN ACT authorizing the executive council to sell the property known as "State Square," being block twenty-seven (27) in Stewart's addition to the city of Des Moines, Iowa, and use the proceeds of the sale in the purchase of other property.

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

SECTION 1. Sale authorized—proceeds. The executive council of the state of Iowa is hereby empowered to sell that tract of land belonging to the state of Iowa, known as "State Square," being block No. twenty-seven (27) in Stewart's addition to the City of Des Moines, Iowa, containing about two (2) and twenty-five hundredths (25-100) acres, and to use the proceeds of said sale in the purchase of any lot or lots facing the square upon which the Capitol is situated.

SEC. 2. In effect. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved March 24, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital March 25, 1904, and the Register and Leader March 26, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 190.

RIGHT OF WAY OVER CERTAIN GROUNDS OF THE STATE.

S. F. 258.

AN ACT authorizing the executive council of the state to grant the right of way to the Chicago, Anamosa & Northern Railway Company over and across the east half of the southwest quarter of section thirty-three (33), township eighty-five (85), range four (4), west of the fifth principal meridian.

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

SECTION 1. **Authority to grant and convey.** That the executive council of the state be and it is hereby authorized and empowered to grant and convey to the Chicago, Anamosa & Northern Railway Company a right of way one hundred (100) feet in width over and across the east half of the southwest quarter of section thirty-three (33), township eighty-five (85), range four (4), west of the fifth principal meridian, in Jones county, Iowa, on and along the line of said railway as now surveyed and located, and following, as nearly as practicable, the old abandoned grade known as the Wapsie Valley Railroad grade across said land; such right of way to be granted upon such terms and conditions as may be imposed by the executive council.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the "Register and Leader" and the "Des Moines Daily Capital," newspapers published at the city of Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 191.

CONSTRUCTION OF ELECTRIC RAILWAY OVER CERTAIN GROUNDS OF THE STATE.

S. F. 896.

AN ACT empowering the executive council to authorize the location, construction, maintenance, and operation of an electric line of railway over, upon and across certain lands belonging to the state of Iowa.

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

SECTION 1. **Authority to grant right of way.** That the executive council be and they are hereby authorized and empowered to grant proper and convenient right of way to any duly incorporated railway company desiring to locate its contemplated line of railway over, upon and across the lands belonging to the state of Iowa, known as the Iowa Industrial School lands, at or near the city of Eldora, upon such terms and conditions as said executive council may deem advisable.

SEC. 2. **Preliminary surveys—approval—deed.** Any railway company duly incorporated contemplating the location, construction, maintenance and operation of its line of proposed railway upon and across said lands shall make the necessary preliminary surveys, maps and profiles defining its line,

and submit the same to said executive council and if the same shall meet the approval of said executive council, and upon payment by said company to the state treasurer of the compensation agreed upon, the governor of Iowa shall execute and deliver to said railway company, its successors or assigns, a deed for said right of way.

SEC. 3. Suitable sidings—depot. In considering the advisability of granting such right of way, the executive council will take into consideration the feasibility of suitable sidings, depot and other facilities for the convenient handling of freights, and the accommodation of passengers as may be reasonably afforded by the operation of the line of railway proposed to be located, constructed, maintained and operated over, upon and across said industrial school lands; and said executive council shall, as one of the conditions, require the construction of a proper siding to the coal house located at said school.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 15, 1904.

W. B. MARTIN.
Secretary of State.

CHAPTER 192.

RIGHT OF WAY OVER GROUNDS OF STATE INSTITUTION AT COUNCIL BLUFFS.

H. F. 241.

AN ACT to authorize the granting to the Council Bluffs, Tabor & Southern Electric Railway company, its successors or assigns, a right of way through lands owned by the state of Iowa and used by the school for the deaf, at Council Bluffs, Iowa.

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

SECTION 1. Authority to acquire right of way. That the Council Bluffs, Tabor & Southern Electric Railway company, its successors or assigns, are hereby authorized to acquire a right of way over and through lands of the state used in connection with the school for the deaf at Council Bluffs, Iowa, upon the terms and conditions herein provided.

SEC. 2. Terms and conditions. That said railway company, its successors or assigns, shall furnish to the executive council, a plat showing its proposed line of road through said premises, and upon the approval of said location by said council, it shall issue a certificate to that effect, which certificate shall confer upon said railway company the right to acquire the said right of way, as provided in chapter IV (4) title X (10) of the code, but no such right of way shall be acquired without the approval of the said council. In the event of the approval of location as aforesaid, the council is authorized to negotiate for and agree upon the damages sustained by the state by reason of the taking of said right of way; but the said executive council shall, as one of the conditions require said railway company to establish and maintain at a point convenient to said school a suitable station, at which to receive and discharge passengers, and to construct a switch to the coal house at said school.

SEC. 3. Deed. Upon the payment by said company to the state treasurer of the compensation and value so fixed, the governor of Iowa shall execute and deliver to the said company a deed conveying to the said company, its successors or assigns, the said right of way.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa, without expense to the state.

Approved February 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, February 29, 1904, and the Register and Leader, March 1, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 193.

RELINQUISHMENT OF CERTAIN LANDS IN DICKINSON COUNTY TO THE UNITED STATES.

S. F. 256.

AN ACT to authorize and empower the governor of Iowa to relinquish and re-convey to the United States, certain lands in Dickinson county, Iowa, granted to the state of Iowa by the act of congress entitled, "An act for a grant of land to the state of Iowa in alternate sections to aid in the construction of a railroad in the state of Iowa," approved May 12, A. D. 1864, which have not been earned pursuant to the provisions of said act.

WHEREAS, By an act of the general assembly of the state of Iowa, the same being chapter 107 of the laws of the 19th General Assembly, all un-earned lands granted to the Sioux City and St. Paul Railway company, by act of congress May 12, A. D. 1864, were absolutely and entirely resumed by the state of Iowa and the same absolutely vested in said state as if the same had never been granted to said railroad company; and,

WHEREAS, By act of the general assembly of the state of Iowa, the same being chapter 71 of the laws of the 20th General Assembly, the governor of the state of Iowa was authorized and directed to certify to the secretary of the interior all lands which had heretofore been patented to the state to aid in the construction of said Sioux City and St. Paul railroad, excepting the lands situated in the counties Dickinson and O'Brien; and,

WHEREAS, All of section fifteen (15) and the northwest quarter (N. W. $\frac{1}{4}$) of section seventeen (17) in township ninety-eight (98) north of range thirty-eight (38) west of the 5th P. M. Dickinson county, Iowa, had been at the dates of the acts of the general assembly hereinbefore referred to, patented by the United States to the state of Iowa; and,

WHEREAS, By decree of the supreme court of the United States, dated October 21, 1895, and reported in the 159th United States reports, page 349, said court decreed said lands to belong to the United States; therefore,

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

SECTION 1. Authority to relinquish. That the governor of the state of Iowa is hereby authorized and directed to certify and relinquish to the secretary of the interior all of section fifteen (15), and the northwest quarter (N. W. $\frac{1}{4}$) of section seventeen (17) in township ninety-eight (98), north of range thirty-eight (38), west of the 5th P. M., Dickinson county, Iowa.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Spirit Lake Beacon, a newspaper published at Spirit Lake in Dickinson county, Iowa, and the Register and Leader, a newspaper published in Des Moines, Iowa.

Approved March 31, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 2, 1904, and the Spirit Lake Beacon, April 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 194.

RELIEF OF GRANTEES OF FREDERICK M. STUMBO.

H. F. 156.

AN ACT for the relief of the grantees of Frederick M. Stumbo and for the purpose of having a patent issued in his name for a certain tract of land.

WHEREAS, On the 7th day of January 1853, Frederick M. Stumbo purchased from the state of Iowa the north fractional half of the northwest quarter (N fr. $\frac{1}{2}$ NW $\frac{1}{4}$) of section one (1) township seventy-seven (77), north of range twenty three (23) west of the 5th P. M. Iowa, and;

WHEREAS, By a mistake the duplicate certificate of purchase for same was issued to him describing the land as being in range twenty two (22) instead of range twenty three (23), said duplicate certificate being No. 3271, and

WHEREAS, The land in range twenty two (22) was before the date of said purchase purchased by another party and later was patented to said party, and;

WHEREAS, It was the intention to issue to the said Frederick M. Stumbo a certificate for said tract of land describing it as in range twenty-three (23); and,

WHEREAS, The patent issued for said land to said Frederick M. Stumbo described the land as being in range twenty-two (22) instead of range twenty-three (23); and,

WHEREAS, The said Frederick M. Stumbo paid the state of Iowa in full for said land and was entitled to have a patent issued to him therefor for the north fractional half (N fr. $\frac{1}{2}$) of the northwest quarter (NW $\frac{1}{4}$) in section one (1) township seventy-seven (77) north of range twenty-three (23) west of the 5th P. M. Iowa; and,

WHEREAS The title to said land is still in the State of Iowa, therefore

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

SECTION 1. Conveyance of Title. That the title to the north fractional half (N fr. $\frac{1}{2}$) of the northwest quarter (NW $\frac{1}{4}$) section one (1), township seventy-seven (77) north of range twenty-three (23) west of the 5th P. M. Iowa being a part of the Des Moines River land grant, does hereby pass from the state of Iowa to the said Frederick M. Stumbo and that the same vest in him pursuant to said purchase.

SEC. 2. Patent. That the governor of the state of Iowa and the secretary of state are hereby authorized and directed to issue to said Frederick M. Stumbo a patent for the tract described in section one of this act, in the usual form, and deliver the same to the present owner of said tract, to be recorded in said county of Warren.

SEC. 3. In effect. This act, being deemed of immediate importance, shall be in force from and after its publication in the Register & Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved February 24, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital February 25, 1904, and the Register & Leader February 27, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 195.

RELIEF OF THE GRANTEES OF CHARLES M. DOWNS.

H. F. 285.

AN ACT for the relief of the grantees of Charles M. Downs, and for the purpose of having a patent issued in the name of George S. Stall and Frances E. Stall for a certain tract of land.

WHEREAS, On the 23rd day of July, 1856, one Charles M. Downs purchased from Leroy Lambert, school fund commissioner, of Dallas county, Iowa, the west half ($\frac{1}{2}$) of the south-east quarter ($\frac{1}{4}$) of section sixteen (16) in township seventy-nine (79) north, of range twenty-six (26) west of the 5th principal meridian, Iowa, and,

WHEREAS, The said Charles M. Downs afterwards paid in full the purchase price of said land to the county of Dallas and state of Iowa, through its proper officers, and,

WHEREAS, The said Charles M. Downs became entitled to receive a patent from the state of Iowa, for the said tract of land, and,

WHEREAS, By mistake of the officers of said county, the said real estate was improperly described in the certificate issued to said Charles M. Downs for a patent as the west half ($\frac{1}{2}$) of the south-east quarter ($\frac{1}{4}$) of lot eleven (11) in section sixteen (16) in township seventy-nine (79) north, of range twenty-six (26) west of the 5th principal meridian, Iowa, instead of the correct description as hereinbefore given, and,

WHEREAS, A patent was issued by the state of Iowa in accordance with said erroneous description, and,

WHEREAS, The said Charles M. Downs has conveyed all his title to the said tract of land, to-wit: The said west half ($\frac{1}{2}$) of the southeast quarter ($\frac{1}{4}$) of section sixteen (16) in township seventy-nine (79) north, of range twenty-six (26) west of the 5th principal meridian, Iowa, and that his said title has passed through numerous intervening grantees and become vested in George S. Stall and Frances E. Stall who are now the owners of said real estate, and,

WHEREAS, All of said facts have been certified to the secretary of state of the state of Iowa by the board of supervisors of said county with a request that a patent for said land, by the correct description, be issued as provided by law, and,

WHEREAS, The title to said land is still in the state of Iowa, therefore,

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

SECTION 1. Conveyance of title. That the title to the west half ($\frac{1}{2}$) of the south-east quarter ($\frac{1}{4}$) of section sixteen (16) in township seventy-nine (79) north, of range twenty-six (26) west of the 5th principal meridian, Iowa, does hereby pass from the state of Iowa, to said George S. Stall and Frances E. Stall, and that the same shall vest in them pursuant to said purchase.

SEC. 2. Patent. That the governor of the state and the secretary of state are hereby authorized and directed to issue to said George S. Stall and Frances E. Stall a patent for the tract described in section one of this act, in the usual form, and deliver it to said George S. Stall and Frances E. Stall, to be recorded in the proper county.

SEC. 3. In effect. This act, being deemed of immediate importance, shall be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and in the Dallas County News, a newspaper published in Adel, Iowa.

Approved March 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, March 10, 1904, and the Dallas County News, March 16, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 196.

RELIEF OF GRANTEES OF JOEL T. AVERY.

H. F. 238.

AN ACT empowering the governor to execute a quit claim deed to right and title claim and interest of the state of Iowa on lot four (4) of section seven and south part of lot three (3) of section seven (7) township seventy (70) north of range eleven (11) west of the fifth (5th) principal meridian.

WHEREAS, the United States of America by act of congress, approved August 8, 1846, entitled an act granting certain lands to the territory of Iowa to aid in the improvement and navigation of the Des Moines river in said territory, has granted to the state of Iowa one equal moiety in alternate sections of the public lands remaining unsold and not otherwise disposed of, encumbered or appropriated, in a strip five miles in width on each side of said river;

AND WHEREAS, Section seven (7) of township seventy (70) north of range eleven (11) west in Van Buren county, Iowa, was and is included in said grant;

AND WHEREAS, Joel T. Avery of the county of Van Buren and the state of Iowa did, on the 15th day of October, 1847, purchase of the board of public works at their office in Fairfield, Iowa, under the provisions of an act creating a board of public works and providing for the improvement of the Des Moines river, approved February 24, 1847, and of an act entitled an act providing for the reorganization of the board of public works, and repealing so much of the several acts relating thereto as conflicts with the provisions of this act, approved January 15, 1849, the north half (N½) of the northeast quarter (NE¼) of section seven (7); and fractional lots three (3) and four (4) of section seven (7); all in township seventy (70) north of range eleven (11) west of the 5th P. M., and the southwest one-quarter (SW¼) of the southwest one-quarter (SW¼) of section five (5), township seventy (70), range eleven (11), containing in all 239.62 acres; and did make payment to the said board of public works and the state of Iowa for said lands in full;

AND WHEREAS, the governor of the state of Iowa, in pursuance of the act aforesaid, and in consideration of the acts and premises, did on the 1st day of March, A. D. 1851, attempt to execute a conveyance of said lands to said Joel T. Avery;

AND WHEREAS, it now appears that said conveyance contained an erroneous description, and that by reason thereof the south part of lots three (3) of said section, containing twenty-two and seventy hundredths (22.70) acres; and the south part of lot four (4) of said section, containing sixteen and ninety-two hundredths (16.92) acres, was not in fact conveyed at all by said conveyance, although intended to be conveyed therein;

AND WHEREAS, the said Joel T. Avery never had or received any title to said south part of lots three and four of said section, from the state of Iowa, although entitled to the same;

AND WHEREAS, the present owners of said land have no title to the same by reason of the error in the description in the conveyance from the state of Iowa to the said Joel T. Avery aforesaid;

AND WHEREAS, it now appears that Etta Baldwin is the present owner of said lot four (4) of said section; and that May Hinkle is the present owner of the south part of lot three (3) of said section, as described above: Therefore,

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

SECTION 1. **Quit claim deed.** That the governor of the state be, and he is hereby empowered, authorized and directed to execute to Etta Baldwin of Van Buren county, Iowa, a quit claim deed, conveying, quit claiming, and granting unto the said Etta Baldwin, all the right, title, claim and interest of the state of Iowa, in and to lot four (4) of section seven (7), township seventy (70), north of range eleven (11) west of the 5th P. M.

SEC. 2. **Same.** That the governor of the state be, and he is hereby empowered, authorized, and directed to execute to May Hinkle of Van Buren county, Iowa, a quit claim deed, conveying, quit claiming and granting to the said May Hinkle all the right, title, claim and interest of the state of Iowa, in and to the south part of lot three (3) of section seven (7), township seventy (70), north of range eleven (11) west, and described as follows, to wit: Commencing at a stake at the southwest corner of the northeast quarter of section seven (7), and running thence east eighty (80) rods to a stake in the division line between lots three (3) and four (4) of said section; thence south on said division line to the Des Moines river; thence west along the north bank of said river to the division line between lots two (2) and three (3) of said section (7); and thence north on said division line to the place of beginning and containing twenty-two and seventy hundredths (22.70) acres.

SEC. 3. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, and in the State Line Democrat, a newspaper published at Keosauqua, Iowa, without expense to the state.

Approved February 29, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, March 1, 1904, and the State Line Democrat, March 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 197.

ISSUANCE OF QUIT CLAIM DEEDS FOR CERTAIN LOTS IN CEDAR FALLS, IOWA.

H. F. 424.

AN ACT empowering the governor to execute quit claim deeds to all right, title and interest of the state of Iowa in and to lot No. six (6) of block No. eight (8); lot No. eight (8) of block No. fourteen (14); lot No. six (6) of block No. fifteen (15); and lot No. two (2) of block No. thirty-five (35); all in railroad addition to Cedar Falls, Iowa.

WHEREAS one John C. Cooley and wife executed a school fund mortgage to Black Hawk county, Iowa, March 26th, 1859, upon the following described real estate, viz:

Lot No. six (6) in block No. eight (8); lot No. eight (8) in block No. fourteen (14); lot No. six (6) in block No. fifteen (15); lot No. two (2) in block No. thirty-five (35); all in Railroad Addition to Cedar Falls, Iowa, securing the sum of one hundred twenty-five dollars (\$125), and,

WHEREAS said mortgage was foreclosed and said premises were sold on the 26th day of April, 1865, and a sheriff's deed was duly executed on said date to the state of Iowa, conveying the premises aforesaid, and

WHEREAS said premises were sold by the treasurer of Black Hawk county for the taxes of 1858, 1859, 1860, 1861, 1862, and 1863, and a tax deed issued by said treasurer dated May 5th, 1868, and later said premises were again sold for the taxes of 1891 and 1892 and a tax deed issued by said treasurer dated September 6th, 1897, and

WHEREAS one C. A. Rownd is the present occupant and purchaser under said tax sales of lot No. six (6) in said block No. eight (8); and one John Merner is the occupant and owner as aforesaid of lot No. eight (8) in said block No. fourteen (14); and one Frank B. Bailey is the occupant and owner of lot No. six (6) in said block No. fifteen (15); and one Lydia A. Howe is the occupant and owner of lot No. two (2) in said block No. thirty-five (35); all residing in said city of Cedar Falls, Iowa, and

WHEREAS said occupants and owners as aforesaid, by themselves and their grantors, have been at all times in the continuous use and occupancy of said premises and are now in the open and notorious possession of the same under and by virtue of the said tax deeds and various mesne conveyances, and

WHEREAS said premises have at all times been taxed for State, County and Municipal purposes and such taxes have been paid by the present occupants thereof or their grantors, and

WHEREAS the state of Iowa has never at any time asserted any right, title or interest in and to said premises and has never attempted to exercise any control over, or to take any possession thereof, but has permitted said occupants to continue in the uninterrupted use and possession of said premises and to improve the same, and

WHEREAS by reason of the foregoing a cloud is cast upon the record title of the present occupants and purchasers of said premises; therefore

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

SECTION 1. **Quit claim deed.** That the governor of the state be and he is hereby empowered, authorized and directed to execute to C. A. Rownd of Cedar Falls, Iowa, a quit claim deed, conveying, quitclaiming and granting unto the said C. A. Rownd, all the right, title, claim and interest of the state of Iowa in and to lot No. six (6) of block No. eight (8) in Railroad Addition to Cedar Falls, Iowa.

SEC. 2. **Same.** That the governor of the state be and is hereby empowered, authorized and directed to execute to John Merner of Cedar Falls, Iowa, a quit claim deed, conveying, quitclaiming and granting unto the said John Merner, all the right, title, claim and interest of the state of Iowa in and to lot No. eight (8) of block No. fourteen (14) in Railroad Addition to Cedar Falls, Iowa.

SEC. 3. **Same.** That the governor of the state be and is hereby empowered, authorized and directed to execute to Frank B. Bailey of Cedar Falls, Iowa, a quit claim deed, conveying, quitclaiming and granting unto the said Frank B. Bailey, all the right, title, claim and interest of the state of Iowa in and to lot No. six (6) of block No. fifteen (15) in Railroad Addition to Cedar Falls, Iowa.

SEC. 4. **Same.** That the governor of the state be and is hereby empowered, authorized and directed to execute to Lydia A. Howe of Cedar Falls, Iowa, a quit claim deed, conveying, quitclaiming and granting unto the said Lydia A. Howe, all the right, title, claim and interest of the state of Iowa in and to lot No. two (2) of block No. thirty-five (35) in Railroad Addition to Cedar Falls, Iowa.

Approved April 13, A. D. 1904.

CHAPTER 198.

DISPOSITION OF CANVAS, FURNITURE AND OTHER PROPERTY USED TEMPORARILY IN HALL OF HOUSE OF REPRESENTATIVES.

H. F. 449.

AN ACT to provide for the disposition of canvas, furniture and other property used temporarily in the hall of the house of representatives.

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

SECTION 1. **Custodian to take charge of property.** That so soon as practicable after the adjournment of the Thirtieth General Assembly, the custodian of public buildings and property, shall take charge of canvas, tables and other property which were provided for temporary use in the hall of the house of representatives.

SEC. 2. Disposition of property The custodian is hereby authorized to deliver as much of the same as in his judgment is not suitable for permanent use in the capitol, to the board of control of the state institutions, and the custodian shall securely pack and deliver to the proper railway for shipment, as directed by said board, the property so accepted, and shall make a report to the executive council of the number of packages and place a commercial value thereon.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily capital April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 199.

CONSTRUCTION OF SEWER THROUGH LAND OF THE STATE AT MARSHALLTOWN.

H. F. 889.

AN ACT to authorize the city of Marshalltown to construct and maintain a sewer through land of the state used by the Iowa Soldiers' Home.

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

SECTION 1. Construction of sewer authorized—conditions. That the city of Marshalltown is hereby authorized to construct and maintain on the conditions hereinafter specified a sewer through the southeastern portion of the land of the state occupied by the Iowa Soldiers' Home from the south boundary line of said land in a northeasterly direction to a connection with the main sewer of the home. And said city shall have the right to enter upon said land for the purpose of making the necessary surveys and to dig the necessary trenches and to construct, inspect, repair and maintain said sewer on the following conditions: Before the city shall enter upon said land for any purpose except to make the necessary surveys, it shall submit to the board of control of state institutions plats, plans and specifications showing the proposed route, profile and construction of the sewer and its connection with the home sewer, and the enlargement if any proposed for the home sewer below the point of connection, and if the board of control approve in writing said plats, plans and specifications the city may proceed to construct said sewer and to reconstruct any portion of the existing home sewer with the approval of said board.

If a sewer is constructed by the city under the authority of this act, provisions shall be made to connect sewers from the residences of officers and employes on the home grounds with said sewer, and it shall be so constructed as to receive and carry off sewage from such residences; and the city shall maintain said sewer in proper condition at all times and shall at its own cost take charge of, maintain and keep in repair the existing main sewer from the home below the point where said city sewer connects with it, and shall reconstruct and enlarge said main sewer whenever it is necessary so to do in order to properly receive and dispose of the sewage which shall be delivered at the said point of connection.

If the city shall construct a sewer as aforesaid it shall enter upon the premises of the home only so far as shall be necessary to make the necessary surveys and to inspect, repair and maintain said sewer and the sewer below

the point of connection with the main sewer, doing no unnecessary injury to said premises, and in case excavations are made the city shall properly protect them while open and shall properly fill them as soon as possible and keep them filled level with the surface of the ground, and shall promptly remove all surplus earth and material and shall place said premises in as good condition as they were in before the improvements were commenced, and no earth or material shall be permitted thereon except as needed for actual use.

SEC. 2. Time limitations. If the city of Marshalltown elect to accept the privileges authorized by this act, it shall do so by resolution in writing, a copy of which shall be served on the board of control within six months and the sewer shall be constructed within two years, from the taking effect of this act.

SEC. 3. In effect. This act, being deemed of immediate importance, shall be in force and take effect from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved March 30, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital March 31, 1904, and the Register and Leader April 1, 1904.

W. B. MARTIN,
Secretary of State.

PART IV.

LEGALIZING ACTS.

CHAPTER 200.

CERTAIN ACTIONS OF BOARD OF SUPERVISORS OF CLAYTON COUNTY LEGALIZED.

H. F. 885.

AN ACT to legalize certain actions of the board of supervisors of Clayton County, Iowa, relating to the purchase of land.

WHEREAS; On January 17, 1902, the board of supervisors, by resolution, agreed to buy a certain forty acre tract of land for county purposes, to-wit: for enlarging the poor farm of said county, being the following described premises, being situated in Clayton county, Iowa, to-wit: the northwest quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) section seven (7) township ninety-three (93) north, range four (4) west of the fifth P. M. and having purchased the same in good faith and made final payment thereon, January 17th, 1902, and also,

WHEREAS: On April 14, 1903, the said board of supervisors of Clayton county, Iowa, by resolution, agreed to buy a certain tract of land for county purposes to-wit: for enlarging the farm for hospital for the incurable insane of said county, being the following described premises, situated in Clayton county, Iowa, to-wit:

The southeast quarter of the southwest quarter of section fourteen (14) containing forty acres; also lot six (6) of the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) containing one and fifty-nine hundredths (1 59-100) acres, in section twenty-three (23); also lot two (2) of lot one (1) of the northeast quarter of the northwest quarter containing eleven and seven hundredths (11 7-100) acres, in section twenty-three (23) all the above described land being situated in township ninety-three (93) north, range five (5) west of the fifth P. M. and having purchased the same in good faith and made a payment thereon, April 14, 1903, and given a note for the balance, payable April 14th, 1904; and

WHEREAS: The amount so expended for said real estate is slightly in excess of that authorized by the provisions of section four hundred and twenty-three (423) of the code of Iowa as amended; and

WHEREAS: Said board of supervisors in making said purchases and paying therefor, had in view the very best interests of Clayton county, and

WHEREAS: Doubts have arisen as to their action, being in contravention of the terms of said section four hundred and twenty-three (423) of the code of Iowa as amended; now therefor,

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

SECTION 1. Purchase of land legalized. That the action of the board of supervisors of Clayton county, Iowa, in buying and paying for said southeast quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section fourteen (14); lot six (6) of the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) and lot two (2) of lot one (1) of the northeast quarter ($\frac{1}{4}$) of the northwest quarter

($\frac{1}{4}$) of section twenty-three (23) township ninety-three (93) north, range five (5) west of the fifth P. M., also the northwest quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section seven (7) township ninety-three (93) north, range four (4), west of the fifth P. M. in Clayton county, Iowa, be and the same is hereby legalized and declared to be legal, valid and binding and to give to the said county of Clayton, good, valid and fee-simple title to the said real estate to the same extent as though the law had been in all respects, by the said board of supervisors in buying and paying for said land, fully and strictly complied with.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and in the McGregor News, newspapers published in Des Moines, Iowa, and McGregor, Iowa, said publication to be without expense to the state.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader April 8, 1904, and the McGregor News April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 201.

CERTAIN ACTIONS OF BOARD OF SUPERVISORS OF CRAWFORD COUNTY LEGALIZED.

S. F. 204.

AN ACT to legalize certain actions of the board of supervisors of Crawford County, Iowa, relating to the purchase of land.

WHEREAS, On September 9th, 1902, the board of supervisors of Crawford county, Iowa, by resolution agreed to buy a certain eighty acre tract of land for county purposes, to-wit, for enlarging the poor farm of said county, being the following described premises, situated in Crawford county, Iowa, to-wit: The east half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) of section thirty-six (36), township eighty-three (83), north, range forty (40), west of the 5th P. M., and having purchased the same in good faith and made final payment thereon on December 1st, 1902, and,

WHEREAS, The amount so expended for said real estate is slightly in excess of that authorized by the provisions of section 423 of the code as amended, and

WHEREAS, The said board of supervisors, in making said purchase and paying therefor, had in view the very best interests of Crawford county, and,

WHEREAS, doubts have arisen as to their action being in contravention of the terms of said section 423 of the code of Iowa as amended: Now, therefore,

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

SECTION 1. **Purchase of land legalized.** That the action of the board of supervisors of Crawford county, Iowa, in buying and paying for said east half ($\frac{1}{2}$) of the northeast quarter ($\frac{1}{4}$) of section thirty-six (36), township eighty-three (83), north, range forty (40), in Crawford county, Iowa, be, and the same is, hereby legalized and declared to be legal, valid and binding and to give to the said county of Crawford good, valid and fee simple title to the said real estate, to the same extent as though the law had been in all respects by the said board of supervisors, in buying and paying for said land, fully and strictly complied with. Nothing herein shall affect pending litigation.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and in the Denison Bulletin, newspapers published at Des Moines, Iowa, and Denison, Iowa, said publications to be without expense to the state.

Approved March 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Denison Bulletin, March 10, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 202.

ACTS OF BOARD OF SUPERVISORS OF DELAWARE COUNTY.

H. F. 878.

AN ACT to legalize the acts of the board of supervisors of Delaware county, Iowa, relating to the levying of a tax for the support of the poor, and legalizing the tax so levied.

WHEREAS, The code of Iowa authorizes the levying of a tax for county purposes, of not to exceed six mills, and a further tax of one mill for the support of the poor when the same is necessary; and,

WHEREAS, The board of supervisors of Delaware county, Iowa, did in the year 1901 levy a tax of three mills for county purposes, and one and one-half mills for the support of the poor, and did in the year 1902 levy a tax of three and one-half mills for county purposes and one and one-half mills for the support of the poor; and,

WHEREAS, The tax for these years mentioned has been collected and apportioned; and,

WHEREAS, The total levy by said board for all taxes not being in excess of the legal limit, the error being in apportioning the levy between the county and poor funds; therefore,

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

SECTION 1. **Levy of tax for poor legalized.** That the acts of the board of supervisors of the county of Delaware, state of Iowa, in levying a tax of one and one-half mills for the years 1901 and 1902 for the support of the poor, and the taxes so levied are hereby legalized and made as binding as though made in strict conformity with law; providing, however, that nothing in this act shall affect pending litigation.

Approved March 30, A. D. 1904.

CHAPTER 203.

ELECTION IN TOWN OF ALTA.

H. F. 966.

AN ACT to legalize the election held in the incorporated town of Alta, Buena Vista county, Iowa, on the 30th day of March, 1903, and the proposition submitted at said election for the purpose of erecting and maintaining a hot water heating plant for municipal purposes in the town of Alta, Buena Vista county, Iowa.

WHEREAS, There was, on the 30th day of March, 1903, at the regular town election held in the town of Alta, Buena Vista county, Iowa, submitted to the voters of said town, the following proposition:

“Shall the council of the incorporated town of Alta, Iowa, erect and maintain a hot water heating plant for municipal purposes, under such rules, regulations and ordinances as may hereafter be adopted?” and,

WHEREAS, at said election the said proposition was voted for by a majority of all the persons voting for and against the same; and,

WHEREAS, it was declared by the council of said town upon a canvass of the votes cast upon said proposition that the same had been carried and adopted at said election; and,

WHEREAS, doubts have arisen respecting the legality and regularity of the proceedings of the town council leading up to said election, and respecting the legality and regularity of the notice of said election, and respecting the legality and regularity of the proposition submitted and respecting the legality and regularity of the form of ballot used at said election and respecting the regularity and legality of all subsequent proceedings of said council relative to said matter and respecting the authority of said council in said matter; therefore,

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

SECTION 1. Legalized and validated—pending litigation. That the proceedings of the council of the incorporated town of Alta, Iowa, concerning and providing for the submission of said proposition, the notice of the submission thereof, the form of ballot used at said election and the said proposition and all propositions combined therein and all proceedings of the town council had with reference to said matter before and after the submission of said proposition therein are hereby legalized and validated as fully and completely as though the law had been technically complied with in every respect. But nothing herein shall be construed to affect pending litigation.

Approved April 9, A. D. 1904.

CHAPTER 204.

INCORPORATION OF TOWN OF ARNOLDS PARK.

H. F. 894.

AN ACT to legalize the incorporation of the town of Arnolds Park, Dickinson county, Iowa, the notices of election and the election of its officers.

WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Arnolds Park, Dickinson county, Iowa, the notices of election and the election of its officers, therefore,

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

SECTION 1. Valid and binding—pending litigation. That the incorporation of the town of Arnolds Park, Dickinson county, Iowa; the notices of election; election of its officers and all acts done by the commissioners in the incorporation and election of the officers of said town, are hereby legalized and the same declared valid and binding the same as though they had in all respects been in strict compliance with the law, it being provided however that this act shall in no manner affect pending litigation.

Approved April 9, A. D. 1904.

CHAPTER 205.

ISSUE OF BONDS BY TOWN OF DEEP RIVER.

H. F. 245.

AN ACT to legalize the issuing of bonds to the amount of thirty-three hundred dollars (\$3,300) by the incorporated town of Deep River, Poweshiek, Iowa.

WHEREAS, the incorporated town of Deep River, Poweshiek county, Iowa, did on the 31st day of March, 1902, hold an election and vote the issuance

of bonds of said town to the amount of six thousand dollars (\$6,000) for the establishment of a system of water works, and

WHEREAS, said amount was in excess of the amount authorized by law, and

WHEREAS, in pursuance of said election only thirty-three hundred dollars (\$3,300) of said bonds were issued, this amount being six per cent. of the assessed valuation of said town and within the amount authorized by law; therefore,

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

SECTION 1. Water works bonds legalized—pending litigation. That the said bonds of the incorporated town of Deep River, Poweshiek county, Iowa, in the sum of thirty-three hundred dollars (\$3,300) already issued for the establishment of a system of water works in said town are hereby legalized, validated and given the same force and effect as if they had been issued in compliance with law in every respect; but nothing herein shall be so construed as to affect pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Montezuma Republican, newspapers published at Des Moines, Ia., and Montezuma, Ia., respectively, said publication to be without expense to the state.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader April 8, 1904, and the Montezuma Republican April 13, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 206.

RESOLUTIONS PASSED BY CITY COUNCIL OF DUBUQUE.

S. F. 8.

AN ACT legalizing the resolutions passed by the city council of the city of Dubuque, Iowa, relating to the improvement of the streets and alleys in said city and legalizing the special assessments levied thereunder.

WHEREAS, Doubts have arisen as to the legality of certain resolutions which have been passed and adopted by the city council of the city of Dubuque, Iowa, which were not signed by the mayor and attested by the recorder of said city as required by law, and as to the legality of the special assessments levied thereunder; now therefore,

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

SECTION 1. Resolutions legalized—pending litigation. That all resolutions heretofore passed and adopted by the city council of the city of Dubuque, in the state of Iowa, relating to the improvement of streets and alleys of said city, and which were not signed by the mayor and attested by the recorder of said city, are hereby legalized to the extent that they are and shall be as legal and of the same force and effect as though the said resolutions had been properly signed by such mayor and attested by said recorder, and each and all acts of the officers and proceedings of the council of said city pursuant to such resolutions, and based thereon, are hereby legalized to the extent that the same force and effect shall be given thereto as if such resolutions had been properly signed by the mayor and attested by the recorder. This act shall in no way affect pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and in the Dubuque Daily Globe-Journal, a newspaper published at Dubuque, Iowa, without expense to the state.

Approved March 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, and the Dubuque Daily Globe-Journal, March 10, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 207.

INCORPORATION OF TOWN OF HAMILTON.

H. F. 825.

AN ACT to legalize the incorporation of the town of Hamilton, Marion county, Iowa, the election of its officers, and ordinances passed and all official acts of the council of said town.

WHEREAS, Doubts having arisen as to the legality of the incorporation of the town of Hamilton, Marion county, Iowa, the election of its officers, official acts done, and the ordinances passed by the council of said town; therefore,

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

SECTION 1. Valid and binding—pending litigation. That the incorporation of the town of Hamilton, Marion county, Iowa, the election of its officers, official acts done, and ordinances passed by the council of said town, not in contravention of law, are hereby legalized, and the same are declared to be binding and valid and of the same force and effect as though the law had been strictly complied with in the incorporation of said town, the election of its officers, official acts, and the passage of its ordinances. Nothing in this act shall affect any litigation now pending.

Approved April 9, A. D. 1904.

CHAPTER 208.

ELECTION FOR INCORPORATION OF TOWN OF LE ROY.

H. F. 77.

AN ACT to legalize the election for the incorporation of the town of LeRoy, Decatur county, Iowa.

WHEREAS, The commissioners appointed by the district court of Decatur county, state of Iowa, at the November term 1903, of said court, held an election for the incorporation of the town of LeRoy in the county of Decatur and state of Iowa, on the 15th day of December, A. D. 1903; and

WHEREAS, Doubts have arisen as to the legality of said election, for the reason that the commissioners posted up a notice of said election in three public places in said town of LeRoy, Decatur county, Iowa, and did not have the said notice published in a newspaper published in said county of Decatur, state of Iowa; therefore,

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

SECTION 1. Election legalized. That the election for the incorporation of the town of LeRoy, in the county of Decatur, and state of Iowa, held on

the 15th day of December, A. D. 1903, by the commissioners appointed by the district court of Decatur county, Iowa, is hereby legalized and declared valid the same as though the law of the state of Iowa had been complied with in all respects in the matter of the publication of the notice of said election in accordance with the law of the state, in such cases made and provided.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in "The Register and Leader", a newspaper published in the city of Des Moines, Polk county, Iowa, and the "Garden Grove Express", a newspaper published in the town of Garden Grove, Decatur county, Iowa, both publications to be without expense to the state.

Approved February 18, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, February 20, 1904, and the Garden Grove Express, February 25, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 209.

INCORPORATION OF TOWN OF LOST NATION.

H. F. 106.

AN ACT to legalize the incorporation of the town of Lost Nation, Clinton county, Iowa, the election of its officers and all acts done and ordinances passed by the town council of said town.

WHEREAS, doubts exist as to the legality of the incorporation of the town of Lost Nation, Clinton county, Iowa, the election of its officers, official acts done, and the ordinances passed by the town council of said town; therefore,

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

SECTION 1. Valid and binding—pending litigation. That the incorporation of the town of Lost Nation, Clinton county, Iowa, the election of its officers, and all official acts done, and the ordinances passed by the town council of said town, not in contravention with the laws of the state, are hereby legalized, and the same are hereby declared to be valid and binding the same as though the law had been in all respects strictly complied with in the incorporation of said town, the election of its officers and official acts done, and the passage of its ordinances. But nothing in this act shall in any manner affect any pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall be in force and effect from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Clinton County Advertiser, a newspaper published at Clinton, Iowa, without expense to the state.

Approved February 18, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, February 20, 1904, and the Clinton County Advertiser, February 23, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 210.

THE TOWN OF MAPLETON.

S. F. 387.

AN ACT to legalize all of the acts and proceedings of the town of Mapleton, Monona county, Iowa, relative to the construction of permanent sidewalks.

WHEREAS, On the first day of June, 1897, the town council of the town of Mapleton, Monona county, Iowa, adopted an ordinance for the construction of permanent sidewalks, and whereas on the 5th day of May, 1903, and on the 7th day of July, 1903, and at divers other times said council passed resolutions ordering the construction of permanent sidewalks in said town in blocks numbered fourteen (14), eight (8), twenty (20), twenty-one (21), thirty-five (35), seven (7), forty (40), thirteen (13), nineteen (19), eighteen (18), fifteen (15), twenty-four (24), twenty-six (26), six (6), nine (9), twelve (12), twenty-five (25), and the north side and east side of block numbered sixteen, and whereas said sidewalks were constructed pursuant to said ordinance and resolutions, and whereas the cost of constructing a portion of same has been assessed against said blocks and certified to the auditor of Monona county, Iowa, and whereas doubts have arisen respecting the legality and regularity of the proceedings of said town council and the acts of its officers relative to the ordering, constructing and certifying the taxes and all of the proceedings therein, therefore,

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

SECTION 1. Ordinances and proceedings legalized. That the ordinance, resolutions and all of the proceedings and acts of the town council of the town of Mapleton, Monona county, Iowa, concerning and providing for the construction, the construction thereof, the assessment of the cost and the certification of the same of permanent sidewalks in blocks numbered fourteen (14), eight (8), twenty (20), twenty-one (21), thirty-five (35), seven (7), forty (40), thirteen (13), nineteen (19), eighteen (18), fifteen (15), twenty-four (24), twenty-six (26), six (6), nine (9), twelve (12), twenty-five (25), and the north and east sides of block numbered sixteen (16), all in said town, are hereby legalized and the same are declared valid and binding, the same as though the law had been complied with in all respects.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and in the Mapleton Press, a newspaper published in the town of Mapleton, Monona county, Iowa. Both publications to be without expense to the state.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader April 15, 1904, and the Mapleton Press April 22, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 211.

ELECTION OF TOWN COUNCIL OF MINBURN.

H. F. 486.

AN ACT to legalize the election of the town council of the incorporated town of Minburn, Dallas county, Iowa, and all the acts thereof during the ten (10) years last past.

WHEREAS, doubts have arisen as to the legality of the town council of the town of Minburn, Dallas county, Iowa, during the past ten (10) years,

including the present council of said town, because of omissions and irregularities in the nomination and election of said council; and,

WHEREAS, some of the acts and ordinances passed by said council have been so done irregularly and unlawfully; therefore,

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

SECTION 1. Elections legalized. That the nomination and election of all the members of the town council of the said town of Minburn, Dallas county, Iowa, during the last ten (10) years, including the present council of said town, be and the same are hereby legalized and declared to be legal, valid and binding to the same extent and with the same force and effect as though the laws had in all respects been fully and strictly complied with in all matters pertaining to the nomination and election of the said council.

SEC. 2. Ordinances and official acts legalized. That all the ordinances of the incorporated town of Minburn, Dallas county, Iowa, and all official acts done under and by virtue of such ordinances by the officers of said town, not in contravention with the laws of the state of Iowa, and all the official acts of the town council of said town of Minburn, Dallas county, Iowa, be and the same are hereby legalized, validated and declared to be legal, valid and binding to the same extent and with the same force and effect as though said ordinances and said acts and all things done in reference thereto, were in all respects in strict conformity with all the rules and laws in regard to said matter and that the said ordinances had been legally and properly passed and adopted and recorded, and properly authenticated.

SEC. 3. Pending litigation. Nothing herein contained shall affect pending litigation.

SEC. 4. In effect. This act, being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Register and Leader and the Minburn Star, newspapers published at Des Moines and Minburn, Iowa, without expense to the state of Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Minburn Star, April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 212.

THE TOWN OF PERSIA.

H. F. 358.

AN ACT to legalize the incorporation of the town of Persia, Harrison county, Iowa, the election of its officers, the passage of its ordinances and resolutions, and all acts done by the council of said town.

WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Persia, Harrison county, Iowa, the election of its officers, the passage of its ordinances and resolutions, the signing of the same by the mayor and the record thereof; therefore,

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

SECTION 1. Incorporation, election, resolutions and ordinances legalized—pending litigation. That the incorporation of the town of Persia, Harrison county, the election of its officers, the passage of its resolutions and ordinances, the signing of the same by the mayor or the lack thereof,

and all the official acts done by said town council not in contravention with the laws of the state, are hereby legalized and the same are declared to be valid and binding the same as though the law had in all respects been strictly complied with in the incorporation of said town, the election of its officers, and all official acts done by said council, the proper signing and record thereof, or the lack of same. But nothing in this act shall in any manner affect pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Persia Globe and the Register and Leader, newspapers published at Persia, Iowa, and Des Moines, Iowa, without expense to the state of Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 12, 1904, and the Persia Globe, April 14, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 213.

THE TOWN OF QUASQUETON.

H. F. 480.

AN ACT to legalize the incorporation of the town of Quasqueton, Buchanan county, Iowa, the election of its officers, the passage and record of its ordinances and resolutions, and all acts done by the council of said town.

WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Quasqueton, Buchanan county, Iowa, the election of its officers, the passage of its ordinances and resolutions, the signing of the same by the mayor and the record thereof, therefore,

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

SECTION 1. Incorporation, election, resolutions and ordinances legalized—pending litigation. That the incorporation of the town of Quasqueton, Buchanan county, Iowa, the election of its officers, the passage of its ordinances and resolutions the signing of the same by the mayor or the lack thereof, and all the official acts done by said town council not in contravention with the laws of the state, are hereby legalized and the same are declared to be valid and binding the same as though the law had in all respects been strictly complied with in the incorporation of said town, the election of its officers, and all official acts done by said council, the proper signing and record thereof or the lack of same. But nothing in this act shall in any manner affect pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the "Register and Leader" and "The Quasquetonian", newspapers published at Des Moines and Quasqueton, Iowa, without expense to the the state of Iowa.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 12, 1904, and The Quasquetonian, April 15, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 214.

THE TOWN OF SCHALLER.

H. F. 489.

AN ACT legalizing the acts and proceedings of the council of the incorporated town of Schaller, Iowa, in granting a franchise to the Schaller Gas Light and Fuel Company and contracting with said gas light and fuel company for lights, and legalizing the ordinance granting such franchise and the franchise so granted, and the contract made between said town and the Schaller Gas Light and Fuel Company, and the levy of a tax by said town to defray the expense of lighting the streets thereof.

WHEREAS at a meeting of the council of the incorporated town of Schaller, Sac county, Iowa, on the 5th day of January, 1903, W. R. Brooks made application for a franchise for building and maintaining a light and heating plant in said town, and that the question of granting such franchise be submitted to the voters of said town at the regular municipal election in the March following, which said application was made for and on behalf of the Schaller Gas Light and Fuel Company, a prospective corporation then in process of organization and not incorporated under the laws of the state; and,

WHEREAS at the time of making such application the said W. R. Brooks was a member of said town council and was also interested in the proposed corporation, and upon the incorporation of the Schaller Gas Light and Fuel Company then being organized, became a stockholder and officer thereof, and one other member of said town council was likewise interested; and,

WHEREAS the said application was granted as petitioned for; and,

WHEREAS in the record made by the clerk it was made to erroneously appear that such application was made and the franchise asked by W. R. Brooks individually instead of on behalf of the Schaller Gas Light and Fuel Company as was in truth and fact the purport and substance of such application; and,

WHEREAS the Schaller Gas Light and Fuel Company was duly organized and incorporated under the laws of the state of Iowa on the 21st day of January, 1903; and,

WHEREAS on the 3d day of February, 1903, the council of the incorporated town of Schaller did enact an ordinance granting to the said Schaller Gas Light and Fuel Company a franchise to erect and maintain a light and heating plant in the said town and under and upon the streets thereof, subject to a ratification by a vote of the said town in accordance with the provisions of section seven hundred and seventy-six (776) of the code, which said ordinance was duly published as required by law, on the 5th day of February, 1903; and,

WHEREAS proper proclamation was made and notice given for the holding of an election upon the question of granting such franchise under such ordinance, in the manner required by law; and,

WHEREAS at the time of the passage of such ordinance, and the granting of the franchise hereinbefore set out, two members of the town council of Schaller were stockholders and officers of the Schaller Gas Light and Fuel Company; and,

WHEREAS in the preparation of the ballots for the election to determine upon the granting of the said franchise separate ballots were not used, but same were printed upon the official ballot for the election of officers of the town, and such ballots recited that said proposed franchise was to be granted to W. R. Brooks instead of the Schaller Gas Light and Fuel Company; and,

WHEREAS after eighteen (18) ballots had been cast at such election, the error in said ballots was discovered and new ballots were prepared and printed in conformity with law, and each of the eighteen (18) voters who had voted such irregular ballots, was given the opportunity to vote anew upon

the question of such franchise, of which privilege sixteen (16) of said voters availed themselves; and,

WHEREAS none of said eighteen (18) votes first cast were counted, and after the preparation and printing of ballots in conformity to law, there was cast for the granting of such franchise seventy-three (73) ballots, and against the granting of such franchise ten (10) ballots; upon which vote the town council declared the franchise granted as set out in the ordinance with reference thereto; and,

WHEREAS after the granting of the said franchise the Schaller Gas Light and Fuel Company did, under and by virtue thereof and in good faith, construct and establish in the said town a plant for furnishing light and heat for the said town and the citizens thereof; and,

WHEREAS on the 20th day of July, 1903, the town council did contract with the said Schaller Gas Light and Fuel company to light the streets of said town for a certain period at a certain agreed and stipulated price, which said contract was renewed on the first day of October, 1903, for a period of one year thereafter, at a regular meeting of said town council; and,

WHEREAS on the 3d day of August, 1903, at a regular meeting, the town council did vote to levy a tax of five (5) mills on all taxable property in said town for the purpose of paying the expense of lighting the streets, which levy was certified by the proper authorities as having been duly made according to law; and,

WHEREAS at the time of making such contract with the Schaller Gas Light and Fuel company, the extension thereof, and the levying of a tax to pay the expense of lighting the streets, one member of the said town council was a stockholder in the Schaller Gas Light and Fuel company, which said member, however, did not vote upon any of the questions; and,

WHEREAS doubts have arisen as to the legality of the proceedings and actions of said town council in receiving and acting upon the application for the franchise by said W. R. Brooks in behalf of the Schaller Gas Light and Fuel company and in adopting the ordinance with reference thereto, and in calling the election thereupon, and in granting the said franchise as hereinbefore set out, and in making the contract between the incorporated town of Schaller and the Schaller Gas Light and Fuel company and making the renewal or extension thereof, and in levying a tax of five (5) mills to pay the expense of lighting the streets under such contract; and,

WHEREAS there is also doubts as to the validity and legality of the election held on the 30th day of March, 1903, upon the question of granting such franchise; and,

WHEREAS there is also doubt as to the validity and legality and binding force of the ordinance granting to the Schaller Gas Light and Fuel company the franchise to establish and maintain its heating and lighting plant, and as to the franchise granted and given by said town to the Schaller Gas Light and Fuel company, and as to the contract for street lighting made and entered into between said town and the Schaller Gas Light and Fuel company, and as to the levy of tax by the said town to pay the expense of lighting its streets; and,

WHEREAS All of said proceedings, transactions and contracts were made and entered into in good faith by all parties thereto, and the said Schaller Gas Light and Fuel Company is now maintaining and operating its heating and lighting plant in the said town, under and by virtue of the franchise granted to it and the contract with reference thereto between the said company and the said town; therefore,

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

SECTION 1. Acts and proceedings legalized—pending litigation. That all proceedings of the council of the incorporated town of Schaller, Iowa, with reference to the granting of a franchise, adoption of an ordinance

and submitting to a vote the question of a franchise to the Schaller Gas Light and Fuel Company, as set out in the preamble hereto, are hereby legalized and made of the same validity, force and effect as if all the the requirements and provisions of the law applicable thereto had been fully and specifically complied with, and the said election is declared to have the same force, effect and validity as if held in all respects in strict compliance with the provisions of the law with reference thereto, and that the contract made and entered into between the Schaller Gas Light and Fuel Company and the incorporated town of Schaller be, and is hereby declared to be valid and legal, and that the levy of tax by the incorporated town of Schaller, Iowa, to pay the expense of lighting the streets of said town is likewise legalized and declared valid and binding, and that the franchise now held by said Schaller Gas Light and Fuel Company, together with all rights and privileges purported to be granted thereby, is hereby legalized and validated so as to be of the same force and effect as if each and every provision of the statute of the state of Iowa with reference thereto, had been especially and particularly complied with in granting the same, provided, nothing in this act shall in any way affect pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Register and Leader, a newspaper published in Des Moines, Iowa, and the Schaller Herald, a newspaper published in Schaller, Iowa.

Approved April 12, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 14, 1904, and the Schaller Herald, April 21, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 215.

THE TOWN OF TITONKA.

H. F. 416.

AN ACT to legalize the incorporation of the town of Titonka, Kossuth county, Iowa, the election of its officers and all acts done and ordinances passed by the council of said town.

WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Titonka, Kossuth county, Iowa, the election of its officers, and the ordinances and resolutions passed by the town council of said town; therefore,

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

SECTION 1. Incorporation, election, acts and ordinances legalized—pending litigation. That the incorporation of the town of Titonka, Kossuth county, Iowa, the election of its officers and all official acts done, and the ordinances and resolutions passed by the town council of said town, not in conflict with the laws of Iowa, are hereby legalized and the same are hereby declared to be valid and binding the same as though the law had been in all respects strictly complied with in the incorporation of said town, the election of its officers and official acts done, and the passage of its ordinances and resolutions. But nothing in this act shall in any manner affect any pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall be in force and effect from and after its publication in the Des Moines

Register and Leader, a newspaper published at Des Moines, Iowa, and in the Titonka Topic, a newspaper published at Titonka, Iowa, without expense to the state.

Approved April 9, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Register and Leader, April 12, 1904, and the Titonka Topic, April 14, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 216.

THE TOWN OF WALL LAKE.

H. F. 850.

AN ACT to legalize the incorporation of the town of Wall Lake, Sac county, Iowa, the election of its officers, and all acts done and ordinances passed by the council of said town.

WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Wall Lake, Sac county, Iowa, the acts done, and the ordinances passed by the council of said town; therefore,

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

SECTION 1. Incorporation, election, acts and ordinances legalized. That the incorporation of the said town of Wall Lake, Sac county, Iowa, the election of its officers, the official acts done, and the ordinances passed by the council of said town, are hereby legalized and the same are hereby declared to be valid and binding, the same as though the law had in all respects been strictly complied with in the incorporation of said town, the election of its officers and the passing of its ordinances.

SEC. 2. Pending litigation. Nothing in this act shall in any manner affect any pending litigation.

SEC. 3. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in the city of Des Moines, Iowa, and in the Wall Lake Blade, a newspaper published in the town of Wall Lake, Iowa. Both publications to be without expense to the state.

Approved April 2, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, April 5, 1904, and the Wall Lake Blade, April 8, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 217.

THE TOWN OF WELDON.

S. F. 840.

AN ACT to legalize the election of the town officers elected, March 28th, 1904, for the incorporated town of Weldon, Decatur county, Iowa.

WHEREAS, doubts have arisen as to the legality of the election held March 28th, 1904, in the incorporated town of Weldon, Decatur county, Iowa, for the election of mayor, councilmen, assessor, treasurer and clerk,

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

SECTION 1. Election of officers legalized—pending litigation. That the election of mayor, councilmen, assessor, treasurer and town clerk in and

for the incorporated town of Weldon, Decatur county, Iowa, elected March 28th, 1904, is hereby legalized and the election of said officers is declared to be as legal as if all the provisions of the code had been complied with in nominating and placing the names of the candidates upon the ballots, and as if the provisions of the code had been complied with in calling and holding said election. Nothing herein shall affect any litigation now pending.

Approved April 13, A. D. 1904.

CHAPTER 218.

INDEPENDENT SCHOOL DISTRICT OF CENTER POINT.

S. F. 835.

AN ACT to legalize the acts of the board of directors, and authorize the issuing of ten thousand dollars (\$10,000.00) in school building bonds in the independent school district of Center Point in Washington township, Linn county, Iowa.

WHEREAS, doubts have arisen as to the authority granted by the electors of the independent school district of Center Point in Washington township, Linn county, Iowa, authorizing the directors of said school district to issue bonds in the sum of ten thousand dollars (\$10,000.00) for the purpose of erecting school buildings in said district, the giving of notice of election and the authority conferred upon said board, therefore,

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

SECTION 1. Election and acts legalized—pending litigation. That the notice of election held in March, 1903, authorizing the issue of ten thousand dollar bonds, be and the same is hereby legalized; that the action of the electors of said independent school district of Center Point in Washington township, Linn county, Iowa, authorizing the board of directors of said independent district to issue bonds in the sum of ten thousand dollars (\$10,000.00) for the purpose of erecting a building or buildings, be and the same is hereby legalized; that the election, the ballots used, the notices given, and all acts of the board of directors of said district and of the qualified electors thereof, are hereby legalized, and said board of directors are authorized to issue bonds in pursuance of said election and authorization in amount not to exceed ten thousand dollars (\$10,000.00.) But nothing in this act shall in any manner affect pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Capital, a newspaper published at Des Moines, Iowa, and The Journal, a newspaper published at Center Point, Iowa, without expense to the state.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Capital, April 15, 1904, and The Journal, April 21, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 219.

INDEPENDENT SCHOOL DISTRICT OF WEST DES MOINES.

S. F. 105.

AN ACT to legalize the action of the independent school district of West Des Moines, Polk county, Iowa, in voting bonds at an election held on the 10th day of March, 1902, and legalizing the bonds issued by said school district thereunder.

WHEREAS, at the annual meeting of the electors of the independent school district of West Des Moines, held on the 10th day of March, 1902, a proposi-

tion was submitted to and voted upon by the electors of said school district, to issue school house bonds of said school district to the amount of one hundred and forty thousand dollars (\$140,000.00) for the purpose of building new school houses;

AND, WHEREAS, the notice of said election was published in the Sunday issue of one of the daily papers of the city of Des Moines;

AND, WHEREAS, at said election there were 1730 votes cast in favor of said proposition, and 405 votes were cast against said proposition;

AND, WHEREAS, at a meeting of the board of directors of said school district, held on the 3rd day of June, 1902, resolutions of said board were duly adopted by said board of directors, based upon the authority of said election, authorizing the issue of said bonds to the amount of \$140,000.00 seventy thousand dollars thereof to be issued on the 1st day of July, 1902, and seventy thousand dollars to be issued on the 1st day of November, 1902;

AND, WHEREAS, said bonds were thereafter issued in accordance with said resolutions, and the said bonds have been by the said treasurer of said school district sold, in accordance with law, and the proceeds thereof received by said treasurer and used by said school district in the construction of said school houses;

AND, WHEREAS, doubts have arisen as to the legality of said election and the issue of said bonds; therefore,

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

SECTION 1. Election and bonds legalized—pending litigation. That the election and vote for the issue of bonds to the amount of \$140,000.00, had and held by the independent school district of West Des Moines, Polk county, Iowa, on the 10th day of March, 1902, for the purpose of building new school houses, and the act of the board of directors and officers of said school district in issuing said bonds, be and the same is hereby legalized and made valid, and the bonds issued by said school district under and by virtue of the authority aforesaid be and the same are hereby legalized and declared to be a valid indebtedness against said school district. Provided nothing in this act shall affect pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Daily Capital and the Register & Leader, newspapers published in Des Moines, Polk county, Iowa, which publication shall be without expense to the state.

Approved February 18, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital February 19, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 220.

INDEPENDENT SCHOOL DISTRICT OF SOLDIER.

H. F. 115.

AN ACT to legalize the organization of the Independent School District of Soldier, Monona county, Iowa, and the acts of its board of directors.

WHEREAS, certain territory in the townships of Soldier and Jordan, Monona county, Iowa, was on the 15th day of February, A. D. 1902, organized into an independent school district, to be known as the independent school district of Soldier, composed of sections seventeen (17), eighteen (18), nineteen (19) and twenty (20), and the north one-half of sec-

tions twenty-nine (29,) and thirty (30), all in township 83, Range 42, in Soldier township, Monona county, Iowa, including therein all of the incorporated town of Soldier, Monona county, Iowa, and the east one-half of sections thirteen (13), and twenty-four (24), and the north-east one-fourth of section twenty-five (25), in Jordan township, Monona county, Iowa and

WHEREAS, on or about the first day of August, 1902, bonds were issued in the sum of \$2500 by said district for the erection of a school building, and

WHEREAS, doubts have arisen as to the legality of said independent school district, the organization thereof, and the acts of its board of directors, therefore,

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

SECTION 1. Organization and official acts legalized—pending litigation. That the organization of the independent school district of Soldier, Monona county, Iowa, the official acts of its board of directors including the issuance of the bonds in the sum of \$2500, be and the same are hereby legalized and made valid, the same as though said independent school district had been organized in strict conformity to law, provided, nothing herein contained shall affect any pending litigation.

SEC. 2. Territory excepted. Excepting from the provisions of this act, the territory in Jordan township, to-wit: The east one-half of sections thirteen (13), and twenty-four (24), and the north-east one-fourth of section twenty-five (25), township 83, range 43. Nothing herein shall legalize the acts of said independent school district of Soldier as to its taking in the contiguous territory of Jordan township, aforesaid; this said territory to remain part of the school district of Jordan as it existed prior to February 15th, 1902.

SEC. 3. In effect. This act, being deemed of immediate importance shall be in force and effect after its publication in the "Register and Leader", a newspaper published at Des Moines, Iowa, and the "Soldier Record", a newspaper published at Soldier, Monona county, Iowa, said publication to be without expense to the State.

Approved February 24, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader February 27, 1904, and the Soldier Record, March 4, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 221.

INDEPENDENT SCHOOL DISTRICT OF SOMERS.

H. F. 28.

AN ACT legalizing the organization of the independent school district of Somers, located in Calhoun county, Iowa.

WHEREAS, doubts have arisen as to the legality of the acts of the school board of Cedar township, Calhoun county, Iowa, concerning its action in establishing the independent school district of Somers, Calhoun county, Iowa, and of the notice given in calling the election for said independent district, of the notice of calling election for officers, and the election of officers for said independent district, and the establishing of the boundaries of said independent district by said board, therefore,

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

SECTION 1. Organization legalized—pending litigation. That all proceedings of the school board of the township of Cedar, Calhoun county, Iowa, in establishing the independent school district of Somers in said county,

together with all notices of holding election for the establishing of said district, and the election held, and the notices for the election of directors and the election of directors elected, and the establishing of the boundaries of said independent district, and all proceedings had by said school board of Cedar township, and the independent district of Somers are hereby legalized and declared in force and effect as fully and completely as if all the provisions of the law had been complied with in respect to the organization of said independent school district. Provided, that nothing herein shall affect pending litigation.

SEC. 2. **In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Somers News, a newspaper published in Somers, Calhoun county, Iowa, which publications shall be without cost to the state of Iowa.

Approved February 24, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader, February 27, 1904, and the Somers News, March 3, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 222.

BROOKFIELD CREAMERY ASSOCIATION.

H. F. 836.

AN ACT to legalize the acts and proceedings of the Brookfield Creamery Association of Worth county, Iowa, and legalize the title to the real estate acquired by such creamery association and to authorize its incorporation under the provisions of chapter one (1) title IX of the code, and of the supplement to the code.

WHEREAS on the 15th day of February, A. D. 1894, J. B. Thompson and fourteen other citizens of Worth county, Iowa, did organize a farmer's mutual co-operative creamery association, under the name and corporation style of "Brookfield Creamery Association", and did at that time adopt articles of incorporation, which said articles of incorporation were duly executed and acknowledged by the said incorporators, and filed for record on the 17th day of February, 1894, in the office of the recorder of deeds of Worth county, Iowa, and now appear of record on page 476 and the pages immediately succeeding thereto, of Book "A" of miscellaneous records of said office, and

WHEREAS the said corporation, pursuant to the said articles of incorporation, did elect officers and commence the transaction of business upon the date of the adoption of said articles, and

WHEREAS the said Brookfield Creamery Association has been continuously from that time conducting and carrying on its business under and by virtue of said articles of incorporation, and has continuously from the time of the adoption of said articles of incorporation to the present time transacted in good faith the business for which the same was organized, and in the transaction thereof and within the scope of the said business, has acquired title to certain real estate, located and described as follows:

"Commencing four (4) rods north from the southwest corner of the northwest quarter ($\frac{1}{4}$) of the northeast quarter ($\frac{1}{4}$) of section five (5), township ninety-nine (99), range twenty-one (21), west of the fifth P. M., Worth county, Iowa; running thence east fourteen and one-half ($14\frac{1}{2}$) rods; thence north twelve and one-half ($12\frac{1}{2}$) rods; thence west fourteen and one-half ($14\frac{1}{2}$) rods; thence south twelve and one-half ($12\frac{1}{2}$) rods to place of beginning"; also

"Commencing at a point sixteen (16) rods north of the southeast corner of the northeast quarter ($\frac{1}{4}$) of the northwest quarter ($\frac{1}{4}$) of section five

(5), township ninety-nine (99), north, range twenty-one (21), west of fifth P. M., Worth county, Iowa; running thence west six (6) rods; thence north ten (10) rods; thence east six (6) rods; thence south ten (10) rods to place of beginning", and

WHEREAS, by mistake or oversight on the part of the officials of said Brookfield Creamery Association, the said articles of incorporation were never filed or made of record by the secretary of state, and

WHEREAS the time for which the said Brookfield Creamery Association was organized has now expired, and the fact that the said articles of incorporation were never filed in the office of the secretary of state was unknown to the officers and members of said Brookfield Creamery Association until an attempt was made to renew the charter of said corporation, and

WHEREAS the members of the said Brookfield Creamery Association are now desirous of continuing the business thereof and re-incorporating in compliance with all of the provisions of the statute applicable thereto, and re-adopting articles of incorporation in due form, and

WHEREAS doubts have arisen as to the sufficiency and legality of the title to the real estate acquired by said Brookfield Creamery Association, and as to the legality of the transactions and business of the said Brookfield Creamery Association and of the officials thereof, therefore,

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

SECTION 1. Acts legalized. That all acts and transactions of the said Brookfield Creamery Association and of the officers and agents thereof, are hereby legalized and declared to be as legal, sufficient and binding in all respects as if the said articles of incorporation had been filed in the office of the secretary of state as required by law and the said incorporation completed in strict conformity to the provisions of the statute, and that the title to said real estate held and acquired by said Brookfield Creamery Association, is hereby legalized and declared to be a valid and perfect title in and of the said Brookfield Creamery Association, and which shall enure and pass as a valid and perfect title to the said Brookfield Creamery Association as a corporation when same shall have been duly incorporated according to the provisions of the statute applicable thereto.

SEC. 2. Conditions. The legalizing of the acts and transactions of the said Brookfield Creamery Association and of the title to the real estate acquired and held by it as provided in section one (1) hereof, are conditioned upon the requirement that the said Brookfield Creamery Association shall within three (3) months from the time of the taking effect of this act, adopt new articles of incorporation in the manner required by law, and fully comply with all of the provisions of the code with reference to organization and incorporation, and shall organize and commence business as such as required by law.

SEC. 3. Pending litigation. Nothing in this act shall be in any way construed to affect any pending litigation.

SEC. 4. In effect. This act, being deemed of immediate importance, shall take effect upon publication thereof in the "Worth County Index", a newspaper published at Northwood, Worth county, Iowa, and the Des Moines Daily Capital, a newspaper published at Des Moines, Iowa, such publication to be without expense to the state.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Worth County Index, April 28, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 223.

FARMER'S CO-OPERATIVE CREAMERY ASSOCIATION OF TENOLD.

H. F. 448.

AN ACT to legalize the incorporation of the Farmer's Co-operative Creamery Association of Tenold, Worth county, Iowa, and to legalize the acts and transactions of said association under defective articles of incorporation, and to legalize the title to the real estate acquired by said association and to authorize its re-incorporation and succession to all the rights, privileges, property and assets acquired and possessed under the defective articles of incorporation.

WHEREAS on or about the 17th day of February, A. D. 1894, O. O. Harmon and nine other resident citizens of Worth county, Iowa, did organize and incorporate themselves into a farmer's co-operative creamery association, under the corporate name and style of the Farmer's Co-operative Creamery Association of Tenold, Iowa, and did adopt and duly execute and acknowledge articles of incorporation as such, the purpose upon their part being to complete such incorporation in full compliance with all the requirements of the laws of Iowa with reference thereto; and,

WHEREAS such articles of incorporation were on the 9th day of February, 1904, filed for record in the office of the recorder of deeds of Worth county, Iowa, and now appear of record on page 322 of Book "B" of miscellaneous records in said office; and,

WHEREAS by reason of a mistake or oversight on the part of the officers of said association, such articles of incorporation were never filed with the secretary of state and the said corporation was never chartered as by law required; which fact was unknown to the officers and members of said association until the month of March, A. D., 1904; and,

WHEREAS at a regular annual meeting of the members of said association on the sixth day of February, 1904, a resolution was adopted extending the charter of said corporation for an additional period of twenty years, which said resolution was duly certified and filed for record in the office of the recorder of deeds of Worth county, Iowa, and now appears of record on page 322 of Book "B" of miscellaneous records of said office; and,

WHEREAS the time has now expired for which the said association originally adopted articles of incorporation, and the secretary of state now refuses to file the resolution of renewal or issue a charter thereon by reason of the expiration of such time; and,

WHEREAS the members of said association are now desirous of properly incorporating in compliance with all the provisions of the law of the state of Iowa with reference thereto; and,

WHEREAS in the transactions of the business of the said association it acquired in good faith and for the purpose of carrying out the provisions of its articles of incorporation, title to the following described real estate, to-wit:

Commencing ten (10) rods south and three rods two feet and one half (3 R. 2½ feet) east from northwest corner of southwest quarter of southwest quarter (SW of SW ¼) of section seventeen (17) township ninety-nine (99) range twenty-one (21) west of 5th P. M. Thence in a southeasterly direction on the bank of Elk creek sixteen (16) rods. Thence southwesterly ten (10) rods. Thence in a northwesterly direction sixteen (16) rods. Thence northeasterly ten (10) rods to place of beginning. Containing one (1) acre of land.

A parcel of land beginning on the southeast corner of the creamery lot, then running 4 rods east, then 10 rods north, then 4 rods west, then 10 rods south to place of beginning. All in the southwest quarter of the southwest quarter in section seventeen (17) township ninety-nine (99) range twenty-one (21) west of the 5th P. M. Worth county, Iowa; and,

WHEREAS doubts have arisen as to the validity of the aforesaid articles of incorporation and the resolution of renewal by said association, and as to the legality and validity of the acts and transactions of the said association under and by virtue of said articles of incorporation, and as to the validity of the title to the real estate hereinbefore described, and as to the right of succession to all the property rights, privileges and liabilities of the said association which might be acquired upon the adoption of new articles of incorporation; therefore,

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

SECTION 1. Articles of incorporation and acts legalized—pending litigation. That the articles of incorporation heretofore adopted by the said Farmer's Co-Operative Creamery Association of Tenold, Iowa, be and [are] hereby held to be legal and valid and of the same force and effect as if all the provisions of the law had been fully complied with, with reference thereto, and that all of the acts and transactions of said association since its organization are declared and held to be legal, valid and binding and of the same force and effect as if the said association had been duly and properly incorporated as required by the laws of Iowa, and that upon the adoption of new articles of incorporation in strict compliance with the laws of the state of Iowa by the said association within three (3) months from the time of taking effect of this act, the said association as thus incorporated shall succeed to and acquire all rights, privileges, liabilities and property of the said association as confirmed and legalized by this act, including the legal title to the real estate described in the preamble hereto; providing nothing in this act shall affect pending litigation.

Approved April 13, A. D. 1904.

CHAPTER 224.

HARRY C. WRIGHT, NOTARY PUBLIC.

H. F. 445.

AN ACT to legalize the acts of Harry C. Wright, a notary public in and for Wayne county, State of Iowa, and the acts of Harry C. Wright, acting defacto as a notary public from July 4th, 1900, to December 25, 1902.

WHEREAS;—Harry C. Wright, was a duly commissioned notary public in and for Wayne county, Iowa, for the term of three years prior to July 4th A. D. 1900, and,

WHEREAS;—The said Harry C. Wright, prior to the 4th day of July 1900 applied for a new commission as such notary in said county for the three year period from and after July 4th 1900, and was duly notified of his appointment, and was furnished with a blank bond to be filled out and executed,

AND WHEREAS;—He filled out said bond and executed the same, and caused the same to be signed by two responsible and sufficient sureties, and forwarded the same with a check for the sum of six dollars to F. M. Hazelwood clerk of the district court of Wayne county, Iowa, at Corydon, Iowa, for the approval of the said clerk of the said bond, with orders to forward the said bond with the necessary fee of five dollars to the Secretary of state at Des Moines, Iowa, and

WHEREAS;—The said check was cashed, and returned by the bank on which it was drawn, to him, and whereas, he did not notice the fact that the commission was not forwarded to him, but supposed that he was duly appointed, and,

WHEREAS;—He in good faith, continued to act as a notary public, believing himself duly qualified to act, until he was informed in December 1902, that he had never been commissioned, and

WHEREAS;—Divers persons during the period from July 4th 1900 to the 25th day of December, 1902, in good faith employed him to take acknowledgements and to administer oaths, and perform the general duties of a notary public, in good faith believing him to be a duly qualified notary, and

WHEREAS;—Such acts, tend to cloud titles and affect substantial rights of many and divers persons; therefore,

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

SECTION 1. Notarial acts legalized—pending litigation. That the acts of Harry C. Wright, of Lineville, Wayne county, state of Iowa, done and had between the 4th day of July, A. D. 1900 and the 25th day of December, A. D. 1902, in which he assumed to act as a notary public, without a commission from the governor of Iowa, be and the same [are] hereby declared to be the acts of a defacto notary public, and all such acts are hereby legalized and made valid, for all purposes as if he had been de jure a notary public, within the said county of Wayne and state of Iowa, and all his said acts, in so far as they were regular and lawful, are declared valid, binding and effectual as the acts of a defacto officer, and full credit is hereby given to the same. Nothing in this act shall be held to affect any pending litigation.

Approved April 9, A. D. 1904.

PART V.

JOINT RESOLUTIONS.

JOINT RESOLUTION No. 1.

ADDITIONAL EMPLOYES OF GENERAL ASSEMBLY.

[Originated in the House.]

JOINT RESOLUTION relating to the selection of additional employes of the Thirtieth General Assembly, fixing their compensation and defining their duties.

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

SECTION 1. That E. J. Culver of Clarion, W. S. Page of Colesburg, Frank Crawford of Altoona, and A. J. Scott of Rockwell City, are hereby appointed policemen at a salary of \$70.00 per month each.

SEC. 2. That Arnie Gunderson of Clermont, L. B. Raymond Jr. of Hampton, Will Richards of Hinton and T. W. Hazleton of Calmar, are hereby appointed clerks in the document room at a salary of \$60.00 per month each.

SEC. 3. That H. H. Baldwin of Ft. Dodge, is hereby appointed a clerk in the supply department at a salary of \$60.00 per month.

SEC. 4. That Frank Myers of Des Moines, is hereby appointed assistant bill clerk in the senate at a salary of \$60.00 per month.

SEC. 5. That Harry Narey of Spirit Lake, and Harry Breeding of Des Moines are hereby appointed assistant file clerks in the senate and house respectively at salaries of \$60.00 per month each.

SEC. 6. That Carl Peters of Reasnor, Samuel Diller of Des Moines, J. S. Dee of Shelby, and John H. Merrill of Des Moines, are hereby appointed elevator tenders at a salary of \$60.00 per month each.

SEC. 7. That Samuel Salts of Bernhart, J. E. Winder of Bedford, J. C. Smith of Garden Grove, F. M. Stone of Knoxville, C. B. Kennedy of Cedar Rapids, J. R. Brink of Creston, H. T. Barber of Council Bluffs, J. H. Morgan of Sioux City, C. F. Wright of Davenport, G. D. Harris of Buxton, E. W. Carter of Chariton, and R. Boeman of Viola are hereby appointed janitors at a salary of \$60.00 per month each.

SEC. 8. That W. W. Hyzer of Guthrie Center, is hereby appointed mail carrier at a salary of \$90.00 per month.

SEC. 9. That the policemen, elevator tenders, and janitors shall be assigned to their respective duties by the custodian; the clerks in the document room by the secretary of state; the clerk in the supply department by the secretary of the executive council; the assistant bill and file clerks by the secretary of the senate and chief clerk of the house; and the mail carrier by the president of the senate and speaker of the house.

SEC. 9½. That the custodian, secretary of state, secretary of the executive council, president of the senate, and speaker of the house respectfully shall report the time of the employes under his direction to the secretary of the senate and chief clerk of the house, and that the time of the assistant bill and file clerks shall be certified in the same manner as that of the other employes of the respective houses.

JOINT RESOLUTIONS OF THE THIRTIETH GENERAL ASSEMBLY.

SEC. 10. That the secretary of the senate and the chief clerk of the house are hereby directed to prepare a pay roll of said employes, the same to be countersigned by the president of the senate and the speaker of the house and presented to the auditor of state.

SEC. 11. That the custodian be authorized to employ such additional help as may be necessary to remove snow from the approaches, porticos, and walks about the capitol.

SEC. 12. That the secretary of state be authorized to retain as many clerks hereby appointed to serve in the document room as he may deem necessary for a period of not exceeding two weeks after the adjournment of the Thirtieth General Assembly.

Approved January 13, 1904.

JOINT RESOLUTION No. 1.

BIENNIAL ELECTIONS.

[Originated in the Senate.]

Proposing to amend the constitution of the state of Iowa, so as to provide for biennial elections.

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

That the following amendment to the constitution of the state of Iowa be and the same is hereby proposed:

Add as section 16, to article 12 of the constitution, the following:

SEC. 16. The first general election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November in the year one thousand nine hundred and six, and general elections shall be held biennially thereafter. In the year one thousand nine hundred and six there shall be elected a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney general, two judges of the supreme court, the successors of the judges of the district court whose terms of office expire on December 31st, one thousand nine hundred and six, state senators who would otherwise be chosen in the year one thousand nine hundred and five, and members of the house of representatives. The terms of office of the judges of the supreme court which would otherwise expire on December 31st, in odd numbered years, and all other elective state, county and township officers whose terms of office would otherwise expire in January in the year one thousand nine hundred and six, and members of the general assembly whose successors would otherwise be chosen at the general election in the year one thousand nine hundred and five, are hereby extended one year and until their successors are elected and qualified. The terms of offices of senators whose successors would otherwise be chosen in the year one thousand nine hundred and seven are hereby extended one year and until their successors are elected and qualified. The general assembly shall make such changes in the law governing the time of election and term of office of all other elective officers as shall be necessary to make the time of their election and terms of office conform to this amendment, and shall provide which of the judges of the supreme court shall serve as chief justice. The general assembly shall meet in regular session on the second Monday in January, in the year one thousand nine hundred and six, and also on the second Monday in January in the year one thousand nine hundred and seven, and biennially thereafter.

Be it further resolved, That this resolution and the foregoing amendments to the constitution of the state of Iowa, having been adopted by the Twenty-ninth General Assembly, in manner and form, and by the majority

required by the constitution of the state of Iowa, and the statutes thereof, shall be submitted for ratification or rejection by the electors of the state of Iowa at the general election for state officers to be held in November, 1904.
Approved March 7, A. D. 1904.

JOINT RESOLUTION No. 2.

NUMBER OF SENATORS AND REPRESENTATIVES.

[Originated in the House.]

JOINT RESOLUTION for an amendment to the constitution of the state of Iowa, proposing the repeal of sections thirty-four (34), thirty-five (35) and thirty-six (36) of article three (3) of said constitution, and proposing to adopt the following in lieu thereof and as a substitute therefor:

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

That the following amendment to the constitution of the state of Iowa be and the same is hereby proposed:

That sections thirty-four (34) thirty-five (35) and thirty-six (36) of article three (3) of the constitution of the state of Iowa, be repealed and the following be adopted in lieu thereof:

Number of senators. SECTION 34. The senate shall be composed of fifty members to be elected from the several senatorial districts, established by law and at the next session of the general assembly held following the taking of the state and national census, they shall be apportioned among the several counties or districts of the state, according to population as shown by the last preceding census.

Number of representatives—districts. SEC. 35. The house of representatives shall consist of not more than one hundred and eight members. The ratio of representation shall be determined by dividing the whole number of the population of the state as shown by the last preceding state or national census, by the whole number of counties then existing or organized, but each county shall constitute one representative district and be entitled to one representative, but each county having a population in excess of the ratio number, as herein provided of three fifths or more of such ratio number shall be entitled to one additional representative, but said addition shall extend only to the nine counties having the greatest population.

Ratio and apportionment. SEC. 36. The general assembly shall, at the first regular session held following the adoption of this amendment, and at each succeeding regular session held next after the taking of such census, fix the ratio of representation, and apportion the additional representatives, as hereinbefore required.

*Be it further resolved:—*That this resolution and the foregoing amendment to the constitution of the state of Iowa, having been adopted by the 29th General Assembly, in manner and form, and by the majority required by the constitution of the state of Iowa, and the statutes thereof, shall be submitted for ratification or rejection, by the electors of the state of Iowa, at the general election for state officers to be held in November 1904.

Approved April 9, A. D. 1904.

JOINT RESOLUTION No. 3.

ELECTION OF UNITED STATES SENATORS.

[Originated in the Senate.]

For an application to the congress of the United States of America, in behalf of the State of Iowa, for the calling of a convention proposing amendments to the constitution of the United States of America, as provided in Article V. of said constitution.

WHEREAS, a large number of state legislatures have at various times adopted memorials and resolutions in favor of the election of United States senators by popular vote; and,

WHEREAS, the national house of representatives has on four separate occasions, within recent years, adopted resolutions in favor of this proposed change in the method of electing United States senators, which were not adopted by the senate; and,

WHEREAS, Article V. of the constitution of the United States provides that congress, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, and believing there is a general desire on the part of the citizens of the state of Iowa that the United States senators should be elected by a direct vote of the people; therefore,

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

That the legislature of the state of Iowa favors the adoption of an amendment to the constitution which shall provide for the election of United States senators by popular vote, and joins with other states of the union in respectfully requesting that a convention be called for the purpose of proposing an amendment to the constitution of the United States as provided for in Article V. of the said constitution, which amendment shall provide for a change in the present method of electing United States senators, so that they can be chosen in each state by direct vote of the people. Be it further

Resolved, that a copy of this joint resolution, and application to congress for the calling of a convention, be sent to the secretary of state of each state of the United States, and that a similar copy be sent to the president of the United States senate, and to the speaker of the house of representatives.

Approved March 24, A. D. 1904.

JOINT RESOLUTION NO. 4.

DUTIES OF THE COMMISSIONER OF THE BUREAU OF LABOR STATISTICS.

[Originated in the House.]

JOINT RESOLUTION relative to the duties of the commissioner of the bureau of labor statistics.

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

THAT, WHEREAS, the acts of congress of the United States approved March 3, 1899, and March 6, 1902, respectively, provide that in the year 1900, and every ten years thereafter, and also in the year 1905 and every ten years thereafter, there shall be a collection of the statistics of manufactures; and, whereas, the collection of the statistics referred to in said acts extends to and includes the state of Iowa, therefore, the commissioner of the bureau of labor statistics be, and he is hereby authorized and instructed to co-operate with the bureau of the census of the United States in the collection of said statistics and assist in every manner possible, either in his capacity as commissioner or otherwise, in making said collection a thorough enumeration of the

JOINT RESOLUTIONS OF THE THIRTIETH GENERAL ASSEMBLY.

manufacturing industries of this state. And the said commissioner of the bureau of labor statistics is hereby authorized and directed to make any change or modification of the schedules or methods of tabulation now used by him, or in the periods covered by his biennial reports and the dates of their publication, which this resolution may make necessary.

Approved March 7, A. D. 1904.

JOINT RESOLUTION NO. 5.

CHAIR AND GAVEL FOR THE SPEAKER OF THE HOUSE AND PRESIDENT OF THE SENATE.

[Originated in the House.]

JOINT RESOLUTION for the appointment of a joint committee to purchase a chair and gavel for the speaker of the House and the president of the Senate.

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

That a joint committee of two from the house, and one from the senate, be appointed and hereby authorized to purchase a suitable chair and gavel each for the speaker of the house, and the president of the senate.

Approved February 27, A. D. 1904.

JOINT RESOLUTION NO. 6.

DRAINAGE.

[Originated in the House.]

JOINT RESOLUTION proposing an amendment to the constitution of the state of Iowa additional to section eighteen (18) of article one (1) of said constitution.

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

That there be added to section eighteen (18) of article one (1) of the constitution of the state of Iowa the, following;

"The General Assembly, however, may pass laws permitting the owners of lands to construct drains, ditches and levees for agricultural, sanitary or mining purposes, across the lands of others, and provide for the organization of drainage districts, vest the proper authorities with power to construct and maintain levees, drains and ditches, and to keep in repair all drains, ditches and levees heretofore constructed under the laws of the state, by special assessments upon the property benefited thereby. The General Assembly may provide by law for the condemnation of such real estate as shall be necessary for the construction and maintenance of such drains, ditches and levees, and prescribe the method of making such condemnation.

Resolved further that the foregoing proposed amendment to the constitution of the state of Iowa be, and the same is hereby, referred to the legislature to be chosen at the next general election for members of the General Assembly and that the secretary of state cause the same to be published for three (3) months previous to the day of such election as provided by law."

Approved April 9, A. D. 1904.

JOINT RESOLUTION No. 6.

INVESTIGATION OF INDETERMINATE SENTENCES AND ELMIRA REFORMATORY SYSTEM.

[Originated in the Senate.]

JOINT RESOLUTION providing for the appointment of a committee to investigate the workings of the indeterminate sentence and Elmira reformatory systems, and making an appropriation of five hundred dollars therefor.

WHEREAS, it is highly desirable that the general assembly of the state of Iowa should be fully advised in reference to the workings of what is known as the "Indeterminate Sentence" and the "Elmira Reformatory Systems": therefore,

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

That a committee, consisting of one member from the senate, to be named by the president, and two members from the house, to be named by the speaker, be appointed to fully inquire into and investigate the workings of the interminate sentence and Elmira reformatory systems in the states where the same are now in force, and that said committee shall report to the Thirty-first General Assembly not later than the second day of the session, with such information and recommendations as it may deem advisable to submit.

That the said committee shall serve without compensation, but shall be allowed its actual expenses, and five cents per mile for each mile traveled by it in performing its duties. The aggregate expense, however, of said committee shall not exceed the sum of five hundred dollars.

That the expense bills of said committee shall be audited by the executive council, and paid, after said audit shall have been made.

That there is hereby appropriated from the funds of the state treasury not otherwise appropriated, the sum of five hundred dollars, or so much thereof as shall be necessary, to defray the expense of said committee.

Approved April 12, A. D. 1904.

JOINT RESOLUTION No. 7.

INVESTIGATION OF MANAGEMENT OF EDUCATIONAL INSTITUTIONS.

[Originated in the Senate.]

JOINT RESOLUTION providing for the appointment of a joint committee to investigate the system of management and affairs of the state educational institutions of Iowa, and for the payment of the expenses of such investigation and defining the powers of the committee.

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

SECTION 1. That the president of the senate is hereby authorized and requested to appoint three (3) members of the senate; and the speaker of the house three (3) members of the house, who, when so appointed, shall constitute a committee for the purpose of carefully inquiring into, and the advisability of, changing the present system of management of the state educational institutions of Iowa; and said committee shall make to the Thirty-first General Assembly a detailed report of its findings and conclusions, supported by all the facts, and that said report shall be filed not later than the first day of the session, of the next general assembly, said report to be based upon the investigations herein referred to, supplemented by a comparison and examination of the methods elsewhere employed.

JOINT RESOLUTIONS OF THE THIRTIETH GENERAL ASSEMBLY.

SEC. 2. To the end that this investigation may be thorough, the committee is hereby directed to examine into the entire system of management and affairs of said educational institutions, their business management and educational policies, and upon request the present board of control shall furnish such assistance and information as the committee may from time to time deem necessary.

SEC. 3. The members of such committee shall receive while in the performance of their duties, mileage in the sum of five (5) cents per mile, each way, and the actual and necessary expenses incurred, to be paid out of any money in the treasury not otherwise appropriated, on vouchers filed with the auditor of state; provided the aggregate expenditures of said committees shall not exceed the sum of twelve hundred dollars (\$1,200.00).

Approved April 12, A. D. 1904.

JOINT RESOLUTION NO. 9.

NUMBER AND COMPENSATION OF EMPLOYES OF STATE DEPARTMENTS.

[Originated in the House.]

JOINT RESOLUTION fixing the number and compensation of employes in the departments of state at the seat of government.

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

Until July 1, 1906, the number of employes for the various offices at the seat of government, unless otherwise provided by law, shall at no time exceed the number named herein, and their compensation shall be amounts herein fixed;

FOR THE OFFICE OF THE ATTORNEY GENERAL.

	Per Annum.
For the assistant to the attorney general, - - - - -	\$1,800.00
One stenographer at a salary of - - - - -	900.00
Additional assistance and contingent fund to pay advance costs -	800.00

FOR THE AUDITOR OF STATE.

One chief clerk of insurance department at a salary of - -	1,600.00
One security clerk in insurance department, who shall give bond, at a salary of - - - - -	1,350.00
One fee clerk who shall give bond at a salary of - - - - -	1,200.00
One chief clerk in revenue department at a salary of - - - - -	1,400.00
One clerk in banking department at a salary of - - - - -	1,300.00
One assistant clerk in banking and revenue departments at a salary of - - - - -	900.00
Extra clerical assistance, expense in adjusting accounts between the state and counties and expense in attending annual meeting of insurance commissioners not to exceed - - - - -	1,500.00
One stenographer at a salary of - - - - -	900.00
One janitor at a salary of - - - - -	720.00

FOR THE OFFICE OF THE CLERK OF THE SUPREME COURT.

One clerk at a salary of - - - - -	1,200.00
Additional clerical assistance not to exceed - - - - -	900.00
One messenger who shall perform such duties about his office for the supreme court room proper as the clerk may order at a salary	720.00

JOINT RESOLUTIONS OF THE THIRTIETH GENERAL ASSEMBLY.

FOR THE OFFICE OF THE GOVERNOR.

One pardon secretary at a salary of	- - - - -	\$1,500.00
One pardon clerk at a salary of	- - - - -	1,200.00
One requisition clerk at a salary of	- - - - -	1,200.00
One general clerk at a salary of	- - - - -	900.00
One general clerk and stenographer at a salary of	- - - - -	900.00
One messenger and usher, who shall act as janitor, at a salary of	- - - - -	900.00

FOR THE STATE LIBRARIAN'S OFFICE.

One cataloguer at a salary of	- - - - -	1,000.00
One stenographer and bookkeeper at a salary of	- - - - -	720.00
One janitor at a salary of	- - - - -	720.00
Assistant help in janitor service,	- - - - -	200.00

FOR THE OFFICE OF THE RAILROAD COMMISSIONERS.

One clerk at a salary of	- - - - -	1,200.00
One stenographer at a salary of	- - - - -	780.00
For extra clerical assistance not to exceed	- - - - -	300.00

FOR THE OFFICE OF THE SECRETARY OF STATE.

One chief clerk (who shall give bond) at salary of	- - - - -	1,250.00
One corporation clerk at a salary of	- - - - -	1,200.00
One assistant corporation clerk at a salary of	- - - - -	1,200.00
One stenographer at a salary of	- - - - -	900.00
One librarian of document department at a salary of	- - - - -	1,200.00
One document clerk and accountant for storage building at a salary of	- - - - -	1,200.00
Shipping help and cataloguing in storage building not to exceed	- - - - -	1,000.00
For additional clerical assistance not to exceed	- - - - -	900.00
Indexing vaults if supplied with steel cases as contemplated,	- - - - -	600.00
One janitor and messenger at a salary of	- - - - -	780.00

FOR THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

One stenographer at a salary of	- - - - -	900.00
One janitor at a salary of	- - - - -	720.00
For extra clerical assistance not to exceed	- - - - -	500.00

FOR THE SUPREME COURT ROOMS.

One bailiff who shall also act as messenger and perform such other duties as the supreme court may order at a salary of	- - - - -	780.00
One messenger, under orders of the court at a salary of	- - - - -	720.00
For stenographic service	- - - - -	900.00

FOR THE OFFICE OF TREASURER OF STATE.

One cashier (who shall give bond) at a salary of	- - - - -	1,250.00
One revenue clerk at a salary of	- - - - -	1,200.00
One general clerk at a salary of	- - - - -	900.00
One stenographer at a salary of	- - - - -	900.00
One watchman who shall be janitor at a salary of	- - - - -	780.00

FOR THE HISTORICAL DEPARTMENT.

Assistant curator at a salary of	- - - - -	1,020.00
Second assistant curator, clerk and stenographer at a salary of	- - - - -	900.00
One museum assistant at a salary of	- - - - -	720.00
One janitor for the historical building at a salary of	- - - - -	720.00
One night watchman at a salary of	- - - - -	720.00

JOINT RESOLUTIONS OF THE THIRTIETH GENERAL ASSEMBLY.

FOR THE EXECUTIVE COUNCIL.

One secretary at a salary of	- - - - -	\$1,800.00
One clerk at a salary of	- - - - -	1,400.00
One clerk at a salary of	- - - - -	840.00
One mail carrier with team and wagon who shall perform the duties assigned to him by the executive council at a salary of	- - - - -	1,200.00
For additional clerical assistance not to exceed	- - - - -	900.00

FOR THE BOARD OF CONTROL.

One chief bookkeeper at a salary of	- - - - -	1,600.00
One storekeeper and clerk at a salary of	- - - - -	780.00
One assistant bookkeeper at a salary of	- - - - -	780.00
One clerk at a salary of	- - - - -	720.00
One estimate clerk at a salary of	- - - - -	900.00
One stenographer at a salary of	- - - - -	780.00
One stenographer at a salary of	- - - - -	780.00
One clerk and stenographer at a salary of	- - - - -	720.00
One clerk and janitor at a salary of	- - - - -	780.00
For extra clerical assistance not to exceed	- - - - -	1,500.00

FOR THE DEPARTMENT OF GEOLOGICAL SURVEY.

One secretary and clerk at a salary of	- - - - -	900.00
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FOR THE OFFICE OF STATE MINE INSPECTOR.

One clerk at a salary of	- - - - -	780.00
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FOR WEATHER AND CROP SERVICE.

Director's salary	- - - - -	1,500.00
Clerical assistance not to exceed	- - - - -	720.00

FOR THE OFFICE OF THE STATE BOARD OF HEALTH.

One clerk or stenographer at a salary of	- - - - -	780.00
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FOR THE OFFICE OF SUPREME COURT REPORTER.

One clerk at a salary of	- - - - -	720.00
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FOR THE OFFICE OF THE LIBRARY COMMISSION.

One secretary at a salary of	- - - - -	1,200.00
One clerk and stenographer at a salary of	- - - - -	720.00
For other clerical assistance not to exceed	- - - - -	800.00

FOR THE OFFICE OF THE STATE PHARMACY COMMISSION.

One secretary at a salary of	- - - - -	1,500.00
For the office of the secretary of the executive council, the supply department and the attorney general, there shall be one janitor to be selected by them, who shall receive a salary of	- - - - -	720.00
For the offices of pharmacy department, dairy department and mining inspector and labor bureau, there shall be one janitor to be selected by the custodian at a salary of	- - - - -	720.00
For the offices of the department of agriculture (agricultural society) and state board of health, there shall be one janitor to be selected by them at a salary of	- - - - -	720.00
For the offices of the adjutant general, G. A. R. department and geological survey, there shall be one janitor selected by them at a salary of	- - - - -	720.00
For the offices of railroad commissioners and horticultural department there shall be one janitor to be selected by them at a salary of	- - - - -	720.00

JOINT RESOLUTIONS OF THE THIRTIETH GENERAL ASSEMBLY.

The last five janitors shall be upon the custodian's roll.

The custodian shall provide the necessary janitor service for all parts of the capitol and historical building, not otherwise provided for, and the salaries paid shall not exceed the amount of \$720.00 per annum for each of such janitors so employed. The janitors employed in the capitol under the provisions of this resolution shall at all times be subject to the orders of the custodian to perform any additional service, by way of rendering assistance to the state house engineers, state house carpenter, supply department, historical department, or any other labor that may be necessary about the capitol or upon the capitol grounds, at such hours as they are not necessarily employed in their regular janitor work, and it shall be the duty of the custodian to assign such janitors to any such extra service, and he may discharge any janitor for incompetency, neglect or insubordination.

The custodian may employ such other employes, as follows:

One chief engineer at a salary of	- - - - -	\$1,500.00
One assistant engineer at a salary of	- - - - -	1,200.00
Additional engineers at cost not to exceed	- - - - -	600.00
One carpenter at a salary of	- - - - -	1,000.00
One chief of police at a salary of	- - - - -	900.00
Two night watchmen each at a salary of	- - - - -	900.00
Eight janitors each at a salary of	- - - - -	720.00
One janitress of ladies toilet rooms, at a rate of	- - - - -	600.00
Three laborers for the capitol grounds and other state grounds, at a salary, eight months in the year, at a rate of	- - - - -	720.00
All necessary firemen for the boiler rooms each at a salary of	- - - - -	780.00
One elevator tender at a salary of	- - - - -	780.00
One janitor for storage building at a salary of	- - - - -	720.00

All clerks and janitors in the departments named in this resolution shall be under the control of the head of the department and may by him be transferred to such work as he shall direct in assisting other clerks in the different branches of the service of the department.

Any head of a department may at any time discharge any clerk, or other employe in such department, for negligence, insubordination or incapacity.

Approved April 13, A. D. 1904.

PART VI.

*CONCURRENT RESOLUTIONS.

NUMBER 1.

CONCURRENT RESOLUTION relative to furnishing copies of the code supplement to members of the Thirtieth General Assembly; also to the chief clerk of the house and the secretary of the senate.

Resolved by the House, the Senate Concurring:

That the secretary of state be requested to furnish each member of the Thirtieth General Assembly, chief clerk of the house and secretary of the senate with one copy of the supplement of the code of 1897.

Adopted January 11, A. D. 1904.

NUMBER 2.

CONCURRENT RESOLUTION, relative to the printing of 5,000 additional copies of the 1904 Iowa Official Register.

Resolved by the House, the Senate Concurring:

That the secretary of state be directed to publish five thousand copies of the Iowa Official Register for the year 1904 in addition to the number specified in section seventy of the code.

Adopted January 13, A. D. 1904.

NUMBER 3.

CONCURRENT RESOLUTION, relative to furnishing copies of the session laws to the members of the Thirtieth General Assembly.

Resolved by the House, the Senate Concurring:

That the secretary of state be instructed to furnish each member of the house and senate with a copy of the session laws of the Twenty-seventh, Twenty-eighth and Twenty-ninth General Assemblies.

Adopted January 13, A. D. 1904.

NUMBER 4.

CONCURRENT RESOLUTION relative to publishing fifteen thousand copies of the Governor's inaugural address in pamphlet form.

Resolved by the House, the Senate Concurring:

That fifteen thousand copies of the governor's inaugural address be published in pamphlet form for distribution.

Adopted January 28, A. D. 1904.

*The concurrent resolutions appearing herein are the ones which were certified or delivered to the secretary of state by officers of the house and senate.

NUMBER 5.

CONCURRENT RESOLUTION relative to the printing and binding of additional copies of the 1904 Iowa Official Register.

Resolved by the House, the Senate Concurring:

That the secretary of state be authorized to publish ten thousand copies of the Iowa Official Register of 1904 in addition to the amount authorized in the code and the amount authorized by the Concurrent Resolution adopted by the house and senate January 13, 1904, that one thousand copies of the Iowa Official Register of 1904 be bound in cloth with gilt letters, and that the state binder be paid fifteen cents per volume in full for folding, sewing and binding said one thousand copies in cloth.

Adopted January 28, A. D. 1904.

NUMBER 6.

CONCURRENT RESOLUTION memorializing the Iowa Delegates in congress to use all honorable means to secure the consideration and early passage of the Hepburn-Dolliver bill, relative to police regulation of the liquor traffic in each state.

WHEREAS, The Hepburn-Dolliver bill (H. R. 4062: S. 1390) which provides for the police regulation of the liquor traffic in each state, by home rule, is now pending in the congress of the United States, and

WHEREAS, The said bill, in its scope, provides for the legitimate exercise of the police power of the states in dealing with the liquor traffic and does not make an unconstitutional law valid; or set up one policy of the state above another; or does not invade the so-called personal liberty of the people, but gives to each state jurisdiction over liquor shipped within its own borders, before as well as after delivery, and is the fulfillment of the constitution of the United States, guaranteeing to each state, the right of a republican form of government and home rule in commercial affairs, and

WHEREAS, Iowa is, at the present time, deprived of her constitutional right to self government in such commercial affairs; therefore be it

Resolved by the Senate of the General Assembly of Iowa, the House Concurring:

That it is the opinion and wish of the members of the General Assembly that the Iowa delegates in the senate and house of representatives of Congress, now in session, should use all honorable means to secure the consideration and early passage of this bill.

Adopted February 25, A. D. 1904.

NUMBER 7.

CONCURRENT RESOLUTION memorializing congress to erect in the city of Washington a monument to commemorate the life and public services of Abraham Lincoln.

Resolved by the Senate of the Thirtieth General Assembly of the State of Iowa, the House Concurring:

That the government of the United States ought to build at the national capital, a monument to commemorate the life and public services of Abraham Lincoln, and the General Assembly of the State of Iowa, hereby memorializes the congress to erect, in the city of Washington, such a monument as in their judgment will most effectively impress upon our own times, and upon

CONCURRENT RESOLUTIONS OF THE THIRTIETH GENERAL ASSEMBLY.

future generations, the character and achievements of the president who stands next to Washington, in the annals of the republic.

That a copy of this memorial be transmitted to both houses of congress.
Adopted March 17, A. D. 1904.

NUMBER 8.

CONCURRENT RESOLUTION relative to furnishing copies of the code, code supplement and the session laws of the Thirtieth General Assembly to certain clerks of the house and senate.

Resolved by the House of Representatives, the Senate Concurring:

That the secretary of state be and he is hereby directed to furnish the assistant clerks of the house and the assistant secretaries of the senate and the journal clerks of both houses, each with a copy of the code and supplement to the code and the session laws of the Thirtieth General Assembly.

Adopted April 6, A. D. 1904.

NUMBER 9.

CONCURRENT RESOLUTION relative to a historical exhibit at the Louisiana Purchase Exposition at St. Louis.

WHEREAS, The state of Iowa is a part of the territory of the Louisiana purchase, and having made an appropriation for the purpose of participating in the Louisiana Purchase Exposition to be held in the city of St. Louis; and,

WHEREAS, It seems highly desirable that so full an historical collection as may be possible should be sent for suitable display, other commonwealths of the Louisiana purchase are making historical exhibits; and it would seem especially fitting for Iowa to do her share; therefore, be it

Resolved by the Senate, the House Concurring:

That the executive council be and are hereby authorized to prepare for shipment to St. Louis such articles as they may decide to be suitable for the historical exhibit from the historical department of Iowa.

Adopted April 8, A. D. 1904.

NUMBER 10.

CONCURRENT RESOLUTION relative to bill pending in congress to establish a library post.

WHEREAS, a bill has been introduced in congress by the Honorable Henry Cabot Lodge and the Honorable George P. Lawrence, which provides that books sent to and from libraries supported in whole or in part by taxation or exempt from taxation, may pass through the mails at the rate of one cent a pound, which is the rate now established in the case of newspapers and magazines, and,

WHEREAS, the said bill has the approval and support of many library, educational and other bodies and persons in Iowa and throughout the United States, and is believed to be important and necessary for effective, economic and progressive library administration,

Resolved, That the General Assembly of the state of Iowa hereby commends the said bill to the earnest support of the senators and representatives in congress from this commonwealth.

Adopted April 8, A. D. 1904.

CONCURRENT RESOLUTIONS OF THE THIRTIETH GENERAL ASSEMBLY.

NUMBER 11.

CONCURRENT RESOLUTION relative to furnishing the member from Clarke county a code and code supplement to replace ones lost or stolen.

WHEREAS, the code and supplement to the code furnished to the member from Clarke have been lost, strayed or stolen, therefore be it

Resolved by the House of the Thirtieth General Assembly, the Senate Concurring:

That the secretary of state be and is hereby directed to furnish to him another code and supplement to the code in lieu of those lost.

Adopted April 11, A. D. 1904.

NUMBER 12.

CONCURRENT RESOLUTION relative to printing 5,000 copies of the drainage laws of the state.

Resolved by the House, the Senate Concurring,

That the secretary of state be requested to have printed in pamphlet form as soon as possible after the adjournment of the legislature, five thousand (5,000) copies of all laws of the state pertaining to drainage.

Adopted April 11, A. D. 1904.



CERTIFICATE.

STATE OF IOWA, }
OFFICE OF SECRETARY OF STATE, }

I, W. B. Martin, secretary of state of the State of Iowa, hereby certify that the acts and resolutions herein contained are copied from the original rolls on file in this office, and that the same are true and correct copies thereof of the acts and resolutions of the Thirtieth General Assembly, except that the words enclosed in brackets [thus] have been inserted where it is evident that an omission has occurred.

In testimony whereof, I have hereunto set my hand and affixed the seal of my office at Des Moines, this twenty-seventh day of June, A. D. 1904.

(SEAL)



Secretary of State.

CONDITION OF THE TREASURY.

DEPARTMENT OF AUDITOR OF STATE,
DES MOINES, IOWA, April 30, 1904.

HON. W. B. MARTIN, *Secretary of State.*

DEAR SIR:—In pursuance of section 18 of the constitution of Iowa, I have the honor to submit for publication with the laws of the Thirtieth General Assembly, the following statement of the receipts and expenditures of public moneys for the biennial fiscal period commencing July 1, 1901, and ending June 30, 1903.

Respectfully,

B. F. CARROLL, *Auditor of State.*

CONDITION OF THE TREASURY.

The amount of funds in the treasury at the close of the last fiscal period, June 30, 1901, including agricultural college mortgage bonds, was \$1,834,981.73, belonging to the several funds as follows:

General revenue.....	\$ 1,143,688.17
Agricultural college endowment fund.....	649,224.89
Special Iowa state college fund.....	80,468.91
Swamp land indemnity fund.....	9,778.86
Special university tax.....	1,516.47
Permanent school fund.....	68.84
Total.....	\$ 1,834,981.73

The amount received from all sources during the fiscal period ending June 30, 1903, was \$6,762,204.81, which was distributed in the several funds as follows:

General revenue.....	\$ 6,177,855.60
Agricultural college endowment fund.....	208,480.00
Special university tax.....	148,097.08
Special Iowa state college tax.....	148,264.81
Special Iowa state normal school tax.....	88,645.78
Agricultural college additional endowment.....	50,000.00
Swamp land indemnity fund.....	2,869.01
Temporary school fund.....	1,282.85
Total.....	\$ 6,762,204.81

The receipts being added to the balances on hand June 30, 1901, as shown above makes \$8,597,186.54 as the amount to be accounted for. The disbursements during the fiscal period ending June 30, 1903, were as follows:

General revenue.....	\$ 5,751,264.79
Agricultural college endowment fund.....	191,200.00
Special university tax.....	148,375.00
Agricultural college additional endowment.....	50,000.00
Swamp land indemnity fund.....	12,187.98
Temporary school fund.....	1,282.85
Permanent school fund.....	68.84
Special Iowa state college revenue.....	148,762.45
Special state normal school revenue.....	16,645.78
Total.....	\$ 6,308,986.42

Leaving a balance in the treasury June 30, 1903, of \$2,288,220.12 belonging to the several funds as follows:

General revenue.....	\$ 1,570,478.88
Agricultural college endowment fund.....	666,455.89
Special Iowa state college fund.....	80,701.04
Special university tax.....	8,988.88
Special normal school fund.....	16,645.78
Total.....	\$ 2,288,220.12

CONDITION OF THE TREASURY.

STATEMENT No. 1.

Showing receipts and disbursements during the fiscal period ending June 30, 1903.

RECEIPTS.

Collateral inheritance tax	\$ 281,064.78
Farmers' institutes refund	80
Fee account of auditor of state, insurance	90,683.75
Fee account of auditor of state, building and loan	965.00
Fee account, clerk supreme court	7,296.55
Fee account, all inspectors	81,450.18
Fee account, secretary of state	817,812.18
Fee account, superintendent of public instruction	2,965.00
Fee account, pharmacy commission	23,964.00
Fee account, itinerant physicians' licenses	5,000.00
Penitentiary Anamosa board United States prisoners, etc.	4,085.92
Penitentiary Fort Madison, convict labor, etc.	91,887.69
Collections by superintendents state institutions	1,684.08
E. P. Norton, dairy licenses	521.00
A. B. Cummins, United States aid Soldiers' Home	121,630.9
Sale geological reports	102.15
Custodian's sales	505.19
Adjutant-General, refund expense St. Louis exposition	29.91
Adjutant-General, refund account militia	11.27
Adjutant-General, refund launching ship Des Moines	4.15
Adjutant-General, refund stores lost and destroyed	145.08
Fees from state mine inspectors	664.00
Rent of lake lands	155.00
Insurance tax	475,484.11
Refund providential contingent fund Iowa State college	1.28
Surplus fees state board dental examiners	657.18
Special war claims United States government Spanish-American war	84,693.88
Refund by United States government war claim civil war	456,417.89
R. O. Barrett, refund account normal institute	3.00
Clerk house, Twenty-ninth General Assembly, refund account double pay roll	41.80
Geo. A. Lincoln, fish and game warden, refund account, mileage	8.00
Seven per cent dividend H. A. Gilmore estate	362.86
Chas. Aldrich, refund duplicate payment A. H. Abbott & Co.	3.89
L. G. Kinnie, refund account traveling expenses	80
Dr. A. M. Linn, refund on blankets to Tama Indians	228.60
Sale two islands in Mississippi river by act Twenty-ninth General Assembly	205.00
Refund drainage expense army post	96.50
Rent of land, Industrial Home for Blind, Knoxville	50.00
State printer, refund on paper	167.35
Sale of right of way to Chicago, Burlington & Quincy Railway company over state grounds at Glenwood	4,128.70
State librarian, refund account historical department	93.71
Support collections by superintendent Soldiers' Home	48.40
Refund by United States government for aid of Tama Indians	7,000.00
Refund account Wapate Valley Fair association	10.12
Attorney-General, refund account traveling expenses	27.55
Attorney-General, refund account Read v. Wallace	53.75
Board of control, refund account rebate on goods to state institutions	180.00
College for blind, refund sewer fund	10.00
Orphans' Home, refund support	25.00
Hospital Mount Pleasant, refund support	59.40
Industrial School for Girls, refund support	2.00
Industrial School for Boys, refund support	2.50
Institute for Feeble-Minded Children, refund support	4.00
Hospital for Insane, Independence, refund support	5.00
Penitentiary, Fort Madison, refund support	5.20
Interest on delinquent taxes	23,411.70
Sale of laws	4,897.85
W. E. Withrow, district judge, refund on salary	88.83
Miscellaneous freight and express refund	1.80
State entomologist	1,450.50
Insane, due from counties	798,914.82
College for the Blind, due from counties	1,015.95
School for the Deaf, due from counties	2,947.57
Institution for Feeble-Minded Children, due from counties	24,584.79
Orphans' Home, due from counties	49,234.47
Penitentiary, Anamosa, support	2,418.42
Penitentiary, Anamosa, books and periodicals	2,069.89
Penitentiary, Anamosa, lectures and entertainments	686.94
Penitentiary, Fort Madison, support	2,079.81
Penitentiary, Fort Madison, books and periodicals	1,581.20
Penitentiary, Fort Madison, lectures and entertainments	527.05
Hospital for Insane, Cherokee, equipping and furnishing building	48.84
Hospital for Insane, Cherokee, construction	788.65
Hospital for Insane, Cherokee, support	2,022.76
Hospital for Insane, Clarinda, support	4,998.59
Hospital for Insane, Independence, support	9,278.99
Hospital for Insane, Mount Pleasant, support	10,868.11
Orphans' Home, support	2,611.68
School for the Deaf, support	8,853.30
Industrial School for Boys, support	9,404.99
Industrial School for Girls, support	1,014.71
Proceeds, warrants and interest on school fund loans	1,862.85

CONDITION OF THE TREASURY.

Institution for Feeble-Minded Children, support.....	\$ 8,450.00
Industrial Home for Blind, closing home.....	8.25
Soldiers' Home, support.....	4,211.25
College for the Blind, support.....	4,098.14
State taxes 2 $\frac{1}{2}$ mills part of levy of 1900, 2 $\frac{1}{2}$ mills.....	8,289,201.60
Levy of 1-01 and 3 $\frac{1}{2}$ mills part of 1902 levy.....	1,143,888.17
Balance in treasury, June 30, 1901.....	1,143,888.17
Total.....	\$7,821,748.67

DISBURSEMENTS.

Redemption of auditors warrants.....	\$5,751,264.79
Balance cash in treasury June 30, 1908.....	1,570,479.88
Total.....	\$7,321,744.67

SPECIAL UNIVERSITY TAX.

Balance on hand June 30, 1901.....	\$ 1,516.47
Received from state tax, 2-10 mill levy 1902 and 1-10, 1901.....	145,697.06
Total.....	\$ 147,213.53

DISBURSEMENTS.

Redemption auditor's warrants.....	\$ 148,275.00
Balance in treasury June 30, 1908.....	8,968.53
Total.....	\$ 147,213.53

AGRICULTURAL COLLEGE ENDOWMENT FUND.

Amount mortgage bonds in treasury June 30, 1901.....	\$ 648,100.00
Amount cash in treasury June 30, 1901.....	1,185.89
Amount received for sale of lands, etc., to date.....	206,420.00
Total.....	\$ 857,655.89

DISBURSEMENTS.

Amount disbursed to Herman Knapp, treasurer.....	\$ 191,200.00
Cash in treasury June 30, 1908.....	5.89
Mortgage bonds in treasury June 30, 1908.....	666,450.00
Total.....	\$ 857,655.89

AGRICULTURAL COLLEGE ADDITIONAL ENDOWMENT FUND.

Amount received by state treasury from United States government.....	\$ 50,000.00
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DISBURSEMENTS.

Amount disbursed to Herman Knapp, treasurer.....	\$ 50,000.00
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SPECIAL IOWA STATE COLLEGE TAX.

Balance on hand June 30, 1901.....	\$ 30,498.91
Amount received from state tax, 2-10 mill levy 1902 and 1-10 1901.....	145,964.61
Total.....	\$ 174,463.52

DISBURSEMENTS.

Redemption auditor's warrants.....	\$ 148,782.48
Balance in treasury June 30, 1908.....	30,701.04
Total.....	\$ 174,463.52

SPECIAL STATE NORMAL SCHOOL TAX.

Received from state tax, 1-10 mill levy.....	\$ 82,645.78
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DISBURSEMENTS.

Redemption of auditor's warrants.....	\$ 16,000.00
Balance in treasury June 30, 1908.....	16,645.78
Total.....	\$ 82,645.78

CONDITION OF THE TREASURY.

PERMANENT SCHOOL FUND.

Balance in treasury June 30, 1901.....	\$	63.84
Received by treasurer of state	None	
Total.....	\$	63.84
Disbursements by treasurer of state.....	\$	63.84
Balance in treasury June 30, 1903.....	None	
Total.....	\$	63.84

TEMPORARY SCHOOL FUND.

Balance in treasury June 30, 1901.....	None	
Received from interest on state bonds.....	\$	1,282.85
Total.....	\$	1,282.85
Amount apportioned to counties.....	\$	1,282.85
Balance in treasury June 30, 1903.....	None	
Total.....	\$	1,282.85

SWAMP LAND INDEMNITY FUND.

Balance in treasury June 30, 1901.....	\$	9,778.96
Amount received from United States government.....	\$	2,858.01
Total.....	\$	12,187.96
Disbursed to counties by treasurer of state.....	\$	12,187.96
Balance in treasury June 30, 1903.....	None	
Total.....	\$	12,187.96

RECAPITULATION OF BALANCES IN TREASURY JUNE 30, 1903.

General revenue.....	\$1,570,478.88
Agricultural College endowment fund.....	668,455.89
Special Iowa State College fund	80,701.04
Special University fund.....	8,988.58
Special State Normal School fund	16,646.78
Total.....	\$2,288,220.12

CONDITION OF THE TREASURY.

STATEMENT No. 2.

Showing the amount of warrants issued and to what charged, during the fiscal period,
ending June 30, 1903.

Adjutant-General's salary	\$ 4,000.00
Adjutant-General's record clerk's salary	2,400.00
Attorney-General's salary	8,000.00
Attorney-General's legal assistant's salary	2,400.00
Attorney-General's clerk's fund	1,500.00
Attorney-General's extra clerk and contingent fund	849.90
Attorney-General's traveling expenses	468.80
Auditor's salary	4,400.00
Auditor, executive council	999.98
Auditor of state, deputy's salary	8,000.00
Auditor, state clerk's fund	16,823.85
Board of control, including secretary's salary	21,899.96
Board of control, architect's salary	6,000.00
Board of control, traveling expenses and draftsman	1,067.97
Board of control, traveling and miscellaneous	3,443.88
Board of control, clerk's fund	18,173.58
Board of control, bulletins	1,828.18
Board of control, inspection private and county insane institutions	2,549.13
Board of control, inspection homes for friendless children	859.47
Clerk of supreme court, salary	4,400.00
Clerk of supreme court, deputy's salary	3,000.00
Clerk of supreme court, clerk's fund	3,320.00
Clerk of supreme court, extra clerk's fund	1,873.50
Commissioner of labor, salary	8,000.00
Commissioner of labor, deputy's salary	2,000.00
Commissioner of labor, expenses	879.96
Commissioner of pharmacy, enforcement fund	699.67
Curator, salary	3,200.00
Cu todian, salary	3,000.00
Custodian, expenses	40,466.87
Dairy commissioner, salary	3,000.00
Dairy commissioner, deputy's salary	2,000.01
Dairy commissioner, assistant's salary	1,999.96
Dairy commissioner, expense	8,669.18
District Judge Henry Bank, Jr.	5,500.01
District Judge M. A. Roberts	5,500.01
District Judge T. M. Fee	1,249.98
District Judge C. W. Vermilion	4,416.61
District Judge F. W. Eichelberger	5,500.01
District Judge Robert Sloan	5,500.01
District Judge H. M. Towner	5,500.01
District Judge W. H. Tedford	376.35
District Judge Robert L. Parrish	5,110.18
District Judge F. R. Gaynor	5,500.01
District Judge Geo. W. Wakefield	5,500.01
District Judge Wm. Hutchinson	5,500.01
District Judge John F. Oliver	5,500.01
District Judge J. D. Gamble	5,500.01
District Judge J. H. Applegate	5,500.01
District Judge A. W. Wilkison	3,750.06
District Judge Edmond Nichols	1,749.96
District Judge John T. Scott	5,500.01
District Judge W. G. Clements	5,500.01
District Judge A. R. Dewey	3,750.06
District Judge Byron W. Preston	1,749.96
District Judge P. B. Wolfe	5,500.01
District Judge James W. Bollinger	5,500.01
District Judge W. F. Brannan	3,750.06
District Judge D. V. Jackson	1,749.96
District Judge Allen J. House	5,500.01
District Judge M. J. Wade	3,750.06
District Judge O. A. Byington	1,749.96
District Judge S. F. Prouty	3,750.06
District Judge James A. Howe	1,749.96
District Judge W. F. Conrad	1,178.64
District Judge A. H. McVey	4,457.72
District Judge C. P. Holmes	3,699.22
District Judge Josiah Given	1,749.96
District Judge C. A. Bishop	1,626.69
District Judge W. H. McHenry	3,894.96
District Judge Amos S. Blair	5,500.01
District Judge Franklin C. Platt	5,500.01
District Judge J. R. Whitaker	5,500.01
District Judge Wm. S. Kenyon	2,604.17
District Judge Geo. W. Dyer	1,812.50
District Judge W. D. Evans	1,749.96
District Judge S. M. Weaver	1,249.96
District Judge J. E. Richards	4,249.96
District Judge Clifford P. Smith	5,500.01
District Judge J. F. Clyde	5,500.06
District Judge C. H. Kelly	5,500.01
District Judge L. O. Follows	5,500.01
District Judge A. N. Hobson	5,500.01

CONDITION OF THE TREASURY.

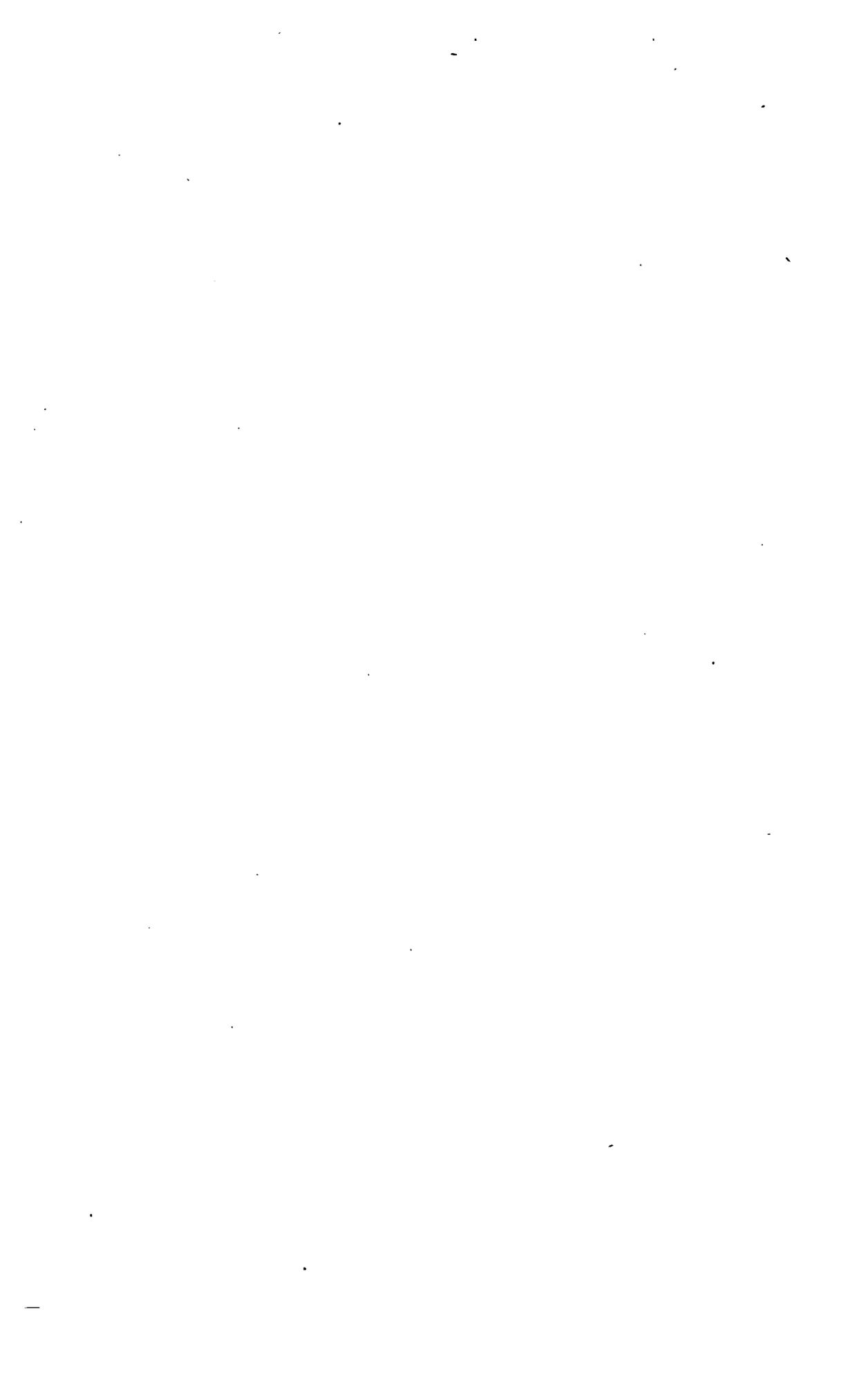
District Judge W. B. Quarton	5,500.01
District Judge A. D. Baile	5,500.00
District Judge A. B. Thornell	5,500.01
District Judge O. D. Wheeler	5,499.98
District Judge W. B. Green	5,500.01
District Judge N. W. Macy	5,000.08
District Judge S. M. Elwood	8,750.06
District Judge F. M. Powers	1,749.96
District Judge Z. A. Church	5,500.01
District Judge Geo. W. Burnham	5,500.01
District Judge Obed Caswell	5,500.01
District Judge Howard M. Remley	8,750.06
District Judge Ben H. Miller	1,749.96
District Judge Wm. G. Thompson	5,500.01
District Judge W. N. Treichler	8,750.06
District Judge J. H. Preston	1,749.96
District Judge Fred O'Donnell	5,500.01
District Judge M. C. Mathews	5,500.01
District Judge W. S. Withrow	5,068.86
District Judge James D. Smyth	5,500.01
Fish and game warden's salary	2,400.00
Fish and game warden's expenses	9,697.88
Governor, salary and rent	7,200.00
Governor, executive council	999.98
Governor, secretary	8,000.00
Governor, contingent fund	14,674.86
Governor, contingent, return of paroled prisoners	1,071.61
Governor, contingent, to pay counsel	890.98
Librarian and assistants' salaries	11,400.16
Librarian, cataloguing	2,069.98
Librarian, clerks' fund	1,449.00
Mine inspect rs' salaries	9,000.00
Mine inspectors' expenses	4,082.48
Mine inspectors' board of examiners	852.50
Mine inspect rs' clerks' fund	1,500.00
Mine foremen, board of examiners	3,888.25
Railroad commissioners' and secretary's salaries	16,200.02
Railroad commissioners' expenses	8,068.06
Railroad commissioners' maps	2,281.25
Secretary of state, salary	4,400.08
Secretary of state, executive council	999.98
Secretary of state, deputy's salary	8,000.00
Secretary of state, clerks' fund	12,586.17
Secretary of state, index clerk	1,100.00
Secretary of state, clerk of land office	2,400.00
Superintendent of public instruction, salary	4,400.08
Superintendent of public instruction, deputy's salary	8,000.00
Superintendent of public instruction, clerks' fund	8,778.00
Superintendent of public instruction, school journals	294.96
Superintendent of public instruction, traveling expenses	586.31
Superintendent of public weights and measures	100.00
Supreme Judge O. W. Waterman	4,000.04
Supreme Judge Charles A. Bishop	8,206.55
Supreme Judge Horace E. Deemer	8,000.08
Supreme Judge John C. Sherwin	8,000.08
Supreme Judge Emlin McCain	8,000.00
Supreme Judge Jo-iah Given	1,999.98
Supreme Judge Silas M. Weaver	5,999.98
Supreme Judge Scott M. Ladd	9,000.04
Supreme court room, bailiff's salary	1,540.00
Supreme court, contingent fund	8,879.28
Supreme court reporter's clerks' fund	1,290.00
Supreme court reporter	8,600.00
Treasurer of state, salary	4,400.08
Treasurer of state, executive council	999.98
Treasurer of state, deputy's salary	8,000.00
Treasurer of state, clerks' fund	9,782.50
Veterinary Surgeons	10,007.13
Agricultural College, financial agent	8,060.41
Agricultural College, general engineering hall	60,060.95
Agricultural College, commencing barn	5,000.00
Agricultural College, purchase of live stock	8,317.85
Agricultural College, pure bred stock	954.40
Agricultural College, trustees	7,289.90
Agricultural College, support and current expense fund	75,502.90
Agricultural College, support of experiment station	10,000.00
Agricultural College, repairs, general improvements and additional support	50,000.00
Agricultural societies	28,948.01
Arrest of fugitives	7,585.94
Attorneys' fees for recovering war claims	7,500.00
Benedict Home	9,599.54
Binder (state)	86,298.10
Board of educational examiners	2,210.20
Board of health	10,280.45
Code supplement, committee expenses	25,454.88
Code editing and publishing extra edition	7,511.78
Capitol commission, complete and repair capitol building	15,195.56
Collateral inheritance tax, enforcement fund	12,871.69
Collateral inheritance tax, court costs	816.58
Condemnation of real estate for institution of United States	94.50
Condemnation of real estate	8,595.80
College for Blind, support fund	48,189.88
College for Blind, teachers' fund	9,123.16
College for Blind, improvement fund	17,351.80
Department of agriculture, finance committee	184.84
Department of agriculture, secretary and assistants' salaries	4,800.00

CONDITION OF THE TREASURY.

Department of agriculture, insurance and improvement of buildings.....	\$ 8,000.00
Department of agriculture, stock pavilion.....	37,000.00
Dubuque rescue home.....	969.80
Education of Linnie Haguewood.....	680.00
Executive council's contingent fund.....	761.75
Executive council's clerk fund.....	7,472.50
Executive council's annual settlements, expert accountant and assistants.....	80.68
Executive council, engraving plates and cuts for reports.....	139.44
Farmers' institutes.....	6,801.85
Geological survey.....	10,522.83
Geological survey, expenses.....	5,473.48
Geological survey, clerks' fund.....	1,050.00
Gray uniforms.....	14.25
Historical department.....	2,395.33
Historical building, completing and furnishing.....	47.30
Historical department, clerks' fund.....	3,075.00
Historical collection and library, consolidated.....	22,570.50
Historical society.....	9,250.00
Horticultural society.....	5,875.00
Hospital for Insane, Cherokee, construction and equipment of buildings.....	583,018.39
Hospital for Insane, Cherokee, support.....	90,572.49
Hospital for Insane, Cherokee, additional land.....	15,000.70
Hospital for Insane, Cherokee, repairs and contingent expense.....	10,238.49
Hospital for Insane, Clarinda, support.....	277,195.23
Hospital for Insane, Clarinda, improvements.....	61,131.46
Hospital for Insane, Independence, support.....	301,080.47
Hospital for Insane, Independence, improvements.....	55,999.99
Hospital for Insane, Mount Pleasant, support.....	306,738.04
Hospital for Insane, Mount Pleasant, improvements.....	76,447.15
Hospital for Insane, Mount Pleasant, reimbursing patients.....	80.55
Insane, commission of inquiry.....	20.00
Inaugural ceremonies, expenses.....	1,200.86
Institution for Feeble-Minded Children, support.....	296,940.05
Institution for Feeble-Minded Children, improvements.....	58,421.91
Industrial Home for Blind, closing the home.....	166.00
Industrial School for Boys, support.....	128,041.21
Industrial School for Boys, improvements.....	48,630.17
Industrial School for Girls, support.....	57,608.74
Industrial School for Girls, improvements.....	15,639.65
Industrial School for Girls, chaplain.....	243.00
Iowa State University, support.....	286,000.00
Iowa State University, purchase of land.....	23,000.00
Iowa State University, commencement of medical building.....	50,000.00
Iowa State University, contingent and repair.....	9,000.00
Iowa State University, regents.....	4,002.15
Iowa State Library, circulating.....	2,404.09
Iowa State Library, law department.....	4,990.73
Iowa State Library, commission salaries.....	3,086.27
Iowa State Library, expense of commission and secretary.....	1,334.14
Interest on school fund loans.....	1,262.85
Iowa weather service.....	5,246.98
Iowa traveling library.....	2,267.49
Lookout Mountain and Missionary Ridge monument.....	1,237.50
Louisiana purchase exposition.....	25,000.00
Mail carrier.....	2,200.02
Municipal code committee expense.....	186.38
Militia.....	121,298.21
Militia, storage.....	1,444.82
Miscellaneous expenses, Code 86.....	558.96
Miscellaneous expenses, Code 164.....	9,300.02
Miscellaneous expenses, Code 165.....	73,056.86
Monument for Battlefield of Shiloh, expenses.....	313.83
Monument for Battlefield of Shiloh, monument.....	1,007.53
Miscellaneous expenses, freight and expressage.....	6,811.81
Normal School, library.....	3,000.00
Normal School, librarian and assistant.....	8,100.00
Normal School, summer school.....	13,000.00
Normal School, extension heating plant and boilers.....	7,073.20
Normal School, repairs.....	3,750.00
Normal School, furnishing building.....	10,000.00
Normal School, teachers.....	97,500.00
Normal School, use and benefit of school.....	3,000.00
Normal School, janitors, firemen and fuel.....	2,000.00
Normal School, contingent and repair.....	18,000.00
Normal School, replacing roof of Loller house.....	3,000.00
Normal School, contingent expenses.....	15,000.00
Normal School, street paving, grading and improvement of grounds.....	3,500.00
Normal School, military instructions.....	1,600.00
Normal School, additional building.....	50,000.00
Normal School, additional boilers and heating capacity.....	7,000.00
Normal School, trustees.....	2,804.60
Normal School, secretary.....	206.60
Normal School, extension of water mains and fire protection.....	1,096.06
Orphans' Home, support.....	122,984.65
Orphans' Home, improvement.....	43,552.82
Penitentiary, Anamosa, support.....	98,091.01
Penitentiary, Anamosa, transportation.....	500.25
Penitentiary, Anamosa, officers and guards.....	83,984.11
Penitentiary, Anamosa, support of warden.....	500.00
Penitentiary, Anamosa, library.....	98.08
Penitentiary, Anamosa, books and periodicals.....	2,201.97
Penitentiary, Anamosa, lectures and entertainments.....	618.77
Penitentiary, Anamosa, improvements.....	37,004.25
Penitentiary, Anamosa, transportation of discharged convicts.....	1,420.13
Penitentiary, Fort Madison, support.....	96,078.42

CONDITION OF THE TREASURY.

Penitentiary, Fort Madison, transportation of discharged convicts.....	\$	2,933.88
Penitentiary, Fort Madison, officers and guards.....	88,521.81	
Penitentiary, Fort Madison, support of warden.....	500.00	
Penitentiary, Fort Madison, improvements and repairs.....	8,996.60	
Penitentiary, Fort Madison, books and periodicals.....	2,022.64	
Penitentiary, Fort Madison, lectures and entertainments.....	467.50	
Printer (state).....	70,653.57	
Provisional contingency fund, State Agricultural College.....	5,194.51	
Provisional contingency fund, School for Deaf.....	28,000.00	
Provisional contingency fund, University building.....	10,999.88	
Tama Indians, quarantine expenses.....	7,228.00	
Relief of Hull.....	480.00	
Relief of Metz.....	480.00	
Boward for arrest of murderers.....	800.00	
State Library Commission.....	2,027.28	
Soldiers' Home, support.....	26,105.06	
Soldiers' Home, improvement.....	71,115.84	
School for Deaf, support.....	85,708.06	
School for Deaf, improvements and repairs.....	8,420.38	
School for the Deaf, teachers.....	12,954.63	
State Entomologist.....	1,585.15	
Teachers' institutes.....	10,250.00	
Transportation, insane from county to state institutions.....	50.08	
Transfer of convicts and insane.....	15.22	
Twenty-ninth General Assembly, special appropriations.....	8,707.68	
Twenty-ninth General Assembly, officers' salaries.....	88,509.00	
Twenty-ninth General Assembly, mileage.....	2,079.90	
Twenty-ninth General Assembly, extra employes.....	4,320.57	
Twenty-ninth General Assembly, members' salaries.....	82,500.00	
Twenty-ninth General Assembly, chaplains.....	880.00	
Transfer of insane from and to state hospitals.....	3,027.82	
Twenty-ninth General Assembly, election contest.....	2,510.90	
Vicksburg Commission, expenses.....	785.57	
Woman's and Babies' Home.....	1,000.00	
Total.....	\$	5,760,188.64



INDEX.

	Page
ABSTRACTS—Of census returns—how prepared and published.....	7, 8
ABUTTING LAND OWNERS—Rights of, relative to purchase of lake or lake bed	170, 171
ACCOUNTANTS AND STENOGRAPHERS—Employment of, to prepare census abstracts.....	8
ACTIONS—Against joint common carriers.....	78
Bringing and prosecuting injunction, for suppression of illegal sale of intoxicating liquors.....	91
Place of bringing, on written contracts and taxation of costs therein.....	120
ADAIR COUNTY—Representative district No. 29.....	164
ADAMS COUNTY—Representative district No. 13.....	163
ADDITIONAL EMPLOYES—Of Thirtieth General Assembly, appropriation to pay..	154
Joint resolution fixing number and compensation	206
ADJUTANT GENERAL—Duties—compensation	81
To certify amounts needed for support of national guard.....	84
To certify expenditure of funds for purchase of permanent camp grounds.....	138
ASSISTANT—Appropriation for salary of.....	135
ADMINISTRATOR—May vote stock at corporate meetings.....	46
ADMISSION FEE—For non-resident pupils in college for the blind and school for the deaf.....	109
ADOPTION—Of children for whom homes have been found by state agent.....	147
ADOPTION, DECREE FOR—Of dependent or neglected children.....	12
ADVERTISEMENTS—Penalty for placing objectionable, near public school buildings	125
ADVERTIZING LAWS—Appropriation for.....	133
AFFIDAVIT—Of electors desiring to vote at primary elections.....	31
Of challenged voter at primary elections.....	31
Of candidates for nomination at primary elections.....	32
Of freeholder to be attached to statement asking for change of name.....	119
AGENTS, INSURANCE—Relative to licensing—fee—acting without license—penalty..	49
AGRICULTURAL COLLEGE—(See <i>Iowa state college of agriculture and mechanic arts</i>).	
AGRICULTURAL DEPARTMENT—Appropriation for construction of fire proof building.....	137
AIDING ESCAPES—Bringing drugs, liquor, weapons, etc., into penitentiaries, in- dustrial schools, etc., for the purpose of.....	122
ALIENS, NON-RESIDENT—Rate of collateral inheritance tax on property inherited by.....	43
Ownership of real property by corporations controlled by.....	46
ALLAMAKEE COUNTY—Representative district No. 87.....	166
ALTA, TOWN OF—Election for authorizing erection of hot water heating plant legalized.....	186, 187
ALTERATION—Of roads, relating to publication of notice of.....	2
AMENDMENT AND REPEAL—Relating to, of statutes.....	1
AMENDMENTS—(See <i>Constitutional Amendments</i>).	
ANAMOSA PENITENTIARY—(See <i>Penitentiaries</i>).	
ANDERSONVILLE, GEORGIA—Erection of monument at site of confederate mili- tary prison at.....	153
APPANOOSE COUNTY—Representative district No. 4.....	163
APPEAL—In cases of trial of delinquent children.....	11
Relative to refunding cost of pavement removed by a street railway company..	23, 24
From assessment of damages fixed by board of supervisors on account of construc- tion of levee or drain.....	63
From findings of board of supervisors relative to establishment of drainage district.....	63, 72
From order of board of supervisors fixing assessment of benefits for drainage im- provement	65, 72
From condemnation proceedings for real property for county purposes.....	77
Penalty of bond in, to the supreme court.....	117
Assignment of errors not required in, to the supreme court.....	118

	Page
APPEAL CASES—Time of trying, in contested elections.....	116
APPOINTMENT—In public offices, preference to be given to soldiers, sailors and marines of the civil war	8
Of insurance examiners and assistants.....	47
Of bank examiners.....	55
Of engineer to survey drainage district and report.....	61, 70
Of appraisers to assess damages on account of drainage improvement.....	62, 71
Of engineer to supervise construction of drainage improvement.....	63, 72
Of commissioners to apportion costs, etc., of drainage improvements.....	64, 71
Of commissioners to examine and report on establishment of drainage district into or through two or more counties.....	70
Of commissioners to apportion costs, etc., of establishment of drainage district into or through two or more counties.....	71
Of watchman or employe for drainage district.....	73
Of engineer to inspect and report on condition of drainage improvement	74
Of agent to act for state in condemning land for use of state.....	76
Of superintendent of hospital for inebriates.....	86
Of oil inspectors.....	93
Of helpers and branders by oil inspectors.....	94
Of policemen at certain state institutions	110
Of truant officers in certain cities.....	113
Of assistant deputy warden of penitentiaries.....	126
Of state agent.....	147
Of commission to locate site and erect monument at Andersonville, Georgia.....	153
Of surveyor to survey abandoned river channels, sandbars or islands	167
Of commissioners to appraise value of said lands	167
Of boundary commission	168
Of engineer to survey lakes or lake beds	169
Of commissioner to take evidence as to condition of lakes.....	170
Of commission to appraise value of lakes or lake beds.....	170
Of commission to appraise value of islands in waters of the state	172
APPORTIONMENT—Of costs of levees, drains, ditches and water courses, notice of hearing of objections to	59
Of costs on account of construction of drainage improvement.....	64, 71
Of state into representative districts.....	163
APPRAISERS—To assess damages on account of construction of drain or levee... 62, 71	62, 71
To consider cost of construction of a levee or drain across right of way an element of damages of the railroad company.....	66
APPRAISEMENT—Of abandoned river channels, sandbars or islands.....	167
Of lakes or lake beds.....	170
Of islands in the waters of the state.....	172
Of value of certain island in Mississippi river.....	173
APPROPRIATIONS—GENERAL AND SPECIAL.	
To pay bond of treasurer of state and deputy.....	4
To collect and compile census of 1905.....	8
For support of Iowa National Guard	84
For per capita support of hospital for inebriates	89, 87
For transfer of inebriate patients to hospital for inebriates.....	88
For additional land and buildings for hospital for inebriates	89
For carrying on the work of veterinary surgeon.....	97
For apparatus, salaries and expenses for bacteriological laboratory	105
Per capita support of Iowa soldiers' orphans' home.....	108
For quarterly conferences of chief executive officers of state institutions	110
For state historical society.....	113, 114
General levy for state purposes	129
For mileage and expenses of visitation committees.....	129
For state and judicial officers, clerical help, etc.....	131
For providential contingencies.....	132
To executive council for furniture, stores and supplies.....	132
To executive council for light, water, etc.....	133
For advertising laws.....	133
For freight, express and drayage.....	133
For members of executive council for extra services.....	133
For interest due permanent school fund	133
For John Herriott, lieutenant-governor.....	133
For G. W. Clarke, speaker of the house of representatives.....	133
For chaplains of house and senate.....	133
For reports of U. S. supreme court and Rose's notes	133
For publication of notices of pardon applications	133
For W. W. Hyzer, for services as temporary mail carrier.....	133
For assistant curator of historical department.....	134

APPROPRIATIONS—GENERAL AND SPECIAL— <i>Continued.</i>	Page
For warden's support fund	134
For warden's house rent	134
For house and senate employes for services after adjournment	134
To Mutual Telephone company for telephones	134
For additional engineers employed by custodian	134
To Matt Parrott & Sons for printing abstract	134
To Drysdale & Hall for badges	134
For rent of storage rooms for adjutant general	134
To W. F. Giessman for engrossing memorial albums	134
To L. Harbach for chairs and gavels	134
To executive council for paving certain streets	134
To executive council for cost of sewer	134
To executive council for approved claims	134
To L. Harbach for gavels	134
To Baker-Trisler Co. for typewriters—files—Cushing's Manuals	134
To Art Metal Construction Co., for filing cases	134
To Drysdale & Hall for police badges	135
For deficit in office of state board of health	135
To P. H. Powers for mileage and expenses	135
To John Cownie for repairs to industrial home for the blind	135
To secretary of state for indexing journals	135
For purchase of Huebinger map of Iowa	135
For additional janitor service for state library	135
To Chas. Aldrich for bronze memorial tablet	135
For expenses of superintendent of weights and measures	135
For reinforcing vault crowns in certain offices	135
For salary of assistant adjutant general	135
To repair damages caused by fire in capitol building	135
For needed repairs upon the capitol building	136
To make immediately available funds appropriated for repair of capitol building	136
For temporary repair of hall of house of representatives	137
For fire-proof building on state fair grounds	137
For permanent camp grounds for Iowa National Guard	138
For relief of Iowa National Guard	139
For fish and game commission	139
For fish and game warden for deficit	140
For state institutions	141
For salary and expenses of state agent	147
For inspection of county and private insane institutions and homes for friendless children	148
For inspection of county and private insane institutions for remainder of fiscal year	148
For purchase of land for soldiers' orphans' home	148
To reimburse certain officers, teachers and employes of school for deaf	149
For investigation of extent of tuberculosis	150
For completion of historical, memorial and art building	150
For Louisiana Purchase Exposition	151
For disposition of state property used at Louisiana Purchase Exposition	152
For erection of monument at Andersonville, Ga.	153
For additional employes of the Thirtieth General Assembly	154
For expenses of inaugural ceremonies	155
For express, freight and cartage	155
For metal shelving in storage building	156
For deficit in contingent fund of supreme court	156
For purchase of railroad commissioners' official maps	156
To reimburse certain ex-commissioners of pharmacy	157
To reimburse state board of veterinary medical examiners	158
For certain court costs for suits originally commenced in Humboldt county	158
For certain court costs and attorneys' fees in certain cases brought in Marion county	159
For certain court costs in case of State v. Sioux county	159
For expenses of department of Iowa, Grand Army of the Republic	160
For the Benedict Home	160
For the Dubuque Rescue Home	161
For the Florence Crittenton Home	161
For Chas. B. and Harold Fountain and Amil Hoch	161
To defray expenses of committee to investigate workings of indeterminate sentence, etc.	211
To defray expenses of committee to investigate the management of state educational institutions	212
APPROPRIATIONS—STATE INSTITUTIONS.	
Cherokee state hospital, for building, repairs, improvements, etc.	143

APPROPRIATIONS—STATE INSTITUTIONS— <i>Continued.</i>	Page
Clarinda state hospital, for shop building, repairs, improvements, etc.....	143
College of agriculture, Ames, for new buildings, improvements, repairs, etc.....	145
College for the blind, Vinton, for hospital building, fire escapes, etc.....	142
Independence state hospital, for improvements, repairs, etc.....	143
Institution for feeble-minded, Glenwood, for improvements, repairs, etc.....	142
Industrial school, Eldora, for improvements, repairs, etc.....	142
Industrial school, Mitchellville, for improvements, repairs, etc.....	142
Mount Pleasant state hospital, for improvements, repairs, etc.....	143
Penitentiary, Anamosa, for improvements, repairs, etc.....	144
Penitentiary, Fort Madison, for improvements, etc.....	144
School for the deaf, Council Bluffs, for buildings, furniture, etc.....	144
Soldiers' home, Marshalltown, for improvements, repairs, etc.....	141
Soldiers' orphans' home, Davenport, for improvements, repairs, etc.....	141
State normal school, Cedar Falls, for support, library, improvements, etc.....	146
State university, Iowa City, for additional support, improvements, etc.....	146
APPROVAL—Of rate and interest on state deposits.....	3
Of per diem and expenses of state officers, etc.....	6
Of plan of consolidation or reinsurance of risks of life insurance companies.....	50
Of plan of consolidation or reinsurance of risks of companies other than life.....	51
Of articles of incorporation and rules and by-laws of fraternal beneficiary societies..	54
Of plan of consolidation or reinsurance of risks of fraternal beneficiary societies...	54
Of plan of business of firms, corporations, etc., handling debentures, bonds, etc....	57
Of appointment of branders and helpers of oil inspectors.....	94
Of report of inspectors and expenses of oil inspectors.....	95
Of lamps and apparatus.....	96
Of fire escapes and stairways.....	125
Of map and profile of right of way over certain state grounds.....	174, 175
ARCHITECTS—Board of control authorized to procure plans, specifications and drawings from other.....	109
ARNOLDS PARK, TOWN OF—Incorporation of, legalized.....	187
ART METAL CONSTRUCTION CO.—Appropriation for filing cases.....	134
ASSAULT—With intent to commit murder—penalty.....	110
ASSESSMENT—Of telegraph and telephone companies in each county to be certified to the county auditors.....	39
Relating to, of freight line and equipment companies.....	40
Of costs of levees, drains, ditches and water courses.....	60
Of damages on account of drainage improvements.....	62
Of costs of drainage improvements.....	64, 71
ASSESSMENTS, SPECIAL—Relating to levy and collection of, for construction of permanent sidewalks.....	22
Levy and collection of, for drainage improvements.....	65, 71
ASSESSORS—Duties as to the taking of the census.....	7
ASSIGNMENT OF ERRORS—Not required in appeals of law and equity cases to supreme court.....	118
ASSIGNMENT FOR CREDITORS—Relating to publication of notice of.....	3
ASSISTANT DAIRY COMMISSIONER—Compensation of.....	97
ASSOCIATIONS—For care and disposition of dependent, neglected or delinquent children.....	10
Commitment of children to.....	11, 12
Powers of, relative to placing children in homes.....	12
Board of control to designate and approve, to have charge of juveniles... ..	13
To make annual reports to board of control.....	13
Transfer of funds by stipulated premium and assessment life.....	52
Relating to certificates of authority of fraternal beneficiary.....	53
ASYLUMS—Construction of fire escapes on.....	123, 124
ATTACHMENTS—Certificate of release, by whom issued and to whom directed..	116, 117
ATTORNEY—(See <i>County Attorney.</i>)	
ATTORNEY-GENERAL—Auditor of state to report revocation of authority of insurance companies to.....	48
To apply to district court for appointment of receiver for insurance companies.....	48
To act on commission to approve plan of consolidation or reinsurance of risks of insurance companies.....	50
With governor and auditor, to approve policies or contracts of life insurance companies.....	51
To approve articles of incorporation of fraternal beneficiary societies.....	54
Appropriation for clerical help of.....	131
Appropriation for U. S. supreme court reports and Rose's notes for.....	133
Joint resolution fixing compensation of clerical help.....	212
ASSISTANT—Relating to salary of.....	9
ATTORNEYS—Relating to suspension or revocation of license of.....	14

AUDITOR—(See <i>County Auditor.</i>)	Page
AUDITOR OF STATE—Relating to publication of notice of certificate issued by.....	2
Duplicate itemized statement of fees to be filed with.....	6
To draw warrants to pay per diem and expenses of state officers, etc.....	6
To keep account of moneys received from state officers, etc.....	6
Authorized to make examinations of insurance companies.....	47
Authorized to administer oaths.....	47
Authorized to appoint examiner and assistants.....	47
To receive actual and necessary expenses while conducting examinations.....	47
Fees for examination to be paid to.....	48
May suspend or revoke certificate of authority, when.....	48
To report revocation of certificate of authority to attorney-general.....	48
To publish results of examinations when public interests require it.....	48
To revoke certificate of authority when companies refuse to be examined.....	48
To issue licenses to insurance agents.....	49
May revoke licenses issued to insurance agents.....	49
Plan for consolidation or reinsurance of risks to be submitted to.....	50
Member of commission to hear and determine petition for consolidation or reinsurance.....	50
With attorney-general to approve plan of consolidation or reinsurance of risks of companies other than life.....	51
With governor and attorney-general to approve policies or contracts of life insurance companies.....	51
To suspend authority of companies which refuse to file copies of forms of policies or contracts with.....	52
To make or order made an examination of fraternal beneficiary societies.....	52
May appoint assistants to aid in making examinations.....	53
Authorized to administer oaths in making examinations.....	53
Expenses of, how paid.....	53
Fraternal beneficiary societies to submit rules, by-laws and articles of incorporation to.....	54
To approve rules, by-laws and articles of fraternal beneficiary societies.....	54
To issue certificate of authority to fraternal beneficiary societies.....	54
To approve plan of consolidation or reinsurance of risks of fraternal beneficiary societies.....	55
To issue order that plan has been approved.....	55
To appoint bank examiners.....	55
To draw warrants for expenses of bank examiners.....	56
Fees for examination of banks to be paid to.....	56
To issue certificate of authority to certain investment companies.....	57
Certain associations, companies and corporations to report annually to.....	57
Examination of certain associations, companies and corporations by.....	58
May revoke certificate of authority of said associations.....	59
To issue warrants to pay damages arising from condemnation of real property for use of state.....	76
To draw warrants for support of Iowa National Guard.....	84
To credit state hospital for inebriates with per capita support.....	87
To credit state hospital for inebriates with amount of expenses for commitment of insane inebriates to hospital for insane.....	90
To draw warrants to pay salary and expenses of oil inspectors.....	95
To draw warrants for salaries of state and judicial officers.....	131
Appropriation for clerical help of.....	131
To report in detail expenditures of providential contingency appropriation.....	132
State officers to furnish vouchers to.....	133
To draw warrants for funds appropriated for repair of capitol.....	136
Appropriation for reinforcing vault crowns in office of.....	135
To draw warrants on vouchers of Andersonville monument commission.....	154
To draw warrants to pay additional employes of the Thirtieth General Assembly.....	154
To draw warrants to reimburse certain ex-commissioners of pharmacy.....	157
To draw warrants to pay court costs and attorneys' fees in certain cases brought in Marion county.....	159
To draw warrants to pay expense of department of Iowa, grand army of the republic.....	160
To draw warrants to pay Charles B. Fountain and Amil Hoch.....	162
To draw warrants to pay guardian of Harold Fountain.....	162
To secure receipts in full for all claims from said parties.....	162
To draw warrants to pay expenses of survey, etc., of lake or lake beds.....	171
To draw warrants to pay expenses of survey, etc., of islands in the waters of the state.....	172
Joint resolution fixing compensation of clerical help.....	212

236
INDEX.

	Page
AUDUBON COUNTY—Representative district No. 34.....	164
AUTOMOBILES—(See <i>Motor Vehicles</i> .)	
AVERY, JOEL T.—Relief of grantees of.....	179
BACTERIOLOGICAL LABORATORY—Made a permanent part of medical department of state university.....	105
To perform analysis, etc., as required by state board of health.....	105
DIRECTOR—duties—assistants—compensation.....	105
BADGES—For house and senate employes, appropriation to pay Drysdale & Hall....	134
BAILEY, FRANK B.—Issuance of quit claim deed to, for certain lot in Cedar Falls, Iowa.....	181
BAILIFF OF SUPREME COURT—Appropriation for salary of.....	132
BAKER-TRISLER CO.—Appropriation for typewriters, files and Cushing's Manuals..	134
BALDWIN, ET AL—Issuance of quit claim deed to, for certain tract of land.....	179
BALLOT—Form of, used at primary elections.....	32
Form of, for authorizing issue of bonds for waterworks and system of sewers.....	38
BAND, REGIMENTAL—In Iowa national guard, how constituted.....	82
Compensation for practice.....	84
BANK EXAMINERS—Appointment—compensation.....	55
BANKS—Examination of—fees.....	56
SAVINGS—Relating to publication of notice of incorporation of.....	2
Relating to publication of notice of certificate of auditor of state.....	2
BATTERY OF LIGHT ARTILLERY—Officers and men in.....	82
BENEDICT HOME—Appropriation for.....	160
BENTON COUNTY—Representative district No. 49.....	165
BIENNIAL ELECTIONS—Joint resolution for amendment to constitution providing for.....	207
BIENNIAL REPORTS—Of secretary of state relative to number of state documents..	5
Of secretary of state relative to inspection of oils.....	97
BIRDS—Use of live, as targets, penalty.....	101
BIRTHS AND DEATHS, REGISTRATION OF—	
State registrar of vital statistics.....	103
Local registrars—sub-registrars.....	103
Certificates of, filed with local or sub-registrars.....	103, 104
Local registrar to report, to state board of health.....	104
Blank certificates for, furnished by secretary of state.....	104
Compensation of local and sub-registrars.....	104
Violations of law relative to registration of, penalty.....	104
BLACK HAWK COUNTY—Representative district No. 66.....	165
BOARD OF CONTROL—To have supervision over institutions and associations in charge of juveniles.....	13
Annual report of district court and juvenile institutions and associations to be made to.....	13
To approve vouchers of costs and expenses arising from care and investigation of the insane.....	85
To approve expense bills for return of patients escaped from hospitals for insane..	86
To fix number of officers and employes of hospital for inebriates.....	86
To appoint superintendent of hospital for inebriates.....	86
To have control of hospital for inebriates.....	86
To notify judges and clerks of district court of opening of hospital for inebriates	86
To fix per capita monthly allowance for hospital for inebriates.....	87
To approve rules and regulations of hospital for inebriates.....	87
Superintendent of hospital for inebriates to certify per capita monthly support to..	87
To prepare blank form of warrant or order of commitment.....	87
To designate some hospital for insane to which female inebriates shall be committed	88
To cause patients to be transferred to hospital for inebriates.....	88
To purchase land, erect, refit, equip and furnish buildings for hospital for inebriates.....	89
To parole patients in hospital for inebriates, when.....	90
To procure plans and specifications from other architects.....	109
Appropriation for quarterly conferences of chief executive officers of state institutions	110
To recommend appointment of policemen at certain state institutions.....	110
Duty with reference to payment to party entitled thereto of unclaimed money left by deceased inmates of state institutions.....	111
Duties relative to disposition of fees collected from visitors at the penitentiaries....	127
To appoint state agent—fix salary—furnish supplies.....	147
Duties relative to adoption of children.....	147
To investigate extent of tuberculosis, best means of prevention and treatment....	150
To publish and distribute facts relative to tuberculosis.....	150
State property at Louisiana purchase exposition to be delivered to—duties as to dis- position thereof—appropriation—report.....	152, 153

	Page
BOARD OF CONTROL—Continued.	
The furniture and other property used in hall of house of representatives not wanted by custodian to be turned over to.....	182
To approve plans and specifications for construction of sewer through certain state lands.....	182
Joint resolution fixing compensation of clerks, stenographers, etc.....	214
BOARD OF EXAMINERS—Of mine inspectors, how constituted.....	93
BOARD OF REGENTS—Of state university, to order payments of moneys appropriated.....	146
BOARD OF SUPERVISORS—Funding or refunding county indebtedness.....	15
To select newspaper printed in foreign language as additional official newspaper..	16
Amount of levy for bridge purposes.....	37
To fix amount of peddlers' annual tax.....	41
To hear objections to apportionment of costs for levees or drains.....	59
To increase, diminish, annul or affirm apportionment of costs for levees or drains.	59
May recall assessment and levy for levee or drain and make new assessment and levy.....	60
May provide for completion and payment of work already begun on levee or drain.	60
To provide for establishment and maintenance of pumping stations in levee or drainage districts.....	75
To determine question of condemning real property for court houses and jails....	77
To direct payment of damages arising from condemnation of real property.....	77
To purchase or condemn gravel lands to improve roads.....	77
To audit and allow claims of Iowa national guard when in the service of the county.	84
To pay costs and expenses arising from care and investigation of the insane.....	85
Settlement of mulct tax accounts to be made with.....	91
Number of certificates of births and deaths to be certified by secretary of state to..	104
To publish summary of receipts and disbursements of normal institute.....	111, 112
Of Clayton county, acts relative to purchase of land legalized.....	184
Of Crawford county, acts relative to the purchase of land legalized.....	185
Of Delaware county, acts relative to levy of tax for the poor legalized.....	186
ESTABLISHMENT OF LEVEE OR DRAINAGE DISTRICTS.	
Authorized to establish levee or drainage districts.....	61
To appoint engineer to survey lands to be drained.....	61
To hear and determine sufficiency of petition.....	62
To dismiss proceedings, locate district or determine necessity of improvement.....	62
To hold hearing as to claims for damages.....	62
To determine amount of damages sustained by each claimant.....	63
Appeals from findings of.....	63
To divide districts into sections, and prescribe time for completion of work.....	63
To appoint engineer to supervise work.....	63
To cause notice of time and place of letting contract to be published.....	63
To award contracts.....	63
To approve work when completed.....	63, 64
To relet work when contractor fails to do work.....	64
May authorize changes in dimensions.....	64
To appoint commissioners to assess costs and damages.....	64
Commissioners to report to.....	64
To hear objections to apportionment of costs.....	64
To increase, diminish, annul or affirm such apportionment.....	64
To assess apportionment upon the lands.....	65
Appeal from the order of, fixing the assessment of benefits.....	65
To provide drainage record book.....	65
To levy tax when first levy cannot be enforced.....	65
To construct bridge when drain across road necessitates building of a bridge.....	67
To fix and determine assessment of benefits to roads.....	67
Authorized to establish and lay out public highways along or upon levees or embankment of drain.....	67
Drainage district under control of.....	67
To keep drainage district in repair.....	67
To establish and have control of sub-drainage districts.....	67, 68
To establish new drainage districts, when.....	68
To levy special assessments at one time.....	68
To prescribe rate of interest on unpaid drainage taxes when paid in installments...	68
May provide for issuance of improvement certificates.....	69
To fix amount of annual levy when cost is too great for one levy.....	69
May issue drainage bonds.....	69
To fix terms and times of payment of drainage bonds.....	69
To establish drainage district when land owners mutually agree.....	70
May include cities and towns in drainage districts.....	73
May purchase outlet for drains in adjoining state.....	73
Empowered to employ watchmen for drainage districts.....	73

BOARD OF SUPERVISORS—Continued.	
ESTABLISHMENT OF LEVEE OR DRAINAGE DISTRICTS, Continued.	
	Page
To audit and allow bills of watchmen or employes.....	73
To fix compensation of engineer.....	73
To order payment of certain costs and expenses.....	73
To allow county auditor additional compensation or extra help.....	73
To establish and construct drain to improve highways.....	74
To cause competent engineer to inspect drainage district.....	74
ESTABLISHMENT OF DRAINAGE DISTRICT INTO OR THROUGH TWO OR MORE COUNTIES—	
To appoint commissioners to examine survey and report on proposed district.....	70
To hear petition for establishment.....	71
To appoint appraisers to assess damages.....	71
To appoint commissioners to apportion costs, etc.....	71
To publish notice of letting work and to let work.....	71
To appoint supervising engineer—to approve his bond.....	72
To accept district when completed.....	72
Appeals from findings or actions of.....	72
Failure of, to establish district.....	72
Special sessions of.....	73
BOARD OF TRUSTEES—Of agricultural college, to order payments of moneys appropriated.....	
	146
Of state normal school, to order payments of moneys appropriated.....	146
BOARD OF VETERINARY MEDICAL EXAMINERS—Duties relative to registration of veterinarians registered in other states or in foreign countries.....	
	98
Practitioners to pay an annual fee to secretary of.....	99
Annual statement of, to include necessary expenses.....	99
Appropriation to reimburse.....	158
BOARDING HOUSES—Construction of fire escapes on.....	
	123, 124
BONDS—Appropriation to pay, of treasurer of state and deputy.....	
	4
Relative to issuance of county.....	15
Issuance of, for public buildings and grounds by certain cities.....	20
Issuance of, for public buildings and grounds by cities of the second class and towns.....	21
Issuance of, for improvement to protect cities from floods.....	26
Park commissioners may issue, in anticipation of collection of tax for park purposes.....	27
Issuance of bonds for waterworks and systems of sewers.....	38
Of bank examiners.....	55
Deposit of, by certain investment companies, associations and corporations.....	58
Issuance of drainage, in proceeding heretofore or hereafter had for construction of drains, ditches, levees and watercourses.....	60
Conditioned for payment of cost and expenses in proceedings to establish drainage district.....	61
In case of appeal from findings of board of supervisors relative to establishment of drainage district and assessment of damages.....	63
Engineer in charge of drainage improvements to give.....	63
Contractors for drainage improvements to give.....	63
Of petitioners for establishment of drainage district through two or more counties.....	70
Oil inspectors to give.....	94
For indebtedness for school house purposes.....	112
In cases appealed to supreme court.....	117
Issuance of, for waterworks in town of Deep River legalized.....	188
DRAINAGE—Issuance of—interest rate—conditions.....	69, 71
BOONE COUNTY—Representative district No. 53.....	165
BOOT-LEGGER—Term defined—penalty.....	92
BOUNDARY COMMISSION—Appointment—duties—compensation.....	168
BRAKES—Motor vehicles to be equipped with.....	45
BRANDING—Of illuminating oils.....	94
BRANT—Number killed in one day.....	101
BREMER COUNTY—Representative district No. 72.....	165
BRIBERY—Relative to, for political services at primary elections.....	36
BROOKFIELD CREAMERY ASSOCIATION—Acts of, legalized.....	201, 202
BUCHANAN COUNTY—Representative district No. 67.....	165
BUENA VISTA COUNTY—Representative district No. 77.....	166
BUILDINGS—Construction of public, in certain cities—tax levy—question submitted—notice—bonds.....	
	20
Construction of public, in cities of second class and towns—tax levy—contracts—bonds or warrants—question submitted.....	20, 21
Condemnation of real property by state for buildings and grounds.....	76
Condemnation of real property by counties for buildings and grounds.....	76, 77
Construction of fire escapes and stairways on certain.....	123, 124

	Page
BUREAU OF LABOR STATISTICS—Compensation and expenses of commissioner, deputy and employes.....	92
BURIAL—Relative to, of indigent United States soldiers, sailors and marines.....	16
PERMITS—By whom issued.....	103
BUTLER COUNTY—Representative district No. 73.....	165
CALHOUN COUNTY—Representative district No. 61.....	165
CAMP GROUND—Appropriation for purchase of permanent.....	138
CANDIDATES—Names of, for nomination for office to be filed with county auditor... Affidavit of, for nomination for office.....	32 32
CANVASS OF VOTES—At primary elections.....	33
CAPITAL STOCK—Relating to, of loan and trust companies.....	56
CAPITOL—Appropriation to repair damages caused by fire..... Appropriation for needed repairs..... To make immediately available funds appropriated for repair of..... Appropriation for temporary repair of hall of representatives.....	135 136 136 137
CAPITOL COMMISSION—President of, to approve vouchers of expenditures.....	136
CARROLL COUNTY—Representative district No. 55.....	165
CARTAGE—Appropriation to pay bills due and unpaid..... Appropriation to pay approved claims for..... Appropriation to pay, during session of Thirtieth General Assembly.....	155 155 155
CASS COUNTY—Representative district No. 30.....	164
CAVALRY TROOP—In Iowa national guard, how constituted.....	82
CEDAR COUNTY—Representative district No. 44.....	164
CEMETERIES, PUBLIC—Relating to, levy of tax for, by township trustees.....	18
CEMETERY FUNDS—Placed in hands of county auditor, when trustee is not appointed or fails to qualify.....	14
CENSUS—Executive council to prepare blank forms for the taking of the..... Schedules—assessor to fill and return blanks..... When assessor fails—returns forwarded—provisions for failure..... Abstracts to be made—stenographers and accountants..... Publication of "Census of Iowa"—census publication to be evidence..... Co-operation with United States census bureau—appropriation.....	7 7 7 7, 8 8 8
CENTER POINT, SCHOOL DISTRICT OF—Election and acts of, legalized.....	198
CERRO GORDO COUNTY—Representative district No. 84.....	166
CERTIFICATES—Council of city or town may provide for issuance of sidewalk..... Issuance of assessment, for improvements to protect cities against floods.....	23 26
OF AUTHORITY OF INSURANCE COMPANIES— Revocation of certificate when company is insolvent, etc..... Penalty for soliciting business after revocation of..... Suspension of, if company refuses to submit form of policy or contract to auditor of state..... Revocation of certificates when fraternal beneficiary society is doing illegal business Relating to issuance of, to fraternal beneficiary societies..... Of authority—Issuance to firms, corporations, etc., engaged in business of handling certificates, shares, etc..... Revocation of.....	48 48 52 53 54 57 59
IMPROVEMENT—Issuance of—rate of interest.....	68, 71
OF DEATH—To be filled out by undertaker and filed with local or sub-registrar..... Blank forms furnished by secretary of state..... To be delivered to local registrar by sub-registrars.....	103 104 104
OF BIRTHS—To be filled out by physician, midwife or other person and filed with local or sub-registrar..... To be delivered to local registrars by subregistrars..... Blank forms furnished by secretary of state.....	104 104 104
OF RELEASE—Of liens on attached property, by whom issued and to whom directed. To be filed and recorded.....	116 117
CHAIRS AND GAVELS—Appropriation for L. Harbach for..... Joint resolution to procure, for speaker of the house and president of the senate...	134 210
CHALLENGES—Of voters at primary elections.....	30
CHANGE OF NAMES—Relating to publication of notice of..... Who authorized—statement under oath—what to contain..... Affidavit of freeholder to be attached to statement..... Statement filed and recorded..... Re-indexing real estate under new name..... Fees—new name, when effective..... Certified copy to be filed in each county where party owns real estate, when Indexing real estate in other counties.....	3 118 119 119 119 119 119
CHANNELS, ABANDONED RIVER—Relative to sale of—procedure.....	166-169
CHAPLAINS—Appropriation for house and senate.....	133
CHEROKEE COUNTY—Representative district No. 59.....	165
CHEROKEE STATE HOSPITAL—Appropriations for improvements, repairs, etc...	143

	Page
CHICAGO, ANAMOSA & NORTHERN RY. CO.—Right of way over state grounds.	174
CHIEF OF FIRE DEPARTMENT—To enforce provisions of law relative to construction of fire escapes.	124
CHIEF EXECUTIVE OFFICERS—Of state institutions, appropriation for quarterly conferences of.	110
To keep record of unclaimed money left by deceased inmates.	111
CHICKASAW COUNTY—Representative district No. 86.	166
CHIEF JUSTICE OF SUPREME COURT—Appropriation for incidental expenses.	132
CHILDREN—District court to have jurisdiction over certain.	9, 10
Terms "dependent or neglected children," "delinquent child," defined.	10
Petition in writing stating that child is dependent, neglected or delinquent.	10
Summons issued by court for party in charge of child to appear with child in court.	10
Issuance of warrant against child itself.	10, 11
Trial of, for commission of a crime—statutes applicable.	11
Detention of, when unable to furnish bail.	11
Jury trial when offense is not triable on indictment.	11
Discretionary powers of court when crime is not punishable with life imprisonment or penalty of death.	11
Placed in charge of probation officers.	11
Commitment of dependent or neglected.	11, 12
Guardianship of—decree for adoption of.	12
Disposition of, by agreement.	12
Optional commitments of delinquent—parole or discharge of.	12, 13
Not to be committed to jail or police station.	13
Not to be confined with adult convicts.	13
Support of dependent, neglected or delinquent.	13
Placed according to religious belief of parents.	13
Statutes construed liberally.	13
Inheritance of, born after making of a will.	115
CITIES—SPECIAL CHARTER—Additional support of free public libraries in.	19
Construction of permanent sidewalks in.	22
Assessment and collection of cost of permanent sidewalks.	22
Issuance of sidewalk certificates.	23
Purchase or condemnation of lands for gravel or other suitable material with which to improve roads.	77, 78
CITIES AND TOWNS—Coterminous with townships, abolishment of township clerk and trustees.	18
Joint ownership of libraries by institutions of learning and.	18, 19
Contracts, elections and ordinances of, for joint ownership of libraries with institutions of learning legalized.	19
Additional support for free public libraries in.	19
Relating to sewers in smaller cities and towns.	19
Construction of public buildings in certain cities—tax levy—question submitted—notice—bonds.	20
Construction of public buildings in cities of the second class and towns—tax levy—subsequent levies—contracts—bonds or warrants—question submitted.	20, 21
Levy of annual tax for viaduct fund in certain cities.	21
Objections to the cost of construction of permanent sidewalks.	22
Special assessments for permanent sidewalks—how paid.	22
Issuance of sidewalk certificates.	23
Construction of sewers in incorporated towns.	23
Appeal to district court, relative to refunding cost of pavement removed by a street railway company.	24
Protection of city property from floods authorized.	24
Petition—plans and specifications—resolutions—notice—hearing—question submitted.	24
Contracts—levy of tax—placed on tax list—diversion of stream.	25
Purchase or condemnation of private property.	26
Bonds and assessment certificates—costs—how paid.	26
Additional tax for park purposes in certain cities.	26
Park commissioners granted power to lease real estate.	26
Park commissioners of, may issue bonds in anticipation of collection of tax for park purposes.	27
Park commissioners to serve without compensation in certain.	27
Power to acquire real estate for sewer outlets and sewage and garbage disposal plants.	28
Levy of tax for library purposes.	28
Primary elections in certain cities.	35
Filling vacancies in city elective offices.	37
Indebtedness of towns and cities of second class for erecting or purchase of water-works and a system of sewers.	37, 38

CITIES AND TOWNS—Continued.	Page
Powers of, relative to regulating operation of motor vehicles on the streets.....	46
May be included in drainage districts.....	73
Purchase or condemnation of lands for gravel with which to improve streets....	78
Health officers of cities to be local registrars of vital statistics—duties—compensation.....	103, 104
Clerks of incorporated towns to be sub-registrars of vital statistics—duties—compensation.....	103, 104
Mayors of, to enforce provisions of law relating to construction of fire escapes.....	124
CITY COUNCIL —May provide for issuance of sidewalk certificates.....	23
To direct city engineer or other engineer to make plans and specifications for protection of city against floods.....	24
By resolution to declare necessity or advisability of protecting city against floods..	24
To cause notice of time for hearing relative to protecting city against floods to be published.....	24
To submit question of protecting city against floods to a vote of the people.....	25
To let contracts for work of protecting city from floods.....	25
To levy tax for protection of city against floods.....	25
To purchase or condemn private property to protect city from floods.....	26
To issue bonds and assessment certificates for improvements to protect cities from floods.....	26
May fill vacancies in elective offices.....	37
To call election and publish notice thereof, to authorize issuance of bonds for waterworks and sewers.....	38
To issue bonds for waterworks and sewers, when.....	38
CITY CLERK —Objections to construction of permanent sidewalks to be filed with....	22
To certify levy of special assessments for permanent sidewalks to county auditor..	22
CLAIMS —In disregard of, or in opposition to wills, how satisfied.....	115
CLARINDA STATE HOSPITAL —Appropriations for shop building, improvements, repairs, etc.....	143
CLARKE, G. W. —Appropriation for, as speaker of the house.....	133
CLARKE COUNTY —Representative district No. 15.....	163
CLASSIFICATION —Of Railways—Executive council to make.....	79
Of turnkeys and guards at the penitentiaries.....	127
CLAY COUNTY —Representative district No. 82.....	166
CLAYTON COUNTY —Acts of Board of Supervisors of, legalized.....	184
Representative district No. 70.....	165
CLERICAL HELP —Appropriation for, of state officers.....	131, 132
CLERK —(See <i>Township clerk</i> .)	
CLERK OF DISTRICT COURT —Petitions relative to dependent, neglected or delinquent children to be filed with.....	10
To notify probation officers when child is to be brought before court.....	11
To certify to clerk of supreme court the order or judgment of the court in cases of suspension or revocation of license of an attorney.....	14
To docket case relative to establishment of drainage district by district court, when.....	72
Duties as to condemnation of real property for use of state.....	76
Duties as to condemnation of real property for county purposes.....	77
Notice of opening of hospital for inebriates to be mailed to.....	86
Papers in matter of trial of inebriates to be filed with.....	87
To issue warrant of commitment to hospital for inebriates.....	87
Costs and expenses of hearing and trial of inebriates to be recorded by.....	87
Blank form of warrant of commitment to be furnished.....	87
To investigate and approve reports of paroled inebriates.....	88
To issue certificates of release of liens on attached property, fee.....	116,
To file and record certificates of release of liens on attached property.....	117
To file and record statement relative to request for change of names.....	119
To deliver such statement to the county recorder, when.....	119
Fee for services in matter of change of name.....	119
Fee for certified copy of record relative to change of name.....	119
CLERK OF GRAND JURY —Shorthand reporter may be appointed in certain counties, compensation.....	126
CLERK OF SUPREME COURT —Appropriation for clerical help.....	132
Joint resolution fixing number and compensation of clerical help.....	212
CLINTON COUNTY —Representative district No. 45.....	164
CODE —Relating to amendment and repeal of.....	1
Relating to distribution of, to foreign countries and college libraries.....	128
CODE—AMENDMENTS OF, OR ADDITIONS TO—	
Title I, chapter 4, section 55, publication of notice of constitutional amendments	2
Title II, chapter 4, section 113, interest on public funds.....	3
bonds of treasurer of state and deputy.....	4
chapter 5, section 126, state documents and publications.....	4
disposition of state documents, publications and laws.....	5

CODE—AMENDMENTS OF, OR ADDITIONS TO— <i>Continued.</i>		Page
Title II, chapter 7, fees and expenses of state officers, boards and commissions....		6
appointments and removals.....		8
Title III, chapter 3, section 212, salary of assistant attorney-general.....		9
chapter 5, juvenile courts.....		9
chapter 10, duties of clerk of district court in cases of suspension or revocation of the license of an attorney.....		14
chapter 11, section 354, compensation of jurors.....		15
appointments and removals.....		8
Title IV, chapter 1, section 403, funding or refunding county indebtedness.....		15
refunding indebtedness for bridge purposes.....		15
chapter 2, sections 430, 433, indigent U. S. soldiers, sailors and marines.....		16
section 441, official newspapers.....		16
chapter 3, section 479, compensation of county auditor.....		17
chapter 5, section 494, duties of county recorder.....		17
section 495, compensation of county recorder.....		17
chapter 10, section 560, township clerk and trustees abolished, when....		18
appointments and removals.....		8
Title V, chapter 4, sections 728, 730, joint ownership of libraries by cities and towns and institutions of learning..		18
construction of public buildings in certain cities.....		20
construction of public buildings in cities of second class and towns.....		20
chapter 6, construction of permanent sidewalks.....		22
chapter 7, construction of sewers by incorporated towns.....		23
section 835, refunding cost of pavement removed by street railway company.....		23
chapters 7, 8, protection of city property from floods.....		24
chapter 9, section 853, park commissioners authorized to lease real estate		26
chapter 10, section 881, sewer outlets, and sewer and garbage disposal plants.....		28
appointments and removals.....		8
Title VI, chapter 3, section 1129, expenses of elections.....		29
chapters 3, 4, primary elections.....		29
chapter 10, section 1272, filling vacancies.....		37
Title VII, chapter 1, section 1303, levy for bridge purposes.....		37
sections 1328, 1329, report of telegraph and telephone companies to executive council.....		38
plats of telegraph and telephone lines.....		42
section 1383, relating to road tax.....		43
chapter 2, section 1419, publication of notice of tax sale.....		2
section 1441, publication of notice of right of redemption....		2
section 1467, collateral inheritance tax.....		43
section 1495, publication of notice of expiration of right of redemption.....		2
Title VIII, chapter 2, section 1533, relating to road tax.....		43
Title IX, chapter 1, section 1641, ownership of real property by corporations....		46
relating to the voting of corporate stock.....		46
chapters 4, 5, 6, 7, 8, examination of insurance companies.....		47
licensing of insurance agents.....		49
consolidation or reinsurance of the risks of insurance companies.....		50
chapter 6, approval of policies or contracts of life insurance companies..		51
chapter 7, section 1788, transfer of funds.....		52
chapter 9, examination of fraternal beneficiary societies.....		52
consolidation or reinsurance of risks of fraternal beneficiary societies.....		54
chapter 10, section 1842, publication of notice of incorporation of savings banks.....		2
1843, publication of notice and certificate of auditor of state.....		2
chapter 12, sections 1875, 1876, bank examiners.....		55
section 1889, capital stock of loan and trust companies.....		56
regulation of certain persons, firms, companies, partnerships, associations or corporations.....		57
Title X, chapter 2, section 1946, notice of hearing of petition for drain or levee....		59
levees, drains, ditches and water courses.....		61
pumping stations in levee districts.....		75
drainage of surface waters.....		75
chapter 4, condemnation of real estate for use of state.....		76
condemnation of real estate for court houses or jails.....		76
condemnation of gravel lands for road purposes.....		77

CODE—AMENDMENTS OF, OR ADDITIONS TO— <i>Continued.</i>		Page
Title X, chapter 5, section 2074, liability of common carriers.....		78
section 2078, classification of railways.....		79
chapter 7, free transportation for live stock shippers.....		79
Title XI, chapter 1, section 2183, Iowa national guard, term of service, resignation, discharge.....		83
section 2184, parades—encampments.....		83
section 2188, penalties.....		83
Title XII, chapter 2, costs and expenses which accrue from the care and investigation of the insane.....		85
section 2287, return of patients escaped from hospitals for the insane.....		85
chapter 3, section 2340, damage done by dogs.....		90
chapter 6, section 2388, publication of notice of application for a permit. section 2406, actions for suppression of sale of intoxicating liquors.....		91
sections 2437, 2438, relating to the mulct tax.....		91
relating to boot-leggers.....		92
chapter 8, section 2477, compensation and expenses of labor commissioner, deputy and employes.....		92
chapter 11, inspection of petroleum products.....		93
chapter 15, protection of live birds.....		101
chapter 16, section 2564, meetings of state board of health.....		101
removal of persons sick with infectious diseases.....		102
registration of births and deaths.....		103
bacteriological laboratory—duties.....		105
Title XIII, chapter 3, report from State University.....		107
chapter 4, report from agricultural college.....		107
creation of highway commission.....		108
chapter 5, report from state normal school.....		108
chapter 6, section 2691, 2692, support of soldiers' orphans' home.....		108
chapter 9, section 2715, non-resident pupils of college for the blind.....		109
chapter 11, section 2724, non-resident pupils of school for the deaf.....		109
chapter 14, section 2783, text-books on vocal music.....		113
chapter 18, annual appropriation for state historical society.....		113
Title XV, chapter 7, section 3074, notice of assignment for creditors.....		3
chapter 9, section 3109, notice of limited partnership.....		3
chapter 10, section 3131, notice of sale of unclaimed property.....		3
Title XVII, chapter 2, section 3276, relative to revocation of will.....		115
section 3284, notice of hearing for probate of will.....		3
chapter 4, section 3376, share of surviving spouse—election.....		116
Title XVIII, chapter 9, section 3656, trial term of appeal cases in contested elections.....		116
Title XIX, chapter 1, release of liens on attached property.....		116
chapter 3, protection of non-resident employes in garnishment cases.....		117
Title XX, chapter 2, section 4134, procedure in supreme court.....		117
Title XXI, chapter 18, section 4474, notice of change of names.....		3
Title XXII, chapter 1, section 4181, actions on written contracts.....		120
Title XXIV, chapter 2, section 4768, assault with intent to commit murder.....		120
chapter 4, injury to property of public libraries.....		121
chapter 5, the taking of any electric current, gas or water from wires, meters and pipes.....		121
larceny of domestic fowl or poultry in night time.....		122
chapter 7, bringing drugs, weapons, etc., into penitentiaries or industrial schools to aid escapes.....		122
chapter 9, to prohibit docking horses.....		123
chapter 10, construction of fire escapes.....		123
chapter 11, objectionable advertisements near school buildings.....		125
Title XXV, chapter 14, section 5256, clerk of grand jury.....		126
Title XXVI, chapter 2, sections 5663, 5669, 5716, relative to assistant deputy warden.....		126
section 5716, classification and compensation of turnkeys and guards.....		127
CODE—REPEALED—		
Title II, chapter 8, of the census.....		7
Title V, chapter 4, sections 738, 739, sewers in towns and smaller cities.....		19
chapter 11, section 894, subdivision 4, library tax.....		28
Title IX, chapter 9, section 1832, fraternal beneficiary societies.....		53
Title XVI, chapter 2, sections 3167, 3169, conveyance or mortgage of real estate by one spouse when other is insane.....		114
section 3221, relating to inebriates.....		89
Title XVII, chapter 2, section 3279, posthumous children.....		115
Title XX, chapter 2, sections 4136, 4137, assignment of errors in appeals to supreme court, not required.....		118

CODE—REPEALED—Continued.	Page
Title XXI, chapter 18, of changing names.....	118
Title XXIV, chapter 4, section 4807, malicious injury to highways, etc.....	120
Title XXVI, chapter 2, section 5711, assistant deputy warden.....	126
CODE SUPPLEMENT—Relating to amendment and repeal of.....	1
Distribution of, to foreign countries and college libraries.....	128
CODE SUPPLEMENT—AMENDMENTS OF, OR ADDITIONS TO—	
Title III, chapter 5-a, donated cemetery funds.....	14
Title IV, chapter 10, section 586, tax for public cemeteries.....	18
Title V, chapter 4, section 732, support of free public libraries.....	19
chapter 6, section 771, construction of viaducts in certain cities.....	21
chapter 9, section 852, additional tax for park purposes in certain cities..	26
section 860, issuance of bonds for park purposes.....	27
section 861, park commissioners to serve without compensation	27
Title VII, chapter 1, section 1306-b, indebtedness for waterworks and a system of	
sewers.....	37
1330-b, assessment of telegraph and telephone com-	
panies.....	39
1334, railway and other corporations to report real	
estate holdings to the executive council.....	39
1342-b, 1342-d, taxation of freight line and equipment	
companies.....	40
1347, vocation of peddlers.....	41
Title VIII, chapter 2, section 1571, steam engines on public roads.....	44
motor vehicles on public roads.....	44
Title IX, chapter 1, section 1618, notice of renewal of corporations.....	3
Title XI, chapter 1, section 2169-a, governor to call out militia.....	80
section 2173-a, enlistments.....	81
section 2175, adjutant-general—duties.....	81
section 2176-a, adjutant-general, compensation.....	81
section 2178, regimental staff—band.....	81
section 2179-a, company and troop officers.....	82
section 218-a, medical and staff departments.....	82
section 2212, compensation of officers and men of Iowa national	
guard.....	83
section 2213, compensation for company drill and band practice	
section 2214, appropriation for support of Iowa national guard	84
Title XII, chapter 2-a, state hospital for inebriates, etc.....	86
chapter 9, section 2479-a, board of examiners of mine inspectors.....	93
chapter 13, section 2515, compensation of deputy and assistant dairy	
commissioner.....	97
chapter 14, section 2536, appropriation for carrying on the work of the	
veterinary surgeon.....	97
chapter 14-a, section 2538-i, registration of veterinarians registered in	
other states.....	98
section 2538-j, 2538-p, annual fee from practitioners—expenses.	99
chapter 15, section 2540, fishing—open season—what permitted.....	99, 100
section 2546, written permits to take fish from the waters of the	
state.....	100
section 2552, protection of game.....	100
chapter 16, section 2570-a, expenses of local boards of health in restricting	
spread of infectious diseases.....	102
chapter 17, section 2582, registration of physicians registered in other states	106
chapter 20, section 2606-b, pension money of inmates of soldiers' home..	106
Title XIII, chapter 11-b section 2727-a-23, employment of architects by board of	
control.....	109
Appropriation for quarterly conferences of chief executive	
officers of state institutions.....	110
Appointment of policemen at certain state institutions....	110
Disposition of unclaimed money of deceased inmates of	
state institutions.....	111
chapter 13, section 2738, normal institutes.....	111
chapter 14, indebtedness for schoolhouse purposes.....	112
chapter 14-a, sections 2823-a, 2823-e, compulsory education.....	113
Title XIV, chapter 6, section 2942-f, conveyances under power of attorney.....	114
CODE SUPPLEMENT—REPEALED.	
Title 1, chapter 3, section 41-a, amendment and repeal of statutes.....	1
Title XII, chapter 11, sections 2503, 2508, 2508-a, inspection of petroleum prod-	
ucts.....	97
chapter 16, section 2570-b, expenses of local boards of health.....	102

	Page
CODE SUPPLEMENT—REPEALED—Continued.	
Title XXIV, chapter 4, section 4807, malicious injury to highways, etc	120
chapter 10, 4999-e, 4999-f, 4999-g, 4999-h, 4999-i, 4999-j, relative to construction of fire escapes	123
Title XXVI, chapter 2, sections 5685, 5685-a, disposition of gate receipts of the penitentiaries	127
CODES AND CODE SUPPLEMENTS—Distribution of	128
COLLATERAL INHERITANCE TAX—Rate on property to aliens, non residents of the United States	43
COLLECTION OF TAXES—Relative to road taxes	43
Relative to, on collateral inheritances	43
COLLEGE FOR THE BLIND—Compensation for non-resident pupils in	109
Appropriations for hospital building, fire escapes, etc	142
COLLEGES—Construction of fire escapes and stairways on	123, 124
COMMANDER-IN-CHIEF—To call out Iowa national guard and militia	80
To approve blanks and forms prepared by the adjutant general	81
To confirm nominations of officer commanding regimental staff	82
To approve enlistment and organization of regimental band	82
To appoint and commission all staff officers except heads of departments, aids and regimental staff	82
To approve discharges of enlisted men in Iowa national guard	83
May revoke commissions of officers of Iowa national guard	83
To call out the guard for encampment	83
COMMISSION—To approve plan of consolidation or reinsurance of risks of insurance companies	50
To locate site of, and erect a suitable monument at, confederate military prison at Andersonville, Ga.—Expenses—report—title to the land—powers, etc	153, 154
BOUNDARY—Appointment—duties—compensation	168
HIGHWAY—Creation of—duties	108
COMMISSIONER—OF LABOR STATISTICS—To enforce provisions of law relating to construction of fire escapes	124
COMMISSIONERS—For Iowa in other states, list of	ix
Appointment of, to assess costs on account of drainage improvement, duties	64
To appraise value of abandoned river channels, sand bars or islands—compensa- tion	167
To appraise value of lakes or lake beds	170
DRAINAGE, to assess actual benefits to right of way of railroad company in drainage district	66
To determine and return the amount of benefit to highways by construction of levee or drain	67
To take into consideration value of old improvement and credit same to parties affected as their interests may appear	68
Appointment and duties as to establishment of drainage district through two or more counties	71
OF INSANITY—Of Marion county—Duties relative to insane patients of hospital for inebriates	89
COMMITMENT—Of dependent or neglected children	11, 12
Of delinquent children	12
Application for, to the hospital for inebriates	86
Of inebriates to the state hospital	87
Of insane inebriates to the hospital for the insane	89
COMMON CARRIERS—(see <i>Railroads</i>).	
COMPANIES—Regulation of, handling certificates, shares, debentures, tontine con- tracts, etc	57
(see <i>Investment Companies</i>).	
COMPANY—Of infantry in Iowa national guard, how constituted	82
Signal, in Iowa national guard, how constituted	82
DRILL—Compensation of officers and men for	84
COMPENSATION—Of assistant attorney general	9
Of jurors summoned on special venire	15
Of county auditors	17
Of county recorders	17, 18
Of deputy county recorders	18
Park commissioners in towns and certain cities to serve without	27
Of special policemen at elections	29
Of insurance examiner and assistants	47
Of assistant examiners of fraternal beneficiary societies	52
Of bank examiners	55
Of engineer employed under provisions of drainage act	73
Of county auditors for extra services	73
Of appraisers and commissioners appointed under drainage act	73
Of adjutant general	81

	Page
COMPENSATION—Continued.	
Of officers and men of Iowa national guard.....	83
Of officers and men of Iowa national guard for company drill.....	84
Of commissioner, deputy commissioner and other employes of bureau of labor statistics.....	92
Of oil inspectors.....	95
Of deputy and assistant dairy commissioner.....	97
Of local and sub-registrars of vital statistics.....	104
Of director of bacteriological laboratory.....	105
For non-resident pupils in college for blind.....	109
For non-resident pupils in school for the deaf.....	109
Of shorthand reporter acting as clerk of grand jury.....	126
Of as istant deputy warden of penitentiaries.....	126
Of turnkeys and guards of the penitentiaries.....	127
Of state agent to be fixed by board of control.....	147
Of county surveyor for surveying abandoned river channels, sand bars or islands.....	167
Of commissioners to appraise value of abandoned river channels, sand bars or islands.....	167
Of boundary commissioners.....	168
Of commissioners to take evidence as to condition of lake or lake bed.....	170
Of additional employes of Thirtieth General Assembly.....	206
Of state house employes, joint resolution fixing.....	212-215
COMPULSORY EDUCATION—Duties of parents and guardians as to children attending school.....	113
Appointment of truant officers.....	113
CONCURRENT RESOLUTIONS—Relative to furnishing copies of the code supplement to the members and certain officers of house and senate of the Thirtieth General Assembly.....	216
Relative to printing 5,000 additional copies of the 1904 official register.....	216
Relative to furnishing copies of certain session laws to the members of the Thirtieth General Assembly.....	216
Relative to publishing fifteen thousand copies of the governor's inaugural address in pamphlet form.....	216
Relative to printing and binding of additional copies of the 1904 official register....	217
Memorializing Iowa members of congress to aid in securing the early passage of the Hepburn-Dolliver bill, for police regulation of the liquor traffic.....	217
Memorializing congress to erect in the city of Washington a monument to commemorate the life and services of Abraham Lincoln.....	217
Relative to furnishing copies of the code, code supplement and session laws of the Thirtieth General Assembly to certain officers of the house and senate.....	218
Relative to a historical exhibit at the Louisiana purchase exposition.....	218
Relative to bill pending in congress to establish library post.....	218
Relative to furnishing the member from Clarke county with a code and code supplement to replace ones lost.....	219
Relative to printing 5,000 copies of the drainage laws of the state in pamphlet form.....	219
CONDEMNATION OF LAND—For protection of cities against floods.....	26
By cities and towns for sewer outlets and sewage and garbage disposal plants.....	28
Of real property for use of state—damages, how paid.....	76
Of real property for county buildings—damages, how paid.....	76, 77
Of lands for gravel or other suitable material with which to improve roads....	77, 78
CONSOLIDATION OR REINSURANCE—Of the risks of insurance companies... 50, 51	
"Company" defined—life companies—submission of plan to auditor of state.....	50
Statement as to condition—commission to proceed without notice.....	50
Commission—how composed—unanimous approval.....	50
Companies other than life—approval of plan.....	51
With unauthorized companies prohibited—expenses, how paid, penalty.....	51
Of risks of fraternal beneficiary societies—approval of plan—expenses, how paid, penalty.....	54, 55
CONSTITUTIONAL AMENDMENTS—Publication of notice.....	2
Relative to biennial elections.....	207
Relative to fixing number of senators and representatives.....	208
Relative to drainage.....	210
CONTRACTOR—For the construction of levees or drains to give bond or cash deposit.....	63, 71
Payment of, as the work progresses.....	63
Failure of, to perform work on drainage improvement, penalty.....	64
CONTRACTS—In establishing joint ownership of public libraries, legalized.....	19
For erection of public buildings in cities of the second class and towns.....	21
For work for protection of cities against floods.....	25
Relating to approval of forms of, of life insurance companies.....	51
Letting of, for construction of levees or drains.....	63, 71
Place of bringing actions on written, and taxation of costs therein.....	120

247
INDEX.

CONTRACTS— <i>Continued.</i>	Page
Letting of, for completion of historical, memorial and art building.....	151
CONVEYANCE OF REAL ESTATE—Under power of attorney to husband or wife..	114
By one spouse when other is insane.....	114
CORPORATIONS—(see <i>Railroads</i>).	
Relating to publication of notice of renewal of	3
Reporting of real estate owned by railways and certain, to the executive council.....	39, 40
Ownership of real property by foreign	46
Relating to the voting of the stocks of	46
Regulation of, handling shares, contracts, debentures, bonds, tontine contracts ...	57
CORRECTION OF ERRORS—By county recorder, when made in recording or indexing instruments	17
COSTS—Of trial of delinquent children.....	11
Of constructing improvements to protect cities from floods	26
Of construction of levee, drains, ditch or water course.....	64, 71
Of establishing and maintaining pumping stations in levee districts—how paid.....	75
Which accrue from care and investigation of the insane, how paid.....	85
Of trial and taking inebriates to state hospital, how paid.....	87
In actions on written contracts, taxation of	120
Appropriation to pay court, in certain cases commenced in Humboldt county.....	158
Appropriation to pay court, in certain case brought in Marion county.....	159
Appropriation to pay court, in case of state of Iowa v. Sioux county.....	159
COUNCIL BLUFFS, TABOR & SOUTHERN ELECTRIC RY. CO.—Right of way over certain state grounds—conditions.....	175
COUNTY ATTORNEY—To institute proceedings for condemnation of real property for court houses and jails.....	77
To investigate and report before dismissal of injunction actions for suppression of illegal sale of intoxicating liquors.....	91
To enforce law relating to registration of births and deaths.....	104
COUNTY AUDITOR—To appoint suitable person to take census, when assessor fails.	7
To forward census returns to the secretary of state.....	7
Cemetery funds placed in hands of, when.....	14
To turn over accrued interest on donated cemetery funds to cemetery association..	14
Compensation of.....	17
Certificate of levy for permanent sidewalks to be filed with.....	22
Certificate of levy for protection of cities against floods to be filed with	25
To issue certificate of residence to certain electors.....	30
Names of candidates for nomination before primary elections along with affidavit of said candidates to be filed with.....	32
To prepare primary election ballot for each party	32
Fac simile of signature of, on ballots used at primary elections.....	33
To furnish supplies and poll books for primary elections.....	33
Returns of primary elections made to.....	34
Assessment of telegraph and telephone companies certified to.....	39
To issue license to peddlers.....	41
Plats of telegraph and telephone lines to be filed with.....	42
To cause plats of telegraph and telephone lines to be made by county surveyor, when.....	42
To fix time for hearing objections to apportionment of costs of levees, drains, etc.	59
To serve notice of hearing on property owners.....	59
To certify new assessment and levy of cost of levee, ditch or drain to county treasurer.....	60
Petition for establishment of district to be filed with.....	61
To approve sureties on bond accompanying petition.....	61
Engineer appointed to survey proposed drainage district to report to.....	61
To cause notice of petition, report of engineer and day set for hearing the same to be served on land owners, etc.....	61, 62
Claims for damages on account of construction of levee or drain.....	62
To appoint appraisers to assess damages on account of construction of levee or drain.....	62
Said appraisers to file report with.....	62
To draw warrants or issue improvement certificates to contractor as work progresses.....	63, 72
To make final settlement with contractor, when.....	64, 72
To cause notice of assessment of costs for drainage improvement, the day for hearing objections, etc., to be served on each land owner.....	64
To keep record of drainage proceedings in drainage record.....	65, 73
To notify railroad commissioners when railroad company and engineer cannot agree as to manner in which drainage improvement shall cross right of way... ..	66
Railroad commissioners to notify, when they will hold hearing.....	66
To notify railroad company to construct drain or levee across right of way.....	66
To cause the work to be done under engineer when railroad fails to construct	66

	Page
COUNTY AUDITOR— <i>Continued.</i>	
Petition for establishment of sub-drainage district to be filed with.....	68
Mutual agreement of land owners to establish drainage district to be filed with....	70
Petition for establishment of drainage district through two or more counties to be filed with each	70
Returns of engineer as to drainage district through two or more counties to be filed with each	70
To serve notice on land owners of time of hearing petition for drainage district through two or more counties.....	70
Claims for damages on account of levee or drain through two or more counties to be filed with	71
Notice to be served on, when district court is asked to establish drainage district..	72
To certify to the clerk of the court transcript of proceedings had relative to establishment of drainage district	72
Watchmen or employes of drainage district to file itemized bill for services with..	73
To appoint commissioner to survey proposed drain for highway.....	74
Rate of state levy to be certified to.....	129
Plat of survey of lake or lake bed to be filed with.....	170
To execute vouchers of costs and expenses arising from care and investigation of the insane.....	85
To keep mulct tax account.....	91
To certify amount of mulct tax due.....	92
COUNTY BONDS—Relating to issuance of.....	15
COUNTY INDEBTEDNESS—Refunding, for bridge purposes.....	15
COUNTY INSANE INSTITUTIONS—Appropriations for inspections of.....	148
COUNTY LEVY—Rate of, for bridge purposes.....	37
COUNTY RECORDER—To re-record and reindex instruments when errors are made.	17
Relating to compensation of.....	17, 18
Relating to compensation of deputies.....	18
To reindex real estate of party changing name—fee.....	119
COUNTY SHERIFF—Duties as to condemnation of real property for use of state.....	76
Duties as to condemnation of real property for county purposes.....	77
COUNTY TREASURER—Payment of peddlers tax to.....	41
To issue duplicate receipts for peddlers tax.....	41
Drainage taxes payable to	68
Payment of costs and expenses of caring and investigating the insane to the.....	85
Payment of mulct tax made to.....	91, 92
Net proceeds from sale of lake or lake bed to be turned over to—to receipt therefor	171
To credit said moneys to road fund.....	171
COUNTY SUPERINTENDENT—Publication of a summary of expenditures and receipts of normal institutes.....	111
COUNTY SURVEYOR—To make plats of telegraph and telephone lines when so ordered by county auditor.....	42
To be appointed to survey abandoned river channels, sand bars or islands—compensation	167
COURT COSTS—Appropriation to pay, in certain suits originally commenced in Humboldt county.....	158
Appropriation to pay, in certain cases brought in Marion county.....	159
Appropriation to pay, in case of state vs. Sioux county... ..	159
COURT HOUSES—Condemnation of real property for	76, 77
COWNIE, JOHN—Appropriation for repairs to industrial home for the blind.....	135
CRAWFORD COUNTY—Acts of board of supervisors legalized relative to purchase of land.....	185
Representative district No. 56	165
CREDITORS, ASSIGNMENT FOR—Relating to publication of notice of.....	3
CURATOR OF HISTORICAL DEPARTMENT—To act on committee to determine what documents and laws are useless.....	5
ASSISTANT—Appropriation for.....	134
CURATOR OF LAW LIBRARY—To act on committee to determine what documents and laws are useless.....	5
CUSTODIAN OF PUBLIC BUILDINGS—Duties relative to disposition of canvas, furniture, etc., used temporarily in house of representatives.....	181, 182
Appropriation for employes under.....	132
Joint resolution fixing compensation of employes under.....	215
CUSTODIAN—Secretary of state to act as, of state documents and publications	4
CUSTODY—Of delinquent children.....	13
DAIRY COMMISSIONER—Compensation of deputy and assistant.....	97
Appropriation for expenses.....	132
DAIRY EXHIBITS—Appropriation for fire-proof building on state fair grounds for agricultural, horticultural and.....	137
DALLAS COUNTY—Representative district No. 36.....	164

	Page
DAMAGES —Claims for, on account of construction of levee or drain.....	62, 71
Commission to assess, on account of construction of levee or drain—appeal....	62, 63
On account of construction of levee or drain to be paid by the parties benefited ...	63
Claims for, on account of construction of levee or drain through two or more counties.....	71
Owners of land not liable for, for the drainage of surface waters thereon.....	75
Arising from condemnation of real property for the use of the state, how paid.....	76
Arising from condemnation of real property for court houses and jails, how paid..	77
Done by dogs, liability of owner.....	90
Sustained on account of sale of uninspected oils, lamps, etc.....	96
Appropriation to repair, caused by fire in capitol.....	135
DAVIS COUNTY —Representative district No. 3.....	163
DECATUR COUNTY —Representative district No. 6.....	163
DEED —For abandoned river channels, sand bars or islands in navigable waters.....	168
For lakes, or lake beds.....	170
For right of way over state grounds at Eldora, Iowa.....	175
For right of way over state grounds at Council Bluffs.....	175
DEEDS, QUIT CLAIM —For certain tracts of land in Van Buren county.....	179
For certain lots in Cedar Falls, Iowa.....	180, 181
DEEP RIVER, TOWN OF —Issue of bonds legalized.....	187, 188
DEFENDANT —In actions on written contracts—judgment in favor of, when plaintiff fails to appear.....	120
DELAWARE COUNTY —Acts of board of supervisors relative to levy of tax for the poor legalized.....	186
Representative district No. 68.....	165
DELINQUENT CHILDREN —Jurisdiction over—term defined.....	9, 10
Petition relative to—trial—discretionary power of court.....	10, 11
Placed in charge of probation officers.....	11
Optional commitments of; parole or discharge of.....	12
Not to be committed to jail or police station.....	13
Not to be confined with adult convicts.....	13
Support of.....	13
Religious faith of parents to be considered in placing.....	13
DEPARTMENT OF AGRICULTURE —Appropriation for erection of building for agricultural, horticultural and dairy exhibits.....	137
DEPARTMENT OF IOWA, GRAND ARMY OF REPUBLIC —Appropriation for expenses of.....	160
DEPENDENT OR NEGLECTED CHILDREN —Jurisdiction over.....	9
Terms defined, petition in writing, summons, trial.....	10
Placed in charge of probation officers.....	11
Commitment, guardianship, decree for adoption.....	11, 12
Disposition of child by agreement.....	12
Support of.....	13
Religious belief of parents of, to be considered.....	13
Statutes construed liberally.....	13
DEPOSITS, STATE —Interest on.....	3
DEPUTY COUNTY RECORDERS —Relating to compensation of.....	18
DEPUTY DAIRY COMMISSIONER —Compensation of.....	97
DEPUTY LABOR COMMISSIONER —Compensation and expenses of.....	92
DEPUTY TREASURER OF STATE —Appropriation to pay bond of.....	4
DES MOINES COUNTY —Representative district No. 21.....	164
DES MOINES, WEST —School District of, election legalized.....	198
DICKINSON COUNTY —Representative districts No. 93.....	166
Relinquishment of certain lands in, to the United States.....	176
DIPSOMANIACS —(See <i>Inebriates</i>).	
(See <i>Hospital for Inebriates</i>).	
DIRECTOR OF BACTERIOLOGICAL LABORATORY —Duties, compensation.....	105
DISCHARGE —From Iowa national guard.....	83
DISEASES, INFECTIOUS —Relative to expenses of local boards of health in restricting spread of.....	102
Removal of persons sick with, expenses, how paid.....	102
DISPOSITION —Of useless state documents and laws, relating to.....	5
Of unclaimed money of deceased inmates of state institutions.....	111
Of gate receipts of the penitentiaries.....	127
Of state property used at Louisiana purchase exposition.....	152
DISTRIBUTION —Of code and code supplements by secretary of state.....	128
Of railroad commissioners maps.....	156, 157
Of reports of department of Iowa, grand army of the republic.....	160
DISTRICT COURT —To have jurisdiction over juvenile courts.....	9, 10
Children affected—terms defined—petition in writing.....	10
To cause summons to be issued—contempt.....	10

DISTRICT COURT— <i>Continued.</i>	Page
To hear and dispose of case in summary manner—statutes applicable—appeal.....	11
Discretionary powers of.....	11
To appoint probationary officers.....	11
Judge of, to designate time for hearing.....	11
Judge of, to exclude unnecessary persons from court room.....	11
Commitment of dependent or neglected children by.....	12
May place child in hospital or institution when health of child requires it.....	12
Order or decree for adoption.....	12
Order of, when child is disposed of by agreement.....	12
May continue hearing of delinquent child—optional commitments—parole or discharge of child.....	12, 13
Order or decree of, relative to support of child.....	13
Annual report to board of control.....	13
To take into consideration the religious belief of parents, in placing children.....	13
Appeals to, from findings of board of supervisors as to establishment of drainage districts and assessment of damages.....	63, 72
To establish drainage districts, when.....	72
Notice of opening of hospital for inebriates to be mailed judges of.....	86
Application for commitment to hospital for inebriates to be made to judges of.....	86
Judge of, to give consent to "other person" to make application for commitment of an inebriate.....	86
Judge of, to hear evidence relative to accusation of inebriety.....	87
Judge of, may require county attorney to assist in hearing inebriety cases.....	87
Judge of, to order commitment to hospital of inebriates.....	87
Judge of, to continue hearing of inebriate cases, when.....	87
Judge of, to issue orders relative to custody or control of accused inebriates.....	87
Judge of, to impose sentence of detention on inebriates.....	87
Judge of, to fill out blank order of commitment.....	88
To have jurisdiction in cases against inebriates for leaving hospital, etc.....	88
Judge of, to order plaintiff or attorney to appear in court to show why injunction action for suppression of illegal sale of intoxicating liquors has not been brought to trial.....	91
To direct grand jury to investigate facts as to bringing and prosecuting such case, when.....	91
Petition to, to authorize conveyance of real estate when either spouse is insane.....	114, 115
To enter decree authorizing conveyance of real estate when either spouse is insane.....	115
To make election of distributive share of surviving spouse, when.....	116
May appoint shorthand reporter as clerk of grand jury in certain counties.....	126
Of Howard county to appoint trustee to have charge of appropriation for education of William Redden.....	162
DISTRICTS, REPRESENTATIVE—Apportionment of state into.....	163, 166
DITCHES—(See <i>Drains, Levees, Ditches and Water Courses</i>).	
DOCKING HORSES—Unlawful—penalty.....	123
DOCUMENTS—STATE—Secretary of state to act as custodian of.....	4
To be classified and catalogued.....	4
Requisitions for.....	4
Report of number, kind and date of—reserve list.....	5
Biennial report of, on hand, etc.....	5
List of useless publications, laws and.....	5
Disposition of useless publications, laws and.....	5
To be furnished to college libraries by secretary of state.....	128
DOGS—Relating to damage done by.....	90
DOWNES, CHARLES M.—Relief of grantees of.....	178
DRAINAGE—(See <i>Drains, Levees, Ditches and Water Courses</i>).	
Proposed amendment to the constitution permitting, across lands of others.....	210
BONDS—Issuance of—interest rate, etc.....	69, 71
RECORD—To be kept by county auditor.....	65
OF LAKES—Procedure.....	169, 171
LAWS—Concurrent resolution authorizing secretary of state to publish, in pamphlet form.....	219
DRAINS, LEVEES, DITCHES AND WATER COURSES—	
Notice of hearing of objections to apportionment of costs of.....	59
Proceedings now pending.....	59
Re-assessment and re-levy of taxes for.....	60
Completion and payment of work already begun on.....	60
Future levies for—drainage bonds.....	60
Board of supervisors to establish drainage district.....	61
Proceedings for establishment of—bond—survey.....	61
Notice of hearing, upon whom and when served.....	61, 62
Claims for damages on account of proposed construction of.....	62
Location of levee or drainage district.....	62

DRAINAGE, LEVEES, DITCHES AND WATER COURSES— <i>Continued.</i>	Page
Assessment of damages by appraisers—appeal.....	62
Damages, by whom paid—supervising engineer.....	63
Letting of work—payment.....	63
Failure to perform work—penalty.....	64
Changes in dimensions may be made.....	64
Assessment of costs and damages.....	64
Levy and collection of tax—appeal—drainage record.....	65
What deemed a nuisance.....	65
Survey, etc., of former proceedings may be used in subsequent proceedings.....	65
Reliev when former levy cannot be enforced.....	65
Establishment of levy or drainage district across right of way of a railroad company.....	66
Construction across right of way.....	66
Construction on or along highway.....	67
Control of drainage district—repairs.....	67
Outlet for lateral drains.....	67
Sub-drainage districts.....	67
Enlargement of water course or stream.....	68
New levee or drainage districts.....	68
Tax—may be paid in installments—improvement certificates.....	68, 69
Issuance of drainage bonds.....	69
Establishment when owners mutually agree.....	70
Establishment through two or more counties.....	70
Claims for damages, where filed.....	71
Hearing—appraisers.....	71
Assessment of costs and damages—improvement certificates—bonds.....	71
Letting work—supervising engineer—contractor, how paid.....	71, 72
Appeals.....	72
District court to establish, when.....	72
Special sessions of boards of supervisors.....	73
Cities and towns may be included in levee or drainage district.....	73
Outlet in another state.....	73
Watchmen—fees—expenses.....	73
Compensation of county auditor for extra services—drainage record.....	73
Draining of highways, procedure.....	74
Inspection by competent engineer.....	74
Tax a lien upon premises.....	74
Defects in proceedings.....	74
Additional to existing statutes.....	75
Pumping stations in levee districts.....	75
Drainage of surface waters.....	75, 76
DRAYAGE—Appropriation for express, freight and.....	133
DRYSDALE & HALL—Appropriation for badges.....	134, 135
DUBUQUE, CITY OF—Certain resolutions of city council legalized.....	158
DUBUQUE COUNTY—Representative district No. 69.....	165
DUBUQUE RESCUE HOME—Appropriation for—how expended.....	161
DUCKS—Number killed in one day.....	100, 101
Excepted from list of game in possession of persons, firms and corporations.....	101
DUMP GROUNDS—Purchase and condemnation of land by cities and towns for.....	28
EDUCATION—(See <i>Compulsory Education.</i>)	
EDUCATIONAL INSTITUTIONS, STATE—Relating to reports from secretaries of, to the general assembly.....	107
ELECTION—(See <i>Primary Elections.</i>)	
To authorize construction of public buildings in certain cities.....	20
To authorize construction of public buildings in cities of the second class and towns.....	20, 21
To authorize protection of city from floods.....	24, 25
To authorize indebtedness for waterworks and a system of sewers.....	37, 38
To authorize indebtedness for schoolhouse purposes.....	112
Time of trying appeal cases in contested.....	116
In town of Alta for certain purposes legalized.....	186, 187
For incorporation of town of LeRoy legalized.....	189
Of town council of Minburn legalized.....	191
In town of Persia legalized.....	192
In town of Quasqueton legalized.....	193
Joint resolution relative to election of United States senators by direct vote of the people.....	209
ELECTIONS—In establishing joint ownership of public libraries by cities and towns and institutions of learning legalized.....	19
Compensation of special policemen at.....	29
ELECTIONS—(See <i>Primary Elections.</i>)	
BIENNIAL—Proposed amendment to the constitution providing for.....	207

	Page
ELECTRIC CURRENT—The taking of, from wires—penalty	121
ELMIRA REFORMATORY SYSTEM—Joint resolution to appoint committee to investigate and report on.....	211
EMMET COUNTY—Representative district No. 93	166
EMPLOYES—To watch and repair drains, levees, etc.—compensation, expenses	73
Of hospital for inebriates	86
Protection of non-resident employes in garnishment cases	117
Construction of fire escapes to protect	123
Appropriations for salaries of state house	131, 132
Appropriation for extra services of house and senate	134
Of the Thirtieth General Assembly, appropriation to pay	154
joint resolution fixing number and compensation	206
Joint resolution fixing number and compensation of state house.....	212
ENCAMPMENTS—Relative to, of Iowa national guard	83
ENGINEER—Appointment of, to survey and plat proposed drainage district and make report to county auditor.....	61, 71
To supervise construction of drainage improvement, bond, duties	63
Supervising, to report necessity of changes in dimensions of levee or drain to board of supervisors	64
To use former returns, plat, etc., in subsequent proceedings for the establishment of a drainage district	65
To notify railroad company when proposed drainage district crosses its right of way	66
To agree with railway company as to manner and method in which drainage improvement shall cross right of way	66
Appointment of, when drainage district extends through two or more counties, duties	70
Supervising, of drainage district extending into two or more counties, appointment, duties	72
ENLISTMENTS—Relating to, in Iowa national guard	81
ERRORS, CORRECTION OF—By county recorder when made in recording or indexing instruments	17
ESCAPE—Of inebriates, expenses for recapture and recommitment, how paid	90
EVIDENCE—Census publication to be	8
EX-COMMISSIONERS OF PHARMACY—Appropriation to reimburse certain	157
EXAMINATION—Of insurance companies	47, 48
Of fraternal beneficiary societies	52
Of banks	55, 56
Of associations, companies, etc., handling shares, contracts, debentures, bonds, tontine contracts	58
Of inebriates, dipsomaniacs, etc	87
Of lamps and apparatus by board of health	96
Supplemental, of physicians registered in other states	106
EXAMINER, BANK—Appointment—compensation	55
Expenses, how paid	56
EXAMINER, INSURANCE—Appointment—assistants—compensation—expenses, how paid	47
To examine certain investment associations	58
EXAMINERS OF MINE INSPECTORS—Board of, how constituted.....	93
EXECUTIVE COUNCIL—To approve rate of interest on state deposits	3
To designate places for storage of state documents and publications	4
Secretary of state to make report of number, kind and date of state documents to.....	5
To fix reserve list of state documents and publications	5
To approve requisitions for documents in reserve list	5
To dispose of useless documents, publications and laws	5
To approve per diem and expense accounts of state officers, etc	6
To prepare blank forms for the taking of the census	7
To cause census to be made in delinquent counties	7
To cause abstracts of census to be prepared.....	7
May add to compilation other statistics	8
To employ stenographers and accountants to prepare abstracts of census	8
To publish "Census of Iowa"	8
To co-operate with United States Census Bureau	8
Telegraph and telephone companies to file statements with	38, 39
To examine statements of telegraph and telephone companies	39
To certify assessment of telegraph and telephone companies to county auditors.....	39
Railway and other corporations to report real estate holdings to	39
To arrange statements of real estate holdings of railroads, etc	40
Relating to assessment of freight line and equipment companies by	40
To order examination of non-resident companies	48
To approve expense accounts of bank examiners	56
To approve plan of doing business of certain investment companies.....	57

EXECUTIVE COUNCIL—Continued.	Page
To decide when state needs more real property.....	76
Amount of damages arising from condemnation of real property for use of state to be certified to.....	76
To classify railways.....	79
To audit and allow claims of Iowa national guard when in service of the state.....	81
To prescribe manner in which barrels or vessels containing gasoline shall be marked.....	94
To approve and confirm appointments of branders and helpers by oil inspectors.....	94
To purchase and furnish oil inspectors all necessary supplies.....	94
Secretary of state to certify reports of oil inspectors to.....	95
To approve reports of oil inspectors.....	95
To approve requests of college libraries for codes, session laws and documents.....	128
To fix rate per centum of state levy for years 1904 and 1905.....	129
To certify rate of state levy to county auditors.....	129
Appropriation for providential contingencies to be expended by.....	132
Appropriation for furniture, stores, supplies to be expended by.....	132
Appropriation for light, water, etc., to be expended by.....	133
Appropriation for members of, for extra services.....	133
Appropriation for paving certain streets.....	134
Appropriation for certain sewer.....	134
Appropriation for approved claims.....	134
Appropriation for purchase of Huebinger map.....	135
Authorized to proceed with completion of historical, memorial and art building.....	150
To secure plans and specifications and let contracts for completion of said building.....	151
To set aside part of the appropriation for furnishings.....	151
To secure additional ground for historical building.....	151
To certify amounts due certain ex-commissioners of pharmacy to auditor of state.....	157
To investigate matter of costs in case of State v. Sioux County.....	159
To direct expenditures of appropriation for Benedict home.....	160
To direct expenditures of appropriation for Dubuque rescue home.....	161
To direct expenditures of appropriation for Florence Crittenton home.....	161
To appoint boundary commission.....	168
Statements asking for drainage of lakes to be filed with.....	169
Engineer appointed to investigate condition of lake to report to.....	169
To determine whether lake shall be preserved or drained and sold.....	169, 170
To appoint commissioners to secure evidence relative to condition of lake.....	170
To sell and convey lake or lake bed and execute deed or patent.....	170
To offer lake or lake bed for sale.....	170
To convey lake or lake bed to county when county has previously disposed of same.....	171
To audit expenses of survey, etc., and certify same to auditor of state.....	171
Authorized to sell or lease islands in the waters of the state.....	172
To cause survey and plat of island to be made.....	172
To advertise sale of island—to open bids and sell island to highest bidder.....	172
To advertise for bids for lease of island—to open bids and lease to highest bidder.....	172
To certify expenses of survey, etc., to auditor of state.....	172
To have certain island in Mississippi river surveyed and value thereof appraised.....	173
To sell and convey said island to highest bidder.....	173
Empowered to sell "state square" and use proceeds in purchase of other property.....	173
To grant and convey right of way over state grounds at Anamosa to the Chicago, Anamosa & Northern R'y Co.....	174
To grant right of way over state grounds at Eldora to electric railway.....	174
To approve surveys, maps and profile of such right of way.....	174
Plat of right of way of Council Bluffs, Tabor & Southern Electric Railway through state grounds at Council Bluffs to be filed with and approved by.....	175
Joint resolution fixing compensation of secretary, assistant, supply clerk, etc.....	214
Concurrent resolution requiring, to prepare historical exhibit for shipment to St. Louis.....	218
EXECUTOR—May vote stock at corporate meetings.....	46
EXEMPTION—Of wages of non-resident employes for garnishment.....	117
EXPENSES—Of state officers, commissioners, e'c, how paid.....	6
Incident to consolidation or reinsurance of risks of insurance companies.....	51
Of examiners of insurance companies.....	53
Incident to consolidation or reinsurance of risks of fraternal beneficiary societies.....	55
Of bank examiners, how paid.....	56
Which accrue from the care and investigation of the insane, how paid.....	85
For return of patients escaped from hospitals for insane, how paid.....	85
Of trial and taking patient to hospital for inebriates, how paid.....	87
Of commitment of insane patients of hospital for inebriates to hospital for the insane, how paid.....	87
For recapture and recommitment of escaped inebriates.....	90
Of commissioner and other employes of bureau of labor statistics.....	92

254
INDEX.

EXPENSES—Continued.	Page
Of oil inspectors.....	95
Of the board of veterinary medical examiners.....	99
Of local board of health in establishing and maintaining a quarantine, detention or other hospital.....	102
Of removal of persons sick with infectious diseases.....	102, 103
Appropriation to pay, of visitation committees of Thirtieth General Assembly.....	129
Appropriation for, of dairy commissioner, deputy and assistants.....	132
Appropriation for, of superintendent of weights and measures..	135
Of state agent, how paid.....	147
Of disposition of state property used at Louisiana purchase exposition.....	152
Of Andersonville monument commission.....	153
Of inaugural ceremonies, appropriation to pay.....	155
Of department of Iowa, grand army of the republic, appropriation to pay.....	160
Of survey, appraisement, etc., of lake or lake beds, how paid.....	171
Of survey, appraisement, etc., of islands in waters of state.....	172
EXPRESS, FREIGHT AND DRAYAGE—Appropriation for biennial period.....	133
Appropriation for bills due and unpaid.....	155
Appropriation for approved claims.....	155
Appropriation to pay, during session of Thirtieth General Assembly.....	155
FACTORY INSPECTOR—Compensation, expenses.....	92
FARMERS CO-OPERATIVE CREAMERY ASSOCIATION OF TENOLD—Incorporation legalized.....	203, 204
FAYETTE COUNTY—Representative district No. 71.....	165
FEEBLE-MINDED CHILDREN—(See <i>Institution for Feeble minded Children.</i>)	
FEEES—Of state officers, commissioners, etc., to be turned into state treasury.....	6
For registration of motor vehicles.....	44
For insurance' agents license.....	49
For certificates of authority to transact business of handling contracts, debentures, bonds, etc.....	58
For inspecting the products of petroleum.....	94
For registration of veterinarians registered in other states.....	98
Practitioners of veterinary surgery and medicine to pay annual fee.....	99
For registration of physicians registered in other states.....	106
For issuing release of liens on attached property.....	117
Of clerks of district court for services in changing names.....	119
Of clerks of district court in making certified copies of records relative to change of names.....	119
Of county recorder in reindexing real estate when owner changes his name.....	119
To be collected from visitors by the wardens of the penitentiaries.....	127
In connection with survey and appraisement of abandoned river channels, sand bars or islands.....	167
FEMALE INEBRIATES—To be committed to hospital for insane.....	88
FIRE ESCAPES—Provisions for construction of.....	123, 124
Buildings and enclosures—how classified.....	123
AND STAIRWAYS—how constructed.....	124
Enforcement—penalty.....	124
Inspection and approval.....	125
FIRMS—Regulation of, handling certificates, contracts, debentures, bonds, stocks, tontine contracts, etc.....	57
(See <i>Investment Companies.</i>)	
FISH AND GAME—Fishing season extended.....	99
Relative to protection of game.....	99
Fishing, what permitted.....	100
Taking fish from the waters of the state, written permits.....	100
Number of wild turkey, duck, goose or biant killed in one day.....	100, 101
Number of ducks in possession of persons, firms or corporations.....	101
Using birds as targets, penalty.....	101
FISH AND GAME WARDEN—Appropriation for salaries, new dams etc.....	139, 140
Appropriation to cover existing deficit—also expenses of warden to July 1, 1904.....	140
FLOODS—Protection of city property against, authorized.....	24
Petition—plans and specifications—resolution—notice—hearing—question submitted.....	24
Contracts—levy of tax—placed in tax list—diversion of stream.....	25
Purchase or condemnation of property.....	26
Bonds and assessment certificates—costs—how paid.....	26
FLORENCE CRITTENTON HOME—Appropriation—how expended.....	161
FLOYD COUNTY—Representative district No. 85.....	166
FOUNTAIN, CHARLES B. AND HAROLD—Appropriation for—receipts.....	161
FOWLS, DOMESTIC—Larceny of, in night time.....	122
FRANKLIN COUNTY—Representative district No. 74.....	165
FREIGHT, EXPRESS AND DRAYAGE—Appropriation for biennial period.....	133
Appropriation for bills due and unpaid.....	155

	Page
FREIGHT, EXPRESS AND DRAYAGE—Continued.	
Appropriation for approved claims	155
Appropriation to pay, during session of Thirtieth General Assembly.....	155
FREIGHT LINE AND EQUIPMENT COMPANIES—Verified statement of, what to contain.....	40
FREMONT COUNTY—Representative district No. 10.....	163
FRIENDLESS CHILDREN—Appropriation for inspection of homes for.....	148
FT. MADISON PENITENTIARY—(See <i>Penitentiaries</i>).	
FUNDS—Relating to interest on public.....	3
County auditor to have charge of donated cemetery funds, when trustee is not appointed.....	14
For drainage improvement to be kept separate from other county funds.....	65
GAME—(See <i>Fish and Game</i>)	
GARBAGE DISPOSAL PLANTS—Purchase or condemnation of land for.....	28
GARNISHMENT CASES—Protection of non-resident employes in	117
GAS—The taking of, from pipes or meters.....	121
GASOLINE LAMPS—Relating to examination and use of.....	96
GENERAL ASSEMBLY—List of members of Thirtieth.....	vi-viii
GENERAL LEVY—Act providing for.....	129
GEOLOGICAL SURVEY—Department of—appropriation for clerical help.....	132
Joint resolution fixing compensation of clerical help.....	214
GIESSMAN, W. F.—Appropriation for memorial albums.....	134
GOOSE—Number killed in one day.....	100, 101
GOVERNOR—To act on commission to approve plan of consolidation or reinsurance of risks of insurance companies.....	50
To approve policies or contracts of life insurance companies with attorney general and auditor.....	51
To appoint agent to conduct condemnation proceedings for land for use of state.....	76
To call out the Iowa national guard and militia, when.....	80
(See <i>Commander in Chief</i> .)	
To appoint and commission regimental staff.....	81
To approve certificates of adjutant general as to moneys needed for support of Iowa national guard.....	84
To appoint inspectors of petroleum products.....	93
To remove inspectors of petroleum products for cause.....	96
To appoint policemen at certain state institutions.....	110
Appropriation for clerical help.....	132
Appropriation for employment of additional counsel.....	132
Appropriation for return of paroled prisoners, etc.....	132
Appropriation for house rent.....	132
To approve vouchers of expenditures of capitol commission.....	136
To direct expenditure of money for purchase of permanent camp grounds and approve vouchers therefor.....	138
To appoint commission to locate site of, and erect suitable monument at, confederate military prison at Andersonville, Ga.	153
Said commission to report to.....	153
To approve vouchers of monument commission.....	154
To issue patent or deed for abandoned river channels, sand bars or islands.....	168
To appoint engineer to survey lakes or lake beds.....	169
To execute deed or patent for lakes or lake beds.....	170
To appoint commission to appraise value of lakes or lake beds.....	170
To appoint commission to appraise value of islands in the waters of the state.....	172
To execute patent or lease for islands in the waters of the state.....	172
To execute deed for right of way over certain state grounds at Eldora, Iowa.....	175
To execute deed for right of way over certain state grounds at Council Bluffs, Iowa.....	175
To relinquish to the secretary of the interior certain lands in Dickinson county.....	176
To issue patent to Frederick M. Stumbo for certain tract of land.....	177
To issue patent to George S. Stall and Frances E. Stall for certain tract of land.....	178
To execute quit claim deeds to Etta Baldwin and May Kinkle for certain tracts of land.....	179, 180
To execute quit claim deeds for certain lots in Cedar Falls, Iowa.....	181
Joint resolution fixing compensation of clerical help.....	213
GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF IOWA—Appropriation for expenses of.....	160
GRAND JURY—Clerk of—district court may appoint shorthand reporter in certain counties as.....	126
GREENE COUNTY—Representative district No. 54.....	165
GROUNDS—Levy of tax for public buildings and, in certain cities.....	20
Levy of tax for public buildings and, in cities of the second class and towns.....	20, 21
GRUNDY COUNTY—Representative district No. 65.....	165
GUARDIAN—To be notified of proceedings relative to dependent, neglected or delinquent children.....	10

256
INDEX.

	Page
GUARDIAN—Continued.	
May demand trial of a child for commission of a crime.....	11
May dispose of dependent or neglected children by agreement.....	12
May vote stock at corporate meetings.....	46
Duties as to children attending school.....	113
GUARDS— At the penitentiary, classification and compensation of.....	127
GUTHRIE COUNTY— Representative district No. 35.....	164
HAMILTON COUNTY— Representative district No. 63.....	165
HAMILTON, TOWN OF— Incorporation of, legalized.....	189
HANCOCK COUNTY— Representative district No. 92.....	166
HARBACH, L.— Appropriation for chairs and gavels.....	134
HARDIN COUNTY— Representative district No. 64.....	165
HARRISON COUNTY— Representative district No. 32.....	164
HEARING— Relating to publication of notice of, for probate of will.....	3
Relative to necessity of protecting cities from floods.....	24
Of objections to apportionment of costs of drains, levees, ditches and water courses.....	59
Of petition, relative to establishment of drainage district.....	62, 63
To determine assessment of damages on account of construction of drain or levee.....	62, 63
Of petition to establish levee or drainage district through two or more counties.....	71
To determine assessment of costs on account of the construction of levee or drain through two or more counties.....	71
To determine question of preservation or drainage and sale of lakes or lake beds.....	169
HENRY COUNTY— Representative district No. 20.....	164
HEPBURN-DOLLIVER BILL— Concurrent resolution relative to.....	217
HERRIOTT, JOHN— Appropriation for pay as lieutenant governor.....	133
HIGHWAY COMMISSION— Iowa state college of agriculture and mechanic arts to act as a.....	108
Duties of.....	108
HIGHWAYS— (See <i>Roads.</i>)	
HINKLE, MAY— Issuance of quit claim deed to, for certain tract of land.....	180
HISTORICAL BUILDING— Appropriation to complete.....	150
Plans and specifications—letting contracts—furnishings.....	151
Purchase of additional land—Iowa materials.....	151
HISTORICAL DEPARTMENT— Appropriation for clerical help.....	132
Appropriation for assistant curator of.....	134
Joint resolution fixing compensation of assistants, etc.....	213
HISTORICAL EXHIBIT— Concurrent resolution relative to, at Louisiana purchase exposition.....	218
HISTORICAL SOCIETY— Annual appropriation for—purposes.....	113, 114
HOCH, AMIL— Appropriation for—receipt.....	161
HOMES— For dependent children.....	11, 12
HORSES— To prohibit docking—penalty.....	123
HORTICULTURAL EXHIBITS— Appropriation for fire proof building on state fair grounds for.....	137
HOSPITAL FOR INEBRIATES— For the detention, care and treatment of inebriates, dipsomaniacs etc.....	86
Officers and employes of.....	86
Board of control to have power and control over.....	86
Notice of opening of, to be mailed to the judges and clerks of district court.....	86
To receive male patients.....	86
Application for commitment to.....	86
Examination—commitment—formal trial—warrant of commitment.....	87
Costs and expenses of arrest and trial.....	87
Per capita allowance—rules and regulations.....	87
Blank forms furnished judges and clerks of district court.....	87
Patients to labor—treatment—parole, conditions.....	88
Misdemeanor for patients to leave hospital without authority.....	88
Refusal to work.....	88
Transfer of patients—appropriation.....	88
Penalties for selling or furnishing liquor, drugs, etc., to patients.....	89
Per capita support for first month.....	89
Additional land and buildings—appropriation.....	89
Insane patients—expenses of commitment to hospital for insane.....	89
Physical condition of patients.....	90
Escape—expenses—patients subject to prosecution for public offenses.....	90
HOSPITALS— Construction of fire escapes on.....	123, 124
HOSPITALS FOR THE INSANE— Commitment of female inebriates to.....	88
Appropriations for improvements, repairs, etc.....	143
HOTELS— Construction of fire escapes and stairways on.....	123, 124

	Page
HOUSE AND SENATE EMPLOYEES—Appropriation for certain services.....	134
Joint resolution fixing number and compensation of.....	206
HOWARD COUNTY—Representative district No. 89.....	166
HOWE, LYDIA A—Issuance of quit claim deed to, for certain lot in Cedar Falls, Iowa.....	181
HUEBINGER MAP—Appropriation for purchase of.....	135
HUMBOLDT COUNTY—Representative district No. 92.....	166
Appropriation to pay court costs in certain cases originally commenced in.....	158
HUSBAND—Conveyance of real estate under power of attorney.....	114
Conveyance of real estate when wife is insane.....	114
Election of distributive share of, to be made by court, when.....	116
HYZER, W. W.—Appropriation for services as temporary mail carrier.....	133
IDA COUNTY—Representative district No. 57.....	165
IMPROVEMENT CERTIFICATES—Issuance of—rate of interest, etc.....	68, 71
INAUGURAL ADDRESS—Concurrent resolution providing for publication of 15,000 copies of.....	216
INAUGURAL CEREMONIES—Appropriation for expenses of.....	155
INCORPORATION—Of savings banks, relating to publication of notice of.....	2
Of town of Arnolds Park legalized.....	187
Of town of Hamilton legalized.....	189
Election for, of town of LeRoy, legalized.....	189
Of town of Lost Nation legalized.....	190
Of town of Persia legalized.....	192
Of town of Quasqueton legalized.....	193
Of town of Titonka legalized.....	196
Of town of Wall Lake legalized.....	197
Of Farmers' Co-operative Creamery Association of Tenold, Iowa, legalized.....	203
INDEBTEDNESS—Funding and refunding county.....	15
Refunding county, for bridge purposes.....	15
Of towns and cities of second class for waterworks and sewers.....	37, 38
For schoolhouse purposes—amount authorized—petition for election when such indebtedness exceeds certain per centum.....	112
Questions submitted—issuance of bonds.....	112
INDEPENDENCE STATE HOSPITAL—Appropriations for improvements, repairs, etc.....	143
INDETERMINATE SENTENCES—Joint resolution to appoint committee to investigate and report on.....	211
INDEXING JOURNALS—Appropriation for the secretary of state for.....	135
INDIGENT SOLDIERS, SAILORS AND MARINES—Of the United States relative to tax for, and burial of.....	16
INDUSTRIAL HOME FOR THE BLIND—Called state hospital for inebriates.....	86
INDUSTRIAL SCHOOLS—Commitment of dependent, neglected or delinquent children to.....	12
Bringing drugs, liquor, weapons etc., into, to aid escapes, penalty.....	122
State agent to find homes or positions for discharged inmates.....	147
FOR BOYS, Eldora, appropriation for improvements, repairs, etc.....	142
Right of way over grounds to be granted to electric railway—terms and conditions,.....	174, 175
FOR GIRLS, Mitchellville, per capita support.....	128
Appropriation for improvements, repairs, etc.....	142
INEBRIATES—State hospital for detention, care and treatment of.....	86
Hospital to receive male.....	86
Application for commitment, when and by whom made.....	86
Examination of—commitment—term—formal trial—warrant of commitment.....	87
Costs and expenses of arrest, trial and taking of, to hospital, how paid.....	87
Per capita support for hospital—rules and regulations for government of, while in hospital.....	87
Required to perform labor—treatment of.....	88
May be paroled, when—conditions of parole.....	88
A misdemeanor for, to leave hospital or grounds without permission.....	88
Refusal to work.....	88
Female, to be committed to hospital for insane.....	88
Transfer of, from hospitals for insane to new hospital.....	88
Penalties for furnishing intoxicating liquors or narcotic drugs to.....	89
To be committed to hospital for insane when found to be insane.....	89
May be paroled when physical condition is such that further confinement would be injurious.....	90
Escape of, from hospital, expenses of capture and return.....	90
Subject to prosecution for public offenses.....	90
INHERITANCE—Of child born after making of will.....	115
INHERITANCE TAX—(See <i>Collateral Inheritance Tax</i>).	

	Page
INJURY, MALICIOUS—To highways, bridges, railways, telegraph lines, etc., penalty	120, 121
To property of public libraries and reading rooms	121
INJUNCTION—To restrain bootlegger	92
ACTIONS—For suppression of illegal sale of intoxicating liquor	91
INSANE—Costs and expenses arising from care and investigation of, how paid	85
Return of patients escaped from hospitals for the insane	85
Patients of hospital for inebriates—who become, procedure relative to commit- ment to hospital for insane	89
Conveyance or mortgage of property by one spouse when other is insane	114, 115
INSANE INSTITUTIONS, COUNTY OR PRIVATE—Appropriation for inspection of	148
INSPECTION—Of drains, ditches, levees and water courses	74
Of petroleum products, inspectors, appointment	93
Duties, regulations, fees, supplies	94
Record and report, reports from companies, agents, etc.	95
Compensation and expenses of inspectors	95
Penalties, damages	95
Examination of lamps and apparatus	96
Removal of inspectors	96
Of fire escapes and stairways	125
INSPECTOR—(See <i>oil inspectors</i>).	
INSTITUTION FOR FEEBLE-MINDED CHILDREN—Appropriation for buildings, improvements, repairs, etc.	142
INSTITUTIONS—Commitment of dependent or delinquent children to certain	12
INSURANCE—Examination of companies authorized	47
Appointment of examiner and assistants—fees—expenses	47
Revocation of certificates of authority—publication of results of examinations	48
Transfer of stock pending examination	48
Soliciting business after revocation of authority—penalty	48
Refusing to be examined—penalty	48
Non-resident companies—the term company defined	48
Relative to the licensing of agents	49
Consolidation or reinsurance of the risks of insurance companies	50
Companies defined—life companies—submit plan to auditor of state—statement as to condition	50
Commission to proceed without notice—may require notice	50
Commission, how composed—unanimous approval of plan	50
Companies other than life—approval of plan	51
Consolidation with unauthorized companies prohibited	51
Expenses, how paid—penalty	51
Approval of policies or contracts of life companies by auditor of state	51
Transfer of moneys collected for expenses to other funds by stipulated premium and assessment life insurance associations	52
FRATERNAL BENEFICIARY SOCIETIES	52
Examination by auditor or representative—assistants—compensation	52
Officers to assist—administration of oaths	53
Revocation or suspension of authority—expenses of examination, how paid	53
Soliciting new business after suspension or revocation, penalty	53
Authority to commence business—conditions	54
Consolidation or reinsurance of risks	54
Expenses, how paid—penalty	54
Plan of consolidation or reinsurance—approval	55
INTEREST—Relation to, on state deposits	3
On installments of special assessments for permanent sidewalks	22
INTOXICATING LIQUORS—Relating to publication of notice of permit to sell	3
Injunction actions for suppression of illegal sale of	91
County auditor to keep mulct tax account	91
Payments of mulct tax made to county treasurers	91, 92
Bootlegger defined—penalty	92
INVESTMENT COMPANIES—Regulation of—terms defined—certificate of authority to engage in business—how obtained	57
Executive council to approve plan—existing companies	57
To report annually to auditor of state	57
Deposit of bonds or securities with auditor of state	58
Unauthorized companies, penalty for transacting business	58
Fee for annual certificate—examination of	58
IOWA, CENSUS OF—(See <i>Census</i>)	
IOWA COUNTY—Representative district No. 40	164

259
INDEX.

	Page
IOWA LIBRARY COMMISSION—Joint resolution fixing compensation of secretary, clerk, etc.....	214
IOWA MATERIALS—To be used in construction of historical, memorial and art building.....	151
IOWA NATIONAL GUARD—Governor to call out, when.....	80
Enlistments in—terms of service.....	81
Appropriation for purchase of permanent camp ground.....	138
Appropriation for relief of.....	139
Company and troop officers—medical and staff departments.....	82
Term of service—resignation—discharge.....	83
Parades—encampments—penalties for trespass, etc.....	83
Compensation of officers and men.....	83
Compensation for company drill and band practice.....	84
Appropriation for support of.....	84
IOWA OFFICIAL REGISTER—Concurrent resolution authorizing publication of 5,000 additional copies of.....	216
Concurrent resolution authorizing publication of 10,000 additional copies of.....	217
IOWA SOLDIERS' HOME—(See <i>Soldiers' Home</i> .)	
IOWA SOLDIERS' ORPHANS' HOME—(See <i>Soldiers' Orphans' Home</i> .)	
IOWA STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS—Secretary of, to report receipts and expenditures etc., to General Assembly.....	107
To act as a highway commission—duties.....	108
Appropriations for new buildings, improvements, etc.....	145
Joint resolution to appoint committee to investigate management of.....	211
ISLAND—Sale of certain, in Mississippi river in Lee county.....	173
ISLANDS—Sale or lease of, in waters of state authorized.....	172
Survey—appraisement—written bids—lease—sales and leases for cash—expenses.....	172
ISLANDS, SAND BARS, ETC.—In navigable waters of the state, sale authorized.....	166
Written applications—deposit—survey—appraisement.....	167
Fees—sale, how effected.....	167
Application of occupant to have priority.....	168
Deed patent—previous survey.....	168
Appointment of boundary commission, when boundary lines are in question.....	168
Commission, how constituted—compensation.....	168
Purchase money refunded, when.....	168
Purchase money turned into state treasury.....	169
ITEMIZED STATEMENT—Of fees collected by state officers, commissioners, etc.....	6
Of per diem and expenses of state officers, etc.....	6
JACKSON COUNTY—Representative district No. 46.....	165
JAILS, COUNTY—Condemnation of real property for.....	76, 77
JASPER COUNTY—Representative district No. 38.....	164
JEFFERSON COUNTY—Representative district No. 19.....	164
JOHNSON COUNTY—Representative district No. 41.....	164
JOINT RESOLUTIONS—Relative to additional employes of the Thirtieth General Assembly.....	206
Relative to amendment to the constitution providing for biennial elections.....	207
Relative to amendment to the constitution fixing the number of senators and representatives.....	208
Relative to the calling of a convention to frame an amendment to the constitution of the United States providing for the election of U. S. senators by direct vote of the people.....	209
Relative to the duties of the commissioner of labor statistics.....	209
Relative to procuring a chair and gavel for the speaker of the house and the president of the senate.....	210
Relative to amendment to the constitution providing for the construction of drains across the lands of another.....	210
Relative to the appointment of a committee to investigate the workings of indeterminate sentences and the Elmira reformatory system in other states.....	211
Relative to the appointment of a committee to investigate the management of the state educational institutions.....	211
Fixing the number and compensation of employes in the departments of state at the seat of government.....	212
JONES COUNTY—Representative district No. 47.....	165
JUDGES OF DISTRICT COURT—(See <i>District Court</i>)	
JUDGES OF ELECTION—Duties of, at primary elections.....	30
JURISDICTION—Over drains, levees, ditches and water courses.....	67, 73
Over hospital for inebriates.....	86
JURORS—Compensation of, summoned on special venire.....	15
JUVENILE COURTS—The district court to have jurisdiction.....	9, 10
Children affected—terms defined—petition in writing.....	1
Summons—trial—statutes applicable—costs—appeals.....	10, 11

	Page
JUVENILE COURTS— <i>Continued.</i>	
Discretionary powers of court—probation officers—exclusion from court room.....	11
Commitments—guardianship—decree for adoption.....	11, 12
Disposition of child by agreement—optional commitments—parole.....	12
Custody of child—support of child—supervision of institutions—annual reports....	13
Religious belief—statutes construed liberally.....	13
JUSTICE OF THE PEACE—To transfer cases against children to the district court.....	13
KEOKUK COUNTY—Representative district No. 24.....	164
KOSSUTH COUNTY—Representative district No. 83.....	166
LABOR COMMISSIONER—Compensation—deputy and other employes—compensation—expenses.....	92
Joint resolution defining duties relative to statistics of manufacturers.....	209
LAKES—(See <i>Meandered Lakes and Lake Beds.</i>)	
LAMPS—Motor vehicles to be equipped with.....	45.
LARCENY—The taking of electric current, water or gas, from wires, pipes, meters, etc.....	121
Of domestic fowl or poultry in the nighttime.....	122
LATERAL DRAINS—Use of ditch, drain or water course as an outlet for.....	67
LAWS—Relating to disposition of useless.....	5.
LEASE—Of islands in the waters of the state.....	172
LEE COUNTY—Representative district No. 1.....	163
LEGAL NOTICE—Of constitutional amendments, publication of.....	2
Of tax sale, publication of.....	2
Of expiration of right of redemption, publication of.....	2
Of location, vacation and alteration of roads, publication of.....	2
Of incorporation of savings banks, publication of.....	2
Of certificate of auditor of state, publication of.....	2
Of application for a permit, publication of.....	3
Of assignment for creditors, publication of.....	3
Of limited partnership, publication of.....	3.
Of sale of unclaimed property, publication of.....	3
Of hearing for probate of will, publication of.....	3
Of change of names, publication of.....	3
Of renewal of corporations, publication of.....	3.
Succeeding publications of a.....	3
LEGALIZED—Contracts, elections and ordinances of cities and towns in establishing joint ownership of public libraries with institutions of learning.....	19.
Certain actions of board of supervisors of Clayton county.....	184
Certain actions of board of supervisors of Crawford county.....	185
Certain acts of board of supervisors of Delaware county.....	186.
Election in town of Alta.....	186
Incorporation of town of Arnolds Park.....	187
Issue of bonds in town of Deep River.....	187
Resolutions passed by city council of Dubuque.....	188
Incorporation of town of Hamilton.....	189
Election for incorporation of town of LeRoy.....	189
Incorporation of town of Lost Nation.....	190
Ordinances and proceedings of town of Mapleton.....	191
Elections of town council of Minburn, etc.....	191
Incorporation, election, etc., of town of Persia.....	192
Incorporation, election, etc., of town of Quasqueton.....	193
Acts and proceedings of town council of Schaller.....	194-196
Incorporation, election, acts, etc., of town of Titonka.....	196
Incorporation, election, acts, etc., of town of Wall Lake.....	197
Election of officers in town of Weldon.....	197
Election and acts of school district of Center Point.....	198
Action of independent school district of West Des Moines in voting bonds.....	198, 199
Organization of school district of Soldier.....	199, 200
Organization of school district of Somers.....	200, 201
Acts of Brookfield Creamery Association, of Tenold.....	201, 202
Incorporation of Farmers Co-operative Creamery Association, etc.....	203, 204
Notarial acts of Harry C. Wright.....	204, 205
LEVEES—(See <i>Drains, Levees, Ditches and Water Courses.</i>)	
LEVY—Of tax by township trustees for public cemeteries.....	18
Of tax for public buildings in certain cities.....	20
Of tax for public buildings in cities of second class and towns.....	20, 21
Of tax for viaduct fund in certain cities.....	21
Certificates of, for permanent sidewalks to be filed with county auditor.....	22
Of tax for protection of city against floods.....	25
Of additional taxes for park purposes in certain cities.....	26
Of tax for maintenance of free public libraries.....	28.

261
INDEX.

LEVY—Continued.	Page
In counties for bridge purposes.....	37
Of costs for levees, drains, ditches and water courses	60
Of tax for drainage improvements.....	65
Relevy of drainage taxes when former levies cannot be enforced.....	65
For repairs and other expenses of drainage districts	73
For costs of establishing and maintaining pumping stations	75
For state purposes for years 1904 and 1905	129
LIBRARIAN—(See <i>State Librarian</i> .)	
LIBRARIES, PUBLIC—Joint ownership of, by cities and towns and institutions of learning authorized	18, 19
Appointment of library treasurer for, where joint ownership is established	19
Contracts, elections and ordinances of cities and towns for joint ownership legalized	19
Relating to additional support of free.....	19
Tax for maintenance of free.....	28
Injury to property of.....	121
LIBRARY POST—Concurrent resolution relative to establishment of	218
LIBRARY TREASURER—Relating to appointment of in certain cities and towns	19
LIBRARY TRUSTEES—Relating to appointment of in cities and towns where joint ownership of library with institution of learning is established	19
To appoint library treasurer, when.....	19
LICENSE—Issuance of, to peddlers.....	41
Issuance of, to insurance agents.....	49
LIFE INSURANCE COMPANIES—	
Examination of.....	47
Licensing of agents of.....	49
Consolidation or reinsurance of risks of.....	50
Approvals of contracts or policies of.....	51
LIEUTENANT GOVERNOR—Appropriation for John Herriott.....	133
LIMITED PARTNERSHIP—Relating to publication of notice of.....	3
LINCOLN, ABRAHAM—Concurrent resolution relative to erecting monument in the city of Washington to commemorate life of.....	217
LINN COUNTY—Representative district No. 48.....	165
LIQUORS—(See <i>Intoxicating liquors</i> .)	
LIVE BIRDS—Use of as targets, penalty.....	101
LOAN AND TRUST COMPANIES—Relating to capital stock.....	56
LOCAL BOARD OF HEALTH—Relative to expenses of in establishing, maintaining or raising a quarantine, detention or other hospital.....	102
LOCAL REGISTRARS—Of vital statistics—Health officers of cities and clerks of townships to be.....	103
To appoint deputy.....	103
Certificates of death to be filed with, by undertakers.....	103
To issue burial or removal permit.....	104
Certificates of birth to be filed with, by physician, midwife, etc.....	104
Sub-registrars to deliver certificates of births and deaths, which have been filed with them, to.....	104
To report monthly to state board of health.....	104
Compensation of—failure to perform duty, penalty.....	104
To make complaint as to non-enforcement of law.....	104
LOCATION—Of roads, relating to publication of notice of.....	2
LODGING HOUSES—Construction of fire escapes on.....	123, 124
LOST NATION, TOWN OF—Incorporation of, legalized.....	190
LOUISA COUNTY—Representative district No. 22.....	164
LOUISIANA PURCHASE EXPOSITION—Additional appropriation for Iowa exhibit—how apportioned	151
DISPOSITION OF STATE PROPERTY USED AT.....	152
COMMISSION—Name changed	152
LUCAS COUNTY—Representative district No. 16	163
LYON COUNTY—Representative district No. 81	166
MADISON COUNTY—Representative district No. 28	164
MAHASKA COUNTY—Representative district No. 25.....	164
MAIL CARRIER—Appropriation for salary of.....	133
MALE INEBRIATES—To be committed to state hospital for inebriates	86
MALICIOUS MISCHIEF AND TRESPASS—Injury to highways, bridges, railways, telegraph lines, etc.—penalty	120, 121
Injury to property of public libraries and reading rooms.....	121
MANUFACTORIES—Construction of fire escapes and stairways on.....	123, 124
MAPLETON, TOWN OF—Certain ordinances and proceedings legalized.....	191
MAPS—Appropriation for purchase of Huebinger	135
Railroad commissioners', number to be ordered—distribution—appropriation.....	156, 157
MARION COUNTY—Representative district No. 26.....	164
Appropriation to pay court costs of certain cases brought in.....	159

	Page
MARINES—Preference to be given, in appointments to, and promotions in, public appointive offices.....	8
Relating to removal of, from public appointive offices.....	9
Relating to tax for, and burial of indigent.....	16
MARSHALL COUNTY—Representative district No. 51.....	165
MARSHALLTOWN, CITY OF—Authorized to construct sewer through state land....	182
MATT PARROTT & SONS—Appropriation for printing abstract.....	134
MAYOR—Vacancy in office, how filled.....	37
To enforce provisions of law relative to construction of fire escapes.....	124
MEANDERED LAKES AND LAKE BEDS—Survey and sale authorized.....	169
Signed statements asking for drainage of lakes, survey, report of surveyor.....	169
Hearing, commissioner to take evidence, notice of hearing, compensation of commissioner.....	169, 170
Preservation or sale ordered by executive council, drainage.....	170
Power to sell and convey, issuance of patent or deed.....	170
Appraisement, sale, abutting land owners, conveyance to counties, when.....	170
Cash sales, expenses, how paid, net proceeds turned over to county treasurer.....	171
MEDICAL DEPARTMENT—Of Iowa national guard.....	82
MEETINGS—Relative to time of, of state board of health.....	101
MEMORIAL ALBUM—Appropriation to W. F. Glessman for.....	134
MEMORIAL TABLET—Appropriation to Chas. Aldrich for.....	135
MERNER, JOHN—Issuance of quit claim deed to, for certain lot in Cedar Falls, Iowa.....	181
METAL SHELVING—In new storage building, appropriation to pay for.....	156
MILEAGE—Appropriation to defray, and expenses of visitation committees.....	129
Appropriation to defray, and expenses of P. H. Powers.....	135
MILITIA—Governor to call out, when.....	80
MILLS COUNTY—Representative district No. 11.....	163
MINBURN, TOWN OF—Elections of town council and acts and ordinances legalized.....	191, 192
MINE INSPECTOR—(See <i>State Mine Inspector</i> .)	
MISDEMEANOR—Violation of motor vehicle law deemed a.....	46
Railroad company failing to provide cabooses attached to stock trains with water closets.....	80
Trespassing on encampment grounds of Iowa national guard.....	83
Sale of intoxicating liquors within one mile of such grounds.....	83
For inebriate patients to leave hospital, including grounds etc.....	88
Violation by firms, persons, agents, etc., of provisions of oil inspection act.....	94
Removal of persons sick with contagious diseases without permission.....	103
Failure to carry out provisions of act relating to registration of births and deaths....	104
Failing or neglecting to comply with provisions of law relative to change of name.....	119
Injury to property of public libraries and reading rooms.....	121
Objectionable advertisements near public school buildings.....	125
MINE INSPECTORS—Board of examiners, how constituted.....	93
MITCHELL COUNTY—Representative district No. 90.....	166
MONONA COUNTY—Representative district No. 57.....	165
MONROE COUNTY—Representative district No. 17.....	163
MONTGOMERY COUNTY—Representative district No. 12.....	163
MONUMENTS—Erection of, at sight of military prison at Andersonville, Ga.....	153
Commission, expenses, report, duties—appropriation.....	154
MORTGAGE—Of real estate when either spouse is insane—procedure.....	114, 115
MOTOR VEHICLES—Registration of, and operation on highways and streets.....	44
Terms defined—statement filed with secretary of state.....	44
Registration fee—number—change of owner—registration.....	44
Seal—number displayed—non-resident owners.....	45
Regulations—caution—signals—brakes—signal bell of horn—lamps.....	45
Powers of cities and towns—penalties.....	46
MOUNT PLEASANT STATE HOSPITAL—Appropriations for improvements, repairs, etc.....	143
MULCT TAX—County auditor to keep account of.....	91
Settlements of accounts of, made with board of supervisors.....	91
Payments of, made to county treasurer.....	92
MURDER—Assault with intent to commit, penalty.....	120
MUSCATINE COUNTY—Representative district No. 42.....	164
MUSIC, VOCAL—Relative to text-books on.....	113
MUTUAL TELEPHONE CO—Appropriation for telephones.....	134
NAMES, CHANGE OF—(See <i>Change of Names</i>).	
NEWSPAPERS, OFFICIAL—Selection of a paper printed in foreign language.....	16
NOMINATIONS—Of candidates by conventions composed of delegates selected and instructed by primary elections.....	29, 34
NON-RESIDENT EMPLOYES—Protection of, in garnishment cases.....	117
NON-RESIDENT OWNERS—Of motor vehicles, relative to.....	45

	Page
NON-RESIDENT PUPILS—In college for blind and school for the deaf, compensation for.....	109
NORMAL INSTITUTE—Publication of receipts and expenditures of, in report of county superintendent.....	111
NORMAL SCHOOL—(See <i>State Normal School</i> .)	
NOTARIAL ACTS—Of Harry C. Wright legalized.....	204, 205
NOTICE—Publication of, of constitutional amendments.....	2
of tax sale.....	2
of expiration of redemption.....	2
of location, vacation and alteration of roads.....	2
of incorporation of savings banks.....	2
of certificate of auditor of state.....	2
of application for permit.....	3
of assignment for creditors.....	3
of limited partnership.....	3
of sale of unclaimed property.....	3
of hearing for probate of will.....	3
of change of names.....	3
of renewal of corporations.....	3
Succeeding publications of a legal.....	3
Of election to authorize construction of public buildings in certain cities.....	20
Of election to authorize construction of public buildings in certain cities of the second class and towns.....	21
Of hearing relative to protection of city from floods.....	24
Of election relative to authorizing indebtedness for waterworks and a system of sewers.....	38
Of hearing of objections to establishment of levees, drains, ditches.....	59
Of hearing of petition, etc., relative to establishment of drainage district.....	61, 62
Of hearing objections to assessment of costs or benefits on account of construction of levee or drain.....	64
Of time when railroad commissioners will hold hearing as to construction of drain across right of way.....	66
Of assessment of benefits of drain to highway.....	67
Of petition to establish levee or drainage district into or through two or more counties to be served on boards of supervisors.....	70
Of opening of new hospital for inebriates.....	86
Of hearing relative to drainage of lakes or lake beds.....	170
NUISANCE—Drains or levees constructed so as to obstruct surface waters of adjacent lands deemed a.....	65
Obstructing or injuring drains, ditches, etc.....	65
O'BRIEN COUNTY—Representative district No. 80.....	166
OFFICE BUILDINGS—Construction of fire escapes on.....	123, 124
OFFICERS—Of Iowa national guard.....	80-82
Compensation of guard, while on duty.....	83
Compensation of guard, for company drill.....	84
Of state hospital for inebriates.....	86
OFFICIAL NEWSPAPERS—Selection of a newspaper printed in a foreign language.....	16
OFFICIAL REGISTER—(See <i>Iowa Official Register</i> .)	
OIL INSPECTORS—Appointment—chief inspector—duties of chief inspector.....	93, 94
Appointment of branders—helpers—term of office of inspectors.....	94
Inspectors to give bond—rules and regulations for inspectors.....	94
Duties as to inspection—branding fees—supplies.....	94
Record of oils inspected and branded—to report to secretary of state.....	95
Compensation and expenses of, how paid.....	95
Penalties for false branding, for deceit, or misconduct.....	96
Removal of, by the governor.....	96
OPERA HOUSES—Construction of fire escapes and stairways on.....	123, 124
ORDINANCES—Of cities and towns in establishing joint ownership of public libraries legalized.....	19
OSCEOLA COUNTY—Representative district No. 81.....	166
PAGE COUNTY—Representative district No. 9.....	163
PALO ALTO COUNTY—Representative district No. 82.....	166
PARADES—Relative to, of Iowa National Guard.....	83
PARENTS—To be notified of proceedings relative to dependent or delinquent children	10
May demand trial of child for commission of a crime.....	11
May dispose of dependent or neglected children by agreement.....	12
Duties as to children attending school.....	113
PARK COMMISSIONERS—Levy of additional taxes for park purposes in certain cities.....	26
May lease real estate.....	26
May issue bonds in anticipation of collection of tax for park purposes.....	27
To serve without compensation in towns and certain cities.....	27

	Page
PAROLE—Of inebriates, dipsomaniacs—conditions.....	88, 90
PAROLE OR DISCHARGE—Of delinquent children.....	12, 13
PARTNERSHIP, LIMITED—Relating to publication of notice of.....	3
PARTNERSHIPS—Regulation of, handling certificates, shares, tontine contracts, bonds, debentures, etc.—(see <i>Investment Companies</i>).....	57
PATENT—For abandoned river channels, sand bars or islands.....	168
For lakes or lake beds.....	170
For islands in the waters of the state.....	172
To be issued to Frederick M. Stumbo for a certain tract of land.....	177
To be issued to George S. Stall and Frances E. Stall for a certain tract of land.....	178
PAVEMENT—Refunding cost of, removed by a street railway company, appeal to dis- trict court.....	23, 24
PEDDLERS—Term defined—amount of tax—to whom paid.....	41
Issuance of license to.....	41
PENALTY—For official neglect or misconduct of public officers relative to primary elections.....	36
For agreement to assist candidate for pay or acceptance of pay.....	36
For bribery at primary elections.....	36
For failure or refusal to file plats of telegraph and telephone lines with county auditors.....	42
For violating provisions of motor vehicle law.....	46
For refusal of insurance companies to be examined.....	48
For insurance agents acting without license.....	49
For violation of provisions of act relating to consolidation of insurance companies.....	51
For violation of provisions of act requiring life insurance companies to submit form of policies or contracts to auditor of state.....	52
For soliciting new business when certificate of authority has been suspended or re- voked.....	53
For violation of provisions of act relating to consolidation of fraternal beneficiary societies.....	55
For transacting business of handling stocks, contracts, etc., without certificate of authority.....	58
For failure of drainage contractor to perform work.....	64
For failure or refusal of railroad companies to issue free transportation to shippers of live stock.....	80
For failure or refusal of railroad companies to provide cabooses attached to stock trains with water closets.....	80
For trespassing on encampment grounds of Iowa national guard.....	83
For sale of intoxicating liquors within one mile of such grounds.....	83
For furnishing intoxicating liquor, or narcotic drugs to patients of hospital for inebriates.....	89
For furnishing intoxicating liquor or narcotic drugs to any one discharged from hospital for inebriates as cured.....	89
For bootlegging.....	92
For selling uninspected oils, misconduct of oil inspectors, etc.....	95
For using live birds as targets, etc.....	101
For removal of persons sick with infectious diseases without authority.....	103
For failure to carry out provisions of law relating to registration of births and deaths.....	104
Of bond in cases appealed to supreme court.....	117
For failing or neglecting to comply with provisions of law relating to change of names.....	119
For assault with intent to commit murder.....	120
For injury to highways, bridges, railways, telegraphs, etc.....	120, 121
For injury to property of public libraries and reading rooms.....	121
For taking electric current, gas or water from the wires, meters or pipes.....	121
For larceny of domestic fowl or poultry in night time.....	122
For bringing drugs, liquor, weapons, etc., into any penitentiary, reform- atory and industrial schools to aid escapes.....	122
For docking horses.....	123
For failure to comply with provisions of the law relative to construction of fire escapes.....	124
For placing objectionable advertisements near school buildings.....	125
PENITENTIARIES—Penalty for taking drugs, weapons, etc., into, to aid escapes.....	122
Appointment of assistant deputy warden—duties—compensation.....	126
Disposition of gate receipts.....	127
Turnkeys and guards, classification—compensation.....	127
Appropriations for improvements, repairs, etc.....	144
PENSION MONEY—Of members of soldiers' home who abstain from intoxication.....	106, 107
PERMANENT SIDEWALKS—Objections to cost of construction or prior proceedings.....	22
Tax, how paid, certificates of levy, taxes and special assessments a lien on property.....	22

	Page
PERMANENT SIDEWALKS—Continued.	
Interest on special assessments, rate, payment of assessment, interest, costs and penalties.....	22
Tax sale, sidewalk certificates, applicable to special charter cities.....	23
PERMANENT SCHOOL FUND— Appropriation for interest due.....	133
PERMIT— To sell intoxicating liquors, relating to publication of notice of.....	3
PERSIA, TOWN OF— Incorporation, election, resolutions, ordinances, etc., legalized.....	192, 193
PETITION— Relative to dependent or delinquent children.....	10
Relative to protection of city against floods.....	24
For election when indebtedness for waterworks and sewers exceeds a certain per cent.....	38
For establishment of levee or drainage districts.....	61, 68, 72
For election to authorize indebtedness for school house purposes.....	112
PHARMACY, EX-COMMISSIONERS OF— Appropriation to reimburse certain.....	157
PHARMACY COMMISSION— Joint resolution fixing compensation of secretary.....	214
PHYSICIANS— Registration of, registered in other states—fee—restrictions.....	106
PLANS AND SPECIFICATIONS— For protection of cities against floods.....	24
Board of control to procure, from other architects.....	109
For completion of historical, memorial and art building.....	151
PLAINTIFF— In actions on written contracts—judgment against, if he fails to appear.....	120
PLATS— Of telegraph and telephone lines to be filed with county auditor.....	42
PLYMOUTH COUNTY— Representative district No. 78.....	166
POCAHONTAS COUNTY— Representative district No. 76.....	166
POLICEMEN— Compensation of special, at elections.....	29
Appointment of special, at certain state institutions.....	110
POLICIES OF INSURANCE— Relating to approval of, of life insurance companies.....	51
POLK COUNTY— Representative district No. 37.....	164
POSTHUMOUS CHILDREN— Inheritance of.....	115
POTTAWATTAMIE COUNTY— Representative district No. 31.....	164
POULTRY— Larceny of, in night time—penalty.....	122
POWER OF ATTORNEY— To either husband or wife, conveyances of real estate under.....	114
POWESHIEK COUNTY— Representative district No. 39.....	164
PREFERENCE— To be given soldiers, sailors and marines in appointments to public offices.....	8
PRESIDENT OF THE SENATE— Appropriation to John Herriott as.....	133
Joint resolution relative to procuring chair and gavel for.....	210
PRIMARY ELECTIONS— Authorized in certain counties.....	29
When held—polls open.....	29
Election officers—expenses—prima facie electors—challenges—registration of voters.....	30
Challenged voter—affidavit.....	31
Candidates for nomination—affidavit—ballot—form.....	32
Supplies—poll books—challengers—canvass of votes.....	33
Delegates—credential certificates—vacancies—returns—party conventions—nominations.....	34
Nominees for township offices—names on ballot—county committees—saloons closed.....	35
In cities—conventions—committees.....	35
Official neglect or misconduct—penalty.....	36
Agreement to assist candidates for pay or acceptance of pay—penalty.....	36
PRIVATE INSANE INSTITUTIONS— Appropriation for inspection of.....	148
PROBATE OF WILL— Relating to publication of notice of hearing of.....	3
PROBATION OFFICERS— Appointment, duties.....	11
PROMOTIONS— Relating to, of sailors, soldiers and marines in public appointive offices.....	8
PROPERTY, UNCLAIMED— Relating to publication of notice of.....	3
PROPERTY, REAL— Special assessments for permanent sidewalks a lien upon.....	22
Sale of, for delinquent assessments for permanent sidewalks.....	23
Railroads and other corporations to report holdings of, to executive council.....	39
Ownership of, by foreign corporations or domestic corporations controlled by non-resident aliens.....	46
PROTECTION OF FISH AND GAME— Fishing season extended.....	99
Game protected.....	99
Fishing, what permitted.....	100
Taking fish from the waters of the state, written permits.....	100
Number quail, ducks, etc., killed in one day.....	100
Number of ducks in possession of persons, firms or corporations.....	101
PROTECTION AGAINST FIRE— Construction of fire escapes and stairways.....	123
PUBLIC CEMETERIES— Relating to levy of tax for, by township trustees.....	18
PUBLIC HALLS— Construction of fire escapes and stairways on buildings used as.....	123, 124
PUBLIC LIBRARIES— (See <i>Libraries.</i>)	
PUBLICATION— Of legal notices.....	2, 3
(See <i>Legal Notices.</i>)	

	Page
PUBLICATION — <i>Continued.</i>	
Of notice of hearing of petitions relative to establishment of drainage district.....	62
Of a summary of expenditures and receipts of normal institutes.....	111
Of notices of applications for pardons, appropriation for.....	133
PUBLICATIONS, STATE —Relative to custody and distribution of.....	4, 5
Relative to disposition of useless.....	5
QUARANTINE, DETENTION OR OTHER HOSPITAL —Relative to expenses in establishing, maintaining or raising.....	102
QUASQUETON, TOWN OF —Incorporation, election, ordinances, etc., legalized	193
RAILROAD COMMISSIONERS —Duties as to establishment of drainage district across right of way of railroad company.....	66
Appropriation for clerical help.....	131
Appropriation for purchase of official maps.....	156
Distribution of official maps.....	156, 157
Joint resolution fixing compensation of clerical help.....	213
RAILROADS —To report real estate holdings to executive council.....	39, 40
Establishment of drainage district across right of way of—proceedings.....	66
Construction of levee or drain across the right of way of—damages and benefits....	66
Actions for destruction or damage of goods may be brought against joint common carriers, when.....	78
Liability of joint carriers for destruction or damage of goods.....	78
Classification of.....	79
To issue free transportation to shippers of live stock—conditions.....	79
Penalty for failure to issue free transportation to shippers of live stock.....	80
Who deemed a trespasser on trains or premises of.....	80
To provide cabooses attached to stock trains with water closets—penalty.....	80
REAL ESTATE —Conveyances of, under power of attorney.....	114
Conveyance or mortgage of, when either spouse is insane.....	114
Re-indexing, when owner changes his name.....	119
RECORDER —(See <i>Recorder.</i>)	
REDDEN, WILLIAM —Appropriation for education of.....	162
REGIMENTAL BAND —Of Iowa national guard, how constituted.....	81
REGIMENTAL STAFF —Of Iowa national guard, how constituted.....	81
REGISTRARS —(See <i>State Registrar of Vital Statistics.</i>) (See <i>Local Registrar of Vital Statistics.</i>) (See <i>Sub-registrars of Vital Statistics.</i>)	
REGISTRATION OF MOTOR VEHICLES —Relative to.....	44, 45
Of veterinarians registered in other states or in foreign countries, fee, restrictions..	98
Of physicians registered in other states, fee for supplemental examination, restrictions.....	106
REGISTRATION OF BIRTHS AND DEATHS —State registrar of vital statistics....	103
Local and sub-registrars of vital statistics.....	103
Certificates of births and deaths filed with local or sub-registrars.....	103, 104
Burial or removal permits.....	103, 104
Local registrars to report monthly to state board of health.....	104
Duties of secretary of state, compensation of registrars.....	104
Penalty for failure to carry out law.....	104
REGISTRATION OF VOTERS —For primary elections.....	30, 31
REGULATIONS —Relative to operation of motor vehicles on streets and highways.....	45
RELIGIOUS FAITH —Of parents to be taken into consideration in placing dependent or delinquent children.....	13
RELINQUISHMENT —Of certain lands in Dickinson county to the secretary of the interior.....	176
REMOVAL —Relating to, of soldiers, sailors and marines from public offices.....	9
Of oil inspectors.....	96
Of persons sick with infectious diseases—written permission—expenses, how paid—misdemeanor.....	102, 103
Of corpses—permit by whom issued.....	104
RENEWAL OF CORPORATIONS —Relating to publication of notice of.....	3
RENT —Appropriation to pay, of storage rooms.....	134
REPAIRS —To levees, drains, ditches and water courses.....	67
To capitol building, appropriation for.....	136
REPEAL AND AMENDMENT —Relating to, of statutes.....	1
REPORT —Of number, kind and date of state documents and publications.....	5
Oil inspectors to make monthly reports to secretary of state.....	95
Oil companies, etc., to report monthly of inspections, amount of fees paid, etc., to secretary of state.....	95
Local registrars of vital statistics to report monthly to state board of health.....	104
Of secretaries of the state educational institutions to the general assembly.....	107
Of board of control relative to extent of tuberculosis, the best means of prevention and treatment thereof.....	150

	Page
REPORT—Continued.	
Of board of control, relative to disposition of state property used at Louisiana purchase exposition.....	153
Of Andersonville monument commission.....	153
Of engineer to survey of lakes and lake beds.....	169
Of appraisal of value of lakes and lake beds.....	170
REPORT, BIENNIAL—Of secretary of state of number of state documents and publications.....	5
Of secretary of state relative to inspection of oils.....	97
Of secretaries of state educational institutions to the general assembly.....	107
REPRESENTATIVE DISTRICTS—Apportionment of state into.....	163
REPRESENTATIVES—List of, in the Thirtieth General Assembly.....	vii
Proposed amendment to the constitution fixing the number of.....	208
RESIGNATION—Of officers of the Iowa national guard.....	83
RESERVE LIST—Of state documents and publications.....	5
REVERSION—Of condemned gravel lands to owner, when.....	78
REVOCATION—Relative to, of license of an attorney to practice.....	14
Of certificates of authority of insurance companies.....	48
Of licenses issued to insurance agents.....	49
Of certificates of authority of fraternal beneficiary societies.....	53
Of certificates of authority of certain investment associations.....	59
RIGHT OF WAY—Establishment of levee or drainage district across.....	66
Construction of levee or drain across.....	66
Over state grounds at Eldora, Iowa, for electric railway.....	174
Over state grounds at Anamosa, Iowa, for Chicago, Anamosa & Northern Railway company.....	174
Over state grounds at Council Bluffs for Council Bluffs, Tabor & Southern Electric Railway company.....	175
RINGGOLD COUNTY—Representative district No. 7.....	163
RIVER CHANNELS, ABANDONED—Sale of—procedure.....	166, 169
ROADS AND HIGHWAYS—Publication of notice of location, vacation and alteration of.....	2
Taxes for, not included in consolidated tax.....	43
Relating to collection of taxes for.....	43
Counties not liable for damages or personal injuries caused by steam engines on.....	44
Regulations relative to operation of motor vehicles on streets and roads.....	45
Construction of levee or drain across—costs—benefits.....	66, 67
Construction of levee or drain on or along.....	67
Construction of, on or along levee or embankment.....	67
Draining of—proceedings.....	74
Creation of a highway commission—duties.....	108
ROWND, C. A.—Issuance of quit claim deed to, for certain lot in Cedar Falls, Iowa.....	181
RULES AND REGULATIONS—Of state hospital for inebriates.....	87
Violation of, of state hospital for inebriates.....	88
For inspection of products of petroleum.....	94
SAC COUNTY—Representative district No. 60.....	165
SALARY—Of assistant attorney-general.....	9
Of county auditor.....	17
Of county recorder.....	17, 18
Of insurance examiner.....	47
Of bank examiners.....	55
Of commissioner, deputy and other employes of bureau of labor statistics.....	92
Of director of bacteriological laboratory.....	105
Of state agent.....	147
SALE—Publication of notice of tax.....	2
Publication of notice of expiration of right of redemption from tax.....	2
Of intoxicating liquors—(See <i>Intoxicating liquors</i> .).....	
Of unclaimed property—relating to publication of notice of.....	3
Of abandoned river channels, islands and sand bars authorized—procedure.....	166, 169
Of meandered lakes or lake beds—procedure.....	169, 171
Of islands in the waters of the state—procedure.....	172
Of an island in the Mississippi river adjacent to the Iowa shore in Lee county.....	173
Of "State Square".....	173
SAILORS—Preference given, in appointments to and promotions in public offices.....	8
Relating to removal of, from public appointive offices.....	9
Relative to tax for and burial of indigent.....	16
SAVINGS BANKS—(See <i>Banks</i>.)	
SCHALLER, TOWN OF—Acts and proceedings legalized.....	194, 195
SCHEDULES—Relating to, for the state census.....	7
SCHOOL BOARDS—Of certain school corporations to call election to authorize indebtedness for schoolhouse purposes.....	112
To issue bonds for schoolhouse purposes.....	112
To appoint truant officers in certain cities.....	113

	Page
SCHOOL BUILDINGS—Construction of fire escapes and stairways on.....	123, 124
Relating to objectionable advertisements near—penalty.....	125
SCHOOL FOR THE DEAF—Compensation for non-resident pupils.....	109
Appropriations for new buildings, repairs, etc.....	144
Appropriation to reimburse certain officers, teachers and employes for loss of wear- ing apparel and property.....	149
Right of way over grounds of, to be granted to Council Bluffs, Tabor & Southern Electric Railway company—terms and conditions.....	175
SCHOOL HOUSES—Indebtedness for, authorized in certain school corporations— amount.....	112
SCHOOLS—Relating to text books on vocal music.....	113
Duties of parents and guardians as to children attending school.....	113
Relative to appointment of truant officers.....	113
SCOTT COUNTY—Representative district No. 43.....	164
SEAL—Issuance of, to owners of motor vehicles.....	45
SECRETARY OF EXECUTIVE COUNCIL—Itemized statement of per diem and ex- penses of state officers, etc., to be filed with.....	6
Oil inspectors to file inventory of apparatus and instruments with.....	96
Appropriation for clerical help.....	133
SECRETARY OF STATE—To act as custodian of state documents and publications.....	4
To classify and catalogue state documents and publications.....	4
To supply blank requisitions for documents and publications.....	4
To report number, kind and date of documents and publications.....	5
To make biennial report to the governor of all documents and publications on hand County auditor to forward census returns to.....	5
To file and preserve census returns.....	7
To record abstract of census returns.....	7
To certify census publication.....	8
To prepare blank statements for owners of motor vehicles.....	44
To file statements of owners of motor vehicles.....	44
To register motor vehicles and assign numbers.....	44
To issue and deliver seal to owners of motor vehicles.....	45
To act on commission to approve plan of consolidation or reinsurance of risks of companies, when.....	50
Bonds of oil inspectors to be filed with.....	94
To prescribe form of certificate that oils have been disposed of outside of state.....	94
Oil inspectors to report monthly to.....	95
Firms, companies, etc., to make monthly reports to, of inspections and fees paid therefor.....	95
Moneys collected by oil inspectors to be paid to.....	95
To make biennial report of inspections of oils to governor.....	97
To furnish blank certificates of births and deaths to undertakers, physicians and local registrars.....	104
To furnish necessary blanks, forms and instructions for effective execution of regis- tration of births and deaths.....	104
To certify annually to board of supervisors number of certificates of births and deaths received from local registrars.....	104
Authorized to exchange code and code supplements for similar publications.....	128
To distribute code and laws to college libraries.....	128
Appropriation for clerical help.....	132
Appropriation for indexing house and senate journals.....	135
Appropriation for reinforcing vault crowns in office of.....	135
Copies of annual report of department of Iowa, grand army of the republic to be delivered to, for distribution.....	160
Written application for purchase of abandoned river channels, etc., to be filed with.....	167
To order survey of abandoned river channels, islands, or sandbars.....	167
Field notes of survey to be filed in office of.....	167
To appoint commission to appraise value of said lands.....	167
Patent or deed for said lands to be recorded in office of.....	168
Purchase moneys for said lands to be turned into state treasury.....	169
Report of appraisement of lakes or lake beds to be filed with.....	170
Plat of survey of lake or lake bed to be filed with.....	170
Moneys for lakes and lake beds to be paid to.....	171
To turn said moneys over to treasurer of state.....	171
And governor to issue patent for certain tract of land to Frederick M. Stumbo.....	177
And governor to execute patent to George S. and Frances E. Stall.....	178
Authorized to publish notice of proposed amendment to the constitution relative to drainage.....	210
Joint resolution fixing compensation of clerical help.....	213
Concurrent resolution requesting, to furnish members of the Thirtieth General As- sembly with copy of code supplement.....	216

SECRETARY OF STATE— <i>Continued</i> —	Page
Concurrent resolution directing, to publish 5,000 additional copies of 1904 official register.....	216
Concurrent resolution directing, to publish 10,000 additional copies of 1904 official register.....	217
Concurrent resolution instructing, to furnish members of Thirtieth General Assembly with copies of session laws.....	216
Concurrent resolution directing, to furnish certain clerks of house and senate with copies of code, code supplement and session laws of Thirtieth General Assembly.....	218
Concurrent resolution directing, to furnish member from Clarke county with code and code supplement.....	219
Concurrent resolution authorizing to publish 5,000 copies of drainage laws in pamphlet form.....	219
SECURITIES—Deposit of, by certain investment companies with the auditor of state..	58
SEMINARIES—Construction of fire escapes on.....	123, 124
SENATORS—List of, in Thirtieth General Assembly.....	vi
Proposed amendment to the constitution fixing the number of.....	208
Joint resolution relative to election of United States.....	209
SEWERS—Relating to, in towns and smaller cities.....	19
Construction of, in incorporated towns.....	23
Purchase or condemnation of land for sewage and garbage disposal plants and outlets for.....	28
Amount of indebtedness for waterworks and a system of.....	37, 38
Construction of, through lands of the state at Marshalltown, Iowa.....	182
SHELBY COUNTY—Representative district No. 33.....	164
SHERIFF—(See <i>County Sheriff</i> .)	
SHIPPERS OF LIVE STOCK—Free transportation to be issued to.....	79
SIDEWALKS—(See <i>Permanent Sidewalks</i> .)	
SIGNAL BELL OR HORN—Motor vehicles to be equipped with.....	45
SIGNAL COMPANY—In Iowa national guard—how constituted.....	82
SIGNS—To locate position of fire escapes.....	124
SIOUX COUNTY—Representative district No. 79.....	166
Appropriation to pay court costs in case of State of Iowa v.....	159
SOLDIER, SCHOOL DISTRICT OF—Organization legalized.....	199, 200
SOLDIERS—Preference to be given, in appointments to and promotions in public offices.....	8-
Relating to removal of, from public appointive offices.....	9
Relating to tax for, and burial of, indigent.....	16
SOLDIERS' HOME—Pension money of members of.....	106
Appropriations for improvements, repairs, etc.....	141
City of Marshalltown authorized to construct sewer through lands of.....	182
SOLDIERS' ORPHANS' HOME—Per capita support of.....	108
Counties liable for per capita support.....	109
Appropriations for improvements, repairs, etc.....	141
Appropriation for purchase of land for.....	148
State agent to find homes or positions for discharged inmates.....	147
SOMERS, SCHOOL DISTRICT OF—Organization of, legalized.....	200, 201
SPEAKER OF THE HOUSE—Appropriation for G. W. Clarke.....	133
Joint resolution relative to procuring chair and gavel for.....	210
SPECIAL ACTS—Apportionment of state into representative districts and fixing ratio of representation.....	163
Sale of abandoned river channels, sandbars or islands.....	166
Sale of meandered lakes and lake beds.....	169
Sale of islands in the waters of the state.....	172
Sale of certain island in the Mississippi river.....	173
Sale of "state square".....	173
Right of way over certain state grounds for the Chicago, Anamosa & Northern Railway company.....	174
Construction of electric railway over certain state grounds.....	174
Right of way over certain state grounds for the Council Bluffs, Tabor & Southern Electric Railway company.....	175
Relinquishment of certain lands in Dickinson county to the United States.....	176
Relief of the grantees of Frederick M. Stumbo.....	177
Relief of the grantees of Charles M. Downs.....	178
Relief of the grantees of Joel T. Avery.....	179
Issuance of quit-claim deeds for certain lots in Cedar Falls, Iowa.....	180
Disposition of canvas, furniture and other property used temporarily in hall of the house of representatives.....	181
Construction of sewer through land of the state at Marshalltown.....	182
SPECIAL ASSESSMENTS—For levee or drainage purposes.....	65
SPECIAL CHARTER CITIES (See <i>Cities acting under Special Charter</i>)	

	Page
STAFF DEPARTMENT—Of Iowa national guard, how constituted.....	82
STALL, GEORGE S. AND FRANCES E.—Patent to be issued to, for certain tract of land.....	178
STAIRWAYS—Construction of, on buildings as a means of escape from fire.....	123, 124
STATE AGENT—Appointment—salary—supplies—duties.....	147
STATE BOARD OF CONTROL—(See <i>Board of Control.</i>)	
STATE BOARD OF HEALTH—Chief oil inspector to make recommendations to.....	94
To make rules and regulations for inspection of petroleum products.....	94
To examine and approve lamps and apparatus.....	96
Relating to time of meetings of.....	101
To be state registrar of vital statistics.....	103
To enforce rules and regulations relative to registration of births and deaths.....	103
To approve appointment of deputy registrars.....	103
To appoint sub-registrars.....	103
Local registrars to report births and deaths to.....	104
To see that law relating to registration of births and deaths is uniformly executed throughout the state.....	104
To make rules and regulations for bacteriological laboratory.....	105
Reports of analyses and tests to be made by bacteriological laboratory and promptly reported to.....	105
To fix additional salary of director of bacteriological laboratory.....	105
Appropriation for deficit in office of.....	135
Joint resolution fixing compensation of clerical help.....	214
STATE BOARD OF RAILROAD COMMISSIONERS—(See <i>Railroad Commissioners.</i>)	
STATE BOARD OF VETERINARY MEDICAL EXAMINERS—(See <i>Board of Veterinary Medical Examiners.</i>)	
STATE COLLEGE OF AGRICULTURE AND MECHANIC ARTS—(See <i>Iowa State College of Agriculture and Mechanic Arts</i>)	
STATE GOVERNMENT—List of officers of.....	111
Appropriation for officers and employes.....	131
Joint resolution fixing compensation of employes at.....	212
STATE HISTORICAL BUILDING—Appropriation for completion of.....	150
STATE HISTORICAL DEPARTMENT—Appropriation for clerical help.....	132
STATE HISTORICAL SOCIETY—Annual appropriation—purposes.....	113, 114
STATE HOSPITALS FOR THE INSANE—(See <i>Hospitals for the Insane.</i>)	
STATE INDUSTRIAL SCHOOLS—(See <i>Industrial Schools.</i>)	
STATE INSTITUTIONS—Appropriation for quarterly conferences of chief executive officers of.....	110
Appointment of special policemen at certain.....	110
Disposition of unclaimed money left by deceased inmates of.....	111
STATE LEVY—For the years 1904 and 1905.....	129
STATE LIBRARIAN—Appropriation for clerical help.....	132
Joint resolution fixing compensation of clerical help.....	213
To act on committee to determine what documents, publications and laws are useless.....	5
STATE LIBRARY—Laws received from foreign countries in exchange for code and code supplement to be deposited in.....	128
Appropriation for additional janitor service for.....	135
STATE MINE INSPECTORS—Appropriation for clerical help.....	131
Joint resolution fixing compensation of clerk.....	214
STATE NORMAL SCHOOL—Secretary to report receipts and expenditures, etc., to general assembly.....	107
Appropriations for support, library, improvements, etc.....	146
Joint resolution to appoint committee to investigate management of.....	211
STATE OFFICERS—Appropriation for clerical help.....	131
STATE PENITENTIARIES—(See <i>Penitentiaries.</i>)	
STATE REGISTRAR OF VITAL STATISTICS—State board of health constituted.....	103
STATE SECRETARY—(See <i>Secretary of State.</i>)	
STATE SQUARE—Executive council empowered to sell.....	173
STATE SUPERINTENDENT—(See <i>Superintendent of Public Instruction.</i>)	
STATE TREASURER—(See <i>Treasurer of State.</i>)	
STATE UNIVERSITY—Bacteriological laboratory—director—assistants—duties—compensation—appropriation.....	105
Secretary of, to report receipts and expenditures, etc., to general assembly.....	107
Appropriation for support, improvements, lands, etc.....	146
Joint resolution to appoint committee to investigate management of.....	211
STATE VETERINARY SURGEON—Appropriation for carrying on work of.....	97
STATEMENT—(See <i>Itemized Statement.</i>)	
Of telegraph and telephone companies.....	38, 39
Of real estate holdings of railroads and other corporations.....	39
Statement of freight line and equipment companies, what to contain.....	40

STATEMENT—Continued.	Page
Statement by owners of motor vehicles to be filed with secretary of state	44
Of certain investment firms and companies as to plan of business	57
Annual, of certain companies to be filed with auditor of state	57
Of party desiring to change name—what to contain	118
affidavit of freeholder to be attached	119
to be filed and recorded	119
STATUTES—Relative to amendment and repeal of	1
STATUTES AMENDED—(See <i>Code and Code Supplement</i>).	
STEAM ENGINES—County not liable for personal injuries caused by, on roads	44
STENOGRAPHERS AND ACCOUNTANTS—Employment of, to prepare abstracts of census	8
STIPULATED PREMIUM AND ASSESSMENT LIFE INSURANCE ASSOCIA- TIONS—Relative to transfer of funds of	52
STOCK—Relative to the voting of corporate	56
STOCKS—Regulation of companies, firms, associations, and corporations handling ..	57
STORY COUNTY—Representative district No. 52	165
STUMBO, FREDERICK M.—Governor and secretary of state directed to issue patent to	177
SUB-DRAINAGE DISTRICTS—Establishment and construction of—proceedings ..	67, 68
SUB-REGISTRARS—Of vital statistics—appointment—duties—compensation	103, 104
SUMMONS—Issuance of, for person having charge of dependent, neglected or delin- quent child to appear before court with said child	10
SUPERINTENDENT OF HOSPITAL FOR INEBRIATES—Appointment—compen- sation—duties	86-90
SUPERINTENDENT OF PUBLIC INSTRUCTION—Appropriation for clerical help	132
Joint resolution fixing compensation of clerical help	213
SUPERINTENDENT OF WEIGHTS—Appropriation for certain expenses of	135
SUPPORT—Of dependent, neglected or delinquent children	13
Additional, for free public libraries in cities and towns	19
Per capita of state hospital for inebriates	87, 89
Per capita of soldiers' orphans' home	108
Per capita industrial school for girls	128
SUPREME COURT—Order or judgment of court as to suspension or revocation of license of an attorney to practice to be certified to clerk of	14
Relative to procedure in	117
Assignment of errors not required in appeals of law or equity cases to	118
Appropriation for incidental expenses of chief justice—salaries of bailiff and messenger	132
Appropriation to provide for an existing deficit in contingent fund of	156
Joint resolution fixing compensation of bailiff and messenger etc	213
SUPREME COURT REPORTER—Appropriation for clerical help	132
SURFACE WATERS—Prevention of flow into drains or ditches deemed a nuisance ..	65
Relative to draining of, by land owners	75
SURVEY—Of levee or drainage districts	61
Of abandoned river channels, sandbars or islands	167
Of meandered lakes or lake beds	169
Of islands in the waters of the state	172
Of certain island in Mississippi river	173
SUSPENSION OF ATTORNEYS—Clerk of court to certify order or judgment to clerk of supreme court	14
TAMA COUNTY—Representative district No. 50	165
TAX SALE—Publication of legal notice of	2
Publication of notice of expiration of right of redemption from	2
Of property against which a special assessment for permanent sidewalks has been made	23
TAXATION—Relative to, of freight line and equipment companies	40
TAXES—Levy of, for public cemeteries by township trustees	18
Levy of, for public buildings and grounds in certain cities	20
Levy of, for public buildings and grounds in cities of the second class and towns ..	20
Levy of, for viaduct fund in certain cities	21
For permanent sidewalks in cities and towns—how paid—a lien upon property	22
Levy of, for protection of city against floods	25
Levy of, for free public libraries	28
On peddlers	41
Road, not included in consolidated tax	43
Relating to collection of road	43
Relative to rate of tax on collateral inheritances	43
Levy and collection of, for drainage purposes	65, 68
For drainage purposes—how paid—a lien upon premises	68
(See <i>Mulct Tax</i>)—	74
TAYLOR COUNTY—Representative district No. 8	163

	Page
TELEGRAPH AND TELEPHONE COMPANIES—Relative to filing reports of for assessment purposes.....	38
Assessment of, in each county, how certified.....	39
Plats of lines to be filed with county auditor—penalty for failure to file	42
TENEMENT HOUSES—Construction of fire escapes and stairways on	123, 124
TERM OF SERVICE—Of officers and members of the Iowa national guard.....	83
TEXT BOOKS—Relative to, on vocal music.....	113
THEATERS—Construction of fire escapes on buildings used as.....	123, 124
TITONKA, TOWN OF—Incorporation, election, etc., legalized.....	196
TOWN COUNCIL—May provide for issuance of sidewalk certificates.....	23
Of Mapleton—Certain ordinances and proceedings legalized	191
Election of, in town of Minburn legalized.....	191, 192
Of Persia—Ordinances, etc., legalized	192
Of Quasqueton—Ordinances, etc., legalized.....	193
Of Schaller—Acts and proceedings legalized.....	194
TOWNS—(See <i>Cities and Towns.</i>)	
TOWNSHIP CLERK—Office abolished where township and city or town are coterminous.....	18
Notice of assessment of benefits of drain to highway to be served on.....	67
To be local registrar of vital statistics—duties—compensation	103, 104
TOWNSHIP TRUSTEES—Relating to abolishment of, when township and city or town are coterminous	18
Relating to levy of tax by, for public cemetery.....	18
To pay for construction of levee or drain across highway.....	67
To petition for establishment of a drain for benefit of roads.....	74
Authorized to purchase or condemn land for gravel with which to improve roads..	77
TRANSPORTATION—Railroads to furnish, to shippers of live stock.....	79
TREASURER—(See <i>County Treasurer.</i>)	
TREASURER OF STATE—Duties as to interest on state deposits.....	3
Appropriation to pay bond of, and deputy.....	4
To keep account of moneys received from state officers, etc.....	6
To credit state hospital for inebriates with per capita support.....	87
To credit state hospital for inebriates with amount of expenses of commitment of insane inebriate to hospital for insane	90
Unclaimed money of deceased inmates of state institutions to be transmitted to, and credited to support fund by.....	111
Payment of such money to party entitled thereto, when.....	111
Appropriation for clerical help.....	132
Proceeds from sale of abandoned river channels, sand bars or islands to be turned over to.....	169
Proceeds from sale of lakes or lake beds to be turned over to.....	171
To turn said proceeds from sale of lakes or lake beds over to county treasurer.....	171
Joint resolution fixing compensation of clerical help.....	213
TREATMENT—Of inebriates, dipsomaniacs, etc.....	88
TRESPASS—Penalty for, on encampment grounds of Iowa national guard.....	83
Injury to highways, bridges, railways, telegraph lines, etc., penalty.....	120
TRESPASSER—Who considered a, upon the trains or premises of railroads.....	80
TRIAL—Of dependent, neglected or delinquent children	10, 11
Of inebriates, dipsomaniacs, etc.....	87
TERM—In appeal cases in contested elections.....	116
TROOP, CAVALRY—In Iowa national guard, how constituted.....	82
TRUANT OFFICERS—School boards in certain cities must appoint.....	113
TRUST COMPANIES—Loan and, capital stock of.....	56
TRUSTEE—May vote stock at corporate meetings	46
TUBERCULOSIS—Board of control to investigate extent of, also best means of prevention and treatment	150
Care and treatment—appropriation—publication of facts	150
TURNKEYS—At the penitentiaries—classification and compensation of.....	127
UNCLAIMED MONEY—Left by deceased inmates of state institutions—credited to support fund.....	111
Payment to party entitled thereto—money now held.....	111
UNCLAIMED PROPERTY—Relating to publication of notice of sale of.....	3
UNEXPENDED BALANCES—Of appropriation for state officers, etc.....	131
Of appropriation for repair of capitol.....	136
Of appropriation for fish and game commission.....	140
UNION COUNTY—Representative district No. 14.....	163
UNITED STATES—Executive council to co-operate with census bureau of the, in taking state census	8
Relinquishment of certain lands in Dickinson county to the.....	176
UNIVERSITY—(See <i>State University.</i>)	

	Page
VACANCIES—In elective city offices.....	37
VACATION—Of roads, relating to publication of notice of	2
VAN BUREN COUNTY—Representative district No. 2.....	163
VETERINARIANS—Registration of, registered in other states or in foreign countries— fee—restrictions	98
To pay annual fee to secretary of board of veterinary medical examiners.....	99
VETERINARY SURGEON, STATE—Appropriation for carrying on work of.....	97
VIADUCT FUND—Levy of annual tax to create, in certain cities.....	21
Damages caused to property paid out of.....	21
VISITATION COMMITTEES—Appropriation to defray mileage and expenses of.....	129
VISITORS—Warden of penitentiary to collect fee from.....	127
VOTING OF CORPORATE STOCK—Provisions relative to.....	46
WALL LAKE, TOWN OF—Incorporation, election, etc., legalized.....	197
WAPELLO COUNTY—Representative district No. 18.....	164
WARDEN OF PENITENTIARY—To appoint assistant.....	126
Deputy warden—his duties—compensation.....	126
To collect fee from visitors.....	127
Appropriation for support fund.....	134
Appropriation for house rent.....	134
WARE HOUSES—Construction of fire escapes and stairways on.....	123, 124
WARREN COUNTY—Representative district No. 27.....	164
WARRANTS, Issuance of, by cities of second class and towns for construction of public buildings.....	21
Of commitment to hospital for inebriates.....	87
WASHINGTON COUNTY—Representative district No. 23.....	164
WATCHMAN—Appointment of, for drainage districts—duties	73
WATER—The taking of, from pipes or meters—penalty	121
WATER CLOSETS—Cabooses attached to stock trains to be provided with.....	80
WATER COURSES—(See <i>Drains, Levees, Ditches and Water Courses.</i>)	
WATER WORKS—Amount of indebtedness for water works and a system of sewers 37,	38
Petition for election when indebtedness exceeds certain per cent.....	38
Notice of election—form of ballot—bonds.....	38
WAYNE COUNTY—Representative district No. 5.....	163
WEATHER AND CROP SERVICE—Joint resolution fixing compensation of director and clerical help.....	214
WEBSTER COUNTY—Representative district No. 62.....	165
WELDON, TOWN OF—Election of officers in, legalized.....	197
WEST DES MOINES, SCHOOL DISTRICT OF—Action in voting bonds legalized,	198, 199
WILD TURKEY—Number killed in one day	101
WIFE—Conveyance of real estate under power of attorney.....	114
Conveyance of real estate by, when husband is insane.....	114
Election as to distributive share of, may be made by district court.....	116
WILLS—Relating to publication of notice of hearing for probate of.....	3
Inheritance of children born after making of	115
Claims in disregard of, or in opposition to, how satisfied.....	115
Distributive share of surviving spouse as affected by.....	116
WINNEBAGO COUNTY—Representative district No. 91.....	168
WINNESHIEK COUNTY—Representative district No. 88.....	166
WOODBURY COUNTY—Representative district No. 58.....	165
WORTH COUNTY—Representative district No. 91.....	166
WRIGHT COUNTY—Representative district No. 75	166
WRIGHT, HARRY C.—Notarial acts of legalized.....	204, 205
WRITTEN CONTRACTS—Place of bringing actions on, and taxation of costs therein	120