

# ACTS AND RESOLUTIONS

PASSED AT

THE FIRST SESSION

OF THE

# GENERAL ASSEMBLY

OF THE

# STATE OF IOWA

WHICH CONVENED AT IOWA CITY, ON THE THIRTIETH DAY OF  
NOVEMBER, A. D. 1846.

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ANSEL BRIGGS, Governor.	JOSEPH T. FALES, Auditor.
ELISHA CUTLER, Jr., Secretary.	MORGAN RENO, Treasurer.
THOMAS BAKER, President of the Senate.	
JESSE B. BROWNE, Speaker of the House of Representatives.	

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SECRETARY'S OFFICE, }  
IOWA CITY, May 1st, A. D. 1847. }

I HEREBY CERTIFY, That the Acts and Resolutions contained in this volume have been by me compared with the original enrolled acts on file in this office, and that the same are true and correct copies, except that the words enclosed in brackets [thus] have been added to aid the sense.

ELISHA CUTLER, JR.,  
Secretary of the State of Iowa.





# CONTENTS

---

	Reprint	
	Page	Page
The Constitution of Iowa .....	1	11
An Act staying the school fund in the hands of the holders thereof.....	19	25
An Act repealing "an act authorizing Joel C Walker to transcribe the records of the district court of Lee county".....	20	25
An Act concerning the southern boundary of Iowa.....	20	26
An Act to change the name of Prairie Laporte, in Clayton county.....	21	26
An act to change the name of the town of Chaldea, in Appanoose county..	21	27
An Act concerning the distribution of school funds.....	21	27
An Act to review and relocate a portion of the territorial road from Rock- ingham to Iowa City .....	22	28
An Act to provide for the taking of the enumeration of the white inhabit- ants of the State of Iowa .....	23	28
An Act in relation to clerks and prosecuting attorneys.....	24	29
An Act prescribing the general duties of treasurer of state.....	27	31
An Act to amend an act of the territorial legislature, entitled "An act for the organization of townships," approved 17th February, 1842.....	29	33
An Act to authorize J. A. Lefevre to establish a ferry at the town of Montrose .....	29	33
An Act prescribing the general duties of the secretary of state.....	30	34
An Act relative to state seals.....	32	35
An Act to establish the boundaries and seat of justice of the county of Marion .....	32	36
An Act to vacate the town of Brooklyn, in Polk county.....	33	36
An Act establishing the boundaries of Polk county.....	33	36
An Act to indemnify Samuel Riggs, sheriff of Davis county, for losses and expenses incurred in defending himself against prosecutions com- menced against him for exercising his office in the disputed territory between Iowa and Missouri .....	33	37
An Act to establish an additional precinct in Farmington township, Van Buren county, Iowa .....	34	37
An Act relative to a state road.....	35	38
An Act to lay out and establish a state road from Knoxville to Newton....	36	39
An Act to change the name of Newton city.....	36	39
An Act to define the boundaries of the counties of Clayton and Fayette....	37	39
An Act to locate a state road from Canton to Pioneer Grove.....	37	40
An Act relative to the county seat of Jones county.....	38	40
An Act to divide the state of Iowa into judicial districts.....	39	41
An Act fixing the salaries of certain officers therein named, and providing for their payment .....	39	42
An Act to locate a state road therein named.....	40	42
An Act to locate a state road from West Point, in Lee county, to Bonaparte, in Van Buren county .....	41	43
An Act to define the duties of prosecuting attorneys, and provide compen- sation for their services .....	41	43

	Page	Reprint Page Page
An Act to provide for the payment of the debt due the Miners' Bank of Dubuque .....	43	44
An Act prescribing the general duties of the governor.....	43	45
An Act to establish a state road therein named.....	44	46
An Act to locate a state road from Walling's landing to Washington.....	45	46
An Act to amend an act entitled "An act to locate a territorial road therein named," approved January 17, 1846.....	46	47
An Act to confer the authority of changing the names of persons, towns and villages upon the district court.....	46	47
An Act to provide for a loan for the purpose of defraying the expenses and paying the creditors of the state.....	47	48
An Act to incorporate the town of Fairfield .....	49	49
An Act to locate a state road from Oskaloosa, in Mahaska county, to Knoxville, in Marion county .....	53	52
An Act to provide for finishing the public buildings in Washington county.	53	53
An Act to locate a state road from Walling's landing to Columbus city...	54	53
An Act to lay out and establish a state road in the counties of Washington and Jefferson .....	54	53
An Act to continue the territorial road from DeWitt to Lyons across an out lot in the town of Lyons.....	55	54
An Act to locate and establish a state road from Iowa City to the west line of Dallas county .....	56	55
An Act to provide for the improvement of Skunk river.....	57	55
An Act to locate and establish a state road therein named.....	58	56
An Act to relocate a part of a territorial road from Fairfield to the Indian boundary line .....	59	57
An Act to provide for the management of the state library and the election of a librarian .....	60	58
An Act providing that the legal voters in each township determine at each township election, whether the county commissioners shall grant license to retail intoxicating liquors in their respective counties or not.	62	60
An Act for the organization of the county of Dallas.....	63	61
An Act regulating the election of district judges.....	66	62
An Act to provide for the holding of a district court in the county of Benton	68	64
An Act to authorize H. H. Ritchie, Thomas Botts and Andrew Jones to convey certain real estate .....	68	64
An Act to legalize the acts of the justices of the peace of Monroe county..	69	65
An Act to vacate the public square in West Point in Lee county.....	69	65
An Act to locate and establish a state road from Fairview, in Jones county, to Pioneer Grove, in Cedar county .....	70	66
An Act prescribing the general duties of the auditor of state.....	71	66
An Act fixing the time of holding the district courts in this state.....	74	69
An Act for laying out and establishing certain roads therein named.....	76	70
An act to locate and establish a state road from Wood's mill, in Van Buren county, to Bloomfield, in Davis county.....	78	72
An Act to require certain officers to keep their offices at the county seat...	78	72
An Act to establish a state road from Iowaville to Lancaster, by way of Creaseville .....	79	73
An Act to lay out and establish a state road from Ottumwa to Well's mills, on Chariton river .....	80	73
An Act supplementary to "An act to provide for finishing the public buildings in Washington county .....	80	74
An Act to legalize the acts of Charles W. Hobbs.....	81	74
An Act to establish new counties and define their boundaries, in the late cession from the Winnebago Indians .....	81	75

CONTENTS

	Page	Reprint Page
An Act for the relief of John Wilson.....	82	76
An Act for a state road therein named.....	83	76
An Act in relation to the duties and powers of the district judges.....	84	77
An Act to divide the state into two congressional districts.....	84	77
An Act to provide for the location of the seat of government of the state of Iowa, and for the selection of land granted by congress to aid in erecting public buildings .....	85	78
An Act to authorize county commissioners to lay off their counties into county commissioners' districts .....	87	79
An Act to repeal the charter of the town of Davenport.....	88	80
An Act concerning the justices of the peace.....	89	81
An Act in relation to the duty of state and county officers in certain cases..	90	82
An Act to amend the charter of the city of Burlington.....	91	82
An Act to provide for the election of United States senators and other officers .....	92	83
An Act to complete the change from a territorial to a state government....	94	85
An Act to incorporate the city of Farmington, Van Buren county, Iowa....	95	85
An Act to change the name of Bellview, in Jackson county.....	101	90
An Act authorizing general incorporations.....	101	90
An act to incorporate the city of Dubuque.....	104	92
An Act to establish the boundaries of certain counties therein named.....	114	100
An Act for the organization of Pottawattamie and other counties.....	115	100
An Act regulating state roads .....	116	101
An Act to authorize general incorporations for other purposes than those of pecuniary profit .....	118	102
An Act amendatory to the practice in the district and supreme courts of this state .....	119	103
An Act to make good in law the acts of Enoch Frazee, etc.....	120	104
An Act authorizing Robert Reed, or his successors in office, to collect the delinquent tax of T. J. Pearce, late collector of taxes, and John Carlin, deceased, late treasurer and collector of Jackson county, for A. D. 1846.	120	104
An Act to locate the seat of government of Buchanan county.....	121	105
An Act to provide for criminal returns.....	122	105
An Act to amend an act providing for the partition of real property, approved January 4th, 1839 .....	123	106
An Act to repeal an act authorizing the appointment of a county agent in and for the county of Johnson .....	124	107
An Act to locate a state road therein named.....	124	107
An Act to locate a state road therein named.....	125	108
An Act to locate a state road therein named.....	125	108
An Act to amend an act entitled "An act for the collection of demands against boats and vessels" .....	126	109
An Act in relation to the Salt Springs granted to this state.....	126	109
An Act supplementary and amendatory to an act to establish common schools .....	127	110
An Act to provide for levying and collecting revenue for state and county purposes .....	136	116
An Act in relation to the penitentiary.....	147	125
An Act to authorize the auditor to audit certain certificates of indebtedness, on account of expenses connected with the penitentiary.....	149	126
An Act to provide for the repeal of the charter of Fort Madison.....	149	126
An Act to provide for the place of holding district courts in Jones county..	150	127
An Act for the relief of the poor.....	150	127
An Act to amend an act relative to the probate of wills, executors and administrators, approved July 13, 1843.....	151	128

	Reprint Page Page
An act to repeal an act therein named.....	152 129
An Act to extend the powers of the Board of County Commissioners in regard to licensing and regulating ferries.....	152 129
An Act defining the time of holding elections for state, district and county officers .....	153 130
An Act to incorporate the city of Keokuk.....	154 130
An Act to provide for the management and disposition of the school fund..	160 134
An Act authorizing the secretary of state to procure a state seal.....	164 137
An Act creating a board of public works, and providing for the improvement of the Des Moines river.....	165 138
An Act to provide for the election of electors of president and vice president of the United States.....	170 142
An Act making an appropriation for the public buildings at Iowa City....	173 144
An Act fixing the times of holding district courts in the First judicial district .....	174 145
An Act incorporating towns.....	174 145
An Act to lay out a state road from the county seat of Benton county to Quasqueton, in Buchanan county .....	179 149
An Act to discontinue certain territorial or state roads in the county of Jones .....	180 149
An Act to provide for a term of the supreme court, and to change the time of holding the same .....	180 150
An Act making appropriations for the support of the state government, for the years 1847 and 1848 .....	181 150
An Act to provide compensation to an agent to select lands for the use and support of a university .....	184 151
An Act requiring the county commissioners of the county of Des Moines to purchase lands upon which to locate a farm for the use of the poor of said county .....	182 151
An Act to provide compensations of members, officers and printers of the General Assembly, and for other purposes.....	183 152
An Act to locate and establish a state university.....	188 156
Joint Resolution authorizing the secretary of state to effect a loan to defray postage, and for other purposes.....	191 159
Joint Resolution accepting the grant of land for the improvement of the navigation of the Des Moines river.....	191 159
Joint Resolution instructing our representatives in congress to procure the establishment of a certain mail route.....	192 160
Joint Resolution asking a donation of land for the improvement of Muscatine Island, on the Mississippi river.....	193 160
Joint Resolution requiring the auditor to audit certain accounts.....	193 161
Joint Resolution relative to printing the laws.....	194 161
Joint Resolutions instructing our representatives in congress to use their exertions to obtain six months pay for the volunteer company of cavalry disbanded at Fort Atkinson, on the 5th of October, 1846.....	194 161
Joint Resolution in relation to obtaining privilege from the state of Missouri to erect dams across the Des Moines river.....	195 162
Joint Resolution in relation to a certain mail route.....	195 162
Joint Resolution relating to a mail route from Iowa City, in the state of Iowa, to Albany, in the state of Illinois.....	196 163
Joint Resolution providing for a mail route from Fairfield to Bloomfield..	196 163
Preamble and Joint Resolution for a military road from Iowa City, via Fort Des Moines, in Polk county, to some point upon the Missouri river .....	197 164
Joint Resolution providing for a mail route from Fairfield to Oskaloosa....	198 164

CONTENTS

9

		Reprint
	Page	Page
Preamble and Joint Resolution relative to the improvement of the Iowa river .....	198	164
Joint Resolution relative to a certain mail route.....	199	165
Joint Resolution relative to a certain mail route.....	199	165
Joint Resolution relative to Cedar river.....	200	166
Joint Resolution for a mail route from Keokuk to Fairfield.....	200	166
Preamble and Joint Resolution asking a donation of land for a military road from the Missouri to the Mississippi river.....	201	167
Joint Resolution to pay Charles A. Robbins for a set of seals.....	202	167
Joint Resolution concerning the taking effect of acts public and private...	202	168
Joint Resolution for superintending the printing and distributing the laws.	203	168
Joint Resolution in relation to finishing the state house in Iowa City....	203	168
A Memorial to Congress for a grant of land upon which to locate the seat of government for the state of Iowa.....	204	168
Statement of receipts and expenditures .....	205	169
Index .....	209	173



# CONSTITUTION

## OF THE

# STATE OF IOWA

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### ARTICLE I.

#### PREAMBLE AND BOUNDARIES.

**Preamble.** We, the people of the territory of Iowa, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the state of Iowa, the boundaries whereof shall be as follows:

**Boundaries.** Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river; thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the state of Missouri—as established by the constitution of that state, adopted June 12th, 1820—crosses the said middle of the main channel of the said Des Moines river; thence westwardly along the said northern boundary line of the state of Missouri, as established at the time aforesaid, until an extension of said line intersect the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river to a point opposite the middle of the main channel of the Big Sioux river, according to Nicollett's map; thence up the main channel of the said Big Sioux river, according to said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes until said parallel intersect the middle of the main channel of the Mississippi river; thence down the middle of the main channel of said Mississippi river to the place of beginning.

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### [2] ARTICLE II.

#### BILL OF RIGHTS.

1. **Rights.** All men are, by nature, free and independent, and have certain unalienable rights—among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness.

2. **Object of Government.** All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people,

and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

3. **Religion.** The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates for building or repairing places of worship, or for the maintenance of any minister or ministry.

4. **Religious test, etc.** No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion.

5. **Duels.** Any citizen of this state who may hereafter be engaged, either directly or indirectly, in a duel, either as principal, or accessory before the fact, shall forever be disqualified from holding any office under the constitution and laws of this state.

6. **Laws.** All laws of a general nature shall have a uniform operation.

7. **Liberty of speech and the press.** Every person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and, if it appear to the jury that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

8. **Seizures and searches.** The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the papers and things to be seized.

9. **Jury trial.** The right of trial by jury shall remain inviolate; but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts.

[3] 10. **Rights of accused.** In all criminal prosecutions, the accused shall have a right to a speedy trial by an impartial jury; to be informed of the accusation against him; to be confronted with the witnesses against him; to have compulsory process for his own witnesses, and to have the assistance of counsel.

11. **Criminal offences.** No person shall be held to answer for a criminal offence, unless on presentment or indictment by a grand jury, except in cases cognizable by justices of the peace, or arising in the army or navy, or in the militia, when in actual service, in time of war or public danger.

12. **Second trial—bail.** No person shall, after acquittal, be tried for the same offence. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offences where the proof is evident or the presumption great.

13. **Habeas corpus.** The writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety may require it.

14. **Army.** The military shall be subordinate to the civil power. No standing army shall be kept up by the state in time of peace; and, in time of war, no appropriation for a standing army shall be for a longer time than two years.

15. **Soldiers.** No soldiers shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, except in the manner prescribed by law.

16. **Treason.** Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person



shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

17. **Bail—fines.** Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishments shall not be inflicted.

18. **Property.** Private property shall not be taken for public use without just compensation.

19. **Imprisonment for debt.** No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a militia fine in time of peace.

20. **Right to assemble.** The people have the right freely to assemble together, to counsel for the common good; to make known their opinions to their representatives, and to petition for redress of grievances.

21. **Ex-post facto.** No bill of attainder, ex post facto law, or law impairing the obligation of contracts shall ever be passed.

22. **Foreigners.** Foreigners who are, or who may hereafter become, residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and descent of property as native born citizens.

[4] 23. **Slavery.** Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this state.

24. This enumeration of rights shall not be construed to impair or deny others, retained by the people.

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### ARTICLE III.

#### RIGHT OF SUFFRAGE.

1. **Electors.** Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of the state six months next preceding the election, and the county in which he claims his vote twenty days, shall be entitled to vote at all elections which are now, or hereafter may be, authorized by law.

2. **Privilege.** Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

3. **Military duty.** No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

4. **U. S. soldiers.** No person in the military, naval or marine service of the United States, shall be considered a resident of this state by being stationed in any garrison, barrack, or military or naval place or station within this state.

5. **Exceptions.** No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

6. **Ballot.** All elections by the people shall be by ballot.

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### ARTICLE IV.

#### OF THE DISTRIBUTION OF POWERS.

1. **Powers.** The powers of the government of Iowa shall be divided into three separate departments—the legislative, the executive, and the judicial; and no person charged with the exercise of powers properly belonging to one

of these departments, shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

#### LEGISLATIVE DEPARTMENT.

1. **Legislative.** The legislative authority of this state shall be vested in a senate and house of representatives, which shall be designated the general assembly of the state of Iowa; and the style of their laws shall commence in the following manner: "Be it enacted by the General Assembly of the State of Iowa."

[5] 2. **Sessions.** The sessions of the general assembly shall be biennial, and shall commence on the first Monday of December next ensuing the election of its members; unless the governor of the state shall, in the interim, convene the general assembly by proclamation.

3. **Members H. R.** The members of the house of representatives shall be chosen every second year, by the qualified electors of their respective districts, on the first Monday in August; whose term of office shall continue two years from the day of the general election.

4. **Qualifications.** No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years; be a free white male citizen of the United States, and have been an inhabitant of this state or territory one year next preceding his election; and at the time of his election, have an actual residence of thirty days in the county or district he may be chosen to represent.

5. **Senators.** Senators shall be chosen for the term of four years, at the same time and place as representatives; they shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

6. **Number.** The number of senators shall not be less than one-third, nor more than one half the representative body; and at the first session of the general assembly, after this constitution takes effect, the senators shall be divided by lot, as equally as may be, into two classes; the seats of the senators of the first class shall be vacated at the expiration of the second year, so that one half shall be chosen every two years.

7. **Senators increased.** When the number of senators is increased, they shall be annexed by lot to one of the two classes, so as to keep them as nearly equal in number as practicable.

8. **Officers and contested elections.** Each house shall choose its own officers and judge of the qualification, election, and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

9. **Quorum.** A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

10. **Powers.** Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member, but not a second time for the same offence; and shall have all other powers necessary for a branch of the general assembly of a free and independent state.

11. **Protest.** Every member of the general assembly shall have the liberty to dissent from, or protest against, any act or resolution which he may [6] think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house,

on any question, shall, at the desire of any two members present, be entered on the journals.

12. **Privileges.** Senators and representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the general assembly, and in going to and returning from the same.

13. **Vacancies.** When vacancies occur in either house, the governor, or the person exercising the functions of the governor, shall issue writs of election to fill such vacancies.

14. **Secrecy.** The doors of each house shall be open, except on such occasion as in the opinion of the house, may require secrecy.

15. **Adjournment.** Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

16. **Bills.** Bills may originate in either house, except bills for revenue, which shall always originate in the house of representatives, and may be amended, altered, or rejected by the other; and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

17. **Veto.** Every bill which shall have passed the general assembly shall, before it become a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon the journal and proceed to reconsider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two-thirds of the members of each house present, it shall become a law notwithstanding the governor's objections. If any bill shall not be returned within three days after it shall have been presented to him, Sunday excepted, the same shall be a law in like manner as if he had signed it, unless the general assembly, by adjournment, prevent such return.

18. **Receipts, etc.** An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws, at every regular session of the general assembly.

19. **Impeachment.** The house of representatives shall have the sole power of impeachment, and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

20. **Officer's liability.** The governor, secretary of state, auditor, treasurer, and judges of the supreme and district courts, shall be liable to impeachment for [7] any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under this state; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment, according to law. All other civil officers shall be tried for misdemeanors in office in such manner as the general assembly may provide.

21. **Appointments.** No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased, during such term, except such offices as may be filled by elections by the people.

22. **Who ineligible.** No person holding any lucrative office under the United States, or this state, or any other power, shall be eligible to the general assembly: provided, that offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmasters whose compensation does not exceed one hundred dollars per annum, shall not be deemed lucrative.

23. **Defaulters.** No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the general assembly, or be eligible to any office of trust or profit under this state, until he shall have accounted for and paid into the treasury, all sums for which he may be liable.

24. **Appropriations.** No money shall be drawn from the treasury but in consequence of appropriations made by law.

25. **Compensation.** Each member of the general assembly shall receive a compensation to be fixed by law, for his services, to be paid out of the treasury of the state. Such compensation shall not exceed two dollars per day for the period of fifty days from the commencement of the session, and shall not exceed the sum of one dollar per day for the remainder of the session: when convened in extra session by the governor, they shall receive such sum as shall be fixed for the first fifty days of the ordinary session. They shall also receive two dollars for every twenty miles they shall travel, in going to and returning from their place of meeting, on the most usual route: provided, however, that the members of the first general assembly under this constitution shall receive two dollars per day for their services during the entire session.

26. **Object and title of laws.** Every law shall embrace but one object, which shall be expressed in the title.

27. **Publication.** No law of the general assembly, of a public nature, shall take effect until the same shall be published and circulated in the several counties of this state, by authority. If the general assembly shall [8] deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.

28. **Divorce.** No divorce shall be granted by the general assembly.

29. **Lotteries.** No lottery shall be authorized by this state, nor shall the sale of lottery tickets be allowed.

30. **Oath of office.** Members of the general assembly shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear, or affirm, (as the case may be,) that I will support the constitution of the United States, and the constitution of the state of Iowa, and that I will faithfully discharge the duties of senator, (for representative, as the case may be,) according to the best of my ability." And members of the general assembly are hereby empowered to administer to each other the said oath or affirmation.

31. **Census—apportionment.** Within one year after the ratification of this constitution, and within every subsequent term of two years, for the term of eight years, an enumeration of all the white inhabitants of this state shall be made, in such manner as shall be directed by law. The number of senators and representatives shall, at the first regular session of the general assembly, after such enumeration, be fixed by law, and apportioned among the several counties according to the number of white inhabitants in each; and [the general assembly] shall also, at every subsequent regular session, apportion the house of representatives, and every other regular session the senate, for eight years; and the house of representatives shall never be less than twenty-six, nor greater than thirty-nine, until the number of white inhabitants shall be one hundred and seventy-five thousand; and after that event, at such ratio that the whole number of representatives shall never be less than thirty-nine nor exceeding seventy-two.

32. **Districts.** When a congressional, senatorial, or representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.

33. **Viva voce.** In all elections by the general assembly, the members thereof shall vote viva voce, and the votes shall be entered on the journal.

34. **Salaries.** For the first ten years after the organization of the government, the annual salary of the governor shall not exceed one thousand dollars; secretary of state, five hundred dollars; treasurer, four hundred dollars; auditor, six hundred dollars; judges of the supreme and district courts, each one thousand dollars.

[9] ARTICLE V.

EXECUTIVE DEPARTMENT.

1. **Governor.** The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Iowa.

2. **Election.** The governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly, and shall hold his office four years from the time of his installation, and until his successor shall be qualified.

3. **Who is eligible.** No person shall be eligible to the office of governor, who has not been a citizen of the United States, and a resident of the state two years next preceding the election, and attained the age of thirty years at the time of said election.

4. **Returns of election.** The returns of every election for governor shall be sealed up and transmitted to the seat of government, directed to the speaker of the house of representatives, who shall, during the first week of the session, open and publish them in presence of both houses of the general assembly. The person having the highest number of votes shall be governor; but in case any two or more have an equal and the highest number of votes, the general assembly shall, by joint vote, choose one of said persons so having an equal and the highest number of votes, for governor.

5. **Commander.** The governor shall be commander-in-chief of the militia, the army, and navy of this state.

6. **Duty of governor.** He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department, upon any subject relating to the duties of their respective offices.

7. **As to laws.** He shall see that the laws are faithfully executed.

8. **As to vacancies.** When any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people.

9. **Extra session.** He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

10. **Message.** He shall communicate by message to the general assembly, at every session, the condition of the state, and recommend such matters as he shall deem expedient.

11. **As to adjournment.** In case of disagreement between the two houses, with respect to [10] the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he may think proper, provided it be not beyond the time fixed for the meeting of the next general assembly.

12. **Persons disqualified.** No person shall, while holding any other office under the United States, or this state, execute the office of governor, except as hereinafter expressly provided.

13. **Pardons.** The governor shall have power to grant reprieves and pardons, and commute punishments after conviction, except in cases of impeachment.

14. **Compensation.** The governor shall, at stated times, receive for his services, a compensation which shall neither be increased nor diminished during the time for which he shall have been elected.

15. **Seal.** There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Iowa.

16. **Grants and Commissions.** All grants and commissions shall be in the name and by the authority of the people of the state of Iowa, sealed with the great seal of this state, signed by the governor and countersigned by the secretary of state.

17. **State officers—duty of secretary.** A secretary of state, auditor of public accounts, and treasurer, shall be elected by the qualified electors, who shall continue in office two years. The secretary of state shall keep a fair register of all the official acts of the governor, and shall, when required, lay the same, together with all papers, minutes and vouchers relative thereto, before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law.

18. **Vacancy of governor.** In case of the impeachment of the governor, his removal from office, death, resignation, or absence from the state, the powers and duties of the office shall devolve upon the secretary of state, until such disability shall cease, or the vacancy be filled.

19. **Further vacancy.** If, during the vacancy of the office of governor, the secretary of state shall be impeached, displaced, resign, die, or be absent from the state, the powers and duties of the office of governor shall devolve upon the president of the senate; and should a vacancy occur by impeachment, death, resignation, or absence from the state, of the president of the senate, the speaker of the house of representatives shall act as governor till the vacancy be filled.

## [11] ARTICLE VI.

### JUDICIAL DEPARTMENT.

1. **Courts.** The judicial power shall be vested in a supreme court, district courts, and such inferior courts, as the general assembly may from time to time establish.

2. **Justices.** The supreme court shall consist of a chief justice and two associates, two of whom shall be a quorum to hold court.

3. **Supreme judges how elected—jurisdiction—powers.** The judges of the supreme court shall be elected by joint vote of both branches of the general assembly, and shall hold their courts at such time and place as the general assembly may direct, and hold their offices for six years, and until their successors are elected and qualified, and shall be ineligible to any other office during the term for which they may be elected. The supreme court shall have appellate jurisdiction only in all cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the general assembly may by law prescribe. The supreme court shall have power to issue all writs and process necessary to do justice to parties, and exercise a supervisory control over all interior judicial tribunals, and the judges of the supreme court shall be conservators of the peace throughout the state.

4. **District court, judge elected—jurisdiction and powers—districts.** The district court shall consist of a judge, who shall be elected by the qualified voters of the district in which he resides, at the township election, and hold his office for the term of five years, and until his successor is duly elected and qualified, and shall be ineligible to any other office during the term for which he may be elected. The district court shall be a court of law and equity, and have jurisdiction in all civil and criminal matters arising in their respective districts, in such manner as shall be prescribed by law. The judges of the district courts shall be conservators of the peace in their respective districts. The first session of the general assembly shall divide the state into four districts, which may be increased as the exigencies require.

5. **Attorney and clerk.** The qualified voters of each county, shall at the general election, elect one prosecuting attorney and one clerk of the district court, who shall be residents therein, and who shall hold their several offices for the term of two years and until their successors are elected and qualified.

6. **Style of process.** The style of all process shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

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## [12] ARTICLE VII.

### MILITIA.

1. **Military.** The militia of this state shall be composed of all able bodied white male citizens between the ages of eighteen and forty-five years, except such as are or may hereafter be exempt by the laws of the United States, or of this state, and shall be armed, equipped, and trained, as the general assembly may provide by law.

2. **Scruples.** No person or persons conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace: provided, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

3. **Officers elected.** All commissioned officers of the militia, (staff officers excepted,) shall be elected by the persons liable to perform military duty, and shall be commissioned by the governor.

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## ARTICLE VIII.

### STATE DEBTS.

1. **Debts.** The general assembly shall not in any manner create any debt or debts, liability or liabilities, which shall singly or in the aggregate with any previous debts or liabilities, exceed the sum of one hundred thousand dollars, except in case of war, to repel invasion, or suppress insurrection, unless the same shall be authorized by some law for some single object or work to be distinctly specified therein; which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrevocable until the principal and the interest thereon shall be paid and discharged; but no such law shall take effect, until at a general election, it shall have been submitted to the people, and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall

be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each judicial district, if one is published therein, throughout the state, for three months preceding the election at which it is submitted to the people.

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[13] ARTICLE IX.

INCORPORATIONS.

1. **Banks prohibited.** No corporate body shall hereafter be created, renewed, or extended, with the privilege of making, issuing, or putting in circulation, any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money. The general assembly of this state shall prohibit, by law, any person or persons, association, company or corporation, from exercising the privileges of banking, or creating paper to circulate as money.

2. **Corporations, how created—liabilities.** Corporations shall not be created in this state by special laws, except for political or municipal purposes; but the general assembly shall provide by general laws, for the organization of all other corporations, except corporations with banking privileges, the creation of which is prohibited. The stockholders shall be subject to such liabilities and restrictions as shall be provided by law. The state shall not directly or indirectly become a stockholder in any corporation.

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ARTICLE X.

EDUCATION AND SCHOOL LANDS.

1. **Superintendent public instruction.** The general assembly shall provide for the election, by the people, of a superintendent of public instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the general assembly may direct.

2. **Encouragement and appropriations.** The general assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been or hereafter may be granted by the United States to this state, for the support of schools, which shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of congress distributing the proceeds of the public lands among the several states of the Union, approved, A. D. 1841, and all estates of deceased persons, who may have died without leaving a will, or heir; and also such per cent. as may be granted by congress on the sale of lands in this state, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the general assembly may provide, shall be inviolably appropriated to the support of common schools throughout the state.

3. **Common schools.** The general assembly shall provide for a system of common schools, by which a school shall be kept up and supported in each school [14] district, at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.



4. **Moneys appropriated.** The money which shall be paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid or fine collected, among the several school districts of said counties, in the proportion to the number of inhabitants in such districts, to the support of common schools, or the establishment of libraries, as the general assembly shall, from time to time, provide by law.

5. **School lands—university.** The general assembly shall take measures for the protection, improvement, or other disposition, of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this state, for the use of a university; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, with such branches as the public convenience may hereafter demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the general assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

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## ARTICLE XI.

### AMENDMENTS OF THE CONSTITUTION.

1. **Amendments.** If at any time, the general assembly shall think it necessary to revise or amend this constitution, they shall provide by law for a vote of the people for or against a convention, at the next ensuing election for members of the general assembly. In case a majority of the people vote in favor of a convention, said general assembly shall provide for an election of delegates to a convention, to be held within six months after the vote of the people in favor thereof.

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## ARTICLE XII.

### MISCELLANEOUS.

1. **Jurisdiction of justices.** The jurisdiction of justices of the peace shall extend to all civil cases, (except cases in chancery, and cases where the question of title to any real estate may arise,) where the amount in controversy does not [15] exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding five hundred dollars.

2. **New counties.** No new county shall be laid off hereafter, nor old county reduced to less contents than four hundred and thirty-two square miles.

3. **Settlers' claims.** The general assembly shall not locate any of the public lands which have been or may be granted by congress to this state, and the location of which may be given to the general assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant, so exempted, shall not exceed three hundred and twenty acres.

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## ARTICLE XIII.

### SCHEDULE.

1. **Change of government.** That no inconvenience may arise from the change of a territorial government to a permanent state government, it is declared that

all writs, actions, prosecutions, contracts, claims and rights shall continue as if no change had taken place in this government; and all process which may, before the organization of the judicial department under this constitution, be issued under the authority of the territory of Iowa, shall be as valid as if issued in the name of the state.

2. **Laws in force.** All the laws now in force in this territory, which are not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the general assembly of this state.

3. **Fines, etc.** All fines, penalties and forfeitures accruing to the territory of Iowa, shall accrue to the use of the state.

4. **Bonds, prosecutions, etc.** All recognizances heretofore taken, or which may hereafter be taken, before the organization of the judicial department under this constitution, shall remain valid, and shall pass to and may be prosecuted in the name of the state. And all bonds executed to the governor of this territory, or to any other officer in his official capacity, shall pass over to the governor of the state, or other proper state authority, and to their successors in office, for the uses therein respectively expressed, and may be sued for and recovered accordingly. All criminal prosecutions and penal actions which may have arisen, or may arise, before the organization of the judicial department under this constitution, and which shall then be pending, may be prosecuted to judgment and execution in the name of the state.

5. **Officers.** All officers, civil and military, now holding their offices and appointments in this territory, under the authority of the United States, or under the authority of this territory, shall continue to hold and [16] execute their respective offices and appointments, until superceded, under this constitution.

6. **Election—returns.** The first general election under this constitution shall be held at such time as the governor of the territory by proclamation may appoint, within three months after its adoption, for the election of a governor, two representatives in the congress of the United States, (unless congress shall provide for the election of one representative,) members of the general assembly, and one auditor, treasurer, and secretary of state. Said election shall be conducted in accordance with the existing laws of this territory; and said governor, representatives in the congress of the United States, auditor, treasurer and secretary of state, duly elected at said election, shall continue to discharge the duties of their respective offices for the time prescribed by this constitution, and until their successors are elected and qualified. The returns of said election shall be made in conformity to the existing laws of this territory.

7. **Apportionment.** Until the first enumeration of the inhabitants of this state, as directed by this constitution, the following shall be the apportionment of the general assembly:

The county of Lee shall be entitled to two senators and five representatives;

The county of Van Buren, two senators and four representatives;

The counties of Davis and Appanoose, one senator and one representative, jointly;

The counties of Wapello and Monroe, one senator, jointly, and one representative, each;

The counties of Marion, Polk, Dallas and Jasper, one senator and two representatives, jointly;

The county of Des Moines, two senators and four representatives;

The county of Henry, one senator and three representatives;

The county of Jefferson, one senator and three representatives;

The counties of Louisa and Washington, one senator, jointly, and one representative, each;

The counties of Keokuk and Mahaska, one senator, jointly, and one representative, each;

The counties of Muscatine, Johnson and Iowa, one senator and one representative, jointly, and Muscatine, one representative, and Johnson and Iowa, one representative, jointly;

The counties of Scott and Clinton, one senator, jointly, and one representative, each;

The counties of Cedar, Linn and Benton, one senator, jointly; the [17] county of Cedar one representative, and the counties of Linn and Benton one representative, jointly;

The counties of Jackson and Jones, one senator and two representatives;

The counties of Dubuque, Delaware, Clayton, Fayette, Buchanan and Blackhawk, two senators and two representatives, jointly;

And any country attached to any county for judicial purposes shall, unless otherwise provided for, be considered as forming part of such county, for election purposes.

8. **First meeting general assembly.** The first meeting of the general assembly under this constitution shall be at such time as the governor of the territory may by proclamation appoint, within four months after its ratification by the people, at Iowa City, in Johnson county, which place shall be the seat of government of the state of Iowa until removed by law.

Done in convention, at Iowa City, this eighteenth day of May, in the year of our Lord one thousand eight hundred and forty-six, and of the independence of the United States of America the seventieth.



# L A W S

## OF THE

# STATE OF IOWA

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### [19] CHAPTER 1.

#### SCHOOL FUND.

AN ACT staying the school fund in the hands of the holders thereof.

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

**SECTION 1. Officers to retain school funds.** That all public officers who shall have in their possession or control, at the time this law takes effect, or at any time thereafter; any money or moneys to be applied to the support of common schools, or other educational purposes, under the existing laws; shall retain such money or moneys in their possession, and not apply, expend, or distribute the same, until directed so to do by some law hereafter to be enacted by the said general assembly.

**SEC. 2. Repealing section.** That the fourth section of an act, approved January 15th, 1846: entitled "an act to amend an act entitled an act to establish a system of common schools," approved January 16th, 1840, and all other acts and parts of acts, contravening the provisions of this act, are hereby repealed.

**SEC. 3. Publication and effect:** That the Governor [shall] cause this act to be published immediately in the several newspapers in this city, and that the same shall take effect on the thirtieth day of December, 1846.

J. B. BROWNE,  
Speaker of the House of Representatives.  
THOMAS BAKER,  
President of the Senate.

Approved, December 14th, 1846.

ANSEL BRIGGS.

Published in the Reporter and Standard, December 16th, 1846.

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### [20] CHAPTER 2.

#### RECORDS OF LEE COUNTY.

AN ACT repealing an act to authorize the clerk of [the] district court for the county of Lee to transcribe the records of said court, approved January 15th, 1846.

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

**SECTION 1. Act of Jan. 15, 1846, repealed.** That the act of the council and house of representatives of the territory of Iowa, approved January 15th,

1846, authorizing Joel C. Walker, clerk of the district court for the county of Lee, to transcribe the records of said court, and also to re-file, number, and arrange all the papers in his said office of clerk of said court, and to prepare a general index of the same: and providing for a compensation to be paid to the said Joel C. Walker for such service, by the commissioners of said county, be and the same is hereby repealed.

**SEC. 2. To take effect.** That this act shall take effect and be in force from and after its passage.

Approved, December 19th, 1846.

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### CHAPTER 3.

#### SOUTHERN BOUNDARY.

AN ACT concerning the southern boundary of Iowa.

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

**SECTION 1. Governor to make an agreed suit with Missouri.** That the governor of this state is hereby authorized and empowered, to agree with the state of Missouri for the commencement and speedy termination of such suit as may be necessary to procure a final decision by the supreme court of the United States upon the true location of the southern boundary of the state.

**SEC. 2. Evidence to be procured—employ counsel.** The governor is hereby authorized and required to cause all evidence to be procured which may be necessary to the legal and proper decision of such suit, while the same may be in progress; and to employ counsel to conduct the same on the part of this state, and to do whatever may be necessary to maintain the rights of the state in such suit.

**SEC. 3. One thousand dollars appropriated.** The sum of one thousand dollars is hereby appropriated out of any money in the treasury, to carry this act into effect, which [21] may be drawn on the certificate of the governor to the auditor of public accounts, in favor of the person entitled to the same.

Approved, January 16th, 1847.

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### CHAPTER 4.

#### PRAIRIE LAPORTE.

AN ACT to change the name of Prairie Laporte, in the county of Clayton.

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

**SECTION 1. Name of Laporte changed to Guthenberg.** That the name of the town of Prairie Laporte, in the county of Clayton, be and the same is hereby changed to that of Guthenberg.

Approved, January 18th, 1847.

## CHAPTER 5.

## CHALDEA.

AN ACT to change the name of the town of Chaldea, in Appanoose county.

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

**SECTION 1. Name of Chaldea changed to Centerville.** That the name of the town of Chaldea, in Appanoose county, be and the same is hereby changed to that of Centerville.

Approved, January 18th, 1847.

## CHAPTER 6.

## SCHOOL MONEYS.

AN ACT concerning the distribution of school moneys.

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

**SECTION 1. Township and school district legalized.** That all townships and school districts, in any county of this state, which are now, or shall, at the taking effect of this act, be organized, and the number of children returned to the board of county commissioners, and report made as required by an "act to establish a system of common schools," approved January 16th, 1840, be and the same are hereby legalized and made valid; as fully as if the same had been organized and returns made according to the provisions of the above named act.

**SEC. 2. Clerk of district court and clerk of commissioners to appoint inspectors—inspectors to organize districts.** That in every township in which there are no school in-[22]-spectors, it shall be the duty of the clerk of the board of county commissioners, and clerk of the district court, of the proper county, within twenty days after this act shall take effect, to appoint the same; whose duty it shall be, when appointed and qualified, to divide said townships into school districts, and to organize the same, under the provisions of the several laws now in force on this subject.

**SEC. 3. Inspectors to report previous to March, 1847.** It shall be the duty of the inspectors thus appointed, and of the inspectors of all other districts, where they have not organized and reported according to the said act, approved 16th January, 1840, to organize and make their report, as therein required, on or before the first Monday of March, 1847.

**SEC. 4. Clerk of commissioners to apportion school moneys—and to deliver an order to the inspectors for amount.** That it shall be the duty of the clerk of the board of commissioners, to make a fair apportionment of the money in the hands of the treasurer, for the use of schools, on the second Monday in March, 1847, to the different townships, according to the number of children between the ages of five and twenty-one years, as shown by the report of the school inspectors of their respective townships, and deliver to the chairman of the board of inspectors an order on the treasurer of the county for the amount of money to which his township is entitled.

**SEC. 5. Repealing section—all persons required to pay over school moneys.** All laws now in force, contravening any of the provisions of this act, be and the same are hereby repealed; and all officers or persons now holding any of the school funds, are required to pay over the same to the proper authority or

person entitled thereto: provided, that nothing in this act shall be so construed as to prevent the collection of the school funds in accordance with the existing laws.

**SEC. 6. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, January 19th, 1847.

Published in the Reporter and Standard, January 27th, 1847.

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## CHAPTER 7.

### TERRITORIAL ROAD.

AN ACT to review and relocate a portion of the territorial road from Rockingham to Iowa City.

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

**SECTION 1. Appointment of commissioners—time and place for meeting.** That Dan B. Shaw and Andrew W. Campbell, of Scott county, and Richard Randall, of Muscatine county, be, and they are hereby appointed commissioners to review and relocate so much of the territorial road from Rockingham, in Scott county, by Centre Grove and Moscow, [23] in Muscatine county, to Iowa City, in Johnson county, as lies between the southeast corner of the northwest quarter of section No. thirty-one, in township No. seventy-eight north, of range No. two east, and the northeast corner of the northwest quarter of section No. thirty-five, in township No. seventy-eight north, of range No. one east: Said commissioners to meet at the house of Dan B. Shaw, in Scott county, on the first Monday in May next.

**SEC. 2. How governed—compensation.** The said commissioners shall be governed in all their acts in relation to the resurvey and relocation of said road by the requirements of the act entitled "An act to provide for laying out and opening territorial roads," approved Dec. 29, 1838; and they and the surveyor and assistants employed by them shall be entitled to the same compensation for their services that is allowed by an act approved January 14th, 1840, entitled "An act establishing certain territorial roads therein named."

Approved, January 20th, 1847.

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## CHAPTER 8.

### CENSUS.

AN ACT to provide for the taking an enumeration of the white inhabitants of the state [of] Iowa.

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

**SECTION 1. Census to be taken—when to be taken—unorganized counties.** That the assessors of each and every organized county of this state are hereby authorized and required, previous to the first day of August, 1847, and before



the same day of every second year thereafter, for the period of eight years, to take an enumeration of all the white inhabitants of all ages in their respective counties; and, in those counties not organized, it shall be the duty of the assessors of the counties to which unorganized counties may be attached, for election purposes, to take the enumeration thereof, as provided for by this act.

**SEC. 2. Returns—compensation.** It shall be the duty of said assessors to make a correct return of the duties performed under this act, under oath, to the clerk of the board of commissioners of their respective counties, on or before the fifteenth day of September next following such enumeration; for which services they shall receive such compensation as the board of commissioners may allow.

**SEC. 3. Duty of Clerks.** It shall be the duty of the several clerks of the boards of county commissioners to forward a certified copy of said returns to the secretary of state, within thirty days after the reception thereof.

[24] **SEC. 4. Penalty.** Every assessor or clerk who shall refuse or neglect to perform the duties enjoined by this act, shall forfeit and pay to, and for the use of, the common schools of their respective counties, a sum not less than fifty dollars, nor more than one hundred dollars.

**SEC. 5. When to take effect—publication.** This act shall take effect and be in force from and after the first day of March next; previous to which time the secretary of state shall cause the same to be published one [once] in the several newspapers in this state.

Approved, January 20th, 1847.

Published in the Reporter, Jan. 27th, 1847, and in the Standard Feb. 4th, 1847.

## CHAPTER 9.

### DISTRICT CLERKS AND PROSECUTING ATTORNEYS.

AN ACT in relation to clerks and prosecuting attorneys.

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

**SECTION 1. Clerks elected Oct. 26, 1846, to give bonds—amount—how filed—to be recorded—actions may be brought thereon, in the name of the commissioners—if the original be lost—oath of office—oath to be endorsed.** That the clerks of the district courts elected in the several counties of this state, at the general election, on the twenty-sixth day of October, 1846, wherein notice of said election had been previously given by the clerks of the boards of county commissioners in the several counties, or wherein any one person has received a majority of all the votes cast for state officers, before they enter upon the duties of their respective offices, shall enter into bond before the clerk of the board of county commissioners in their respective counties, with two or more sufficient securities, to be approved of by said clerk, in the penal sum of five thousand dollars, payable to said board of county commissioners—conditioned that they will faithfully and impartially discharge the duties of said office, and pay over all moneys that may come into their hands, under and by virtue of their said office, to the proper authorities, person or persons entitled to the same; and that they will, in every other respect, discharge the duties required of them by law; which said bond shall be filed in the office of the board of commissioners for said county by the clerk thereof, and also recorded at length upon the records of said office; and actions may be brought

thereon, or a certified copy thereof, by any person who may feel himself aggrieved by a violation of the same; which said action may be brought in the name of the said commissioners, for the use of the persons intended to be benefited thereby; and if said original bond should be lost or destroyed so that the same cannot be produced on the trial, a certified copy from the records of said commissioners, by the clerk thereof, shall be read [25] as evidence of it; and said clerks shall also take and subscribe an oath that they will support the constitution of the United States and of the state of Iowa, and in every respect discharge the duties of clerk faithfully, and to the best of their abilities; and it shall be the duty of the clerk of the board of commissioners to endorse on the certificate of election of said clerk elect, that the oath has been taken and bond filed according to law.

**SEC. 2. Attorneys elected Oct. 26, 1846—to give bond—amount, condition—bond to be filed and recorded—oath of office—oath to be filed.** And be it further enacted, that the prosecuting attorneys elected at the general election, on the twenty-sixth day of October, 1846, in the several counties or districts in this state, wherein notice of said election had been previously given by the clerks of the boards of county commissioners in the several counties, or wherein any one person has received a majority of all the votes cast for state officers, before they shall be qualified to act as such, shall execute a bond to the board of county commissioners of their respective counties, with two or more sufficient sureties, to be approved of by the clerk thereof, in the penal sum of two thousand dollars—conditioned that they will faithfully, and to the best of their ability, discharge the duty of prosecuting attorney for said county, and pay over to the proper person or persons all moneys that may come into their hands under or by virtue of their said office; which said bond shall be filed and recorded in the same manner, and the same remedies had thereon, as on bonds of the clerks of the several district courts. Said prosecuting attorneys shall also take and subscribe an oath that they will support the constitution of the United States, and the constitution of the state of Iowa, and faithfully discharge their duties as prosecuting attorneys to the best of their skill and ability; which said oath shall be filed in the office of the board of commissioners.

**SEC. 3. Clerk elect to take possession of the office—duty of old clerk—clerk refusing to give possession—clerk elect to present his certificate to the sheriff or coroner—duty of sheriff or coroner—officer to make return to the district court—duty of court—further liability of the person withholding, etc.—action.** And be it further enacted, that upon the presentation by the clerk elect of his certificate of election endorsed by the clerk of the board of county commissioners of the proper county, that security has been filed, and the oath taken according to law, to the clerk of the district court of the territory of Iowa, or to any other person or persons having in their possession or under their control the books, papers, furniture and other things properly belonging to said office, or any part thereof, it shall be the duty of said clerk of the district court of the territory of Iowa, or other person or persons as aforesaid, to deliver up into the possession of the clerk elect, and holding said certificate, all of the books, papers, matters and things belonging or in any wise pertaining to said office of clerk; and should the said clerk, or other person having in his or their possession any books, papers, stationery, furniture, or other things appertaining to said office, upon [26] demand of the clerk elect, and exhibiting his certificate of election, endorsed as aforesaid, refuse to deliver the immediate possession of said books, stationery and other things appertaining to said office to said clerk elect, the said clerk elect may, at any time thereafter, present said certificate of election, endorsed, to the sheriff or coroner, as he case may be, of the proper county, with a demand to said sheriff or coroner, in writing, to be placed in possession of said books

and other things appertaining to said office, it shall thereupon be the duty of said sheriff or coroner, as the case may be, forthwith to deliver to said clerk elect said books, stationery and other things appertaining to said office; and if the clerk of the said district court of said territory of Iowa, or other persons having the possession or control of said books, etc., shall, upon demand by said sheriff or coroner, refuse or neglect to deliver immediate possession of the same, said officer shall break open any house or other place wherein said books, etc., may be, as under a writ of replevin, and deliver possession of said books, stationery, furniture, etc., to the clerk elect; and said officer shall return into the office of the clerk of said district court a copy of said certificate, (returning the original to the clerk elect,) with a return thereon, as in a writ of replevin, with the amount of his costs for executing the same; and the said court, at its next session, shall, upon motion, cause judgment to be entered up in favor of said officer and against said defendant, for the amount of the same, unless they be previously paid by said defendant; and the person withholding the same shall, furthermore, be liable to every person who may be injured in consequence of said withholding, before any court having jurisdiction of the same—said remedy to be sought in an action on the case.

**SEC. 4. Vacancies how filled—duty of clerk of commissioners—notice—places and manner of election.** And be it further enacted, that when a vacancy shall occur in either of the said offices of clerk or prosecuting attorney, from death, resignation, removal, or otherwise, it shall be the duty of the clerk of the board of county commissioners of the proper county, to order an election to fill said vacancy, by giving at least fifteen days notice of the same, by pasting up written notices of the same in two of the most public places in each township in said county; which said election shall be held at the usual places for holding elections in said county, and be conducted in all respects, so far as applicable, as other elections are conducted, and returns made in the same manner.

**SEC. 5. Clerks and attorneys to give bond, etc.** And be it further enacted, that all clerks and prosecuting attorneys hereafter elected, under and by virtue of the constitution and laws of this state, shall, before they enter upon the discharge of their respective duties, give bond and qualify, as specified in the first and second sections of this act.

[27] **SEC. 6. To take effect.** This act shall take effect from and after its publication in the weekly newspapers printed in Iowa City.

Approved, January 21st, 1847.

Published in the Reporter and Standard, January 27th, 1847.

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## CHAPTER 10.

### TREASURER OF STATE.

AN ACT prescribing the general duties of treasurer of state.

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

**SECTION 1. To keep his office at seat of government—to have charge of public money, etc.** That the treasurer of state shall keep his office at the seat of government, shall have charge of, and safely keep, all public moneys which shall be paid into the treasury, and pay out the same as directed by law and perform all such other duties as now are, or shall hereafter be, required of him by the laws of this state.

**SEC. 2. To give bond—oath of office—bond and oath to be filed with secretary.** That previous to entering on the duties of his office, the treasurer shall give bond, with four or more securities, to the acceptance of the governor, in the sum of seventy-five thousand dollars, payable to the state of Iowa, conditioned for the faithful discharge of his duties as treasurer; and shall take and subscribe an oath or affirmation faithfully to discharge the duties of his office; which bond, and oath or affirmation, shall be deposited with the secretary of state, and an action may be maintained thereon by the state, at any time, for any breach of the condition or conditions thereof.

**SEC. 3. Additional security.** The legislature, and when not in session, the governor, may, at any time, during the continuance in office of the treasurer, require him to give such additional security as they shall deem necessary, for the complete indemnity of the state.

**SEC. 4. Treasurer to keep account.** That the treasurer shall keep an accurate account of the receipts and disbursements at the treasury, in books to be provided for that purpose at the expense of the state; in which he shall specify the names of the persons from whom received, or to whom paid, on what account the same is received or paid out, and the time of such receipt or payment.

**SEC. 5. Auditor's bill to be received in payment of public dues—or redeemed—bills to be endorsed and cancelled—bills redeemed to be entered.** That the treasurer shall receive in payment of public dues, the bills drawn by the auditor of state, in conformity with the laws of the state, or redeem the same, if there be money in the treasury appropriated for that purpose; and on redeeming such bill, or receiving the same in payment, he shall cause the person presenting such bill to endorse the same, and the treasurer shall write on the face of such bill, "redeemed;" and shall enter in his books, in separate columns, the number of such bill, its date, amount, the name of the person to whom payable, the date of the payment, and the amount of interest, if any, paid thereon.

**SEC. 6. Bills unredeemed to bear interest—treasurer to endorse bills presented—notice of funds—interest to cease—bills to be paid in the order in which they are presented.** That when any bill shall be presented at the treasury for redemption, and there shall be no funds therein appropriated for that purpose, the treasurer of state shall endorse thereon the date of its presentation, with his signature thereto; from which time such bill shall bear legal interest; and when there shall be funds in the treasury for the redemption of bills so presented and endorsed, the treasurer shall give notice of the fact, by three insertions in some newspaper printed at the seat of government, and at the expiration of thirty days after the date of the first publication of such notice, the interest on such bills shall cease; and it shall be the further duty of the treasurer, when there are funds on hand, to pay all bills in the order in which they are presented.

**SEC. 7. Bills redeemed to be deposited with auditor.** That the treasurer shall, on the first Monday of March, June, September, and November, annually, deposit in the office of the auditor of state, all bills by him redeemed or received in payment at the treasury, and take the auditor's receipt therefor.

**SEC. 8. Report to the governor.** That the treasurer shall report to the governor, the state of the public accounts and funds up to the first day of November, preceding the meeting of the legislative assembly, exhibiting the amount by him received, the amount paid out the preceding year or years, and the balance remaining in the treasury.

**SEC. 9. Books, funds, etc., to be submitted to legislature.** That the treasurer shall, as often as required, submit his books, accounts and vouchers, and

the funds in the treasury, to the inspection of the legislature, or any committee thereof appointed for that purpose.

**SEC. 10. Not to purchase any bill or account—no fee or reward for transacting business.** That the treasurer shall, in no case, purchase or receive any bill, redeemable at the treasury, or any audited account, at a less value than is expressed therein; nor shall he receive any fee or reward for transacting any business connected with the duties of his office, other than that allowed by law.

**SEC. 11. Expenses—to take effect.** That the necessary incidental expenses of the treasurer shall be at the expense of the state; and this act shall take effect and be in force from and after its publication in the weekly papers of this city.

**SEC. 12. Repealing section.** That all acts and parts of acts, coming in conflict with this act, be and the same are hereby repealed.

Approved, January 21st, 1847.

Published in the Standard Jan. 27, 1847, and in the Reporter Feb. 3, 1847.

## [29] CHAPTER 11.

### TOWNSHIP ORGANIZATIONS.

AN ACT to amend an act of the territorial legislature, entitled "An act for the organization of townships," approved 17th, February, 1842.

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

**SECTION 1. Counties to be divided into townships—name of townships—to be recorded.** That the board of commissioners of each county, which shall not be divided into townships when this act takes effect, and of each county to which any county or counties, not so divided, shall at that time be attached for election and judicial purposes, shall, at any regular or called session, as early as practicable, divide such attached county or counties, into townships of size and shape most convenient to the inhabitants; giving to each such name as the inhabitants thereof may prefer, and shall appoint a central and convenient place in each township, for holding the first township election; and the clerk of the board shall record the name of each township, with a particular description of its boundaries; and every county afterwards established, or organized, shall be divided into townships, in like manner, at any regular or called session of the board of commissioners thereof, or of the county to which the same may be attached.

**SEC. 2. Repealing section.** The first section of the act to which this is an amendment, is hereby repealed, saving the enacting clause.

Approved, January 21st, 1847.

## CHAPTER 12.

### FERRY AT MONTROSE.

AN ACT to authorize Isaac A. Lefevre, his heirs and assigns, to establish and keep a ferry across the Mississippi river, at Montrose in Lee county.

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

**SECTION 1. Isaac A. Lefevre authorized to establish a ferry at Montrose, for 12 years—to be subject to laws regulating ferries.** That Isaac A. Lefevre,

his heirs and assigns, are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Montrose, in Lee county, for the term of twelve years; with the exclusive privilege to the same; commencing at his wharf and warehouse in said town of Montrose, on the bank of said river, thence down said river two miles, thence up said river two miles, from said wharf and warehouse: provided, said Issac A. Lefevre, his heirs and assigns, [30] be subject to all laws now in force, or which may be in force, during the term of twelve years from the passage of this act, regulating ferries.

**SEC. 2. To take effect—proviso.** This act to take effect from and after its publication: provided, said Isaac A. Lefevre, his heirs and assigns, keep, or cause to be kept, at said ferry, a good and sufficient boat or boats, to be propelled by steam or horse power, for the safe conveyance of passengers, horses, cattle, and hogs, across said river without delay.

**SEC. 3. Two years given to establish steam or horse boats—in case of failure to forfeit privileges.** The said Isaac A. Lefevre, his heirs and assigns, shall have two years to establish good and sufficient steam or horse boats: he is hereby required, during said term of two years, to keep a good flat boat or boats, together with such small craft as may be necessary for the public convenience, with a sufficient number of good and sufficient hands to propel said boat or boats, without delay; and if the said Isaac A. Lefevre fails to comply with the regulations of this act, within the time prescribed, he shall forfeit all right to any of the privileges under this act.

Approved, January 22nd, 1847.

## CHAPTER 13.

### SECRETARY OF STATE.

AN ACT prescribing the general duties of secretary of state.

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

**SECTION 1. Secretary to keep his office at seat of government—to have charge of laws, etc.** That the secretary of state shall keep his office at the seat of government, shall have charge of, and safely keep, all the laws and resolutions heretofore passed by the territorial legislature, and that shall hereafter be passed by the legislature of this state; and such other papers and documents as have been, or shall hereafter be, deposited in his office, in conformity with the laws of this state.

**SEC. 2. To superintend printing of the laws—to make index—his certificate—table of contents.** That the secretary shall, immediately after the adjournment of the legislature, furnish the printer authorized by law to print the same, all laws and resolutions of the general assembly of this state, which shall be ordered to be printed, with necessary marginal notes, together with a full and proper index; and shall superintend the printing thereof, carefully comparing the printed copies with the original laws and resolutions deposited in his office, correcting all errors that may appear in such printed copies; and shall cause to be printed at the end of each volume of the laws, so printed, his certificate that the foregoing acts and resolutions are truly copied from the original rolls in his [31] office and shall also append a table of the contents, referring to the page on which each act commences.

**SEC. 3. Commissions to be countersigned—to be registered.** That all commissions required by law to be issued by the governor, shall be countersigned by the secretary of state, who shall register each commission, specifying the name of the person commissioned, the office conferred, the date and tenure of the commission, in books to be provided and kept for that purpose.

**SEC. 4. To procure seals for district courts—transmit the same.** That the secretary of state shall procure, at the expense of the state, for each organized county, where the same has not already been done, a seal for the district court, of the same description and device with those heretofore procured for other counties, and shall transmit the same to the clerks of the respective counties.

**SEC. 5. Furnish stationery and fuel for legislature.** That the secretary shall furnish all the necessary stationery and fuel for the use of the legislature, during the session of the same, at the expense of the state.

**SEC. 6. Furnish information to governor—other duties.** That the secretary shall furnish information, in writing, upon any subject relating to the duties of his office, to the governor, when required; and perform all such other duties as may be enjoined upon him by the constitution and laws of the state.

**SEC. 7. May appoint a deputy—deputy to perform all duties—exception.** When the secretary of state shall, by reason of sickness, necessary absence, or inability, be prevented from discharging the duties of his office, in person, he shall have power, under his hand and seal, to appoint a deputy, who may and shall execute and perform all the duties belonging to the office of secretary of state; except such duties as the secretary may be required to perform in conjunction with the treasurer and auditor of state, or either of them, or in case of death, resignation, or removal of the governor.

**SEC. 8. Secretary or deputy to attend office—exception.** The secretary of state, or his deputy, shall attend at the office of such secretary to transact business, every day in the year, Sundays and the fourth of July excepted, at all reasonable hours.

**SEC. 9. To purchase stationery, etc.** The secretary shall purchase all books and stationery necessary for the use of his office, at the expense of the state.

**SEC. 10. To take effect.** That this act shall take effect and be in force from and after its publication in the weekly newspapers of this city.

**SEC. 11.** All acts and parts of acts coming in conflict with this act be, and the same are, hereby repealed.

Approved, January 27th, 1847.

Published in the Reporter Feb. 3d, 1847, and in the Standard Feb. 4th, 1847.

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[32] CHAPTER 14.

STATE SEALS.

AN ACT relative to state seals.

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

**SECTION 1. State officers to use territorial seals.** That, for the want of state seals, the state officers shall, until proper seals are provided, use the territorial seals of their respective offices.

**SEC. 2. Take effect.** This act shall take effect on being published in the Reporter and Standard, of Iowa City.

Approved, January 27th, 1847.

Published in the Standard Feb. 3d, 1847, and in the Reporter Feb. 10th, 1847.

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## CHAPTER 15.

### MARION COUNTY.

AN ACT to establish the boundaries and seat of justice of the county of Marion.

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

**SECTION 1. Boundaries.** That the following shall be the boundaries of the county of Marion, to wit: Beginning at the northeast corner of township number seventy-seven north, of range number eighteen west; thence west to the northwest corner of township number seventy-seven, of range number twenty-one west; thence south to the southwest corner of township number seventy-four north, of range twenty-one west; thence east to the southeast corner of township number seventy-four north, of range eighteen west; thence north to the place of beginning.

**SEC. 2. Seat of justice.** That the seat of justice of said county be, and the same is, hereby located and established at the town of Knoxville, situated on the northwest quarter of section number seven in township number seventy-five north, of range number nineteen west, in said county.

**SEC. 3. Take effect.** This act shall take effect from and after its publication in the weekly newspapers published at Iowa City.

Approved, January 27th, 1847.

Published in the Reporter Feb. 3d, and in the Standard Feb. 4th, 1847.

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## [33] CHAPTER 16.

### TOWN OF BROOKLIN.

AN ACT to vacate the town of Brooklin, in Polk county.

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

**SECTION 1. Brooklin vacated.** That the town of Brooklin, in the county of Polk, be, and the same is hereby vacated.

Approved, January 28th, 1847.

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## CHAPTER 17.

### POLK COUNTY.

AN ACT to establish the boundaries of Polk county.

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

**SECTION 1. Boundaries.** That the following shall be the boundaries of Polk county, to wit: Beginning at the northeast corner of township number



eighty-one north, of range number twenty-two west; thence west to the north-west corner of township number eighty-one north, of range number twenty-five west; thence south to the southwest corner of township number seventy-seven north, of range number twenty-five west; thence east to the southeast corner of township number seventy-seven north, of range number twenty-two west, and thence north to the place of beginning.

Approved, January 28th, 1847.

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## CHAPTER 18.

### SHERIFF OF DAVIS COUNTY.

**AN ACT** to indemnify Samuel Riggs, sheriff of Davis county, for losses and expenses incurred in defending himself against prosecutions commenced against him for exercising his office in the disputed territory between Iowa and Missouri.

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

**SECTION 1.** To file petition—court to make allowance—how paid. That Samuel Riggs, sheriff of Davis county, is hereby authorized to file his petition in the district court of Davis county, thereby claiming [34] compensation for his time and expenses for defending himself for any and all prosecutions that have been commenced against him by the authorities of Missouri, for exercising his office on the disputed territory between Iowa and Missouri; and that said court shall audit and allow a reasonable amount for his time and his actual expenses, and shall make an order that said amount be paid out of the treasury of this state.

**SEC. 2. Duty of treasurer.** That the treasurer of this state shall, upon the presentation of a regular certified copy of said order by said Samuel Riggs, his agent or attorney, shall pay the same out of any money in the treasury not otherwise appropriated.

**SEC. 3. To take effect.** This act shall take effect from and after its publication in the weekly newspapers of this city.

Approved, February 2d, 1847.

Published in the Standard, Feb. 10th, and in the Reporter Feb. 17th, 1847.

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## CHAPTER 19.

### FARMINGTON TOWNSHIP.

**A BILL [AN ACT]** to establish an additional election precinct in Farmington township, Van Buren county, Iowa.

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

**SECTION 1. Poll to be opened—for election of all officers.** That there shall hereafter be a poll opened and a vote taken at each general and special election, at the town of Farmington, in Van Buren county, Iowa, in addition to the poll which is now opened at the town of Bonaparte, in said county, for the election of all officers required to be elected under the constitution or laws of this state.

**SEC. 2. Judges of election—two additional justices to be elected.** Be it further enacted, that two justices of the peace of Farmington township be hereby required to open a poll at the town of Farmington, in Van Buren county, at the first township election, and that said justices preside as judges of the election, and appoint their clerks; and that there shall be at said election two additional trustees of said township, elected by the qualified electors thereof, who shall continue in office until their successors shall be chosen and qualified, which shall be done annually thereafter, by the qualified electors aforesaid.

**SEC. 3. Duty of trustees.** That it shall be the duty of the trustees chosen under the provisions of this act to open polls at the town of Farmington aforesaid, at each general and special election for state, county, township, and other officers.

**SEC. 4. Judges to make returns.** That the judges of the election at Farmington, and the [35] judges of the election at Bonaparte, shall return to the proper office the votes cast in their respective precincts, within the time prescribed by the existing election laws, and under the restrictions of the same.

**SEC. 5. Trustees subject to laws.** That the trustees elected under the provisions of this act shall be subject to all the regulations and penalties imposed by the existing law in relation to township trustees.

**SEC. 6. Publication and taking effect.** The governor shall cause this act to be published in the newspapers printed in Van Buren county; and this act shall take effect and be in force from and after publication.

Approved, February 2d, 1847.

## CHAPTER 20.

### STATE ROAD.

AN ACT to relocate a state road therein named.

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

**SECTION 1. Commissioners appointed—from Bloomfield to Centreville.** That Abraham Pewthers, Nathaniel Moore and William Packard, be and they are hereby appointed commissioners to relocate a part of the state road running from Bloomfield to the centre of Appanoose county; said relocation to commence at the town plat of Centreville, in said county; thence east, on or near the line of sections thirty-one and thirty-two; thence a northeast direction to a ford in Chariton river; thence on the nearest and best route to the Bluffs; thence, a southeast direction, to intersect said road again at or near the "Bee trace."

**SEC. 2. To meet.** That said commissioners shall meet on the second Monday in August, or within thirty days thereafter, and proceed to relocate so much of said road as is above described, according to law.

**SEC. 3. Compensation.** That said commissioners, together with the surveyor and other necessary hands employed, shall receive such compensation for their services, as the commissioners of Appanoose shall deem proper.

**SEC. 4.** This act shall take effect and be in force from and after the publication thereof.

Approved, February 3rd, 1847.

## [36] CHAPTER 21.

## STATE ROAD.

**AN ACT** to lay out and establish a state road from Knoxville, in Marion county, to the town of Newton, in Jasper county.

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

**SECTION 1. Commissioners appointed**—to establish a state road from Knoxville to Newton. That E. G. Hanfield, of the county of Marion, and Rufus Williams and Joab Bennet, of the county of Jasper, be, and they are hereby appointed commissioners to lay out and establish a state road, commencing at Knoxville, in Marion county, and running thence north, by Red-Rock, to the town of Newton, in Jasper county.

**SEC. 2. When to meet**—to take assistance—how paid. Said commissioners, or a majority of them, shall meet at Knoxville, on the first Monday in April, or within thirty days thereafter, and, after being duly sworn, shall proceed to perform the duties required of them by this act, taking to their aid a competent surveyor and other necessary assistance; and they shall receive for their services a reasonable compensation, to be paid out of the county treasuries of the counties of Marion and Jasper, in equal proportions.

**SEC. 3. How to be laid out.** Said road shall be laid out and established agreeable to the provisions of an act for opening and regulating roads and highways, approved, December 29th, 1838.

**SEC. 4. Take effect.** This act to take effect and be in force from and after its passage.

Approved, February 3rd, 1847.

## CHAPTER 22.

## NEWTON CITY.

**AN ACT** to change the name of Newton City to that of Newton.

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

**SECTION 1. Name changed.** That the name of the town of "Newton City," the county seat of Jasper county, be, and the same is hereby changed to that of "Newton."

Approved, February 3rd, 1847.

## [37] CHAPTER 23.

## COUNTY BOUNDARIES.

**AN ACT** to define the boundaries of the counties of Clayton and Fayette.

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

**SECTION 1. Clayton county.** That the following shall constitute the boundaries of the county of Clayton, to wit: commencing at the southwest corner

of said county, as heretofore established, and running north on a line dividing range six and seven west of the fifth principal meridian, to the line dividing townships ninety-five and ninety-six; thence east, on said line, to the middle of the main channel of the Mississippi river; the east and south lines to remain as heretofore established.

**SEC. 2. Fayette county.** That the following shall constitute the boundaries of the county of Fayette, to wit: beginning at the southeast corner of township ninety-one north, range seven west of the fifth principal meridian; thence running west, on the line dividing townships ninety and ninety-one, to the line dividing range ten and eleven; thence north on said range line to the line dividing townships ninety-five and ninety-six north; thence east on said township line to the range line dividing ranges six and seven; thence south on said range line to the place of beginning.

Approved, February 3rd, 1847.

## CHAPTER 24.

### STATE ROAD.

AN ACT to locate a state road from Canton, in Jackson county, to Pioneer Grove, in Cedar county.

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

**SECTION 1. Commissioners appointed.** That Lyman Tuner, William S. Simpson and Orville Croakhite, of the county of Jones, be, and they are hereby appointed commissioners to lay out and establish a state road from Canton, in Jackson county, by the way of Rome, Stewart's and Bodenhofer's, in Jones county, to a point where it intersects a territorial road leading to Ivanhoe, at or near Prior Scotts, in Pioneer Grove, Cedar county.

**SEC. 2. When to meet.** That said commissioners, or a majority of them, shall meet at Canton, in Jackson county, on the third Monday in May, or within [38] thirty days thereafter, and proceed to lay out and establish said road according to law.

**SEC. 3. To employ surveyor, etc.—compensation—proviso.** Said commissioners shall take to their assistance a surveyor, and such hands as may be necessary; and said commissioners, and persons thus employed, shall receive such compensation as is allowed by law: provided, that no part of such expense shall be paid by either the counties of Cedar or Jackson.

Approved, February 3rd, 1847.

## CHAPTER 25.

### COUNTY SEAT OF JONES COUNTY.

AN ACT to provide for the location of the county seat in the county of Jones.

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

**SECTION 1. Decided by ballot—second election—third election—fourth election—how conducted.** That the legal voters of Jones county shall vote, at

the spring election of 1847, for such points in said county as they may deem proper; and if, upon canvassing the votes, it is ascertained that any one point has received a majority of votes over all others, then that point shall be and remain the permanent seat of justice of said county. But if no point shall receive such majority, then a special election shall be held, on the first Monday of the next month, in the several townships or precincts in the county, and the people shall there vote for the three points which received the highest number of votes at the last election; and if any point receives a majority of the votes over the other two points, it shall then be and remain the permanent seat of justice of said county; and if no point receives a majority of the voters over the other two, then there shall be held another election, as above, on the first Monday of the next month; and the vote shall be for the two points which received the highest number of votes at the last election; and the point receiving the highest number of votes, shall be and remain the permanent seat of justice of said Jones county. Said special election to be conducted and returns made as in regular elections.

**SEC. 2. Repealing section.** All acts and parts of acts coming in conflict with this act be, and the same are hereby repealed.

**SEC. 3. Take effect.** This act to take effect from and after its publication in the Iowa Standard and Iowa Capital Reporter.

Approved, February 3rd, 1847.

Published in the Standard February 10th, 1847, and in the Reporter, February 17th, 1847.

### [39] CHAPTER 26.

#### JUDICIAL DISTRICTS.

AN ACT to divide the state of Iowa into judicial districts.

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

**SECTION 1. Four judicial districts—first district—second district—third district—fourth district.** That the state is hereby divided into four judicial districts, as follows:

**First district—**The counties of Lee, Des Moines, Louisa, Washington and Henry.

**Second district—**Muscatine, Scott, Cedar, Clinton, Jackson, Jones, Dubuque, Delaware and Clayton, and the counties north and west of Delaware and Clayton shall be attached to the county of Clayton for judicial purposes.

**Third district—**Van Buren, Jefferson, Davis, Wapello, Keokuk, Mahaska, Marion, Monroe, Appanoose, and the counties west of the counties of Marion, Monroe and Appanoose.

**Fourth district—**Johnson, Linn, Benton, Iowa, Poweshiek, Jasper, Polk, Dallas, Tama, Marshall, Story, Boone, and the counties west.

**SEC. 2. Publication and effect.** And be it further enacted, that this act shall take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 4th, 1847.

Published in the Standard and Reporter, February 10th, 1847.

## CHAPTER 27.

## SALARIES.

AN ACT fixing the salaries of certain officers therein named, and providing for their payment.

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

**SECTION 1. Salaries—judges.** That the annual salary of the governor of this state shall be one thousand dollars; of the secretary of state, five hundred dollars; of the auditor of state, six hundred dollars; of the treasurer of state, four hundred dollars, and of the judges of the supreme and district courts, each one thousand dollars.

**SEC. 2. Salaries to be audited.** That the salaries of the respective officers enumerated in the first section of this act shall be audited and allowed, as fixed by this [40] act, as other public services, and paid quarterly out of any moneys in the treasury not otherwise appropriated.

**SEC. 3. Services to commence first Monday in December, except judges—proviso.** That the services of the officers enumerated in the first section of this act shall be considered as commencing on the first Monday in December in each year, except those of judges of the supreme and district courts, whose annual services shall commence as may hereafter be fixed by law: provided, that the salaries of the present governor, auditor, secretary of state and treasurer, shall date from the first Monday of December, 1846.

**SEC. 4. Publication and effect.** That this act shall take effect and be in force from and after its publication in the weekly newspapers published in Iowa City.

Approved, February 4th, 1847.

Published in the Standard, Feb. 10th, 1847, and in the Reporter, Feb. 17th, 1847.

## CHAPTER 28.

## STATE ROAD.

AN ACT to locate a state road therein named.

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

**SECTION 1. Commissioners appointed—where to commence.** That Richard Abernathy, of Van Buren county, John Allen, of Davis county, and J. F. Stratton, of Appanoose county, be, and they are hereby appointed commissioners to locate and establish a state road, commencing on the Sullivan line, so as to intersect the road leading to Churchville, in Missouri; thence west, to Bradford's tavern, in Van Buren county; from thence to B. F. Wilsons; thence to the house of John A. Drake, in Davis county; thence to Joshua Patterson's, thence the nearest and best route to the west line of Appanoose county.

**SEC. 2. When to meet—duties.** Said commissioners, or a majority of them, shall meet on the first Monday of October, or within thirty days thereafter, and call to their assistance a competent surveyor, and other necessary hands, and proceed to locate said road according to law.

**SEC. 3. Take effect.** This act to take effect and be in force from and after its passage.

Approved, February 4th, 1847.

## [41] CHAPTER 29.

## STATE ROAD.

AN ACT to locate and establish a state road from West Point, in Lee county, to Bonaparte, in Van Buren county.

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

**SECTION 1. Commissioners appointed.** That Jacob Henkle, sen., and Jacob Grewell, of the county of Lee, and Giles Wells, of the county of Van Buren, be and they are hereby appointed commissioners to lay out and establish a state road, beginning at a public road leading from West Point to Farmington, at or near Big Sugar creek, in Franklin township, Lee county; thence, raising the bluffs of said creek, at the best and most suitable place, so as to strike the section line north of sections fifteen and sixteen, township — north, and thence along said line as near as practicable to the town of Bonaparte, in Van Buren county.

**SEC. 2. Where to meet—duties.** Said commissioners, or a majority of them, shall meet at the house of Charles McVay, in Lee county, on the second Monday of April next, or within thirty days thereafter, and proceed to lay out and establish said road according to law.

**SEC. 3. Assistance—how paid.** Said commissioners shall take to their assistance a surveyor and necessary hands, who, together with the commissioners, shall receive such compensation, and in such manner, as is allowed by law.

Approved, February 4th, 1847.

## CHAPTER 30.

## PROSECUTING ATTORNEYS.

AN ACT to define the duties of prosecuting attorneys, and provide compensation for their services.

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

**SECTION 1. Duties of prosecuting attorney—exception.** That it shall be the duty of the prosecuting attorney in each county to prosecute all pleas, complaints, indictments and presentments, and prosecute all suits against delinquent sheriffs and collectors of the state and county revenue, and other persons who now are or may hereafter be indebted to the state, or any of their respective counties, where the state or county may be a party, except in cases where the complaint shall be made in the name of the state or county, for the benefit of some third person.

[42] **SEC. 2. Give advice—not to assist any person charged with crime—penalty.** The said prosecuting attorneys shall give their advice to the civil officers and officers of common schools of their respective counties touching any matter in which the public have an interest; and any prosecuting attorney who shall in any way assist any person or persons charged with having committed any crime or misdemeanor in their respective counties shall, upon conviction thereof, be forever disqualified from holding any office of profit or trust under the laws of this state.

**SEC. 3. Take an oath—duty of clerk of dist. court.** The said prosecuting attorneys, before entering upon the duties of their office, shall take an oath to faithfully discharge the duties of their office; which oath it shall be the duty of the clerk of the district court of the county in which they reside, to administer and endorse upon the back of their certificate of election, which certificate shall be preserved by the said clerk with the papers in his office.

**SEC. 4. Compensation of attorneys—proviso.** And as compensation for their services, the said prosecuting attorneys shall receive the following:

For attending the grand jury, per day.....	\$3.00
For drawing each indictment .....	2.50
For prosecuting each criminal case.....	10.00
For prosecuting each misdemeanor .....	5.00
For prosecuting or defending each civil suit in the district court, when the state or county is a party.....	10.00

Provided, however, that when any indictment shall be quashed, the said attorneys shall receive no compensation for drawing the indictment or arguing the case before the court.

**SEC. 5. Duty of county commissioners—proviso.** That whenever the said prosecuting attorney shall present to the board of county commissioners of their proper county their bill for services rendered, duly certified by the clerk of the district court of their county, that the services mentioned in said bill have been rendered, and that said bill is correct, it shall be the duty of said county commissioners to allow the same, and order that amount to be paid by the treasurer of said county: provided, that in no case shall the clerk certify to any services rendered in any case then pending in court.

**SEC. 6. Vacancy in the office of prosecutor to be filled by judge.** That whenever a vacancy shall occur by death, resignation or removal from office of the prosecuting attorney, it shall be the duty of the judge of the district court for said county in which the said attorney resided to fill the vacancy, by appointing some member of the bar to act until a successor is elected and qualified.

**SEC. 7. Take effect.** This act to take effect and be in force from and after the first Monday in August next.

Approved, February 4th, 1847.

[43] CHAPTER 31.

THE MINERS' BANK.

AN ACT to provide for the payment of the debt due the Miners' Bank, of Dubuque.

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

**SECTION 1. Auditor required to audit the debt due the bank—to apply the proceeds of the sale of lots—proviso—publication and effect.** That the auditor of state be, and he is hereby authorized and required to issue his warrant on the treasurer, to the "President, directors and company of the Miners' Bank of Dubuque," or to their assigns, for any amount of balance of debt and interest which may be found to be due to the said company by the late territory of Iowa, after applying the proceeds of the sale of lots under the provisions of "An act to provide for the payment of the debt due the Miners' Bank of Dubuque," approved May 10th, 1845: provided, that the said president, direc-



tors and company, or their assignee, shall first surrender to the auditor the evidences of debt executed to them by the territorial agent, under the act of the 15th of January, 1841.

This act shall take effect from and after its publication in the weekly newspapers of Iowa City.

Approved, February 8th, 1847.

Published in the Reporter and Standard February 17th, 1847.

## CHAPTER 32.

### GOVERNOR.

AN ACT prescribing the general duties of the governor.

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

**SECTION 1. To transact all necessary business.** That the governor shall carefully and promptly transact all necessary business with the officers of the state, both civil and military, and discharge all the duties which may be required of him by law.

**SEC. 2. To deposit acts, etc., in secretary's office.** He shall cause all acts and joint resolutions of the general assembly which have become laws or taken effect by his approval thereof, or otherwise, to be deposited in the office of the secretary, without delay.

**SEC. 3. Duty in cases of certain suits.** Whenever he shall receive notice of the commencement of any suit or proceedings between other parties, by which the rights, interests and property of the state shall be liable in any wise to be [44] affected, he shall, if the public interest require it, employ such additional counsel, attorneys or other persons, to act in conjunction with the attorney general, as he may judge proper to protect the rights and interests, and make every legal and equitable defence on behalf of the state against such suit or proceedings.

**SEC. 4. Expenses to be paid by the state.** All expenses incurred under the last preceding section in taking care that the laws are faithfully executed, and in recapturing fugitives from justice of this state to other states and territories, if the governor shall allow the same, shall be paid out of the moneys appropriated by the general assembly for such purposes.

**SEC. 5. Treasurer, secretary and auditor to report.** The treasurer and the secretary of state, and the auditor of public accounts, shall respectively report to the governor all defalcations, and all neglect of duty of any disbursing or collecting officer or agent of the state, who is required to file his bond with either the said treasurer, secretary and auditor; and, also, all failures to perform any undertaking made by any person with this state, whose bond, contract or obligation is filed either with such secretary, treasurer or auditor.

**SEC. 6. Duty of governor upon reports.** Upon such report being made to the governor, he shall direct suit to be brought for any such default, neglect, failure or non-performance thereof, and cause all other necessary and proper matters and things to be done for the due prosecution of such suit.

**SEC. 7. Incidental expenses to be paid by state.** All necessary incidental expenses of the governor, connected with the duties of his office, shall be paid by the state.

**SEC. 8. Repealing section.** All acts and parts of acts coming in conflict with this act be, and the same are hereby repealed.

**SEC. 9. Take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers of Iowa City.

Approved, February 8th, 1847.

Published in the Reporter and Standard, February 17th, 1847.

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## CHAPTER 33.

### STATE ROAD.

AN ACT to establish a state road therein named.

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

**SECTION 1. Commissioners.** That Sullifand S. Ross, and John C. Haymond, of the county of Jefferson, and E. Johnston, of the county of Keokuk, be and they are hereby appointed commissioners, to lay out and establish a state road, com- [45] mencing at a point where the territorial road leading from Mount Pleasant, in Henry county, to Fairfield, in Jefferson county, crosses the western line of Henry county; thence, on the nearest and best ground, to S. S. Ross'; thence to a pass between the farms of Caleb Cooper and Leam's; thence, on the nearest and most practicable route to a point on the middle fork of Walnut creek, where the road leading from Fairfield, in Jefferson county, to Richland, in Keokuk county, crosses said creek; thence, on the nearst and most practicable route, to intersect the county road at the bridge near the farm now occupied by Ephraim Wilcox, in Keokuk county.

**SEC. 2. To meet in May next—how governed.** Said commissioners shall meet at the place of commencing said road, on the second Monday of May next, or within sixty days thereafter, and proceed to discharge the duties required of them by this act; and shall in all respects be governed by the laws of this state providing for laying out and opening state roads.

**SEC. 3. Take effect.** This act to take effect and be in force from and after its passage.

Approved, February 8th, 1847.

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## CHAPTER 34.

### STATE ROAD.

AN ACT to locate a State road from Walling's landing to Washington.

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

**SECTION 1. Commissioners—duties.** That Spencer Wilson and Aaron D. Hawley, of the county of Louisa, and Joseph Neal, of the county of Washington, be and they are hereby appointed commissioners to locate and establish a state road, from Walling's landing, on the nearest and best route, to Grandview; thence, on the nearest and best route, to Fredonia; thence, on the near-

east and best route, to Columbus city, in the county of Louisa; thence, on the nearest and best route, to Crawfordsville, in the county of Washington; thence, on the nearest and best route, to Washington.

**SEC. 2. When to meet.** Said commissioners, or a majority of them, shall meet at Grandview, in Louisa county, on the first Monday of March next, or on any day within three months thereafter, and proceed to discharge their duties.

**SEC. 3. Surveyor of Louisa county—compensation.** The county surveyor of Louisa county, is hereby appointed surveyor of said state road. The said commissioners, surveyor, and the necessary assistants, shall receive such compensation as the board of commissioners of the county of Louisa and the county of Washing-[46]-ton shall respectively determine, for the services rendered in their respective counties.

**SEC. 4. Take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 8th, 1847.

## CHAPTER 35.

### TERRITORIAL ROAD.

**AN ACT** to amend an act entitled "An act to locate a territorial road therein named," approved, January 17th, 1846.

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

**SECTION 1. Act amended—when to be established.** That an act entitled "An act to locate a territorial road therein named," approved January 17th, 1846, be so amended as to allow the commissioners appointed by said act to complete the location and establishment of said road, at any time prior to the first day of July, 1847.

**SEC. 2. Take effect.** This act to take effect and be in force from and after its passage.

Approved, February 8th, 1847.

## CHAPTER 36.

### CHANGING NAMES.

**AN ACT** to confer the authority of changing the names of persons, towns and villages upon the district court.

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

**SECTION 1.** That the district court shall have the authority to change names of persons, and the names of towns and villages within this state.

**SEC 2. Petition to be filed—contents—duty of district court—notice—change made.** That any person desiring to change his or her name, may file a petition in the district court in the county in which such person may be a resident, setting forth—first, that the petitioner has been a bona fide citizen of such county at least one year previous to the filing of the petition—second, the cause for

which the change of petitioner's name is sought—third, the new name which may be asked for. And it shall be the duty of the district court, at any term thereof after the filing of such petition, upon being duly satisfied by proof in open court of the truth of the facts set forth in the petition, and that there exists proper and reasonable cause for changing the name of the petitioner; and [47] that thirty days previous notice of the intended application to the court had been duly given in some newspaper in such county, and, if no paper be printed in said county, then in the paper printed nearest the county seat of said county, to order and direct a change of the name of such petitioner, and that an order for that purpose be made upon the journals of such court.

**SEC. 3. Names of towns—petition—notice—duty of court.** That whenever it may be desirable to change the name of any town or village in any county in this state, a petition for that purpose may in like manner be filed in the district court for such county, signed by at least twelve landholders of the vicinity, setting forth the cause why such change is desirable, and the name prayed to be substituted; and the court, upon being satisfied by proof that the petition is just and reasonable, and that notice, as required in the foregoing section, had been given, and that the inhabitants of such town or village, or three-fourths thereof, desire such change, and that there is no other town or village in this state of the same name with that which is prayed for, may order a change of the name of such town or village as prayed for in the petition.

**SEC. 4. Duty of clerk—costs—proviso.** It shall be the duty of the clerk of the district court to keep a separate book for recording the proceedings under this act; and all proceedings under this act shall be had at the cost of the petitioners: provided, always, that any change of names under the provisions of this act shall not in any manner affect or alter any right of action, legal process or property.

Approved, February 8th, 1847.

## CHAPTER 37.

### LOAN.

AN ACT to provide for a loan, for the purpose of defraying the expenses, and paying the creditors of the state.

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

**SECTION 1. Money to be borrowed—time—rate.** That there shall be borrowed, for the purpose of paying the current expenses of the state government, and to pay certain classes of debts hereinafter named, the sum of fifty-five thousand dollars, for a term not exceeding ten years, at a rate of interest not exceeding ten per centum per annum, payable semi-annually; the payment of the interest and the reimbursement of the principal, to be made at such place within the United States as may be agreed upon.

**SEC. 2. Bonds—how signed.** The governor of the state is authorized and required to is-[48]-sue bonds, for and in behalf of the state, for the sum or sums of money which may be borrowed under the provisions of this act, stipulating for the payment of the interest and principal, in manner and form as may be agreed on, not contrary to the provisions of this act; which bonds shall be signed by the governor, and countersigned by the auditor of public accounts.

**SEC. 3. Faith of state pledged—revenue set apart—no tax on said bonds—value not to be impaired.** The state doth hereby irrevocably pledge its faith to

provide adequate means to pay the interest due on said bonds, as the same becomes due, and to reimburse the principal as may be agreed on; and for these purposes the revenue arising from all the taxable lands, and other taxable property in this state, or so much thereof as may be necessary, shall be, and the same is hereby, set apart and pledged for that purpose; which revenue shall in no year be less than the amount payable for the interest or the principal, as the case may be, after the payment of all expenses of collection; and no tax shall ever be levied, by the legislative authority of Iowa, on the stock hereby created, nor on the interest which may be payable thereon: and further, that the value of said stock shall in no wise be impaired by the authority of this state.

**SEC. 4. Where money to be paid—how paid out—legislative expenses—salaries—bank debt—convention expenses—other claims.** All moneys or funds arising from the loan shall be paid into the state treasury, and be there subject to the payment of the debts hereinafter mentioned, and in the order in which they are named, to wit: The expenses growing out of the present session of the legislature, and the salaries of the state officers, so far as the same may be due; the debt due the Miners' Bank of Dubuque; the expenses incurred by the two conventions held for the formation of a constitution of this state; and then other duly authenticated claims against the state in the order in which the same may be presented.

**SEC. 5. Agent—his duties—duty of governor.** That William F. Coolbaugh be, and he is hereby appointed an agent on the part and in behalf of the state to negotiate said loan, to sell and transfer the bonds, and to do and perform all things necessary and proper for fulfilling the purposes of this act. It shall be the duty of said agent to communicate a full and official statement of all his acts and proceedings with reference to the negotiation of the loan to the governor of the state, who shall communicate the same to the legislature as soon as practicable.

**SEC. 6. Agent to give bond—approved and filed.** The said agent shall give bond with securities in the amount of sixty thousand dollars for the faithful performance of his duties, which bond shall be approved by and deposited with the auditor of state.

**SEC. 7. Compensation.** That the said agent shall be allowed such compensation, in addition to his necessary expenses, for the services required by this act, as shall seem just and proper to the auditor and treasurer of state.

[49] **SEC. 8. Duties, how executed—proviso—state stock.** It shall be deemed a good execution of the powers and duties prescribed by this act, for the agent to sell the bonds herein authorized to be made: provided, that in no instance shall said bonds be sold for less than their nominal par value; which bonds, when made as aforesaid, shall be called the Iowa state stock.

**SEC. 9. Repealing section.** That the act entitled "An act to provide for a loan for the purpose of defraying the expenses and paying the creditors of the state," approved December [19th,] 1846, be, and the same is hereby repealed.

**SEC. 10. To take effect.** That this act shall be in full force and effect from and after the date of its publication in one or more newspapers in Iowa City.

Approved, February 9th, 1847.

Published in the Reporter and Standard February 17th, 1847.

## CHAPTER 38.

### FAIRFIELD.

AN ACT to incorporate the town of Fairfield.

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

**SECTION 1. Incorporated.** That the southwest quarter of section No. twenty-five in township No. seventy-two north, of range No. ten west, being in the

county of Jefferson, in which is embraced the village of Fairfield, be, and the same is hereby constituted a town corporate, and shall hereafter be known by the name of the town of Fairfield.

**SEC. 2. Election—officers—proviso.** It shall be lawful for the free male inhabitants of said village having the qualifications of electors, to meet at the usual place of holding elections in said town of Fairfield, on the second Monday of April next, and on the second Monday of April annually thereafter, at such place in said town as the town council shall direct, and then and there proceed to elect, by ballot, a mayor, recorder, and three trustees, who shall have the qualifications of electors, and reside within the limits of the corporation; and said mayor, recorder and trustees shall hold their offices for one year, and until their successors are elected and qualified, and any three of them shall be a board for the transaction of business, but a less number may adjourn from time to time: provided, that a failure to elect on said day shall not forfeit the charter; but an election may be had on any succeeding day, pursuant to notice to be given in the manner hereinafter provided.

**SEC. 3. First election—subsequent elections—officers to take oath.** That at the first election to be held under this act, two [50] judges and a clerk shall be chosen, *viva voce*, by the electors present, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act; and, at all subsequent elections, the mayor or any two of the trustees shall sit as judges, and the recorder, or in his absence, some one of the council, *pro tempore* shall sit as clerk; and at all such elections the polls shall be opened at one o'clock in the afternoon, and close at the hour of four o'clock in the same afternoon, and, at the close of the polls, the votes shall be counted and a statement thereof proclaimed at the door of the house in which the election was held; and the persons elected shall, within ten days after their election, take an oath to support the constitution and laws of the United States and of this state, and an oath of office, a certificate of which shall be deposited with the recorder, and by him preserved.

**SEC. 4. A body politic—name—powers—how suits commenced.** The mayor, recorder and trustees of said town shall be a body politic and corporate with perpetual succession, to be known by the name of the town of Fairfield, and shall be capable in law to acquire property, real and personal, for the use of said town, and sell and convey the same; may have a common seal, and may alter the same at pleasure; may sue and be sued, plead and be impleaded, answer or be answered unto, in any court of law or equity in this state; and, when any suit shall be commenced against said corporation, the first process shall be a summons, a certified copy of which shall be left with the recorder, and, in his absence, with the mayor, at least ten days previous to the return thereof.

**SEC. 5. Authority of the mayor, etc—marshal and treasurer—fines, how paid.** That the mayor, recorder and trustees, or a majority thereof, of whom the mayor or recorder shall always be one, shall have authority to make, ordain and publish all by-laws and ordinances, not inconsistent with the constitution and laws of the United States and of this state, as they shall deem necessary and proper for the promotion of morality as well as for the good regulation, interest, safety, health and cleanliness of said town and the citizens thereof. They shall have power to fill all vacancies that may happen, by death or otherwise, of any of the officers herein named. They shall also have power to appoint a treasurer, marshal, and such other subordinate officers as they may deem needful; to prescribe their duties and require surety for their performance; to remove them at pleasure, and to establish the fees of all officers in the corporation not established by this act. They shall have power to impose fines for a breach of their ordinances; which fines may be recovered, with costs, before any justice of the peace in said town, by an action of debt, in the name

of the corporation. All fines collected in pursuance of this act shall be paid over by the officer collecting the same to the treasurer of the corporation.

[51] **SEC. 6. Laws and ordinances—recorder, deputy.** It shall be the duty of the mayor to preside at the meetings of the town council; and it shall be the duty of the recorder to keep a true record of the by-laws and ordinances; to attend all meetings of the council, and keep a fair and accurate record of their proceedings; and said recorder is authorized, under his hand and seal, to appoint some competent person as his deputy, who, in his absence, shall do and perform all and singular the duties enjoined upon said recorder, and for whose acts he shall be liable.

**SEC. 7. Taxes—assessor.** That the town council shall have power to assess for corporation purposes, an annual tax on all property in said town made subject to taxation by the laws of this state, for state and county purposes, not exceeding in any one year one per centum on the value thereof; which value shall be ascertained by an assessor appointed by the town council for that purpose, a duplicate of which shall be made out and signed by the recorder and delivered to the collector. They shall have power to equalize any injudicious assessment then made, on the complaint of the person aggrieved.

**SEC. 8. Marshal's duty—tax sale.** That the town marshal shall be the collector of any tax assessed, and he is hereby authorized and required, by distress and sale of property, as constables on execution, to collect and pay over said tax to the treasurer, within three months after the time of receiving the duplicate thereof, and the treasurer's receipt shall be his voucher. The town marshal shall make personal demand of every resident charged with tax; and, before sale of property for delinquent tax, shall give ten days notice by advertisement in three of the most public places in said corporation; and if the tax on any lot or piece of land, [for] which no personal property can be found, shall remain unpaid three months after the expiration of the time by this act allowed the collector for the collection of the tax, then the town marshal shall give notice in the nearest newspaper, stating the amount of such tax, and the number of the lot on which it is due, and that the same will be sold to discharge such tax when, [unless] the payment thereof be made within three months from the date of such advertisement, and if such tax be not paid within that time, the town marshal, after giving twenty days notice of the time and place of sale, at three of the most public places in said town, shall proceed to sell at public auction so much of said lot or piece of land as will discharge said tax.

**SEC. 9. Redemption.** That if the owner of such lot or piece of land shall appear at any time within two years after such sale and pay the purchase money, with interest at the rate of thirty per centum per annum thereon, he shall be entitled to the right of redemption.

**SEC. 10. Account published.** Twenty days before each annual election, the town council [52] shall put up in some conspicuous place within said town an accurate account of the money received and expended by said corporation since the last annual election, with the sources from which they were derived and the objects on which they were expended, which shall be certified by the recorder.

**SEC. 11. Streets, etc.—proviso—shows—proviso.** The said corporation shall have power to regulate and improve all streets, alleys, side-walks, drains or sewers, to sink and keep in repair public wells, remove nuisances, and regulate markets, provided, that nothing in said regulations shall be so construed as to prohibit any person from selling the products of his farm in such quantities or in such manner as he may deem proper. They shall have power to license and regulate, or prohibit all shows or public exhibitions: provided, however, that the power hereby granted shall not be so construed as to conflict with the general laws of this state.

**SEC. 12. By-laws and ordinances to be published—evidence of same—notice of election.** That the by-laws and ordinances of said corporation shall be published in a newspaper in the county, or posted up in some public place in said town, fifteen days before the taking effect thereof, and the certificate of the recorder upon the town records, shall be sufficient evidence of the same having been done; and every annual election herein authorized, shall be preceded by five days notice thereof, put up in three public places in said town.

**SEC. 13. Road district.** That the streets and alleys of said town shall constitute one road district, including the several roads leading from said town for the distance of one mile from the corporation limits.

**SEC. 14. Mayor, etc., duties, compensation.** That the mayor or a majority of the councilmen, may call a meeting of the town council, whenever in his or their opinion the same may be necessary. The mayor and trustees shall receive no compensation, unless the same shall be authorized by the inhabitants in legal meeting assembled.

**SEC. 15. Act not to prevent county commissioners from building, etc.—county taxes.** Nothing in this act contained, shall be so construed as to prevent the board of commissioners of Jefferson county, from building a court house on block No. 13, in said town of Fairfield, known as the centre square therein, or otherwise improving said square for public purposes, and from levying and collecting state and county tax within the limits of said corporation, by the proper authorities under the revenue laws of this state.

Approved, February 9th, 1847.

[53] CHAPTER 39.

STATE ROAD.

AN ACT to locate a state road from Oskaloosa, in Mahaska county, to Knoxville, in Marion county.

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

**SECTION 1. Commissioners.** That Jonathan M. Hartman and J. N. Severs, of Mahaska county, and L. W. Babbit, of Marion county, be and they are hereby appointed commissioners, to lay out and establish a state road from Oskaloosa, in Mahaska county, to Knoxville, in Marion county.

**SEC. 2. Duty—oath.** Said commissioners shall meet in Oskaloosa, on the second Monday of May next, or within three months thereafter, and proceed to locate said road, by taking to their assistance two chainmen and one marker, the said J. N. Severs acting as surveyor: they shall take an oath, before some justice of the peace, before entering upon their duties, for the faithful performance of the same.

**SEC. 3. Road, how laid out.** Said road shall be laid out on the nearest and best route for a road, taking into consideration the public interest, and at the same time doing as little damage to private property as the public interest will admit.

**SEC. 4. How governed.** Said commissioners, in locating said road, shall be governed by an act to provide for laying out territorial roads, approved, December 29th, 1838.

**SEC. 5. To take effect.** This act to take effect and be in force from and after its publication.

Approved, February 10th, 1847.



## CHAPTER 40.

## PUBLIC BUILDINGS.

AN ACT to provide for finishing the public buildings in Washington county.

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

**SECTION 1. Additional tax.** That at the time of levying state and county tax, in the county of Washington, that the board of commissioners thereof be, and they are hereby, authorized to levy a tax of not more than two mills on the dollar, in addition to other tax, for the purpose of the completion of the public buildings in said county.

[54] **SEC. 2. How long in force.** That the provisions of this act shall continue in force for three years and no longer.

Approved, February 11th, 1847.

## CHAPTER 41.

## STATE ROAD.

AN ACT to locate a state road from Walling's landing to Columbus City.

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

**SECTION 1. Commissioners—duties.** That Benjamin Stoddard, Jeremiah Fish and Aaron D. Hawley, are hereby appointed commissioners to locate and establish a state road, from Walling's landing, in the county of Louisa, on the township line between townships seventy-four and seventy-five, (as near as practicable,) to Columbus city.

**SEC. 2. When to meet—surveyor.** That said commissioners shall meet at the dwelling house of William Thompson, in the county of Louisa, on the third Monday in February, 1847, or on any day within three months thereafter, and taking to their assistance the necessary hands, proceed to locate and establish said road, the said Aaron D. Hawley acting as surveyor as well as one of the commissioners.

**SEC. 3. Expenses, how paid.** No part of the expenses of locating said road shall be paid by the said county of Louisa.

**SEC. 4. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 12th, 1847.

## CHAPTER 42.

## STATE ROAD.

AN ACT to lay out and establish a state road in the counties of Washington and Jefferson.

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

**SECTION 1. Commissioners—duties—route.** That James J. Murry, of the county of Jefferson, and Thompson Dray and West Hyde, of the county of Washington, be and they are hereby appointed commissioners to lay out and

establish a state road, commencing at a point on the road leading from Brighton to Fairfield, in section 11, township 73 north, range 9 west of the 5th principal meridian, where a direct line north will run on the open line between the farms [55] of John Jones and E. K. Hobson, to run due north to the northeast corner of the west half of the southwest quarter of section two, in said township; thence due east, to the center of said section two; thence due north, to the northeast corner of the northwest quarter of section thirty-five, township seventy-four north, range nine west of same meridian; thence westwardly, along the territorial road leading from Brighton to Richland, until said road shall strike the line between the farms of Richard Disberry and J. E. Fields; thence due north, to the northeast corner of the west half of the northwest quarter of section twenty-six, in the above named township; thence west, to the northeast corner of section twenty-seven, in said township; thence due north, to the northeast corner of the southeast quarter of the southeast quarter of section fifteen, in the above mentioned township; thence by the nearest and best route, to Amos Hart's mill on Skunk river.

**SEC. 2. When to meet—oath.** That said commissioners, or a majority of them, shall meet at the house of John Jones, in Jefferson county, on the second Monday of April next, or within thirty days thereafter, and proceed to lay out and establish said road according to law; and said commissioners are hereby authorized to administer to each other, and to all persons employed by them in laying out said road, the necessary oath or affirmation.

**SEC. 3. Surveyor, etc.—compensation.** Said commissioners shall employ a surveyor and other necessary persons, to lay out said road, who, together with said commissioners, shall receive such compensation and in such manner as the law provides.

**SEC. 4. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 11th, 1847.

## CHAPTER 43.

### TERRITORIAL ROAD.

**AN ACT** to continue the territorial road from De Witt to Lyons, across an out lot in the town of Lyons.

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

**SECTION 1. Commissioners—when to meet—duties.** That Wm. G. Haun, James Claibourne and Daniel Hess, of the county of Clinton, be and they are hereby appointed commissioners to survey and locate a part of the territorial road leading from De Witt to Lyons, in Clinton county; the said commissioners are to meet at the house of Daniel Hess, in Lyons, on the second Monday in April, 1847, and then [56] proceed to locate said road, commencing at the junction of Franklin and Sixth streets, in the town of Lyons, then running southwest until it intersects the territorial road leading to De Witt.

**SEC. 2. Road recorded.** It shall be the duty of the commissioners, or one of them, to record, in the office of the clerk of the board of county commissioners, a plat of the part of the road by them surveyed, with explanatory notes, within fifteen days after the same shall have been located.

**SEC. 3. Expenses, etc., how paid.** All expenses incurred in laying out and locating said road, together with all damage sustained by any individuals in consequence of laying out said road, shall be paid by the town of Lyons.

**SEC. 4. Take effect.** This act to take effect and be in force from and after its passage.

Approved, February 11th, 1847.

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CHAPTER 44.

STATE ROAD.

**AN ACT** to locate and establish a state road from Iowa City to the west line of Dallas county.

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

**SECTION 1. Commissioners—duties.** That Edward Ricord, of Iowa county, Nathan Williams, of Jasper county, and A. D. Jones, of Polk county, be and they are hereby appointed commissioners to locate and establish a state road, commencing at a point where the county road of Johnson county crosses Old Man's creek, near the house of James M'Crea, on section 31, township 79, north, range 6 west; thence, on the nearest and best route, to the county seat of Jasper county; thence to the county seat of Polk county; thence to the county seat of Dallas county; and thence to the west line of Dallas county, in the direction of Council Bluffs, on the Missouri river.

**SEC. 2. Surveyor—compensation.** That A. D. Jones, of the county of Polk, one of the commissioners named in the preceding section, shall act as surveyor in the location of said road, and shall receive such additional compensation as the county commissioners of the several counties shall deem reasonable.

**SEC. 3. When to meet.** Said commissioners, or a majority of them, shall meet at the commencement of said road, on the first day of April next, or within three months thereafter, and proceed to locate and establish said road agreeably to the provisions of an act for laying out and opening territorial roads, approved, December 27, 1838.

Approved, February 12th, 1847.

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[57] CHAPTER 45.

SKUNK RIVER.

**AN ACT** to provide for the navigation of Skunk river.

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

**SECTION 1. Navigable.** That Skunk river from the forks thereof, in Keokuk county, to its mouth, is hereby declared a navigable stream.

**SEC. 2. Obstructions—may be indicted—fine—proviso—slope—dimensions—where placed—who to designate—to be sworn—refusing to serve; forfeit—amount—how recovered.** That any person or persons who shall in any wise obstruct or interrupt the navigation of said river, below the said forks, or continue such obstruction or interruption, may be indicted in any county bordering or touching upon said river; and upon conviction thereof shall be fined in any sum not less than one hundred dollars, to be assessed by the jury: provided, that no person shall be liable for an obstruction or interruption occa-

sioned by a mill dam on said river, who shall construct and keep in repair to such dam a good and sufficient slope of the following dimensions, to wit: In length at the rate of six feet long for one foot high at the mouth of the slope, with a notch in the dam, the full width of the slope, of two feet deep for every eight feet high from the top of the dam to the bottom; said slope shall be at least fifty feet wide, and placed at such point in the dam as shall be designated by two disinterested persons, who shall be appointed by the county commissioners of the proper county, and sworn to the discharge of their duty, and whose report thereof shall be filed in the office of said commissioners' court; and any person appointed by the county commissioners to locate the said slope, who shall refuse to serve, shall forfeit and pay to and for the use of the county, the sum of one hundred dollars, to be recovered in an action of debt before any justice of the peace in said county.

SEC. 3. **Dams erected previous to the passage of act—owner's liability.** That if the dams in the second section of this act mentioned, shall have been erected before the passage of this act, the owner and occupant of the mill to which the same may be attached, shall not be liable under the first and second sections of this act, until after the first day of November, A. D. 1847.

SEC. 4. **Duty of court—good cause shown—further time.** That it shall be the duty of the court in which a party may be convicted under the second section of this act, to order that the interruption or obstruction be removed; unless for a good cause shown the court may allow a reasonable length of time to construct such slope, or repair the same, and the abatement of such obstruction may be stayed accordingly.

[58] SEC. 5. **Duty of officer—militia.** That the sheriff, or any officer to whom any process under this act may be directed, shall be authorized to execute the same anywhere in this state, and for that purpose may take to his assistance the power of the county, and if necessary may call upon the governor of the state for the militia.

SEC. 6. **Mill property liable.** That the mill property to which a dam may be attached, shall be liable for all fines and costs attending a prosecuting, wherein the party, owner or occupier, may be convicted.

SEC. 7. **Party injured—where suit brought.** That nothing in this act mentioned shall prevent a party injured, in consequence of an obstruction, as aforesaid, from recovering damages for such injury; and the party may bring his suit in the county where the injury was done, or where the defendant resides or may be found.

Approved, February 15th, 1847.

## CHAPTER 46.

### STATE ROAD.

AN ACT to locate and establish a state road therein named.

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

SECTION 1. **Commissioners—duties—route—proviso.** That Justus Clarke, John D. Wright and Michael Ramsay be, and they are hereby appointed to view, locate and establish a state road, commencing on the road leading from Burlington to Mount Pleasant, where the county road from Augusta intersects said road, near the house of Mr. Hitchcock, in Danville township; thence to the school house in school district No. 3, in Pleasant Grove township; thence

east eighty rods; thence north through the improvement of Mr. Ramsay; thence to the southeast corner of section 16, township 71 N., range 4 west; thence on said section line north two miles; thence east to the first half mile corner; thence north two miles; thence to intersect the Iowa City road from Burlington, near the house of Samuel Grubb, at the Virginia Grove, in Louisa county: provided, that the said commissioners have the liberty to make slight deviations from the points and route above specified, if upon a review of the same they should deem it to be necessary.

**SEC. 2. When to meet.** That said commissioners shall meet at the house of John D. Wright, in Pleasant Grove township, on the second Monday in March, or at any time within four months thereafter, for the purposes specified in the first section of this act.

**SEC. 3. Assistance—compensation—proviso.** That they are hereby authorized to employ the necessary [59] assistance, to survey, mark and locate the said road, and the commissioners and their assistants shall be entitled to receive such compensation as is allowed by general law for laying out and altering roads—in chapter 125, Revised Statutes—provided, that John D. Wright shall act as surveyor, and shall receive compensation as such only.

**SEC. 4. Take effect.** This act shall be in force from and after the first Monday in March, 1847.

Approved, February 15th, 1847.

## CHAPTER 47.

### TERRITORIAL ROAD.

AN ACT to relocate a part of a territorial road from Fairfield to the Indian boundary.

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

**SECTION 1. Commissioners—duties—route.** That John Howell, George W. Troy and Samuel Shipley, of Jefferson county, be and they are hereby appointed commissioners to relocate a part of a territorial road, located in accordance with an act entitled "An act to locate a territorial road from Fairfield, in Jefferson county, to the Indian boundary line, in the direction of the Indian agency, at the Raccoon forks of the Des Moines river," approved 29th January, 1844, as follows, to wit: starting at the northwest corner of the town of Fairfield, thence north, to the middle of the first lane running west; thence west 160 rods; thence north to the first section line; thence west to a point 30 rods west of Henry Evans' house; thence, the nearest and best route, to the northeast corner of Sharp's farm; thence, the nearest and best route, to the northeast corner of N. Leche's farm; thence to the brick school house of school district No. 1, in Locust township, in Jefferson county; thence to the most northerly corner of Wm. Spurllocks' prairie field; thence to or near Maylen Wrights; thence, the nearest and best route, to intersect the old survey, where it crosses the Mahaska line.

**SEC. 2. When to meet—surveyor, etc.** Said commissioners shall meet at such time and place as they, or a majority of them, may agree, take to their aid a surveyor and such other help as may be deemed necessary, and proceed to locate and mark said alteration or relocation on the route specified in the preceding section, agreeably to an act entitled "An act to provide for laying out and opening territorial roads," approved, December 29th, 1838.

**SEC. 3. To take effect.** This act shall take effect and be in force from and after its publication.

Approved, February 15th, 1847.

[60] CHAPTER 48.

STATE LIBRARY.

AN ACT to provide for the management of the state library, and the election of a librarian.

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

**SECTION 1. Where kept—librarian elected.** That the library of the state of Iowa shall be placed in one of the rooms of the capitol, and be in the care and under the direction of a librarian, to be elected as hereinafter provided.

**SEC. 2. Persons to remove books—fine.** No person shall remove a book from the library during the session of the general assembly and the supreme court, except the governor, secretary of state, auditor, treasurer, members of the senate and house of representatives, judges of the supreme court, United States attorney and marshal, senators and representatives in congress and attorneys practicing in the supreme court of the state and district or circuit courts of the United States, and all officers of the legislative assembly, and clerks of the supreme court; and any person so offending shall be liable to a fine of one dollar.

**SEC. 3. Receipt—fine.** No person shall be allowed to remove a book from the library without giving a receipt therefor to the librarian, and any person so offending shall be liable to a fine of one dollar.

**SEC. 4. Time books may be kept—penalty.** No person shall be allowed to keep any work belonging to the library in his possession for a longer period than fifteen days, under a penalty of twenty-five cents for each day he holds it over the time.

**SEC. 5. Revised statutes.** No person shall take more than one copy of the Revised Statutes of Iowa from the library at any one time, nor retain the same for a longer period than three days, under a penalty of twenty-five cents for each day he holds it over the time.

**SEC. 6. Failure to return books, etc.** If any person injure or fail to return any book or other property belonging to the library, for a period of two months, he shall forfeit and pay to the librarian, for the benefit of the library, twice the value thereof, or of the set to which the volume or article belongs; and, upon the payment of said penalty, such persons shall be entitled to the set, if the lost or destroyed volume be incomplete in itself.

**SEC. 7. Privileged persons.** The persons privileged to remove books from the library may introduce citizens and strangers into the library, who shall have the privilege, during the hours that the library is required to be kept open, to read any of the books therein not required for the use of such privileged persons.

[61] **SEC. 8. Library hours.** The library shall be kept open during the sessions of the general assembly and supreme court, from the hour of 9 a. m. to 9 o'clock p. m.; at all other times, on every Wednesday and Saturday evenings, for three hours each day—the hours to be selected by the librarian, and notice thereof posted on the outside of the door of the library room.

**SEC. 9. Librarian.** That Lemuel B. Paterson be, and he is hereby appointed librarian, who shall hold his office for the term of two years, and until his successor is appointed and qualified.

**SEC. 10. Bond and oath.** The librarian shall give a bond to the secretary of state, in the penal sum of two thousand dollars, for the faithful performance of his duties, and shall take an oath to faithfully and impartially discharge the duties of librarian, which oath shall be endorsed on the back of said bond, with the certificate of the persons administering it, and the said bond shall be filed in the office of the secretary of state.

**SEC. 11. Custody of books, etc.** The librarian shall have the custody, safe keeping, management and direction of all books, papers, maps, charts, engravings, paintings, natural curiosities, and all other things of what nature soever, which may be donated to, or purchased for the library, and take especial care that none of them be lost or injured.

**SEC. 12. Assistant.** The librarian shall have authority to appoint an assistant, who may perform the duties of the office, and for whose acts the librarian shall be personally responsible: provided, however, that said assistant shall be paid out of the salary of the librarian.

**SEC. 13. Report.** The librarian shall, previous to the close of every regular session of the general assembly, report the number of volumes in the library; a list of books or other property missing, if any; an account of the fines imposed and paid, and such other information in relation to the library as he may deem expedient.

**SEC. 14. Additional report.** The librarian shall, previous to the close of every regular session of the general assembly, (and at every special session, if required by the house,) report to the two houses a true account of all the expenses incurred since the last session for fuel, stationery, postage, binding, and other necessary incidental expenses; and shall also quarterly report to the treasurer and auditor of state a similar account of all expenses, which, on being found correct, and audited, shall be paid out of the state treasury.

**SEC. 15. Duty as to journals.** It shall be the duty of the librarian to procure from the proper officers, as soon as they shall be printed, five copies of the journals of every session of the general assembly with the accompanying documents, and place the same in the state library for the public use.

**SEC. 16. Salary.** The librarian shall annually receive for his services the [62] sum of one hundred and fifty dollars, payable out of the state treasury.

**SEC. 17. Library rules.** Such other rules, not inconsistent with the provisions of this act, as may be necessary for the safe keeping and good management of the library, may be adopted by the governor and librarian, and such rules, together with a catalogue of the books, shall be kept in the library for the inspection of those concerned.

**SEC. 18. As to fines, etc.** The librarian shall carry this act into execution, and he is hereby authorized and empowered to sue for all penalties prescribed by this act, and for all injuries done to the library, in the name of the state for the use of the library; and shall pay into the state treasury all moneys collected by the provisions of this act.

**SEC. 19. Duty of secretary.** It shall be the duty of the secretary of state to bring suit on the bond of the librarian for a violation of any of the provisions of the foregoing act.

**SEC. 20. Repealing section.** That an act to provide for the appointment of a librarian, and for other purposes, approved, January 4th, 1840, be and the same is hereby repealed.

**SEC. 21. Take effect.** The secretary of state shall have this act published once in the Iowa Capital Reporter and the Iowa Standard immediately, and shall take effect from and after its publication.

Approved, February 15th, 1847.

Published in the Reporter Feb. 24th 1847, and in the Standard Mar. 18th, 1847.

## CHAPTER 49.

### GROCERY LICENSE.

**AN ACT** providing that the legal voters in each township determine at the township election, whether the county commissioners shall grant license for retailing intoxicating liquors in their respective counties or not.

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

**SECTION 1. Election.** That the qualified electors in each county in this state, shall, at the first township election after the passage of this act, vote for or against a license being granted to any individual or individuals, in their proper county, for the retail of intoxicating liquors, by the county commissioners, agreeably to the existing license laws.

**SEC. 2. Township election.** That at the first township election to be holden in this state, there shall be a poll opened in each township of the several counties of the state, by the township officers or judges of election, for a vote to be taken upon a "license" or "no license;" which vote shall be by ballot. And at every annual township election thereafter, the [63] county commissioners of each county may order an election on the same subject, when in their opinion it may be proper to do so.

**SEC. 3. Notice.** That the notice shall be given of such election, at the time and in the manner required for the election of township and county officers.

**SEC. 4. Election, how conducted.** That said election shall, in all respects, be conducted in accordance with the laws now in existence, or which may hereafter be in existence, regulating township and county elections, so far as the same are applicable; and a majority of the votes cast in each county, at said election, shall determine the question of license in said county, and the county commissioners shall be governed accordingly.

**SEC. 5. Certificate and returns.** The result of said election shall be made out by the judges and clerks of the respective township elections, certifying how many votes were received for a license and also how many votes were received against a license, in their respective townships, sealed and directed to the county commissioner's clerk of their respective counties, and returned to said clerk within nine days from and after said election day.

**SEC. 6. Duty of clerk.** The said county commissioner's clerk shall, at the first session of said commissioner's court, after the returns from all the townships in said county are received, as provided in the foregoing section, open the same in the presence of the board of county commissioners, who shall determine from said returns whether or not license shall be granted in said county.

**SEC. 7. Take effect.** This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and the Iowa Standard of this city.

Approved, February 15th, 1847.

Published in the Reporter and Standard, February 24th, 1847.



## CHAPTER 50.

## DALLAS COUNTY.

AN ACT for the organization of Dallas county.

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

**SECTION 1. Organized.** That the county of Dallas be, and it is hereby organized, from and after the first day of March next; and the inhabitants of said county shall be entitled to all the rights and privileges to which by law the inhabitants of other counties of this state are entitled.

**SEC. 2. Special election.** That there shall be a special election held, on the first [64] Monday in the month of April next, at which time the county officers of said county shall be elected; and also, such number of justices of the peace and constables for said county as may be ordered by the sheriff of said county.

**SEC. 3. Duty of sheriff—proviso.** That it shall be the duty of the sheriff of said county to give at least ten days' previous notice of the time and places of holding such special election in said county, grant certificates of election, and in all respects discharge the duties required by law to be performed by clerks of the boards of commissioners in relation to elections, until a clerk of the board of commissioners for said county may be elected and qualified: provided, that it shall not be necessary for said sheriff to take to his assistance two justices of the peace in opening the poll books and canvassing the votes polled at said special election.

**SEC. 4. Terms of county officers.** That the county officers elected under the provisions of this act shall hold their respective offices until the first Monday in the month of August, 1847, and until their successors may be elected and qualified.

**SEC. 5. Terms of justices.** That the justices of the peace and constables elected under the provisions of this act shall hold their offices until the first Monday in the month of April, 1848, and until their successors may be elected and qualified, and their jurisdiction shall be coextensive with the county.

**SEC. 6. Sheriff—oath.** That Eli Smithson be, and he is hereby appointed sheriff of said county of Dallas, and shall continue in office until the first Monday in the month of April next, and until his successor may be elected and qualified; and said sheriff shall be qualified to enter upon the discharge of the duties of his said office upon filing his oath of office in the clerk's office of the district court of Polk county, which oath of office may be administered by said clerk.

**SEC. 7. Death of sheriff.** In case of the death, resignation or other disqualification of said sheriff, it is hereby made the duty of the sheriff of Polk county to perform the duties required by this act to be performed by the sheriff of said Dallas county.

**SEC. 8. Actions at law.** That all actions at law or equity in the district court for the county of Polk, commenced prior to the organization of said county of Dallas, where the parties or either of them reside in said county of Dallas, shall be prosecuted to final judgment, order, or decree, as fully and effectually as if this act had not been passed.

**SEC. 9. Duty of justices.** That it shall be the duty of all justices of the peace, residing within said county of Dallas, to return all books and papers in their hands, pertaining to said office, to the next nearest justice of the peace who may be elected and qualified under the provisions of this act; and [65] all suits at law, or other official business, which may be in the hands of such justices of

the peace and unfinished, shall be prosecuted or completed by the justices of the peace to whom such business or papers may have been returned as aforesaid.

**SEC. 10. Attached country.** That the country west of the said county of Dallas be, and the same is hereby attached to said county for election, revenue and judicial purposes.

**SEC. 11. Commissioners.** That William Wear, of the county of Polk, William Canfield, of the county of Polk, and L. W. Babbitt, of the county of Marion, be, and they are hereby appointed commissioners to locate and establish the seat of justice of said county of Dallas.

**SEC. 12. When to meet.** That said commissioners, or a majority of them, shall meet at the town of Hickory, in said county, on the first Monday in the month of May next, or at such other time, not exceeding thirty days thereafter, as a majority of said commissioners may agree.

**SEC. 13. Oath to be taken.** Said commissioners shall first take and subscribe the following oath, to wit: "We solemnly swear (or affirm) that we have no personal interest, directly or indirectly, in the location of the seat of justice of the county of Dallas, and that we will faithfully and impartially locate the same according to the best interest of said county, taking into consideration the future as well as the present population of said county;" which oath may be administered by any officer authorized by law to administer oaths within said county; and the officer administering said oath shall certify and file the same in the office of the clerk of the district court of said county, whose duty it shall be to record the same.

**SEC. 14. Duty of commissioners.** Said commissioners, when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of said county, and, as soon as they shall have come to a determination, the same shall be committed to writing, signed by said commissioners, and filed with the clerk of the district court of said county, whose duty it shall be to record the same and keep the same on file in his office; and the place thus designated shall be the seat of justice of said county.

**SEC. 15. Compensation.** Said commissioners shall each be entitled to receive the sum of two dollars per day while necessarily employed, and the sum of two dollars for every twenty miles' travel in the discharge of the duties enjoined upon them by this act, which shall be paid by said county out of the first funds arising from the sale of town lots in such seat of justice.

**SEC. 16. District court where held.** That the district court for said county shall be held at the town of Hickory, in said county, or at such other place as may be [66] designated by the board of county commissioners of said county, until the seat of justice of said county may be located.

**SEC. 17. Take effect.** This act to take effect and be in force from and after the first day of March next, previous to which time the same shall be published in the weekly newspapers of Iowa City.

Approved, February 16th, 1847.

Published in the Reporter Feb. 24th, and in the Standard March 10th, 1847.

## CHAPTER 51.

### DISTRICT JUDGES.

AN ACT regulating the election of district judges.

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

**SECTION 1. Election of judges—vacancies.** That a judge of the district court shall be elected in each judicial district, at the first regular township

election after the passage of this act, and at the several annual township elections in every fifth year thereafter, unless a vacancy or vacancies shall occur; and upon the happening of such a vacancy or vacancies, the governor shall issue his proclamation, giving at least forty days notice of the time when an election will be held to fill the same; which proclamation he shall cause to be published in all the newspapers in such district or districts, and such election shall be conducted according to the provisions of this act.

**SEC. 2. Sheriffs to give notice.** Whenever an election for judge is to be held in either district, either to fill a vacancy or otherwise, the sheriff of each and every county therein shall give notice thereof, by putting up written or printed notices, in three public places in each township within their respective counties, at least ten days before the time of holding the same.

**SEC. 3. Judges of election—commissioners' clerks—duty of governor.** The judges of election shall deposit the votes for judges in a separate box, and make separate returns thereof to the clerk of the board of commissioners of their respective counties, on or before the first Thursday after the election; and the said clerks, on the first Friday after the election, or sooner if all the returns are sooner received, shall, in the presence of two justices of the peace, open the returns and make an abstract thereof, exhibiting the number of votes given in each township for each person voted for therein, and, except in the counties in this section hereafter named, shall enclose and seal up a duplicate of such abstract, sealed with the official seal and signed by himself and the two justices aforesaid, and deliver the same, on or before the first Monday after the election, to the clerk of the board of commissioners [67] of the county in his district in this section hereafter named, to wit: The county of Des Moines, in the first district; the county of Jackson, in the second district; the county of Wapello, in the third district; and the county of Johnson, in the fourth district. And the said clerks of the above named counties, on the second Tuesday after the election, or sooner, if all the abstracts are received, shall, in presence of two or more commissioners' clerks of his district, or of two justices of the peace, open the said abstracts and make a summary thereof, exhibiting the number of votes given in each county for each person voted for therein, and the whole number of votes given in the district for each person voted for therein, and shall immediately deposit with the secretary of state a duplicate thereof under his official seal, signed by himself and the said clerks or justices of the peace; and thereupon the governor shall commission the person having the highest number of votes to hold the said office during the term of five years from the day of the election, and until his successor is elected and qualified.

**SEC. 4. Judges to take oath—how certified.** The judge elect, on receiving his commission, shall swear or affirm, before some officer authorized to administer oaths, that he will support the constitution of the United States and the constitution of the state of Iowa, and that he will faithfully and impartially discharge the duties of his office to the best of his knowledge and ability; which being certified on his commission, he shall be deemed duly installed into office.

**SEC. 5. First election.** To prevent delay in holding the first district courts, under the state organization, the judges to be chosen at the first election under this act shall be deemed duly qualified on receiving certificates of their election from the clerks of the boards of commissioners in their districts, respectively named in the third section of this act, and taking the oath or affirmation required by the fourth section, which shall be certified on the certificate of election.

**SEC. 6. Neglect to take the oath.** If any judge elect shall neglect or refuse to take the official oath within ten days after the receipt of his commission, or

of actual notice that it is ready to be delivered to him, he shall be deemed to have resigned the office, and the governor shall order a new election.

**SEC. 7. General election laws applicable.** All statutory enactments relating to general elections which shall be in force at the time of holding any election under this act, shall be applied to the election of district judges, so far as the same may be applicable and consistent with the provisions of this act.

**SEC. 8. Contested elections—duty of governor.** In contesting an election of district judge, the depositions and documents shall be transmitted to a judge of the supreme court, who shall notify his fellow judges and the parties of the time and place of hearing; and the said supreme judges, or any two of them, [68] shall hear and determine the matter, and certify their decision to the governor, who shall cause the same to be carried into execution by commissioning the successful party, or by proclaiming a new election, or otherwise, as the case may require; but no person commissioned and qualified as district judge, shall be ousted of his office except by impeachment, or by judgment of the supreme court in a proceeding by information in the nature of a quo warranto.

**SEC. 9. Take effect.** This act shall take effect from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 16th, 1847.

Published in the Reporter and Standard February 24th, 1847.

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## CHAPTER 52.

### DISTRICT COURT OF BENTON COUNTY.

AN ACT to provide for holding the district court for the county of Benton at such place as the county commissioners may direct.

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

**SECTION 1. Where district court to be held.** That the district court in and for the county of Benton shall be held at such place within said county as the county commissioners of said county may direct.

**SEC. 2. Take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 17th, 1847.

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## CHAPTER 53.

### REAL ESTATE.

AN ACT to authorize H. H. Ritchie, Thomas T. Botts and Andrew Jones to convey certain real estate therein named.

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

**SECTION 1. Trustees authorized to sell estate.** That H. H. Ritchie, Thomas T. Botts and Andrew Jones, trustees of the Christian church in West Point, in Lee county, be, and they are hereby authorized and empowered to sell and

convey by deed to Aaron Chatterton, his heirs and assigns, in fee simple, the east halves of lots No. fifteen and sixteen, in block No. twenty-three, in the town of West Point, in said county.

[69] **SEC. 2. Take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 17th, 1847.

## CHAPTER 54.

### JUSTICES OF THE PEACE.

**AN ACT** to legalize the official acts of the justices of the peace of the county of Monroe.

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

**SECTION 1. Acts legalized.** That the official acts of the justices of the peace of the county of Monroe, performed and executed by said justices before the taking effect of an act changing the name of said county from Kishkekosh to Monroe, be, and the same are hereby made good and valid, as if no such change had been made.

**SEC. 2. Take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 17th, 1847.

## CHAPTER 55.

### WEST POINT.

**AN ACT** to vacate the public square in the town of West Point, in Lee county.

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

**SECTION 1. Square vacated—proviso.** That that portion of the town plat of the town of West Point, in the county of Lee, as is embraced in the public square in said town, is hereby vacated: provided, that said public square be considered as extending no farther than the inner line of the streets that contiguously surround it on all sides.

**SEC. 2. If said college should cease.** That if at any time hereafter said college or institution of learning should cease to exist, or be removed and located elsewhere than at said town, whereby the object of this act should be frustrated, the said public square is hereby, upon the happening of any such event, declared to be restored to the public, as fully and amply, to all intents and purposes, as though this act had never been passed or the said public square [had] never been vacated.

**SEC. 3. Square enclosed—gates to be left—proviso.** That if the said college trustees shall at any time enclose said public square, they shall put up and keep in repair good and suffi-[70]-cient gates, or leave openings, at convenient and reasonable distances, to afford ready, easy and convenient passage to all persons, in an orderly manner, to and fro across said public square: provided.

that no person shall have authority to enter or interfere with the buildings or other property of said college, under this act, without the leave of the trustees or other persons having charge thereof.

**SEC. 4. Buildings not to be erected—not to be sold or leased.** That the trustees of said college, or other persons having the direction, control or management thereof, shall erect no building or buildings for dwelling houses or other purposes, except for college buildings, upon, or dispose of by sale or lease any portion of said public square, or the building or buildings thereupon.

**SEC. 5. Take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 17th, 1847.

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## CHAPTER 56.

### STATE ROAD.

AN ACT to locate and establish a state road from Fairview, in Jones county, to Pioneer Grove, in Cedar county.

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

**SECTION 1. Commissioners—duties.** That Gideon H. Ford and Hiram Joslin, of the county of Jones, and Enoch Meeker, of the county of Cedar, be, and they are hereby appointed commissioners to locate and establish a state road, beginning at the town of Fairview, in Jones county, at a point where the military road crosses the northern and southern line which divides the east half of section twenty, township eighty-four north, of range four west of the fifth principal meridian; thence running south on said line two and a half miles; thence on the nearest and best ground, to the northeast corner of section two, township eighty-two north, of the range four west of the fifth principal meridian; and thence to intersect the territorial road leading from Davenport, in Scott county, to Marion, in Linn county, at or near the school house in Pioneer Grove, in Cedar county.

**SEC. 2. When to meet.** That said commissioners, or a majority of them, shall meet at the town of Fairview, in Jones county, on the first Monday of May, or within thirty days thereafter, and proceed to lay out and establish said road, agreeably to the laws now in force on that subject.

**SEC. 3. Assistance—compensation.** That said commissioners shall take to their assistance a surveyor and other necessary hands, and they shall receive such compensation and in such manner as is provided by law.

Approved, February 18th, 1847.

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## [71] CHAPTER 57.

### AUDITOR OF STATE.

AN ACT prescribing the general duties of the auditor of state.

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

**SECTION 1. To give bond.** That the auditor of state, before entering upon the duties of his office, shall give bond with such sureties as shall be approved

by the governor, in the penal sum of five thousand dollars, conditioned for the true and faithful performance of the duties enjoined and required by law to be performed by such auditor, and for the delivery to his successor in office all books, papers, documents, maps, vouchers or other effects belonging or appertaining to the said office of auditor.

**SEC. 2. Place of office and duty.** That the auditor shall keep his office at the seat of government, and do and perform all the duties appertaining thereto which are or may be required by law or resolution of either house of the general assembly.

**SEC. 3. Accounts.** It shall be the duty of the said auditor to keep and state all accounts between the state of Iowa and the United States, or any state or territory, or any individual, or any public officer of this state indebted to the state, or entrusted with the collection, disbursement or management of any moneys, funds or interest arising therefrom, belonging to the state, of every character and description whatever, where the same are derivable from, or payable into, the state treasury.

**SEC. 4. Treasurers and collectors.** To examine and audit the accounts of all treasurers and other collectors and receivers of all state revenues, taxes, tolls and incomes levied or collected by any act of the general assembly, and payable into the state treasury, and certify the amount or balance to the treasurer of state.

**SEC. 5. Revenues and funds.** To keep fair, clear, distinct and separate accounts of all the revenues, funds and incomes of the state; and also, all expenditures, disbursements and investments thereof, showing the particulars of every expenditure, disbursement and investment.

**SEC. 6. Debtors.** To examine, adjust and settle the accounts of public debtors for debts due to the state or territorial treasury; and require all such persons, or their legal representatives, who may be indebted to the state or territory for moneys received or otherwise, and who shall not have accounted therefor, to settle their accounts.

**SEC. 7. Claims.** To examine and audit the claims of all persons against the state or territory, in cases where provision for the payment thereof [72] shall not have been made by law; and where no such provision, or an insufficient one has been made; to examine the claim, and report the facts with his opinion thereon to the legislature; and no allowance shall be made to refund moneys from the treasury, without his statement for or against the justice of the claim.

**SEC. 8. To draw warrants.** To draw warrants on the treasurer for all moneys directed by law to be paid out of the treasury to public officers, or for any other object whatsoever, as the same may become due and payable; but no warrant shall be drawn unless authorized by law, and every warrant shall be properly numbered, and refer to the law under which it is drawn.

**SEC. 9. To divide amounts.** That when the amount due from the state to any person shall exceed twenty dollars, the auditor shall, if required, divide the sum due into parcels of not less than ten dollars, and shall issue warrants for the several parcels into which the amount shall be so divided.

**SEC. 10. Faith of the state pledged.** That for the redemption of all warrants issued in conformity with the provisions of this act, the faith of the state is hereby pledged.

**SEC. 11. Information to the governor.** To furnish the governor, on his requisition, information in writing upon any subject relating to the duties of his office.

**SEC. 12. Fiscal concerns—forms.** To superintend the fiscal concerns of the state, and secure their management in the manner required by law; and furnish

proper forms to the assessors, treasurers, collectors and auditors of counties, as the same may be found expedient or necessary.

**SEC. 13. To keep books.** To keep and preserve all public books, records, papers, documents, vouchers, and all conveyances, leases, mortgages, bonds, securities for debts, moneys or property; and all accounts and property of every description, belonging or appertaining to his office, and also to the state of Iowa, where no other provision is made by law for the custody, control or safe keeping of the same, and suggest plans for the improvement and management of the public revenues, funds and incomes.

**SEC. 14. To draw warrants.** Whenever any person is entitled to draw or receive any money from the state treasury, the auditor shall draw a warrant in his favor on the treasurer of state, and deliver the same to the party entitled thereto.

**SEC. 15. As to warrants.** The auditor shall enter in a proper book provided for that purpose every warrant he draws on the treasury, in the order he issued the same, in such manner as [to] the date thereof; in whose favor drawn; the nature of the claim upon which it is founded, with reference to the law under which it is drawn; and shall carry such [73] entries into a book of general accounts, under separate and distinct heads.

**SEC. 16. Report.** To report and exhibit to the general assembly, at its regular and called sessions, a complete statement of the revenues, taxable funds, resources, incomes and property of the state known to his office; and of the public revenues and expenditures of the preceding fiscal year or years, with a detailed estimate of the expenditures [there] of to be defrayed from the treasury for the ensuing year or years—specifying therein each object of expenditure, and between such as are provided for by permanent or temporary appropriations, and such as are required to be provided for by law; and showing also, the sources and means from which all such expenditures are to be defrayed, and the probable deficiencies, if any, of the same.

**SEC. 17. To require statements.** That said auditor shall, from time to time, require all persons receiving moneys or securities, or having the disposition, management, or disbursement of any property, money, security, or funds of the state, of which an account is kept in his office, to render statements thereof to him; and all such officers or persons shall render such statements at such time and in such form as shall be required.

**SEC. 18. Persons failing to account.** Whenever any officer or other person has received moneys belonging to the state, or has been entrusted with the collection, management, or disbursement of any moneys, funds or interest accruing therefrom, belonging in like manner to, or held in trust by, the state, and shall fail to render an account thereof to, and make settlement with the auditor within the time prescribed by law; or, where no particular time is prescribed, shall fail to render such an account, and make settlement, upon being so required to do by the auditor, within ten days after such requisition, it shall be the duty of said auditor to state an account against such officer or person, charging ten per cent. damages, and interest at the rate of ten per cent. per annum from the time of failing to render an account and settle as aforesaid.

**SEC. 19. Persons failing to make payment.** That whenever any officer or other person shall render an account to, and make settlement with the auditor, and shall fail to pay over to the treasurer of state the amount or balance to be paid by such officer or person unto the state treasurer, or such person as shall be entitled by law to receive the same, within the time prescribed by law; or if no time is prescribed by law, then within the time specified by such auditor; said auditor, upon being notified by said treasurer, or otherwise, of such failure,



shall cause suit to be instituted for the recovery of the amount thus due and unpaid.

**SEC. 20. Account to be evidence.** A copy of the account in such cases, made out and certified by the said auditor, shall be sufficient evidence to support an ac-[74]-tion in any court of competent jurisdiction, for the amount or balance stated therein to be due, without proof of the signature or official character of such auditor, subject however, to the right of the defendant to plead and give in evidence, as in other actions, all such matters as shall be legal and proper for his defence or discharge.

**SEC. 21. Other remedies.** Nothing contained in the provisions of this act, shall be so construed as to impair or affect any legal or equitable remedy which might be used if such provisions were not in force, for the recovery of any debt due or to become due to the state of Iowa, or for the establishment of any right, interest, or claim, to any moneys, funds, or interest arising therefrom or securities therefor.

**SEC. 22. Incidental expenses.** The purchase of all books, stationery, fuel, or other articles necessary for the use of his office, together with all necessary incidental expenses shall be at the expense of the state.

**SEC. 23. Books, etc. open to inspection.** All the books, papers, files, letters, and transactions pertaining to the office of said auditor, shall be open to the inspection of a committee of the general assembly, or either branch thereof, and also to the governor.

**SEC. 24. Repealing section.** All acts and parts of acts coming in conflict with this act are hereby repealed.

**SEC. 25. Take effect.** That this act to take effect and be in force from and after its publication in the weekly newspapers of Iowa City.

Approved, February 18th, 1847.

Published in the Reporter and Standard February 24th, 1847.

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## CHAPTER 58.

### DISTRICT COURTS.

AN ACT fixing the time of holding the district courts in this state.

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

**SECTION 1.** That the times of holding district courts in this state shall be as follows:

**First district.** In the first judicial district—In Louisa county, on the fourth Mondays in April and August; in Washington county, on the first Mondays in May and September; in Henry county, on the second Mondays in May and September; in Lee county, on the third Monday in May, the fourth Monday in September and the third Monday in February; in Des Moines county, on the second Monday in June and third Monday in October.

**Second district.** In the second judicial district—In Muscatine county, on the first [75] Mondays in February, June and November; in Scott county, on the first Mondays of March and September; in Clinton county, on the second Mondays in March and September; in Cedar county, on the third Mondays in March and September; in Jones county, on the fourth Mondays in March and September; in Jackson county, on the first Mondays after the fourth Monday

in March and September; in Delaware county, on the second Monday after the fourth Monday in March; in Clayton county, on the third Mondays after the fourth Mondays in March and September; in Dubuque county, on the fourth Mondays in April and the first Mondays in August and December.

**Third district.** In the third judicial district—In Van Buren county, on the first Mondays in March and September; in Jefferson county, on the third Mondays in March and September; in Keokuk county, on the fourth Mondays in March and September; in Mahaska county, on the first Monday after the fourth Mondays in March and September; in Wapello county, on the second Monday after the fourth Mondays in March and September; in Davis county, on the third Monday after the fourth Mondays in March and September; in Appanoose county, on the fourth Monday after the fourth Mondays in March and September; in Monroe county, on the fifth Monday after the fourth Mondays in March and September; in Marion county, on the sixth Monday after the fourth Mondays in March and September.

**Fourth district.** In the fourth judicial district—In Dallas county, on the first Mondays in March and September; in Polk county, on the second Mondays in March and September; in Jasper county, on the third Mondays in March and September; in Iowa county, on the fourth Mondays in March and September; in Benton county, on the first Monday after the fourth Mondays in March and September; in Linn county, on the second Monday after the fourth Mondays in March and September; in Johnson county, on the fourth Monday after the fourth Mondays in March and September.

**SEC. 2. Suits, etc., not to abate—jurors and witnesses.** No suits, indictments, recognizances, informations, declarations, pleas, or other process or proceedings, returnable at or pending in the said district courts or [of] any of the counties above named, shall abate, be made void, or in any wise affected in consequence of any change in the time of holding said courts by the provisions of this act; but, when the same may have been issued or may have been made returnable at any day in accordance with the time heretofore fixed for holding said courts, they shall be considered returnable to the term of the courts respectively named in this act; and all jurors, witnesses and other persons bound in any way, or summoned to appear before the courts mentioned above [76] at the next term thereof, shall be bound to appear at the time specified for holding courts by this act.

**SEC. 3. First term.** That the first terms of the district courts throughout the several counties of this state, after the passage of this act, shall commence and date their commencement from the same Monday in the month of May that is required by the first section of this bill [act,] in regard to the month of March. The provisions of this section are not to apply to the first judicial district.

**SEC. 4. Take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers in Iowa City .

Approved, February 17th, 1847.

Published in the Reporter and Standard February 24th, 1847.

## CHAPTER 59.

### STATE ROADS.

AN ACT for laying out and establishing certain roads therein named.

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

**SECTION 1. Commissioners—**from Keokuk county to Bloomfield. That Joseph Kellum, of the county of Keokuk, Jesse Brookshire, of the county of

Wapello, and E. M. Kirkham, of the county of Davis, be and they are hereby appointed commissioners to lay out a state road, commencing at the county seat of Keokuk county, thence to Ottumwa, in Wapello county, and from thence to Bloomfield, in Davis county.

**SEC. 2. Commissioners—from Bloomington to Tipton.** That Charles Swetland, Prior Scott and Delavan Bratt, be and they are hereby appointed commissioners to relocate a state road from Bloomington, in Muscatine county, to Tipton, in Cedar county, commencing at or near the court house in Bloomington, and from thence on the nearest practicable route to Tipton, in Cedar county.

**SEC. 3. Commissioners—from Lake Prairie to Fort Des Moines.** That John Hamilton, of Marion county, Monley Gillford, of Jasper county, and Thomas H. Napier, of Polk county, be, and they are hereby appointed commissioners to lay out a state road, commencing at Lake Prairie, in Marion county, to Fort Des Moines, in Polk county, running on the north side of the Des Moines river.

**SEC. 4. Commissioners—from Hendry's to Fort Des Moines.** That Thomas McMullen and John Rose, of Polk county, and Claiborne Hall, of Marion county, be and they are hereby appointed commissioners to lay out a state road, commencing at the house of Granville Hendry, in Marion county, on the nearest and best route to Fort Des Moines, in Polk county.

**SEC. 5. Commissioners—from Cedar Rapids to the falls.** That James Lev-erich, of Linn county, Charles Cantonwine, of the county of Benton, and William Hunt, of the county of Black Hawk, [77] be and they are hereby appointed commissioners to lay out and establish a state road, beginning at the Cedar Rapids, in Linn county, on the southwest side thereof, and running from thence on the nearest and best route to or near the house of Mr. Strawn, in said county of Linn; from thence, on the nearest and best route, to the county seat of Benton county; and from thence, on the nearest and best route, to the falls of said river, in the county of Black Hawk.

**SEC. 6. Commissioners—from Tipton to Dubuque.** That H. G. Whitlock, of Cedar county, Luke Potter of Jackson county, and William Hall, of Dubuque county, be and they are [hereby] appointed commissioners to lay out and establish a state road, commencing at Tipton, in Cedar county, via Canton, in Jackson county, to Dubuque, in Dubuque county.

**SEC. 7. Commissioners—from Cascade to Maquoketa.** That John Taylor, of Jones county, J. E. Goodenow and William Simerall, of Jackson county, be and they are hereby appointed commissioners to lay out a state road, commencing at Cascade, in Dubuque county, via Canton to Maquoketa, in Jackson county.

**SEC. 8. Commissioners—from the military road to Canton.** That George S. Dewitt, of Jackson county, T. S. Denson and William Clark, of Jones county, be and they are hereby appointed commissioners to lay out a state road, commencing at a point on the military road, on the south side of the south fork of the Maquoketa river, and near the crossing, by the way of the Scotch Grove, in Jones county, to Canton, in Jackson county.

**SEC. 9. Commissioners—from military road to Jenkins'.** That George L. Dickinson, Samuel P. Whitaker and William Burnham, be and they are hereby appointed commissioners to lay out a state road, commencing on the military road at or near the house of William Johnson, on Bourne's Prairie, Jones county; thence on the nearest and best route, to the bridge on the Scotch branch; thence on the nearest and best route, to McCay's ford, on the south fork of Maquoketa; thence on the nearest and best route, until it intersects a road from J. H. Jenkins', on the Waubesapinecon, to Dubuque.

**SEC. 10. Commissioners—from Cascade to Tete Des Morts.** That Lyman Dillon, of the county of Dubuque, Sylvester Stevens and Henry Burke, of the county of Jackson, be and they are hereby appointed commissioners to lay out a state road, commencing at the village of Cascade, in Dubuque county, thence to Geer's ferry, near the mouth of Tete Des Morts, in Jackson county.

**SEC. 11. When to meet—duties.** Said commissioners, or a majority of them, shall meet at the commencement of their respective roads, on or before the first day of September next, and proceed to lay out and establish said roads agreeably to an act for laying out roads and highways, approved December 29, 1838; except that they shall not be required to forward a copy of the plats of said roads to the secretary of state.

Approved, February 18th, 1847.

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[78] CHAPTER 60.

STATE ROAD.

AN ACT to locate and establish a state road from Wood's Mill, in Van Buren county, to Bloomfield in Davis county.

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

**SECTION 1. Commissioners.** That John Hale, of Van Buren county, and James Hawkins and Reason Wilkerson, of Davis county, be, and they are hereby appointed commissioners to locate and establish a state road, beginning at Wood's Mill, in Van Buren county, thence on the nearest and best route, to Bloomfield, in Davis county.

**SEC. 2. When to meet—duties.** Said commissioners, or a majority of them, shall meet at Wood's Mill, in Van Buren county, on the first Monday in May, or within sixty days thereafter, and proceed to lay out and establish said road, agreeably to the laws now in force on that subject.

**SEC. 3. Assistance—compensation.** Said commissioners shall take to their assistance a surveyor, and other necessary hands, and they shall receive such compensation, and in such manner as is provided by law.

Approved, February 18th, 1847.

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CHAPTER 61.

COUNTY OFFICERS.

AN ACT to require certain officers to hold their offices at the county seats of their respective counties.

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

**SECTION 1. Offices at county seat.** That the clerks of the district courts, clerks of the board of county commissioners, county recorders and county treasurers, shall hold their offices and keep all books and papers appertaining to their said offices, at the county seats of their respective counties.

**SEC 2. Neglect or refusal.** That if any person elected to either of the before mentioned offices shall refuse or neglect to comply with the provisions of this act, for the term of twenty days after being elected and qualified, said office shall be deemed vacant.

**SEC. 3. Special election and vacancy—proviso.** That if any office shall become vacant by the provisions of this act, there shall be a special election ordered to fill such vacancy; such election shall be conducted in all respects agreeably to an act re-[79]-gulating general elections: provided, however, that ten days previous notice of such election shall be sufficient.

**SEC. 4. Take effect.** This act shall take effect and be in force from and after its publication.

Approved, February 18th, 1847.

## CHAPTER 62.

### STATE ROAD.

AN ACT to establish a state road from Iowaville to Lancaster, in Keokuk county, by way of Creaseville.

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

**SECTION 1. Commissioners—route of road.** That Michael Peibler and Jacob L. Sears, of Jefferson county, and Joel Skinner, of Keokuk county, are hereby appointed as commissioners to lay out and establish a state road from Iowaville, in Van Buren county, by way of Creaseville, in Jefferson county, to Lancaster, in Keokuk county.

**SEC. 2. When to meet—to take oath—duties.** That said commissioners shall meet in Iowaville, on the first day of April next, or within sixty days thereafter, and after taking an oath or affirmation faithfully and impartially to discharge the duties of their appointments, they shall take to their assistance a skillful surveyor, two chainmen and one marker, who shall also take an oath or affirmation before entering on their duties, for the faithful performance of the same. They shall then proceed to establish and lay out said road on the nearest and best route between the several points, taking into consideration the public interest, and at the same time doing as little damage to private property as the public convenience will admit.

**SEC. 3. How governed.** That said commissioners shall in all other respects be governed by an act entitled "an act to provide for laying out and opening territorial roads," approved December 29th, 1838.

**SEC. 4. To take effect.** That this act to take effect and be in force from and after its passage.

Approved, February 20th, 1847.

## [80] CHAPTER 63.

### STATE ROAD.

AN ACT to lay out and establish a state road from Ottumwa to Well's Mill, on Chariton river.

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

**SECTION 1. Commissioners—route of road.** That Thomas Blair and Gabriel Trellinger, of Davis county, and Samuel J. Vassair, of Wapello county, be, and

they are hereby appointed commissioners to lay out and establish a state road from Ottumwa, in Wapello county, by the way of Thomas Bair's, on Soap creek, in Davis county, and from thence to Well's Mill, on Chariton river, in Appanoose county.

**SEC. 2. When to meet—assistance—duties.** Said commissioners, or a majority of them, shall meet at Ottumwa on the first Monday of May, or within two months thereafter, and shall take to their assistance two chain carriers and a marker, and proceed to lay out and establish said road according to law.

**SEC. 3. Compensation.** Said commissioners, chain carriers and marker shall receive such reasonable compensation as the commissioners of Wapello, Davis and Appanoose counties may allow.

**SEC. 4. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 20th, 1847.

#### CHAPTER 64.

##### WASHINGTON COUNTY.

AN ACT supplemental to an act entitled "An act to provide for finishing the public buildings in Washington county;" approved the 11th day of February 1847.

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

[SECTION 1.] **When tax to be levied—to be collected in money—order upon the treasurer, etc.** That the additional tax authorized to be levied and collected by virtue of an act entitled "An act to provide for finishing the buildings in Washington county," approved the 11th day of February, A. D. 1847, be and the same is hereby required to be levied at the time of levying other tax, and collected in money only; and that the same be set apart exclusively for the purpose in said act mentioned, and no other, and that orders given upon the treasurer and collector for the payment of any demand, on account of finishing the public buildings in said act mentioned, shall designate out of what funds the said order shall be paid.

Approved, February 20th, 1847.

#### [81] CHAPTER 65.

##### COMMISSIONERS' CLERK.

AN ACT to legalize the acts of Charles W. Hobbs, county commissioner, clerk and recorder of Delaware county.

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

**SECTION 1. Acts legalized.** That all the official acts of Charles W. Hobbs, county commissioners' clerk and recorder of Delaware county, be, and the same are hereby legalized.

**SEC. 2. To take effect.** This act to take effect and be in force from and after its publication and distribution.

Approved, February 20th, 1847.

## CHAPTER 66.

## NEW COUNTIES.

AN ACT to establish new counties and define their boundaries, in the late session from the Winnebago Indians.

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

**SECTION 1. County of Allamakee—boundaries.** That the following shall be the boundaries of a new county, to be called Allamakee, to wit: Beginning at the main channel of the Mississippi river, on the line dividing townships ninety-five and ninety-six; thence west on said township line to the line dividing ranges six and seven; thence north on said range line to the northern boundary of the state; thence east on said state line to the main channel of the Mississippi river; thence down the middle of the main channel of said river to the place of beginning.

**SEC. 2. County of Winneshiek—boundaries.** That the following shall be the boundaries of a new county, to be called Winneshiek, to wit: Commencing at the southeast corner of township ninety-six north, range seven west; thence west on the line dividing townships ninety-five and ninety-six, to the line dividing ranges ten and eleven; thence north on said range line to the northern boundary of the state; thence east on said state line to the line dividing ranges six and seven; thence south on said range line to the place of beginning.

**SEC. 3. Boundaries to be surveyed.** That as soon as the treaty made with the Winnebago Indians shall have been ratified by the United States senate, and the [82] Indians removed from the late purchase, the board of county commissioners of Clayton county shall have the boundaries of said new counties surveyed and marked out, as near as may be, to correspond with the spirit and meaning of this act; which boundaries shall remain as the county boundaries until the country is surveyed by the United States, and that the township lines shall remain and be the county boundaries thereafter.

**SEC. 4. Governor to appoint justices—justices' oath and bond—jurisdiction.** That the governor of this state be, and he is, hereby authorized to appoint and commission as many justices of the peace in the new counties established by this act as he may deem expedient; and each justice so appointed and commissioned shall hold his office for the term of two years, and, before entering upon the duties of his office, shall take an oath and enter into bond in the same manner as is required of justices of the peace elected in organized counties, so far as applicable, which bond shall run in the name of the board of county commissioners, and be approved by, and filed in the office of the clerk of the district court of Clayton county; and, justices of the peace so appointed, commissioned and qualified, shall possess the same jurisdiction and power in all cases whatsoever throughout the county or district of country for which they may have been appointed, as justices duly elected and qualified in organized counties possess.

**SEC. 5. Constables—oath and bond.** That each justice so appointed, commissioned and qualified shall have the power of appointing two constables, who shall take an oath and enter into bond in like manner as is required of constables elected under the laws of the state, so far as applicable, which bond, when executed to the approval of the justice, shall be filed in the office of the justice making the appointment.

**SEC. 6. Expenses of survey.** And it shall be the duty of the counties, and they are hereby required, to refund all moneys that the county of Clayton may have expended in having their county boundaries surveyed.

Approved, February 20th, 1847.

## CHAPTER 67.

## JOHN WILSON.

AN ACT for the relief of John Wilson.

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

**SECTION 1. Act of Wisconsin revived—subject to the laws of this state.** That an act of the legislative assembly of the territory of Wisconsin, entitled "An act to establish a ferry across the Mississippi river in this territory," approved January 18th, 1838, be, and the same is, hereby [83] revived, renewed, and extended, for the term of four years from the 18th day of January, 1848, and that all the rights, franchises, and privileges, granted and secured to John Wilson, his heirs and assigns, by the provisions of said act, be, and the same are hereby granted and secured to him and his heirs, for the said term of four years from the expiration of his said charter; and the said John Wilson and his heirs, shall be subject to all the laws of this state in force or to be in force during said term, in relation to ferries, tolls, etc.

**SEC. 2. To keep ferry boats.** The said John Wilson and his heirs, shall, at all times during said term, keep or cause to be kept upon said ferry, such boat or boats, for the transportation of passengers, their baggage and freight, as the board of commissioners of Scott county may from time to time require.

**SEC. 3. To take effect.** This act shall take effect from and after its passage.

Approved, February 20th, 1847.

## CHAPTER 68.

## STATE ROAD.

AN ACT for a state road therein named.

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

**SECTION 1. Commissioners—route.** That Wm. M. McKee and John Young, of Jefferson county, and J. N. Redman, of Wapello county, are hereby appointed commissioners to lay out and establish a state road from Agency City, in Wapello county, to Creaseville, in Jefferson county, thence to the southeast corner of the west half of the southwest quarter of section twenty-eight, thence to intersect a state road at or near the half mile corner on the east line of section twenty-eight, township seventy-two, of range eleven west.

**SEC. 2. When to meet—assistance.** Said commissioners shall meet at Agency City on the first Monday of May, 1847, or at any time thereafter, and take to their assistance a competent surveyor and two chainmen and one marker, and after being duly qualified, shall proceed to locate said road according to law.

**SEC. 3. How governed.** Said commissioners shall in all respects be governed according to "An act to lay out and establish territorial roads," approved December 29th, 1838.

**SEC. 4. Take effect.** This act to take effect and be in force from after its passage.

Approved, February 20th, 1847.



## [84] CHAPTER 69.

## DISTRICT JUDGES.

AN ACT in relation to the duties and powers of the district judges.

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

**SECTION 1. Judge interested.** That in any county in this state, when the judge of said district shall be interested in any cause pending before him, or for any other cause, if said judge does not wish to hold said court, he may, by agreement with the judge of any other district, procure the services of said judge, to hold said court or courts.

**SEC. 2. Death or resignation.** If from death, resignation, removal, or absence from the state, or any other cause, any district or county shall, for the time being, be without a judge, the judge of any other district may, for the time being, hold said court.

**SEC. 3. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 22d, 1847.

Published in the Reporter, March 24th, 1847, and Standard, March 3d, 1847.

## CHAPTER 70.

## CONGRESSIONAL DISTRICTS.

AN ACT to divide the state into two congressional districts.

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

**SECTION 1. Congressional districts.** That this state shall be divided into two congressional districts, for the election of representatives in the congress of the United States, each of which districts shall be entitled to elect one representative.

**SEC. 2.** The limits and designation of said districts shall be as follows:

**First district.** First district—The counties of Lee, Van Buren, Jefferson, Wapello, Davis, Appanoose, Henry, Mahaska, Monroe, Marion, Jasper, Polk, Keokuk, and all of the country south of a line from the northwest corner of the county of Polk, running west to the Missouri river, shall constitute the first district.

**Second district.** Second district—The counties of Clayton, Dubuque, Delaware, Jackson, Clinton, Jones, Linn, Poweshiek, Benton, Iowa, Johnson, Cedar, Scott, Muscatine, Washington, Louisa, Des Moines, and all the country [85] north of a line from the northwest corner of the county of Polk, running west to the Missouri [river,] shall constitute the second district.

**SEC. 3. Take effect.** This act to take effect and be in force from and after its publication.

Approved, February 22d, 1847.

## CHAPTER 71.

## SEAT OF GOVERNMENT.

AN ACT to provide for the location of the seat of government of the state of Iowa, and for the selection of land granted by congress to aid in erecting public buildings.

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

**SECTION 1. Commissioners—duties.** That John Brown, of the county of Lee, and Joseph D. Hoag, of the county of Henry, and John Taylor, of the county of Jones, be, and they are hereby appointed commissioners, whose duty it shall be to locate the permanent seat of government of this state, and to select the lands granted by congress to aid in erecting public buildings.

**SEC. 2. Oath.** That it shall be the duty of said commissioners to take and subscribe an oath, before entering upon the discharge of the duties of their offices, that they will honestly and faithfully perform the duties devolved upon them by this act, to the best of their ability.

**SEC. 3. When to meet—shall examine the state.** The said commissioners, or any two of them, shall meet at any place upon which they may agree, on some day between the first day of May and the first day of June next; and the said commissioners, or any two of them, having met as aforesaid, shall proceed to an examination of the state, or such parts thereof as they may think expedient in order to determine judiciously upon a point for the permanent seat of government of the state of Iowa.

**SEC. 4. Location near the center.** The location shall be made as near the geographical centre as, in the opinion of the commissioners, may be consistent with an eligible and healthy site, the general features of the surrounding country and the interest of the state generally; and the point thus selected shall be the permanent seat of government.

**SEC. 5. Consideration of grants.** In making the selection of land in this act mentioned, and the location of the seat of government, it shall be lawful for said commissioners to take into consideration any proposition of land or claims which may be submitted for that purpose.

**SEC. 6. To employ a surveyor—plat to be made.** The said commissioners shall employ a surveyor, and upon locating the seat of government and selecting said land, cause the same, [86] thus selected, to be surveyed, and a plat thereof to be made out, and attach the same to a report of their proceedings under this act, to be by them filed in the office of the secretary of state.

**SEC. 7. To lay off town—town plats—capitol square.** The said commissioners having selected the land aforesaid, and located the seat of government, shall proceed to cause to be laid off and surveyed a town, upon such a place as they may think most conducive to the interest and convenience of the state; and shall cause a fair plat or plats thereof to be made and recorded according to the existing laws. The commissioners shall cause a square to be laid off, of not less than five acres, upon which to erect the capitol, and also such other squares as they may think proper.

**SEC. 8. Public sale of lots—terms of sale—size of town—certificate of sale—as to titles—sale forfeited—state may sell again.** The said commissioners shall have power to fix upon a time for a public sale of lots, giving such notice, through the newspapers and otherwise, as they may deem necessary; they shall fix the terms of sale, requiring at least one fourth of the purchase money in hand, and the remainder in three equal instalments of two, four and six years, bearing interest at the rate of six per centum per annum, from date until paid.

The said commissioners shall not lay out more than one section of land into town lots, nor sell more than two lots in any one block, within the first two years. The commissioners shall give to purchasers a certificate of sale, specifying therein the lot or lots sold, the amount sold for, the amount paid in hand, and the amount and date of each subsequent payment: but no title shall pass to the purchaser by virtue of such certificate, until the purchase money and interest shall be fully paid; and which payment if not fully done, on or before the expiration of sixty days after the last payment shall become due, the purchaser shall be taken and considered to have forfeited all right whatever to the property thus sold, as well as the money he may have paid thereon, and the state may proceed to sell the same as though no previous sale had taken place.

**SEC. 9. Treasurer—bond and security—condition—money how paid.** Before proceeding to a sale of lots as hereinbefore provided, the said commissioners shall select one of their own body as treasurer, and [who] shall give bond and security to the governor in the penalty of ten thousand dollars, to be approved by a judge of one of the district courts, and by him filed with the secretary of state. Said bond shall be conditioned that he shall well and truly account for and pay over all moneys coming into his hands by virtue of his office according to law; and, upon the sale of lots as hereinbefore provided, the money shall be paid into the hands of said treasurer.

**SEC. 10. Commissioners' report—where filed.** The said commissioners shall, after the termination of the public sale aforesaid, make a full report of all their proceedings in [87] writing to the governor, to be filed in the office of the secretary of state, and thereupon their commission shall terminate.

**SEC. 11. Compensation.** The commissioners aforesaid shall be allowed the sum of three dollars per day for the time which they shall necessarily be employed in the discharge of the duties of their commission.

**SEC. 12. Expenses, how paid—funds, how paid.** All necessary and reasonable expenses attending the discharge of the duties herein provided for, shall be allowed and paid out of the funds received at said sale of lots; and the balance of funds in their hands, after paying said demands, shall be paid into the state treasury, and be set apart and preserved, with all funds arising from the sale of lots, for the specific purpose of erecting public buildings.

Approved, February 22d, 1847.

## CHAPTER 72.

### COMMISSIONERS' DISTRICTS.

AN ACT authorizing county commissioners to lay off their counties into county commissioners' districts.

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

**SECTION 1. Counties districted.** That the board of county commissioners of the several counties of this state, not heretofore divided into county commissioners' districts, and all counties which may hereafter be organized, be, and they are hereby authorized to lay off their respective counties into county commissioners' districts, which districts shall be numbered first, second and third.

**SEC. 2. Commissioners how elected.** That the commissioner to be elected at the next election after districting any county, in the manner provided for in

the first section of this act, shall not be a resident of the district in which either of the commissioners whose term of office does not expire at the time of said first election, shall reside; and alternately thereafter, there shall be elected from each district one county commissioner annually, in accordance with the provisions of an act organizing a board of commissioners in each county, approved February 15th, 1843, in like manner as though the county had been divided under the provisions of said act.

**SEC. 3. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers published in Iowa City.

Approved, February 22d, 1847.

Published in the Reporter March 7th, 1847, and Standard, March 18th, 1847.

[88] CHAPTER 73.

DAVENPORT.

AN ACT to repeal the charter of the town of Davenport.

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

**SECTION 1. Charter repealed.** That an act entitled "An act to incorporate the town of Davenport," approved February 11th, 1842, be, and the same is, hereby repealed, from and after the first day of April next: provided, a majority of the votes polled at the election hereinafter authorized shall be in favor of such repeal.

**SEC. 2. Election.** Previous to the third Monday in March next the mayor of said town shall appoint three persons to act as judges of election, and shall cause a notice to be served upon such persons so appointed; and on the said third Monday in March a poll shall be opened at the LeClaire House, in said town, for the purpose of determining whether the charter of said town shall be repealed. The said election shall be opened at one o'clock, p. m., and continue open until four o'clock, p. m. The electors shall vote by ballot a ticket with the word "Repeal," or "No repeal," written or printed thereon. At the close of said election the judges shall certify the number of votes polled for and against a repeal of said charter, and shall deliver the same to the clerk of the board of commissioners of Scott county, who shall file the same in his office and enter upon the books of said board the number of votes polled for and against the repeal of said charter.

**SEC. 3. Voters.** Every person who is a qualified elector for mayor and aldermen of said town, and every white male person above the age of twenty-one years who shall, on the said third Monday in March next, be the legal owner of any real estate within the limits of said town, shall be allowed to vote at said election.

**SEC. 4. Effect of repeal.** The repeal of said act shall not extinguish the debts due to or from said corporation, nor shall the lands and tenements of said corporation revert to the grantor and his heirs, or the goods and chattels thereof be vested in the state thereby; but the mayor, aldermen and other officers who shall be in office under the law creating said corporation on the said first day of April next, shall continue to hold and exercise their said offices respectively for the term of one year thereafter, for the purpose of collecting all debts, taxes and assessments due or owing to said corporation, and for the

purpose of selling and conveying the real and personal estates belonging thereto, and paying the debts due from said corporation—but for no other purpose whatever.

[89] **SEC. 5. Take effect.** This act shall be published in the Davenport Gazette, and shall take effect from and after its publication.

Approved, February 22d, 1847.

## CHAPTER 74.

### JUSTICES OF THE PEACE.

#### AN ACT concerning justices of the peace.

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

**SECTION 1. Jurisdiction of justices.** That justices of the peace shall have jurisdiction in all civil cases, (except cases in chancery, and cases where the question of title to any real estate may arise,) when the amount in controversy does not exceed one hundred dollars, and by consent of parties, justices of the peace shall, furthermore, have jurisdiction in all civil cases (with the exception aforesaid), when the amount in controversy does not exceed five hundred dollars.

**SEC. 2. Acts amended.** So much of the act of the ninth of February, 1843, and of all other acts and parts of acts concerning the duties and proceedings of justices of the peace, passed by the authorities of the territory of Iowa, as do not conflict with the constitution of this state, or the provisions of this act, shall have the same effect as if passed by the general assembly of this state, and are hereby so amended in matters of form as to be made applicable to proceedings of justices of peace under the state organization.

**SEC. 3. Terms of justices.** All justices of the peace now in office are hereby authorized to hold their respective offices during the term for which they were respectively elected, and until their successors are elected and qualified.

**SEC. 4. Oath of office.** The form of the oath to be taken and subscribed by justices of the peace hereafter shall be as follows: "I, A. B., do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States, and the constitution and laws of the state of Iowa, that I will administer justice without respect to persons, and faithfully and impartially discharge and perform all the duties incumbent upon me as a justice of the peace, according to the best of my understanding."

**SEC. 5. When to be taken.** Every justice of the peace now in office, is hereby required to take and subscribe the oath prescribed in the foregoing section within sixty days from and after the taking effect of this act.

**SEC. 6. How actions brought—proviso.** Every action cognizable before a justice of the peace instituted by summons, shall be brought before some justice of the township [90] wherein the defendant resides, but in all cases in which any person may contract in writing to make payment at any particular place, suit may be brought in the township in which payment was to be made, in which case the process may be served in any part of the county, the justice indorsing on said process that payment was to be made in the township in which suit is brought: provided, that in no case shall any civil action (other than by attachment) against any defendant who is a householder in this state, be commenced in any county other than the one in which such defendant resides.

**SEC. 7. Style of process.** All process issued by a justice of the peace shall run, "In the name of the state of Iowa," and be directed to any constable of the proper county, except when it is otherwise specially provided; and all process issued by justices of the peace, in the name of the state of Iowa, since the adoption of the constitution of the state of Iowa by the people, is hereby declared to be legal and valid.

**SEC. 8. Attachment.** The first section of the eleventh article of the act of the ninth of February, 1843, prescribing the powers and duties of justices of the peace, is hereby so amended as to extend the sum for which a creditor may sue his debtor by attachment, before a justice of the peace, to one hundred dollars.

**SEC. 9. Acts repealed.** The first and second clauses of the thirteenth section of the first article of the said act of the ninth of February, 1843, as well as all after the enacting clause of the first section, and also the third and fourth sections of the act amendatory thereto, approved 14th February, 1844, together with so much of said acts and all other acts as come in conflict with the provisions of this act, are hereby repealed.

**SEC. 10. Take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 22d, 1847.

Published in the Reporter and Standard, February 24th, 1847.

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## CHAPTER 75.

### STATE AND COUNTY OFFICERS.

AN ACT in relation to the duty of state and county officers in certain cases.

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

**SECTION 1. To complete certain acts.** That in all cases under the laws of the territory of Iowa, wherein any deed or deeds are to be executed by any sheriff, coroner, collector, or other officer of any county, or of the territory of Iowa, or any other [91] duty is to be done or performed by any such officer, under and by virtue of the laws of said territory, or to complete any such duty already commenced, it shall be legal, and it is hereby made the duty of any such officer to go on, execute and complete the same, under and by virtue of, and in the name of the state of Iowa, and the same, when complete, shall be as effectual and valid in all respects as if no change of government had taken place.

**SEC. 2. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 22d, 1847.

Published in the Reporter, Feb. 24th, 1847, and in the Standard March 3d, 1847.

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## CHAPTER 76.

### BURLINGTON.

AN ACT to amend the charter of the city of Burlington.

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

**SECTION 1. Amount of tax.** That the amount of tax to be levied upon real and personal estate by the mayor and aldermen of the city of Burlington, after

the taking effect of this act, shall not exceed twelve and one-half cents on every one hundred dollars' worth of property to be assessed.

**SEC. 2. Election—form of vote.** Before this act shall take effect, the qualified voters residing within the limits of said city shall vote for or against the provisions of this act, the vote upon which shall be put in this manner: "Are you in favor of, or against a reduction of the tax?" If a majority of all the votes cast be in favor of a reduction, then this act shall be in full force and effect—but not otherwise.

**SEC. 3. Poll opened—when—notice.** A poll shall be opened in said city at the usual places of holding elections therein, on the second Monday in April next, for a vote to be taken for or against the provisions of this act; of which said election said mayor and aldermen shall cause ten days' previous notice to be given, and said election shall be conducted as other city elections.

**SEC. 4. To take effect—how paid for.** This act shall be published, by one insertion, in the State Gazette and Hawkeye, printed in the city of Burlington, at least three weeks before said election; said insertion to be paid for by said city.

Approved, February 22d, 1847.

[92] CHAPTER 77.

UNITED STATES SENATORS AND JUDGES.

AN ACT to provide for the election of United States senators and other officers.

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

**SECTION 1. Election.** That at each and every regular session of the general assembly of this state, next preceding the expiration of the constitutional term of service of a United States senator, or at any session when a vacancy shall exist, at an hour to be designated by a resolution of either branch, with the concurrence of the other branch of the general assembly, the members of both houses thereof shall meet in convention in the hall of the house of representatives, for the purpose of electing a senator or senators, by joint vote, in pursuance of the constitution of the United States, to represent this state in the senate of the United States.

**SEC. 2. Presiding officer.** The president of the senate, or in his absence the speaker of the house of representatives, shall preside over the deliberations of the convention; and in the absence of both, a president pro tempore shall be appointed by joint vote.

**SEC. 3. Judges of election.** At any time prior to meeting in convention as aforesaid, after the time for meeting has been designated as aforesaid, each branch of the general assembly shall appoint one teller, and the two tellers thus appointed shall act as judges of the election.

**SEC. 4. Record—secretary.** The secretary of the senate and the chief clerk of the house of representatives shall each keep a fair and correct record of the proceedings of the convention, which shall be entered upon the journals of each branch of the general assembly. The chief clerk of the house of representatives shall act as secretary to the convention.

**SEC. 5. Names arranged.** The names of the members of the general assembly shall be arranged by the secretary in alphabetical order, and each member shall vote in the order in which his name stands when thus arranged.

**SEC. 6. Vote how taken.** When the convention shall be organized as aforesaid, the members present shall proceed to choose, *viva voce*, a senator or senators, as the case may be, to represent this state in the senate of the United States. The name of the person voted for, and of the members voting, shall be entered in writing by the tellers, who shall, after the secretary shall have called the names of the members a second time, and the name of the person for whom each member has voted, report to the president of the convention the number of votes given for each candidate.

[93] **SEC. 7. Second election, etc.** If neither of the candidates shall receive the votes of a majority of the members present, a second poll may be taken, and so from time to time, until some one of the candidates shall receive a majority of the votes of the members present.

**SEC. 8. Adjournment.** If the election shall not be completed at the first meeting, the president shall adjourn the convention whenever, and to such time, as a majority of the members then present shall determine, and so from time to time, until some one of the candidates shall receive a majority as aforesaid.

**SEC. 9. Certificate of election.** When any person shall have received a majority of the votes as aforesaid, the president of the convention shall declare him to be duly elected a senator to represent this state in the senate of the United States; and he shall, in the presence of the members of both houses, sign two certificates of the election, attested by the tellers, one of which he shall transmit to the governor, and the remaining one shall be preserved among the records of the convention, and entered at length on the journals of each house of the general assembly.

**SEC. 10. Duty of governor—credential.** Upon the reception of said certificate, the governor shall cause a credential to be made out, with the great seal of the state affixed thereto, and cause it to be delivered to such senator elect, which credential shall be in form following:

“State of Iowa, to wit: The general assembly of this state, on the — day of —, one thousand eight hundred and —, having, in pursuance of the constitution of the United States of America, chosen — a senator to represent this state in the senate of the United States, I, —, governor of the state of Iowa, do, by these presents, certify the same to the senate of the United States.

Given under my hand and the great seal of the state of Iowa, this — day of —, one thousand eight hundred and —.”

**SEC. 11. Temporary appointment—credential.** When the executive shall, by virtue of the constitution of the United States, make a temporary appointment of a senator, he shall deliver to such senator a credential, in form following:

“State of Iowa, to wit: —, who was chosen United States senator from this state, in pursuance of the constitution of the United States of America, having died, (resigned, or otherwise, as the case may be,) during the recess of the general assembly of this state, I, —, governor of the state of Iowa, have, therefore, thought fit to appoint — to fill the vacancy.

Given under my hand and the great seal of the state of Iowa, this — day of —, one thousand eight hundred and —.”

[94] **SEC. 12. Election of judges.** That the judges of the supreme court, and all other officers required to be elected by joint vote of the general assembly, shall be conducted according to the provisions of this act, so far as the same may be applicable.



**SEC. 13. Rules.** In the absence of other rules, the rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the convention.

**SEC. 14. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 23d, 1847.

Published in the Reporter April 7th, and in the Standard April 14th, 1847.

## CHAPTER 78.

### STATE GOVERNMENT.

AN ACT to complete the change from a territorial to a state government.

**Preamble.** Whereas, by our present laws, writs are directed to run in the name of the United States of America, and in many other ways the federal government is, by those laws, regarded as the sovereign authority, and ourselves as a dependent territory; and whereas, in order to assume fully the attitude of our independent state, it is proper that our laws and judicial proceedings should be accommodated to our new condition, in shape as well as in substance; therefore,

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

**SECTION 1. Style of writs.** That all writs which have heretofore run in the name of "the United States of America," shall hereafter run in the name of "the state of Iowa."

**SEC. 2. Bond and recognizances.** A like change shall be made in bonds and recognizances executed to the public, and in all other cases where a similar reason exists, and where such change shall be proper to carry into effect the object of this law.

**SEC. 3. The word territory.** The word territory shall be changed to the word state, under like circumstances.

**SEC. 4. Writs and proceedings made valid.** All writs and other proceedings and instruments wherein, since the adoption of our state constitution, and before the taking effect of this law, the changes above authorized shall have been or may hereafter be made, shall be deemed as valid as though this act had all the while been in force.

**SEC. 5. Acts and resolutions made valid.** That all acts and resolutions passed by the general assembly of the state of Iowa, prior to her admission into the union, shall be [95] considered as valid and effectual, in all respects, as if passed and approved subsequent to her admission.

**SEC. 6. To take effect.** This act shall take effect and be in force from and after the first day of April next, and shall forthwith be published in the newspapers of Iowa City.

Approved, February 23rd, 1847.

Published in the Standard Mar. 3d, 1847, and in the Reporter Mar. 17th, 1847.

## CHAPTER 79.

### FARMINGTON.

AN ACT to incorporate the city of Farmingham, Van Buren county, Iowa.

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

**SECTION 1. Limits of the corporation—title—may sue, etc.—hold property—seal.** That all that part or tract of land lying in township sixty-eight north,

and fractional township sixty-seven north, and range eight west, in the county of Van Buren, as is comprised in the town plat of Farmington and North Farmington, including the streets as laid off originally in the first town plat of Farmington, at the north and south ends, together with all additions that may hereafter be made and recorded thereto, also to the middle of the Des Moines river, opposite said plats, be, and the same is, hereby constituted the city corporate, to be known by the name and title of the city of Farmington, and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions and matters whatsoever, may grant, purchase, receive and hold property, real and personal, and may lease, sell and dispose of the same for the benefit of the city, and may do all other acts as natural persons, may have a common seal, and break and alter the same at pleasure.

**SEC. 2. Powers, how vested.** The corporate powers and duties of said city shall be vested in a mayor and board of aldermen, who shall be chosen as hereinafter directed.

**SEC. 3. Board of aldermen—wards.** The board of aldermen shall consist of four members, for the election of whom the city shall be divided into two wards, the centre of Elm street being the division line; the lower or southern ward shall be called the first, and the upper or northern the second, which may be altered from time to time, and new wards established, as the convenience of the inhabitants may require; that two aldermen shall be elected from each ward.

**SEC. 4. Mayor, how elected—contested—tie—qualifications.** The mayor shall be elected by the qualified electors of the [96] city, shall hold his office for the term of one year, and until his successor is duly elected and qualified. When any election for mayor shall be contested it shall be determined by the board of aldermen. When two or more persons shall have an equal number of votes for mayor, it shall be determined by lot. The mayor shall be twenty-one years of age, and a citizen of this state.

**SEC. 5. Aldermen, how elected—tie—vacancies.** The aldermen shall be chosen by the qualified electors of the city for the term of one year; and whenever there shall be a tie in the election of aldermen, it shall be determined by judges of the election of the ward in which it shall happen, by lot; and all vacancies shall be filled by election as aforesaid, in such manner as shall be provided by ordinance. The aldermen shall be twenty-one years of age, and citizens of the state and county.

**SEC. 6. First election—polls, when opened—ballot—duty of clerk—oath.** At the first election under this act the qualified electors of each ward shall meet, on the second Saturday in March next, at some convenient place in their respective wards, and shall elect, by ballot, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of them by this act. The polls shall be opened between the hours of nine and ten in the forenoon, and close at five in the afternoon of the same day. The votes at this election, and all subsequent elections, [shall] be cast by ballot, and, at the close of the polls, the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall make a true record thereof; and, within five days after such election, said clerk shall give notice to the persons elected of their election; and the persons so elected shall take and subscribe the oath of office before some justice of the peace, or some person qualified to administer such oath, which shall be endorsed on such certificate by the justice or officer administering the same within five days thereafter; and all subsequent elections shall be held as provided by ordinance. At the close of the polls of the first election,

the judges and clerk of the second ward shall meet the judges and clerk of the first ward at their place of holding the election, and compare their poll books; and, when ascertained, it shall be proclaimed by one of the judges who is elected mayor, treasurer, assessor and city constable.

**SEC. 7. Aldermen may appoint president—quorum—absent members.** The board of aldermen shall appoint their president and all other officers of the board; shall judge of the qualifications, elections and returns of their own members; a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the board may provide.

[97] **SEC. 8. Meetings of the board.** The stated meetings of the board of aldermen shall be on the first Monday in March, June, September and December, in every year, but they may be convened by the mayor at any time when he may think it expedient.

**SEC. 9. Duty of mayor—fees.** The mayor shall be *ex officio* a conservator of the peace throughout the city; he shall have the powers and jurisdiction vested in justices of the peace, in matters of a criminal nature, and shall receive the same fees as may be allowed to justices of the peace for like services, and shall exercise and perform such powers and duties required of him by ordinance, not inconsistent with the constitution and laws of this state.

**SEC. 10. Appointment of officers—duty of mayor—to fill vacancies—information—casting vote.** The mayor shall nominate, and with the concurrence of the board of aldermen, appoint all officers within the city, which are not ordered by law or ordinance to be otherwise appointed. It shall be his duty to enforce the laws of the state, and ordinances of the city, within the corporate limits thereof. He may, with the advice of the board of aldermen, remove from office any person holding office created by ordinance; he shall have power to fill all vacancies that may happen in any office, other than alderman, until the end of the session of the board of aldermen, which may happen after the vacancies shall occur; he shall, from time to time, give to the board of aldermen information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient, and in case of a tie of the board, shall give the casting vote.

**SEC. 11. Vacancy of mayor—how filled—compensation—new election.** When any vacancy shall happen in the office of mayor by death, resignation, removal, or absence from the city, removal from office, refusal to qualify, or otherwise, the president of the board of aldermen, for the time being, shall exercise the office of mayor until such vacancy shall be filled, and during the time he shall so fill such office, he shall receive the same compensation as the mayor would have been entitled to; and in case of vacancy, as aforesaid, other than temporary absence, the person exercising the office of mayor shall cause a new election to be held, giving ten days' written notice thereof.

**SEC. 12. Powers and duties of mayor and aldermen—taxes—proviso—ferries—health—auctions, exhibitions, etc.—bridges and markets—proviso—streets, etc.—fires—elections—fines.** The mayor and board of aldermen shall have power by ordinance to levy and collect, upon real and personal property within the city, such tax as shall, from time to time, become necessary for the purposes of the corporation, on all property and persons made taxable by law for state purposes: provided, said tax shall not exceed one-half per centum per annum; and they shall have power by ordinance to regulate ferries within the city; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to provide for licensing, taxing and regulating auctions, retailers and [98] taverns, theatrical and other shows of amusement; to prohibit tippling houses, gaming houses, and other disorderly houses;

to establish and repair bridges; to establish and regulate markets: provided, that nothing in this act shall be so construed as to prevent any person from selling the products of their farms in such quantity as they may deem proper; to open and keep in repair streets, avenues, lanes, alleys, and keep the same clean; to provide for the prevention and extinguishing of fires; to regulate the police of the city; to regulate the election of city officers and fix their compensation; and, from time to time, to pass such ordinances to carry into effect the object of this act, and to secure the health and convenience of the city, as may be necessary and as the good of the inhabitants may require; and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof.

**SEC. 13. Grocery license.** That the said corporation shall be subject to the laws of this state regulating grocery license.

**SEC. 14. Paving streets.** Upon the application of the holders of two-thirds of the front of the lots on any street or part of a street, it shall be lawful for the mayor and aldermen to levy and collect a special tax on the holders of lots on the said street or part of a street, according to their respective fronts, for the purpose of paving such street or part of a street.

**SEC. 15. Power as to streets—injury—damages—benefits—who pays.** The mayor and aldermen shall have power to regulate, pave and improve the streets, avenues, lanes and alleys within the limits of the city, and to extend, open and widen streets, avenues, lanes and alleys, making the person or persons injured thereby adequate compensation therefor, to ascertain which, the mayor shall, in all cases, cause to be summoned twelve good and lawful men, inhabitants of said city, not directly interested, who shall, (being first duly sworn for that purpose,) enquire into and take in consideration, as well the benefits as the inconveniences which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extension or widening of any street, avenue, lane or alley, and shall moreover, estimate the amount which other persons may be benefitted thereby, who shall contribute towards compensating the persons injured, all of which shall be returned to the mayor under their hands and seals, and the person or persons who shall be benefitted and so assessed, shall pay the same in such manner as shall be provided for by ordinance, and the residue, if any, shall be paid out of the city treasury.

**SEC. 16. Ordinance to be signed.** Every ordinance which shall be passed by the board of aldermen, shall be signed by the mayor within three days after its passage.

**SEC. 17. Style of process—publication.** The style of the laws of said corporation shall be, "Be it [99] ordained by the mayor and board of aldermen of the city of Farmington." And all ordinances shall within ten days after they are passed, be posted up in three public places in the city, or published in some newspaper printed therein.

**SEC. 18. Register—oath and bond—duties.** The mayor shall nominate, and with the consent of the board of aldermen, appoint a register of the city, who shall hold his office for the term of one year, unless sooner removed; who, before he enters upon the duties of his office, shall take and subscribe the oath hereinafter prescribed, and shall, moreover, give bond with sufficient security, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office; and it shall be his duty to keep a register of all the official acts of the mayor, and when necessary, shall attest them. He shall keep a book or books, wherein shall be entered all the proceedings of the board, which book shall at all proper times, be open to the inspection of the inhabitants of the city; and he shall keep and preserve in his office, all records, public papers, and

documents belonging to the city, and shall perform such other duties as shall be enjoined on him by ordinance.

**SEC. 19. Oath of office.** The mayor and each of the aldermen, and every other officer of the corporation, shall, before entering upon the discharge of the duties of his office, take an oath or affirmation, before some justice of the peace, or other officer authorized to administer said oath, to support the constitution and laws of this state, and faithfully to demean himself in office.

**SEC. 20. City property.** All property, real or personal, heretofore belonging to the inhabitants of the town of Farmington, or the trustees thereof, in their corporate capacity, shall be, and is hereby declared to be, vested in the corporation of the city of Farmington.

**SEC. 21. General election—treasurer, assessor and constable—oath and bond—powers and duties of constable—compensation.** A general election of the officers of the corporation shall be held on the first Saturday in March, in each and every year, in the several wards of the city, in such manner as the mayor and aldermen may by ordinance provide, and in addition to the officers heretofore specified, there shall be elected a treasurer, assessor, and city constable, who shall respectively, before entering on the discharge of the duties of their respective offices, take the oath of office prescribed by this act, and enter into bond to the said corporation, with sufficient securities, to be approved of by the mayor, conditioned for the faithful discharge of the duties of their offices, and the said constable shall possess the same powers, and perform the same duties within said city, as the constables in the different townships possess in their respective townships, and shall moreover, execute and return all process which may be issued by the mayor, and such other duties as may be prescribed by ordinance, and [100] shall be entitled to the same compensation as constables in like cases, until otherwise provided for by ordinance.

**SEC. 22. Unpaid taxes—if tenant pays—proviso—estate may be sold—redemption—duty of mayor.** If any owner or occupier of the lots upon which any special tax is laid, or other tax, shall fail to pay the same, or, in lieu of such tax, fail or refuse to do the work upon any street or alley, that he may, by order of the board of aldermen, be required to do, then it shall be competent for the board of aldermen to recover the full amount of such special or other tax, or liability whatsoever, from said owner or occupier, by an action of debt before any court of competent jurisdiction, applying said special tax to the object for which it was levied, and if any tenant shall do the work, as required of him by the board of aldermen, or pay the special or other tax, the amount so paid shall be a good offset against so much of the rent as is due the owner; provided, that no such tenant shall be required to expend more than is due to the owner of such lot or lots, at the time of assessment or notice of the work, in lieu of the tax assessed. If any person, resident or non-resident, refuse to do such work within the time required, or pay such tax or taxes to the corporation, and the amount thereof cannot otherwise be made, the said board of aldermen may by ordinance order that the real estate, or so much thereof as may be necessary to satisfy the debt with costs, be sold in such manner as the board of aldermen may direct, and in one year from the day of sale, if the original owner shall have failed to refund the purchase money, together with interest at the rate of twenty-five per centum per annum and costs of sale and transfer, then the mayor is authorized and required to execute to the purchaser a quit claimed deed for the land purchased.

**SEC. 23. Statements to be published.** It shall be the duty of the mayor and board of aldermen, and they are hereby required, to cause to be posted up annually, at three public places in the city, or published in some newspaper printed therein, a full and complete statement of all the moneys received and expended by the corporation during the preceding year, and on what account received and expended.

**SEC. 24. Fire companies.** The mayor and board of aldermen shall have power to organize and establish fire companies, and the members thereof shall be exempt from performing military duty in time of peace.

**SEC. 25. Repealing section.** An act for the incorporation of the town of Farmington, Van Buren county, Iowa territory, approved January 11th, 1841, and all acts amendatory thereto, be and the same are hereby repealed.

**SEC. 26. To take effect.** This act to take effect from and after its passage. Approved, February 22d, 1847.

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[101] CHAPTER 80.

BELLVIEW.

AN ACT to change the name of Bellview, in Jackson county.

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

**SECTION 1. Name changed.** That the name of the town of "Bellview," in the county of Jackson, be changed to that of "Bellevue."

**SEC. 2. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers printed in Dubuque.

Approved, February 23rd, 1847.

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CHAPTER 81.

INCORPORATIONS.

AN ACT to authorize general incorporations.

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

**SECTION 1. Incorporation.** That any number of persons may hereafter incorporate themselves for the transaction of any business which may be the lawful subject of a general partnership, including the establishment of ferries, the construction of railroads, and other works of internal improvement.

**SEC. 2. Regulations.** They may make such regulations as they please in relation to the management of their business, not incompatible with an honest and legal purpose.

**SEC. 3. Transfer.** They may render their individual interest in the corporation transferable.

**SEC. 4. Death of members.** The death of any of its members shall not terminate the corporation.

**SEC. 5. May sue—seal.** They may sue and be sued in their corporate name, and have a common seal.

**SEC. 6. Private property.** They may exempt private property from corporate debts, and may hold, buy and sell real estate: provided, the requisitions of this act are substantially complied with.

**SEC. 7. Articles to be recorded—certificate filed.** Previous to commencing business they shall adopt articles of incorporation, which shall be recorded in the office of the recorder of deeds in the county where the principal place of business is; and, further, all corporations for the purpose of constructing railroads, canals and other works of internal improvement, shall file a certified copy of their articles of association in the office of the secretary.

[102] **SEC. 8. Notice.** A notice shall be published four weeks in succession in some newspaper in such county, or, if no newspaper be printed therein, then such publication shall be made in some newspaper as convenient as practicable thereto.

**SEC. 9. Failure to comply.** A failure to comply with either of the requisitions contained in the two preceding sections, shall render their individual property liable on all contracts.

**SEC. 10. Contents.** The notice required by the eighth section shall contain:

**First**—The name of the corporation, and the principal places of transacting business.

**Second**—The general nature of the business to be transacted.

**Third**—The amount of capital stock incorporated.

**Fourth**—The amount of capital stock actually paid in, and the times and conditions on which the remainder is to be paid.

**Fifth**—The time of the commencement and termination of the association.

**Sixth**—The officers of the company, and the time of holding elections.

**SEC. 11. Republication.** A like publication and recording shall be made upon renewal, or any essential alteration of the articles of incorporation.

**SEC. 12. May continue 20 years.** The corporation shall not be permitted to continue for more than twenty years at once, but may be renewed for a like time by the unanimous consent of the corporators.

**SEC. 13. Cannot be dissolved.** The corporation cannot be voluntarily dissolved previous to the period first fixed upon, without giving the same previous newspaper publication of its dissolution, as is required by section eight in its creation.

**SEC. 14. Fraud.** Intentional fraud in the transaction of the affairs of the company shall subject those guilty thereof to fine and imprisonment, or both, at the discretion of the court. Any person who shall receive injury from such fraud, may also recover damages therefor in a civil suit against such corporation.

**SEC. 15. Dividends when to be fraud.** The payment of dividends which shall leave insufficient funds to meet the liabilities of the company, shall be deemed fraud.

**SEC. 16. Members liable.** A failure to comply with the foregoing requisitions, or a substantial departure from the articles of association, shall render the individual property of the members of the company liable for the corporate debts.

**SEC. 17. Forfeiture.** Either such departure, or the practice of fraud by the company, shall cause a forfeiture of all their privileges under this act, and the courts may proceed to wind up their business, as in cases of special corporations that have violated their charters.

**SEC. 18. Process how served.** Legal process may be served upon any officer of the [103] company, and, if there be no officers, then upon any member thereof. This shall be deemed sufficient service upon the company.

**SEC. 19. Execution—notice—duty of court.** Whenever an execution shall be issued against the company, and, after reasonable inquiries, no corporate property can be found sufficient to satisfy the same, it shall be lawful to serve a notice upon the acting manager of the business of the company, or, if none such can be found, then upon any member thereof, requiring them to appear before the district court of the county where the judgment was obtained, and show cause why the individual property of the members of the company should not be made liable, and, if no sufficient cause be shown, then the court shall order the execution to be levied upon such property.

**SEC. 20. Property released—how property treated.** Property seized by virtue of such execution shall only be released from the effects of the law by either:

First—Pointing out sufficient company property whereon to levy; in which case the costs thus far made shall be added to the amount to be collected from the company by the execution—or,

Second—By making and filing in the clerk's office an affidavit that the funds of the company are exhausted, and by informing the officer who made the levy of the same. In this case the officer shall forthwith make return of that fact to the court from whence the execution was issued. He shall thereupon suspend all further proceedings under the execution, and the property levied upon shall be treated as though held by virtue of a writ of attachment until the further order of the court.

**SEC. 21. As to plaintiff—issue.** The plaintiff may direct a release of the property thus taken in execution, or he may appear before the district court at the return day of the execution, or as early as practicable afterwards, and, in answer to a rule to show cause why the property should not be released, may allege such matters as will render the private property of the members of the company liable. Issue shall thereupon be joined, to be tried by a jury.

**SEC. 22. Trial—judgment.** Upon such trial it shall be necessary for the company to exhibit their books and papers, if required, and explain by those, or by some other means, the fairness and regularity of their business transactions. The judgment of the court shall be in accordance with the finding of the jury.

**SEC. 23. Claim of member.** Whenever the private property of one member of the company is thus held, he shall have a claim for indemnity against the company.

**SEC. 24. Member may sue.** Any of the members may sue the company at law for a private demand against the same.

**SEC. 25. Winding up concerns.** All corporations whose charter shall expire by their own [104] limitations, or shall be annulled by forfeiture or otherwise, shall nevertheless be continued bodies corporate for the term of ——— years after the time when they would have been so dissolved, for the purpose of prosecuting and defending suits by or against them, and of enabling them gradually to settle and close their concerns, to dispose of and convey their property, and to divide their capital stock, but not for the purpose of continuing the business for which such corporation or corporations have been, or may be, incorporated.

**SEC. 26. Private property liable.** The private property of each stockholder shall be liable for all the debts of the corporation, to the amount of stock owned by said stockholder at the time when such debts were contracted, and also to the amount of stock owned by said stockholder at any subsequent time.

Approved, February 22d, 1847.

## CHAPTER 82.

### DUBUQUE.

AN ACT to incorporate and establish the city of Dubuque.

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

**SECTION 1. Boundaries of Dubuque—a body corporate—seal—city council.** That all that part of the state of Iowa included within the following limits, to wit: Beginning at a point in the middle of the main channel of the Missis-



Mississippi river, eastwardly and in line with the south boundary of the town of Dubuque, as surveyed and laid out by the commissioners appointed in pursuance of an act of congress, to lay off the towns of Fort Madison, Burlington, Dubuque, etc.; thence south sixty-seven degrees thirty-nine minutes west, to a stone planted in the ground; thence on the westerly boundary, north twenty-two degrees thirty minutes west, to a stake and stone; thence on the north boundary, north sixty-seven degrees thirty minutes east, to the middle of the main channel of the Mississippi river; thence down said river, with said channel, to the place of beginning; shall be and is hereby declared to be a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, by the name and style of the city of Dubuque; and as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places in all matters whatsoever; and also of purchasing, using, occupying, enjoying and conveying real, personal and mixed estate; and may have and use a corporate seal, and may change, alter and renew the same at [105] pleasure; and shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation. And for the better ordering and governing said city, the exercise of the corporate powers of the same, hereby and herein granted, and the administration of its fiscal, prudential and municipal concerns, with the conduct, direction and government thereof, shall be vested in a mayor and aldermen, consisting of seven members, to be denominated the city council, together with such other officers as are hereinafter mentioned and provided for.

**SEC. 2. Property invested in said city.** That the said city of Dubuque shall be, and hereby is, invested as the lawful owner and proprietor, with all the real, personal and mixed estate, and all the rights and privileges thereof, together with all the property, funds and revenues, and all moneys, debts, accounts and demands, due and owing, or in any wise belonging to said city, or which by or under the authority of any former act or acts, have been acquired, vested in, or is or may be owing or belonging to the city of Dubuque, together with all rights, interests, claims and demands in favor of or against said city, may be continued, prosecuted, defended and collected in the same manner as though this act had never been passed.

**SEC. 3. Annual election—city council—quorum—journal—when to meet—to take oath.** That the qualified electors of said city shall, on the first Monday in April, Anno Domini, eighteen hundred and forty-seven, and annually on the same day thereafter, elect a mayor, who shall have resided in said city three years; and the qualified electors of said city shall at the same time elect six aldermen, who shall have resided in said city two years; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business; they shall be the judges of the election returns and qualification of their own members, and shall continue in office for the term of one year, and until their successors shall be chosen and qualified. They shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection and examination of every citizen; and may compel the attendance of absent members in such manner and under such penalties as they may prescribe; and they shall meet at some convenient place in said city, on the second Monday in April, and after taking the oath of office before some officer qualified to administer oaths, shall elect from their own body a president *pro tempore*.

**SEC. 4. Treasurer's duties—officers.** That there shall be elected by the qualified electors of said city, on the first Monday of April annually, a treasurer, who shall hold his office for the term of one year, and until his successor

shall be elect-[106]-ed and qualified. He shall perform such duties and exercise such powers not herein specified, as may be lawfully required of him. There shall also be elected by the qualified voters of said city, on the first Monday of April annually, a recorder, city marshal, and assessor of said city, who shall hold their offices for the term of one year, and until their successors shall be chosen and qualified, and who shall perform such duties and exercise such powers as may be lawfully required of them by the ordinances of said city.

**SEC. 5. Proclamation—duty of judges—proviso—failure to elect—mayor's duty—elections.** That in all elections for city officers, it shall be the duty of the mayor to issue a proclamation to the qualified voters of said city, setting forth the time of such elections, the place or places where the same shall be holden, the officer or officers to be chosen, and cause such proclamation to be posted up in three of the most public places in said city, at least ten days previous to such election. And every such election shall be opened between the hours of eight and ten o'clock in the forenoon and continue open until four o'clock in the afternoon, and shall in all things be conducted agreeably to the laws regulating township elections for the time being; and it shall be the duty of the judges of said elections, within two days thereafter, to make and direct the returns thereof to the mayor of said city at his office, in the same manner that election returns are required to be made by the township trustees for the time being; provided, that in all elections for mayor, the returns shall be made and directed to the president *pro tempore* of the city council; and the mayor or president *pro tempore* of the city council, as the case may be, shall within five days after any such election, open the returns which shall have been made as aforesaid, and shall make an abstract of all the votes and file the same with the city recorder, who shall make a record thereof in a book to be kept by him for that purpose, and the person or persons having the highest number of votes shall be declared duly elected: but if from any cause the qualified voters of said city, or any of the respective wards, as the case may be, should fail to effect any election at the time and in the manner herein provided, the mayor shall forthwith issue his proclamation for a second or other election, which in all things shall be notified, conducted, regulated, and the returns thereof made, as in and by this act is prescribed, and the person or persons who shall be chosen at any such second or other election, shall hold their offices until the next ensuing annual election, and until their successor or successors in office shall be elected and qualified; and it shall be the duty of the mayor or president *pro tempore* of the city council, immediately to notify such person or persons who may be elected as aforesaid, of his or their election, by causing a written notice thereof to be served upon him or them by the city marshal; and every person so [107] chosen or elected as aforesaid, shall within ten days after his election, cause himself to be qualified to enter upon the duties of his office, and in default thereof, the office to which he shall have been elected shall be deemed and considered in law to be vacated; and it shall be the duty of the city council to prescribe the time and manner, and provide the place or places of holding all elections in said city for city officers, and of making the returns thereof, not herein otherwise directed and prescribed; and the said city council shall appoint judges and clerks for all city elections.

**SEC. 6. Qualified voters—oath.** That each and every white male citizen above the age of twenty-one years, who shall have been a resident in said city six months immediately preceding any election for city officers, shall be deemed a qualified voter of said city, and shall be entitled to vote in the same, or in the ward where he may reside, for mayor, alderman, recorder, treasurer, city marshal, assessor, and such other officers as are in and by this act directed to be chosen by the qualified voters of said city or of the respective wards therein, and all others which by public ordinance may be required to be chosen or elected; and when any person shall present himself to give his vote, and either

of the judges shall suspect that such person does not possess the requisite qualifications of an elector, or if his vote shall be challenged by an elector who has previously given his vote at such election, the judges of said election shall tender to such person an oath or affirmation in the following form, to-wit: I, A. B., do solemnly swear, (or affirm, as the case may be,) that I am a citizen of the United States, and that I have been a resident of this city six months immediately preceding this election; am a resident of this ward, (if wards have been established,) and to the best of my knowledge and belief, have attained the age of twenty-one years, and that I have not voted at this election.

**SEC. 7. Eligibility.** That no member of the city council shall be eligible to any office within the gift of the city council during the year for which he may have been elected, nor shall any member of the city council be interested, directly or indirectly, in the profit of any contract or job for work or services to be performed for the city.

**SEC. 8. Duty of mayor—to have a casting vote.** That it shall be the duty of the mayor to be vigilant and active at all times in causing the laws and ordinances of said city to be put in force and duly executed. He shall sign all by-laws and ordinances adopted and passed by the city council, and see that the same are published six days before they go into effect. He shall preside when present at the meetings of the city council and be denominated president of the same, and when there is a tie, shall give the casting vote. He shall do and perform such other duties as the city council may pre-[108]-scribe and determine, not inconsistent with the provisions of this charter.

**SEC. 9. Oaths of officers—bond—compensation—duty of recorder.** That the treasurer, marshal, recorder, assessor, and all other officers under the government of said city, shall, before entering upon the duties of their respective offices take an oath or affirmation to support the constitution of the United States, and faithfully and impartially to perform the several duties of the offices to which they may be respectively elected or appointed, and when required, shall give such bond to the city, with good and sufficient security, in such sum or sums, and with such conditions thereto, as the city council may from time to time direct; and in all cases not herein provided for, shall respectively be allowed and receive such fees and compensation for their services, and be liable to such fines, penalties and forfeitures, for negligence, carelessness, misconduct in office, and positive violation of duty, as the said city council shall order and determine. And it shall be the duty of the said recorder to keep the seal of said city, and all the records, papers and official documents thereunto belonging; he shall keep fair books wherein shall be kept the accounts of the city, shall attest all orders issued by the city council for the payment of money, and enter the same, in numerical order, in a book to be kept for that purpose, and shall perform such other duties as shall be required of him by ordinance.

**SEC. 10. Duty of council—term of office.** That the city council shall provide for the times and places of holding their meetings not herein otherwise provided for, which shall at all times be open to the public; they shall provide by ordinance for the election, by the qualified voters of said city, of such other city officers, whose election is not herein otherwise provided for, as shall be necessary for the good government of said city and the due exercise of its corporate powers, and which shall have been provided for by ordinance. And all city officers whose term of service is not prescribed, and whose powers and duties are not defined in and by this act, shall perform such duties, exercise such powers, and continue in office for such term of time, not exceeding one year, as shall be prescribed by ordinance.

**SEC. 11. Vacancies—sickness or absence of mayor.** That whenever the office of mayor, councilmen, treasurer, marshal, recorder, or any other officer, in and by this act specified and provided for, shall become vacant by death, resigna-

tion, removal from the city, or otherwise, it shall be the duty of the council, as soon as may be, to appoint some suitable person having the requisite qualifications, to fill such vacancy, and the person so appointed shall continue in office during the remainder of the term for which his predecessor was elected; and in case of sickness or temporary absence of the mayor, the du-[109]-ties of his office, during such sickness or temporary absence, shall be discharged by the president *pro tem.*, who shall be obeyed and respected accordingly.

**SEC. 12. Further powers and duties of council.** That the said city council shall have power, and it is hereby made their duty, to make and publish from time to time, all such ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fire, thieves, robbers, burglars and all other persons violating the public peace; for the suppression of riots and gambling, and indecent and disorderly conduct; for the punishment of all lewd and lascivious behavior in the streets and other public places in said city; they shall have power from time to time to make and publish all such laws and ordinances as to them shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of said city and the inhabitants thereof; to impose fines, forfeitures and penalties on all persons offending against the laws and ordinances of said city, and provide for the prosecution, recovery and collection thereof; and shall have power to regulate by ordinance the keeping and sale of gun-powder within the city.

**SEC. 13. Fire companies—wharfage, etc.** That the city council shall have power to establish and organize all fire companies and provide them with proper engines, and such other instruments as shall be necessary to extinguish fire and preserve the property of the inhabitants of said city from conflagration, and they shall have power to establish and constitute landing places, wharves, docks and basins in said city, at or on any of the city property, and fix the rates of landing, wharfage and dockage of all steamboats, boats, rafts, and other water crafts, and of all goods, wares, merchandise, produce and other articles that may be moored at, landed on, or taken from any landing, wharf, dock, or basin belonging to said city.

**SEC. 14. Security against fire.** That, for the purposes of more effectually securing said city from the destructive ravages of fire, the said city council shall have power and authority on the application of three-fourths of the whole number of owners and proprietors of any square or fractional square in said city, to prohibit in the most effectual manner, the erection of any building or the addition to any building before erected more than ten feet high in any such square or fractional square, except the outer walls thereof shall be composed entirely of brick or stone and mortar, and to provide for the most prompt removal of any building or addition to any building which may be erected contrary to the true intent and meaning of this section.

**SEC. 15. To regulate taverns, etc.—public shows—ferries—license to retail liquors—exhibitions—auctions.** That the city council shall have power, and it is hereby made their duty to regulate by good and wholesome laws and ordi-[110]-nances all taverns, ale, beer, cider and porter shops, and places where spirituous liquors are sold in less quantities than one gallon, and all other houses of public entertainment in said city; all theatrical exhibitions and public shows, and all exhibitions of whatever name or nature to which admission is obtained on the payment of money or any other reward; to license and establish ferries across the Mississippi river from said city to the opposite shore, to fix the rates of the same, and to impose reasonable fines and penalties for the violation of any such laws and ordinances. And the city council shall have full and exclusive power to grant or refuse license to tavern keepers, inn holders, retailers of spirituous liquors by less quantities than one gallon, keepers of ale, porter,

cider, beer houses and shops, and all other houses of public entertainment, showmen, keepers, and managers of theatrical exhibitions, and other exhibitions for money or other reward, auctioneers for the sale of goods, wares and merchandise, horses and other animals at public auction, keepers of billiard tables, ball and ten pin alleys, and keepers of ferries from said city across the Mississippi river to the opposite shore; and in granting any such license it shall be lawful for said city council to exact, demand and receive such sum or sums of money as they shall think reasonable and expedient; to annex thereto such terms and conditions in regard to time and place and other circumstances under which such license shall be acted upon, as in their opinion the peace, quiet and good order of society and said city may require, and for the violation of said terms and conditions as aforesaid, the city council shall have power to revoke or suspend any such license whenever the good order and welfare of said city may require it, in such manner as shall be provided by ordinance.

**SEC. 16. Nuisances—stagnant water—sale of lots—proviso.** That the city council shall have power, and they are hereby authorized, to require and compel the abatement and removal of all nuisances within the limits of said city, under such regulations as shall be prescribed by ordinance; to cause all grounds therein where water shall at any time become stagnant, to be raised, filled up, or drained, and to cause all putrid substances of either animal or vegetable to be removed; and to effect these objects, the said city council may, from time to time, give order to the proprietor or proprietors, or to his, her, or their agent or agents, and to the non-resident proprietors who have no agents therein, notice by publication in one or more of the newspapers printed in said city, for the period of two weeks, of all or any ground subject at any time to be covered with stagnant water, to fill up, raise or drain such ground at their own expense, and the said city council shall designate how high such grounds shall be filled up and raised, or in what manner they shall be drained, and fix some reasonable time for [111] filling up, raising or draining the same, and if such proprietor or proprietors or agents shall neglect or refuse to fill up, raise or drain such grounds in such manner and within such time as the said city council shall have designated and fixed, they shall cause the same to be done at the expense of the city, and assess the amount of the expenses thereof on the lot or lots of ground so filled up, raised or drained as aforesaid, and place the assessment so made as aforesaid, in the hands of the city collector, who shall proceed to collect the same by the sale of such lot or lots, if not otherwise paid, in such manner and under such restrictions and regulations as may be prescribed by ordinance: provided, the proprietor or proprietors shall have the privilege and right to redeem such lot or lots within one year after such sale, by paying to the purchaser or purchasers the amount by them paid, together with ten per cent. interest thereon.

**SEC. 17. As to streets and highways—hogs, etc., running at large—carts and drays.** That said city council shall have the exclusive power of appointing supervisors and other officers of the streets and highways within the said city, and if collected in money or labor, any sum not exceeding one dollar annually, as a road tax, from each and every person liable by law to pay such tax or labor on the highways; they shall have the power whenever the public convenience or safety shall require it, to prohibit hogs, cattle, horses and all other animals from running at large in the streets, lanes, alleys, commons and other public places in said city; they shall have power to license and regulate all carts, wagons and drays, and every description of two and four wheeled carriages which may be kept in said city for hire, and all livery stables, brokers and loan offices.

**SEC. 18. Public schools.** That said city council shall have power, whenever they deem it expedient, to provide for the establishment and support of public schools within said city, and to pass all ordinances necessary and proper for the good government of the same.

**SEC. 19. Moneys, where paid—how drawn—duty of council as to claims, etc.—to pass laws.** That all moneys raised, recovered, received or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise, under the authority of this act, or which may belong to said city, shall be paid into the city treasury, and shall not be drawn therefrom except by order or under the authority of the city council; and it shall be the duty of the city council to liquidate and settle all claims and demands against said city, and to require all officers, agents or other persons intrusted with the disbursement or expenditure of the public money, to account to them therefor, at such time and in such manner as they may direct; and they shall annually publish, for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys belonging to said city, and also, of all debts due and owing [112] to and from the same. And the city council shall have power to pass all such laws and ordinances as may be necessary and proper to carry into effect the powers herein and by this act granted.

**SEC. 20. To be published.** That every law or ordinance of said city, before it shall be of any force or validity, or in any manner binding on the inhabitants thereof, or others, shall be signed by the mayor and published in one or more newspapers in said city at least six days.

**SEC. 21. Term owner.** That, for the purpose of opening or improving any street, lane, alley, market space, public landing or common, or other purposes, the term owner or owners, used in this act, is hereby declared to mean any person or persons who may own any lease upon lands for any term not less than ninety-nine years, renewable forever, on any freehold estate, either for life or otherwise, upon any ground to be affected by partition; and tax levied shall be a lien upon the real estate upon which it may be assessed, from the time of filing such petition until it shall be fully paid and satisfied.

**SEC. 22. Powers of council as to wharfs, etc.** The city council shall have exclusive power to establish and regulate the grade of wharfs, streets and banks along the Mississippi river, within the corporate limits of said city.

**SEC. 23. Powers and duties of justices—offenders liable for costs when paid by the corporation—style of process—how executed—commitment to jail—duty of jailer—expenses, how paid—fees.** Any justice of the peace within said city shall have full power and authority, and it is hereby made their respective duties, at such times as complaint and application shall be duly made before either of them, to issue all needful process for the apprehension of offenders against any of the by-laws, ordinances or regulations of said city, and to hold a court for the trial of all offenses within the said city, and the same to fine, imprison or discharge, as the by-laws, ordinances and regulations of said city and the facts of the case may require; and for that purpose, they and each of them are authorized and required to cause to come before them, when necessary, a jury of six citizens of said city, who shall be qualified voters of said city. And all such offenders, on conviction, shall be liable for the costs of prosecution, and judgment shall go accordingly; and in cases of acquittal, the same shall be paid by the corporation, having first been allowed by the city council; and all process in behalf of said city shall run in the name of the state of Iowa, for the use and benefit of said city, and shall otherwise conform to the requisitions and provisions that may be made by the city council, and shall be executed and returned by the marshal or any constable within said city; and until other provisions shall be made by the city authorities, it shall be lawful to commit all offenders against said by-laws, ordinances and regulations, on conviction, to the jail of Dubuque

county. And in case where a portion or all of the punishment shall be imprisonment, the keeper of said jail is hereby required to receive [113] such person or persons, on the proper warrant of the justice of the peace, into his custody, in the same manner as in ordinary cases; and all expenses of such imprisonment, in cases where the same cannot be collected from the person or persons convicted and imprisoned, shall be paid out of the city treasury. The fees of the justices of the peace, marshal, constables, or jurors, in such cases, shall be the same as are allowed by the statute in similar cases for the state of Iowa.

**SEC. 24. Trials—fines, etc., over \$20.** That all trials for the violation of the by-laws, ordinances and regulations, shall be in a summary manner, and that no person shall for any offense be deprived of his or her liberty, or be fined in any sum greater than twenty dollars, unless convicted by a jury of six citizens of said city, qualified to vote as aforesaid.

**SEC. 25. As to property of the city—proviso as to selling.** That the said city council shall have the custody, care and management of all real, personal and mixed estate, and other corporate property of said city, and all the real, personal and mixed estate, money, funds and resources which, from time to time, may be owned by, or of right belonging to said city, with full power to purchase, hold, possess, use and occupy, and to sell and convey the same for the use and benefit of the said city and the inhabitants thereof: provided, that the city council shall not have power to sell any real estate belonging to the said city of Dubuque, unless the qualified voters thereof, in pursuance of ten days' previous notice given by order of the city council and published in one or more of the newspapers printed in said city, setting forth the time, place and purpose of voting, and there shall be a majority of written or printed ballots given expressing their assent thereto.

**SEC. 26. Taxes—proviso as to amount—tax on dogs, etc.—improvement of streets, etc.** That, to defray the current expenses of said city, the city council shall have power to levy and collect taxes on the real and personal property therein: provided, that the amount of taxes shall not in any one year exceed the sum of twenty-five cents on each one hundred dollars worth of property taxed. They shall also have power, whenever in their opinion the interests of said city shall require it, to levy and collect a tax on dogs or other domestic animals not included in the list of taxable property for territorial [state] and county purposes, which said taxes shall be collected by the city collector and paid into the treasury in such a manner and under such restrictions and regulations as may be prescribed by ordinance; the city council shall have power to cause to be opened, paved or re-paved, or improved, any street, lane, alley, market space or public landing on petition of not less than two-thirds of the number of owners of any square or parts of square of said city, boundary or abutting on such street, lane, alley, market space or public landing so to be opened, paved, re-paved or improved; and to levy and collect a special tax for defraying the costs and expenses of the [114] same, by an equal assessment on the first front boundary and abutting as aforesaid.

**SEC. 27. As to borrowing money.** That whenever, in the opinion of the city council, it is expedient to borrow money for any public purpose, the question shall be submitted to the citizens of Dubuque, the nature and object of the loan shall be stated, and a day fixed for the electors of said city to express their wishes; the like notice shall be given as in cases of election, and the loan shall not be made unless two-thirds of all the votes polled at such election shall be given in the affirmative.

**SEC. 28. This act to be evidence.** That this act shall be taken and received in all courts, and by all judges; magistrates and other public officers, as a public act, and all printed copies of the same which shall be printed by or under the authority of the senate and house of representatives, shall be admitted as good authority thereof without any other proof whatsoever.

**SEC. 29. Repealing section.** That all acts and parts of acts heretofore passed relative to the incorporation of said city of Dubuque, and coming within the purview of this act, be, and the same are hereby repealed.

Approved, February 24th, 1847.

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CHAPTER 83.

COUNTY BOUNDARIES.

AN ACT to establish the boundaries of certain counties therein named.

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

**SECTION 1. Ringgold county.** That the following shall be the boundaries of a new county to be called Ringgold, to-wit: Beginning at the northwest corner of Decatur county; thence west, to the northwest corner of township seventy north, of range thirty-one west; thence south to the north boundary of the state of Missouri; thence east to the southwest corner of Decatur county; and thence north to the place of beginning.

**SEC. 2. Taylor county.** That the following shall be the boundaries of a new county to be called Taylor, to wit: Beginning at the northwest corner of Ringgold county; thence west, to the northwest corner of township seventy north, of range thirty-five west; thence south to the north boundary of the state of Missouri; thence east to the southwest corner of Ringgold county; and thence north to the place of beginning.

**SEC. 3. Page county.** That the following shall be the boundaries of a new county to be called Page, to wit: Beginning at the northwest corner of Taylor county; thence west to the northwest corner of township seventy north, of range thirty-nine west; thence south to the north boundary of the [115] state of Missouri; thence east to the southwest corner of Taylor county; thence north to the place of beginning.

**SEC. 4. Fremont county.** That the following shall be the boundaries of a new county which shall be called Fremont, to wit: Beginning at the northwest corner of Page county; thence west to the western boundary of the state of Iowa; thence south, along said boundary line, to the north boundary of the state of Missouri; thence east to the southwest corner of Page county; and thence north to the place of beginning.

Approved, February 24th, 1847.

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CHAPTER 84.

NEW COUNTIES.

AN ACT for the organization of Pottawatamie and other counties.

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

**SECTION 1. Pottawatamie county may be organized.** That the country embraced within the limits of what is called the Pottawatamie purchase, on the waters of the Missouri river, in this state, be, and the same may be, temporarily organized into a county, by the name of Pottawatamie, at any time when, in the opinion of the judge of the fourth judicial district, the public good may require such organization.

**SEC. 2. Special election.** That there shall be a special election held in said county, at such time as may be appointed by the judge of the fourth judicial



district of this state, at which time the county officers of said county shall be elected, and also two justices of the peace and two constables for each precinct in said county.

**SEC. 3. Duty of sheriff—proviso.** That it shall be the duty of the organizing sheriff of said county, to give at least ten days' notice of the time and places of holding such special election, by posting up at least three written or printed advertisements, in at least three of the most public places in each precinct in said county, grant certificates of election, and in all respects discharge the duties required by law to be performed by clerks of the boards of county commissioners in relation to elections, until a clerk of the board of county commissioners for said county, may be elected and qualified: provided, that it shall not be necessary for said sheriff to take to his assistance two justices of the peace in opening the poll books, and canvassing the votes polled at said special election.

**SEC. 4. Precincts and notice.** That it shall be the duty of the organizing sheriff of said county, to divide said county into as many precincts as the public good may require, and give names to said precincts, and shall describe such [116] divisions and names in the notices of the special election, provided for by this act.

**SEC. 5. Term of office.** That the county officers elected at the special election provided for by this act, shall hold their respective offices until the first Monday in the month of August next succeeding such special election, and until their successors are elected and qualified.

**SEC. 6. Term of justices.** That the justices of the peace and constables elected at the special election provided for by this act, shall hold their offices until the first Monday in the month of April next succeeding said special election, and until their successors are elected and qualified.

**SEC. 7. How sheriff appointed—how qualified.** That the organizing or first sheriff of said county, may be appointed by the judge of the fourth judicial district of this state, and shall continue in office, and exercise the duties of sheriff of said county, until the time of the holding of the first special election, and until his successor may be elected and qualified. And said sheriff shall be qualified to enter upon the discharge of the duties of said office, upon filing his bond and oath of office in the clerk's office of the district court of Polk county; which oath of office may be administered by said clerk.

**SEC. 8. District courts.** That the district court and all other courts, may be held at such place as may be designated by the board of county commissioners of said county, until the seat of justice of said county may be located by law.

**SEC. 9. As to other organized counties.** That any unorganized county in this state, the boundaries of the same being fixed by law, may become organized in the same manner provided for by this act, for the organization of Potawatamie county: provided, that the time of holding the first special election shall be fixed, and the appointment of the organizing or first sheriff shall be made, by the judge of the judicial district in which said county may be situated; and the first sheriff may be qualified by the clerk of the district court of some adjoining county, and file his bond and oath of office in the office of said clerk.

Approved, February 24th, 1847.

## CHAPTER 85.

### STATE ROADS.

AN ACT regulating state roads.

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

**SECTION 1. Application.** That hereafter all applications to the legislature for state roads shall be as hereinafter provided.

[117] **SEC. 2. Notice of petition—contents of notice—time.** That previous to any petition being presented to the general assembly for a state road, notice thereof shall be given by advertisement, set up at the place of holding county commissioner's courts, in each county through which any part of said road is designed to be located, and in two public places in each township through which it is intended to pass, specifying the place of beginning, intermediate points, if any, and the place of termination of said road; and that application will be made, by petition, to the next general assembly for such state road. Said advertisements shall be set up not more than three months nor less than one month preceding the meeting of that session of the general assembly to which such application will be made.

**SEC. 3. Proof of notice—certificate.** That upon proof being made by any person or persons, to the clerk of the board of commissioners of each county through which any part of said road is designed to pass, that notice has been given as required by the preceding section; and upon application the clerk shall give a certificate to such applicant or applicants, certifying that the proper notice has been given, and that said road is intended to pass through at least two, or parts of two, counties in this state.

**SEC. 4. How acts shall pass.** That upon presentation to either branch of the general assembly, of petitions for a state road, and the certificates required by the second and third sections of this act, and when no remonstrances are presented against such petition or road, up to the twenty-fifth day of the session, the general assembly may then pass an act for the location and establishment of said road, and appoint commissioners to lay out the same.

**SEC. 5. Power to re-locate.** The county commissioners shall alone have power to alter or relocate any territorial or state road.

**SEC. 6. Compensation—how paid.** That the commissioners and persons employed in laying out state roads, shall receive such compensation as is provided in the eleventh section of "An act for opening and regulating roads and highways," approved February first, A. D., 1843, to be paid out of the county treasury of each county, in proportion to the number of days employed therein.

**SEC. 7. Repealing section.** That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

**SEC. 8. To take effect.** This act shall take effect and be in force from and after its publication and distribution.

Approved, February 24th, 1847.

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[118] CHAPTER 86.

INCORPORATIONS.

AN ACT authorizing general incorporations for other purposes than those of pecuniary profit.

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

**SECTION 1. Persons may incorporate.** That hereafter any number of persons may incorporate themselves for the establishment of colleges and seminaries of learning, churches, lyceums, public libraries, agricultural societies, or any other lawful purpose, which is unconnected with motives of pecuniary profit.

**SEC. 2. Rules and regulations.** They may make such rules and regulations as they choose for their government: provided, the same are not inconsistent with the constitution and laws of this state.

**SEC. 3. May sue, etc.** They may sue and be sued by their corporate name.

**SEC. 4.** The death of any of its members shall not terminate the corporation.

**SEC. 5. Articles of association—to be recorded.** They shall adopt articles of association, not incompatible with the constitution and laws of this state, containing the name, object and location of their association, which, together with such directions as will enable any person readily to ascertain the place where their records are deposited, shall be recorded in the office of the recorder of deeds of the county in which such association is formed, and from the date of such record, they shall have power to act in their corporate capacity.

**SEC. 6. Record.** They shall keep a record, containing among other things, the names of their officers, and the rules and regulations of their association, which shall be open to the inspection of any person having an interest to examine the same.

**SEC. 7. Contracts.** They shall have power to make and enforce contracts in relation to the legitimate business of their association.

**SEC. 8. Lands—proviso.** They shall have power to purchase and hold a tract of land not exceeding twenty thousand dollars in value, and to erect such buildings and to make such improvements thereon, as may be necessary and proper to promote the objects of their association, and to hold such personal property as may be strictly necessary to secure the purposes of the corporation: provided, that nothing in this act shall be so construed as to debar them from the privilege of receiving donations or legacies of personal or real estate; but in all cases, such personal or real estate received as aforesaid, shall be sold, and the proceeds thereof loaned out at interest or appropriated according to the provisions of this [119] act, for the promotion of the objects of the association, as the members thereof may deem proper.

**SEC. 9. Service of process.** Service of process shall be sufficient, if made upon either of the officers of the corporation.

**SEC. 10. No dividends—personal liability.** No dividend or distribution of profits shall ever be made among the stockholders of the corporation, and any material deviation from the articles of association, shall render all those who shall participate therein, personally responsible for the consequences of such deviation.

**SEC. 11. Change of articles.** Any such corporation may change their articles of association in the manner prescribed by their own rules; but such change must be recorded in the same manner as the original articles.

**SEC. 12. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers published in Iowa City.

Approved, February 24th, 1847.

Published in the Reporter March 17th, 1847, and Standard, March 18th, 1847.

## CHAPTER 87.

### PRACTICE.

AN ACT amendatory to the practice in the district and supreme courts of this state.

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

**SECTION 1. Test of writs, etc.** That all writs of every description, subpoenas and other process to be hereafter issued by the clerk of any supreme or district court of this state, shall bear test in the name of the clerk of said court, under the seal of said court.

**SEC. 2. Seals.** That the seals heretofore used by the district courts of the territory of Iowa shall, in the absence of any other seal provided by law, be used as the seal of the several district and supreme courts of this state.

**SEC. 3. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 24th, 1847.

Published in the Reporter March 17th, and in the Standard March 18th, 1847.

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[120] CHAPTER 88.

ENOCH FRAZEE.

AN ACT to make good in law the acts of Enoch Frazee, done and performed by him as a justice of the peace in and for the township of Dockridge, county of Jefferson, and territory of Iowa.

**Preamble.** Whereas, Enoch Frazee, a citizen of Lockridge township, in the county of Jefferson, and territory of Iowa, was some time in the year 1844, elected, sworn and qualified to act as a justice of the peace, according to the requirements of the law in such case made and provided, except that the bond and oath of office of the said Enoch Frazee were not, agreeably to law, filed in the office of the clerk of the district court of said county, but were filed in the office of township clerk of said Lockridge township: and whereas, the said Enoch Frazee did, as justice of the peace of the county aforesaid, solemnize and certify several marriages, and also take and certify the acknowledgment of several deeds: And whereas, certain doubts are entertained of the legal validity of such marriages and acknowledgments of such deeds; therefore,

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

**SECTION 1. Marriages and deeds made valid.** That each and every marriage solemnized by, and each and every deed acknowledged before him, and certified by him as a justice of the peace, during the time he held such office, and performed the duties thereof, be, and the same are hereby declared to be as legal and valid in law as if the said bond and oath of office had been properly filed in the office of the clerk of the district court, according to the requirements of the law in such cases made and provided.

Approved, February 24th, 1847.

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CHAPTER 89.

JACKSON COUNTY TAXES.

AN ACT authorising Robert Reed or his successors in office to collect the delinquent tax of T. J. Pearce, late collector of taxes, and John Corbin, deceased, treasurer and collector of Jackson county, A. D., 1846.

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

**SECTION 1. Reed to collect back taxes—manner.** That Robert Reed, collector of taxes in and for the county of Jackson, and his successors in office, be, and they are hereby authorized to collect and receive all such taxes as remain due and unpaid on the delin-[121]-quent list of Thomas J. Pearce, and also all taxes which remain unpaid on the list of John Corbin, deceased, late col-

lector and treasurer in Jackson county, in the same manner as is provided in the laws of Iowa for the collection of the public revenue.

**SEC. 2. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 24th, 1847.

## CHAPTER 90.

### BUCHANAN COUNTY.

AN ACT to locate the seat of justice of Buchanan county.

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

**SECTION 1. Commissioners—when to meet—duties—clerk's duty—seat of justice.** That Lyman Dillon, of Dubuque county, Thomas S. Denson, of Jones county, and Sylvester Stephens, of Jackson county, be, and they are hereby appointed commissioners to locate and establish the seat of justice of Buchanan county. Said commissioners, or any two of them, shall meet at the house of Joseph H. Reynolds, in said county of Buchanan, on or before the first Monday in July, A. D. 1847, and proceed to locate and establish the seat of justice of said county, as near the geographical centre of said county as said commissioners may deem proper, paying due regard to the present as well as future population of said county; and as soon as they have come to a determination, they shall give said point a name. Their proceedings shall be committed to writing, signed by the said commissioners, or a majority of them, and filed in the office of the clerk of the board of commissioners of Delaware county, until the said county of Buchanan is fully organized, and when so organized the clerk of the board of commissioners of said Buchanan county shall record and keep the same on file in his office; and the place so selected as aforesaid shall be the seat of justice of Buchanan county.

**SEC. 2. Oath.** Said commissioners shall, previous to entering upon their duties as aforesaid, take and subscribe, before some magistrate or other person authorized to administer oaths, the following oath or affirmation, to wit: "We do solemnly swear (or affirm) that we have no personal interest, directly or indirectly, in the location of the seat of justice of Buchanan county, and that we will faithfully and impartially locate the same, according to the best interest of said county, taking into consideration the future as well as the present population of said county." And the person so administering such oath shall certify and file the same as provided in the first section of this act.

[122] **SEC. 3. Compensation.** The commissioners aforesaid, shall receive two dollars per day, and two dollars for every twenty miles travel while necessarily engaged in the discharge of their duty.

**SEC. 4. How paid.** Said commissioners shall be paid for their services required by this act, out of the county treasury of said county of Buchanan, so soon as the same shall become organized for county purposes.

**SEC. 5. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers published in the city of Dubuque.

Approved, February 24th, 1847.

## CHAPTER 91.

### CRIMINAL RETURNS.

AN ACT to provide for criminal returns.

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

**SECTION 1. Duty of clerk district court.** That it shall be the duty of the clerk of the district court of every county, on or before the first day of Novem-

ber in each year, to report to the secretary of state, the number of convictions in his court for all crimes and misdemeanors.

**SEC. 2. Report.** That said report shall show the character of the crime or offense, the sentence of each convict, his occupation, whether he can read and write, and his general habits, and also the expenses of the county for criminal prosecutions.

**SEC. 3. Duty of secretary.** That it shall be the duty of the secretary of state, at every regular session of the general assembly, (and annually if required by either house,) to report to the general assembly an abstract of the returns received each year, from the clerks of the district courts, which abstract shall embrace all the facts contained in said returns.

**SEC. 4. Failure to comply—fine—evidence.** That any clerk of the district court, who shall fail to comply with the requisitions of this law, shall be subject to a fine of ten dollars, to be collected in the name of the state, by the prosecuting attorney of the county in which the clerk may reside, and the certificate of the secretary of state, under the seal of the state, that no report as provided for in this act, has been received at his office, shall be received as evidence on the trial of the cause.

**SEC. 5. Neglect of secretary—evidence.** That if the secretary of state neglect or refuse to comply with the provisions of this act, he shall be liable to a penalty of fifty dollars, to be collected in the name of the state, by the prosecuting attorney of the county in which said officer resides; and the official certificate of the chief clerks of the two houses of the general assembly, [123] that no report, as required by this act, has been made by said officer to either branch of the general assembly, shall be received in evidence on the trial of the cause.

**SEC. 6. Fines, etc., how appropriated—neglect of prosecutor.** That all fines and penalties incurred and collected under the provisions of this act, shall be paid into the state treasury, and go into and become a part of the school fund, and any prosecuting attorney refusing or neglecting, for three months to pay over any fines or penalties so collected by him, shall be liable to be sued for the same by any person, in the name of the state, and be liable on his official bond.

Approved, February 24th, 1847.

## CHAPTER 92.

### PARTITION.

AN ACT to amend "An act to provide for the partition of real property," approved January 4th, 1839.

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

**SECTION 1. Real estate in more counties than one.** That where the heirs or legal representatives of any deceased person have or shall hereafter inherit any real estate, and the same shall be situated in more counties than one, it shall and may be lawful for the district court of any county in which said land shall lie, to appoint commissioners to divide and allot all of said lands in this state among such claimants; and in making such partition, it shall and may be lawful for said commissioners to divide said estate by tracts, if said estate will admit of a division in that manner, or by dividing said tracts or parts thereof into smaller parcels, as shall seem right to said commissioners, and to make the division as nearly equal in value as may be, which partition and allotment shall be returned to the next term of the said court, and the like proceedings had thereon as in other cases under the provisions of the act to which this act is amendatory.

**SEC. 2. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers published in this city.

Approved, February 24th, 1847.

Published in the Reporter Mar. 17th, 1847, and in the Standard Mar. 18th, 1847.

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[124] CHAPTER 93.

JOHNSON COUNTY.

**AN ACT** to repeal an act to authorize the appointment of a county agent in and for the county of Johnson.

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

**SECTION 1. Duty of commissioners' clerk.** That the clerk of the county commissioners' court of the county of Johnson be, and he is hereby authorized to perform all the duties heretofore enjoined upon the county agent, and that he shall be allowed for such services such sum as the county commissioners may direct.

**SEC. 2. Repealing section.** That "An act to authorize the appointment of a county agent in and for the county of Johnson," approved February 16th, 1842, be and the same is, hereby repealed.

**SEC. 3. Take effect.** This act to take effect from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 24th, 1847.

Published in the Reporter March 24th, and in the Standard March 10th, 1847.

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CHAPTER 94.

STATE ROAD.

**AN ACT** to locate a state road therein named.

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

**SECTION 1. Commissioners—route of road.** That Robert Walker of the county of Johnson, Horace H. Wilson of the county of Washington, and A. Carothers of the county of Muscatine, be, and they are hereby appointed commissioners to locate a state road from a point at or near the mouth of English river; thence easterly to the widow Sweets, in Johnson county; thence east to the farm of Samuel Nickols, on Wapsinonock; thence to intersect the Bloomington road at such point as, in the opinion of said commissioners, will be the most convenient for the community at large.

**SEC. 2. When to meet.** Said commissioners, or a majority of them, shall meet at such time and place as they may agree upon, between the first days of May and August next, and proceed to locate said road as provided for by an act entitled "An act for laying out and opening territorial roads," approved Dec. 29, 1838.

**SEC. 3. When in force.** This act shall be in force from and after its passage.

Approved, February 24th, 1847.

## [125] CHAPTER 95.

## STATE ROAD.

AN ACT to locate a state road therein named.

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

**SECTION 1. Commissioners—route of road.** That Banks Winton and Adam Row, of Davis county, and James S. Parks, of Van Buren county, be, and they are, hereby appointed commissioners to locate and establish a state road, beginning at the town of Portland, in Van Buren county, and running from thence west on the open line dividing section twenty-six in township seventy north, in range eleven west, as near the said line as practicable, and to continue west to the open line dividing section twenty-five, of range twelve west, and from thence the nearest and best way to Bloomfield, the county seat of Davis county.

**SEC. 2. When to meet.** Said commissioners, or a majority of them, shall meet at the town of Portland, in Van Buren county, on the first Monday of May next, or within thirty days thereafter, to discharge their duties.

**SEC. 3. Compensation.** That if it shall appear to the county commissioners of Davis county that the said road is not of public utility, they shall not allow any compensation for establishing the same within such county.

**SEC. 4. Take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 24th, 1847.

## CHAPTER 96.

## STATE ROAD.

AN ACT to locate a state road therein named.

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

**SECTION 1. Commissioners—route of road.** That H. H. Winchester, of the county of Johnson, Robert Hutchison, of the county of Iowa, and David Edmundson, of the county of Jasper, be, and they are hereby appointed commissioners, to lay out and establish a state road from Iowa City, via Marengo, in Iowa county, to the county seat of Jasper county.

**SEC. 2. When to meet.** The said commissioners, or a majority of them, shall meet at Iowa City, in Johnson county, on the first day of May next, or within [126] ninety days thereafter, and proceed to discharge the duties enjoined upon them by this act.

**SEC. 3. How governed.** Said commissioners, in discharging the duties herein enjoined, shall be governed by the provisions of "An act entitled an act to provide for laying out and opening territorial roads," approved December 29th, 1838.

**SEC. 4. To take effect.** This act shall be in force from and after its passage.

Approved, February 24th, 1847.



## CHAPTER 97.

## BOATS AND VESSELS.

**AN ACT** to amend an act entitled "An act to provide for the collection of demands against boats and vessels," approved Dec. 20th, 1838.

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

**SECTION 1. Lien for wages—proviso.** That hereafter the person or persons to whom any wages may become due for work done or services rendered, on any such boats or vessels as is [are] designated in the act to which this is amendatory, shall have a lien on the boat or vessel on which the work is done or services rendered, for the amount of their wages, and which lien shall not be divested by the attachment or seizure of said boat or vessel, on account of any other demand or cause of action: provided, that the person or persons in whose behalf said lien is intended to operate, shall, within twenty days from the time of his or their release or discharge from rendering further services on said boat or vessel, commence an action for the recovery of the sum demanded, in the manner prescribed in the act to which this is amendatory.

Approved, February 25th, 1847.

## CHAPTER 98.

## SALT SPRINGS.

**AN ACT** in relation to the salt springs granted to this state.

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

**SECTION 1. Governor to select springs.** That the governor is hereby authorized to select twelve salt springs within this state, and also six sections of land as contiguous as may be to each, in accordance with the act of congress of March 3rd, 1845, en-[127]-titled "An act supplemental to the act for the admission of Iowa and Florida into the Union."

**SEC. 2. Agent—compensation.** For this purpose he may employ an agent, who shall be paid two dollars per day for every day he may be necessarily employed in the discharge of the duties required by this act.

**SEC. 3. As to lands.** In making the selection, the quality and value of the land to be secured shall be taken into consideration, as well as the character of the salt springs themselves.

**SEC. 4. Where springs selected.** The governor may, if he deem it expedient, make selections of salt springs in the unsurveyed portion of the state, leaving the land to be selected hereafter.

**SEC. 5. Governor to report.** The governor shall report his selection to the proper department on or before the expiration of one year from the time of our admission into the union.

**SEC. 6. Take effect.** This act shall be in force from and after the first day of April next, and shall forthwith be published in the weekly newspapers printed in Iowa City.

Approved, February 24th, 1847.

Published in the Standard April 21st, 1847, and in the Reporter May 5th, 1847.

## CHAPTER 99.

## COMMON SCHOOLS.

AN ACT supplemental and amendatory to "An act to establish common schools," approved, January 16, 1840.

*Be it enacted by the Senate and House of Representatives [General Assembly] of the State of Iowa:*

**SECTION 1. School districts.** That every school district formed under "An act to establish common schools," approved January 16, 1840, or may be hereafter formed under the provisions of this act, is, and the same is hereby declared to be, a body politic, know by their corporate name of directors of school district No.—, of township —, of — county; and the same may hold property, transfer the same, sue and be sued, and transact such other business as may be specified in this act.

**SEC. 2. Annual election for inspectors—who may vote—place of election.** That there shall be annually, an election on the first Tuesday of April, in each school district, for the purpose of choosing three directors, who shall hold their office until their successors are elected. Any person who is a permanent resident in said district, shall be eligible to vote at said elections. If any district fail to elect on said day, they may elect at any future day, due notice having been given. Said election shall be holden at the district school house; and if any district [128] have no such house, then at some suitable place which shall be designated in the notice.

**SEC. 3. Duty of directors—duty of clerk.** The directors have power, and it shall be their duty, to convene the district at their own instance, or at the written request of any three voters in the district, to appoint one of their body clerk and one a moderator. Said clerk shall keep a correct record of the proceedings of said directors, and make out and transmit their reports, and also a correct record of all the proceedings of said district when assembled. The moderator when present, shall preside at all the deliberations of the district meetings.

**SEC. 4. Subjects for consideration—moneys, how raised.** That when the district is so assembled, these may be proper subjects for consideration: Shall we now build a house, or shall we rent?—and if the district decide to build, where shall said house be situate, and what description of house?—shall we now have a school taught, and for what term?—whether they will appropriate any of the available funds, and what amount, at this term?—whether the teacher shall be employed by the month or by the scholar?—together with all other necessary matters pertaining to the welfare of their school. And all moneys necessary for the erecting and furnishing school houses, shall be raised by voluntary subscription.

**SEC. 5. Duty of directors as to teachers, etc.** That the directors shall employ a teacher, provide a suitable house and see that it is well supplied with books, fuel and stationery, assist the teacher in establishing and carrying out wholesome laws and regulations for said school, see that the teacher keeps an accurate list of all the time each pupil attends school and transmit the same to the township inspector, with every application for funds, together with all other matters which may strike them as relevant.

**SEC. 6. List of persons—schools to be open.** That said directors shall annually take a list of all the persons in their district between the ages of five and twenty-one years, and transmit the same to the township inspector, on the first day of September. And further, they shall see, that whenever it is voted by

the district to appropriate any of the public funds, that said school shall be open and free alike to all white persons in the district between the ages of five and twenty-one years, and to do generally such business as may be advantageous to the cause of education in their district.

**SEC. 7. School inspector—to take an oath—to give bond.** And be it further enacted, that at each annual township election, there shall be a school inspector elected, who shall hold his office for one year, and until his successor shall be elected: He shall within ten days after receiving his certificate of office, appear before the clerk, who shall be *ex officio* his clerk, and take an oath or affirmation, (as the case may be,) that he will faithfully perform the duties of said office to the best of his abilities; which oath shall be filed on the records [129] of said township clerk; and the said township inspector, before entering on the duties of his office, shall enter into bond with the trustees of the township, with securities, to be approved by them, sufficient to indemnify said township from any loss which might occur in case of malaction in office; which bond shall be filed in the office of the township clerk; and action may be taken on said bond at any time, in case of the non-fulfillment of conditions of said bond, and may be prosecuted by said trustees to final judgment, before any court having competent jurisdiction.

**SEC. 8. Duty of inspector—election for directors.** That it shall be the duty of the said township inspector to divide and form the township into suitable districts for schools, and to alter and change the same as he may deem advantageous; and that whenever he may form a district, he shall forthwith transmit the fact, with a certified description of the boundaries and number of said district, to some citizen of said district, who shall duly notify every voter in said district, by a personal notice of at least six days, that there will be an election held, designating the time and place of holding said election, for the purpose of organizing said district, by electing three directors for said school district.

**SEC. 9. Annual report of inspector.** That he shall report annually, on the first day of October, to the fund commissioner of his county, the number of persons in his township, (as shown by the reports of the directors of the several districts in his township,) between the ages of five and twenty-one years, together with an abstract of the numbers of all the scholars taught, and the aggregate number of days said pupils attended; also the aggregate cost of scholars so taught, what part was defrayed by voluntary subscription, and what amount by the public fund, and what amount, if any, of the public fund is yet in his hands.

**SEC. 10. To apply for moneys—to apportion the same.** That he shall apply for all moneys coming to his township from any persons for school purposes, and pay out the same according to the specifications of this act. He shall, within ten days after receiving any school money, proceed, in the presence of one or more trustees of the township, to apportion the same to the several districts the amount which each district may be entitled to—taking the number of persons reported as the basis of said dividend—which apportionment shall be entered on the records by the clerk.

**SEC. 11. To pay over—proviso.** That the township inspector shall pay over to each district the amount due said district whenever called for by the directors: provided, that no moneys shall be paid to any district which has not had a school taught three months in the year preceding such application; which must be also accompanied with a statement that said school was taught by a teacher who had a certificate of qualifications from said [130] inspector, and that said appropriation which is now applied for was voted by the district, and that all white persons alike were admitted to the benefits of said school, and that said school was taught in a comfortable house.

**SEC. 12. Application for money.** That all applications to the inspector for moneys from the directors must be accompanied with a statement from the teacher, setting forth the number of days each pupil attended school and the rate of tuition, and the amount now due him from the directors.

**SEC. 13. To examine teachers—certificate—proviso.** The township inspector shall examine all persons presenting themselves, touching their abilities to teach, both in regard to their education and their moral character, and if he find said persons qualified, he shall give a certificate to this purport, which certificate shall be valid for one year: provided, however, if the inspector should have good cause, he may countermand said certificate at any time, giving said teacher ten days notice thereof.

**SEC. 14. To form districts from two townships.** That when it may be deemed expedient to form a district from two or more adjoining townships, the inspectors, or a majority of them, may form the same, and attach it to whichever township they may see fit—consulting, however, the wish of the persons residing in said district, and the district when so numbered and attached, shall report accordingly; and further, the inspector may attach a family or families to certain districts out of their natural or geographical limits, when the same may be deemed necessary.

**SEC. 15. To visit schools—vacancy of director.** That it shall be the duty of the inspector to visit each school in his district at least once each year, and give such advice to directors, teachers and pupils, from time to time, as may appear to him necessary and proper; and whenever a vacancy may occur in the board of directors in any district he shall fill the same either by appointment or ordering an election, at his option.

**SEC. 16. Vacancy of inspector—refusal to serve—fine.** That whenever a vacancy shall occur in the office of township inspector by death, resignation, or any other cause, the township trustees shall fill the same by appointment until the next annual township election; and if any person so elected or appointed to the office either of inspector or director under the provisions of this act, shall refuse to serve, he shall forfeit and pay to the township five dollars; and if he refuse to pay, the township clerk shall proceed to collect the same by action of debt before any justice of the peace in said township.

**SEC. 17. Compensation to clerk and inspector.** That the township inspector and the clerk shall receive such compensation for their services as may be deemed by the township trustees right and equitable, to be audited and paid as other township officers.

**SEC. 18. Refusing to pay over money.** That if any officer under the provisions of this act shall [131] refuse to pay over any sums of money, or deliver up any papers of their office which may be in their hands, to their proper successors in office when so demanded, he shall be deemed guilty of a misdemeanor, and be answerable in action of debt before any court having competent jurisdiction, for such sum as may indemnify said township for all loss likely to obtain from such misdemeanor.

**SEC. 19. Duty of county commissioners—as to taxes.** And be it further enacted, that for the purpose of providing a fund for the support of common schools in the several counties of this state, it shall be the duty of the boards of commissioners of the several counties, at the time of levying the tax for county purposes, to levy a tax not less than one-half mill nor more than one mill on the dollar, on the assessed value of all real and personal property within their county.

**SEC. 20. Duty of commissioners' clerk.** That it shall be the duty of the several clerks of the board of commissioners, at the time of making out the assessment rolls, to append thereto a column, containing the amount of school tax levied, agreeably to the provisions of the nineteenth section of this act.

**SEC. 21. Duty of county treasurer—statement of school tax.** That it shall be the duty of the treasurer to collect this tax at the same time and manner as state and county taxes are collected, and shall be entitled to the same remedies to enforce collection of said tax, as allowed to the treasurer in the collection of other taxes, and to lay before the school fund commissioner of the county, on the twenty-fifth day of December in each year, a statement showing the amount of the school tax paid, the amount unpaid, and a complete list of the lands and property on which taxes for schools remain unpaid, together with the entire amount of moneys in his hands, (from whatever source accruing,) for school purposes, which shall be filed in his office.

**SEC. 22. Money appropriated.** That the money paid by persons as an equivalent for exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, and all funds in the treasury arising from the sale of water crafts, lost goods, and estrays, be and the same are, hereby appropriated to the use of common schools within the county where they accrue.

**SEC. 23. Duty of treasurer—compensation of treasurer and clerk.** That it shall be the duty of said county treasurer to pay over to the fund commissioner of the county, on the fifteenth day of February annually, all sums of money which may be in his hands, appropriated for school purposes. And the board of county commissioners shall allow the treasurer one per cent. for collecting and paying out all moneys for schools, and their clerk a reasonable compensation for his services in making out the tax roll.

**SEC. 24. Superintendent, election of.** And be it further enacted, That at the next annual township election, and triennially thereafter, there shall be a superintendent [132] of public instruction elected, who shall hold his office for three years, and until his successor shall be duly elected and qualified; and said election to be conducted as in case of other state officers.

**SEC. 25. To give bond—oath of office.** That the person thus elected superintendent of public instruction shall, before he enters upon the duties of his office, give bond to the governor in the penalty of twenty-five thousand dollars, conditioned that he will honestly and faithfully account for and pay over, according to law, all moneys, or other things coming into his hands by virtue of his office, touching the school fund, with such securities as shall be approved by the governor, and filed in the office of the secretary of state. And further, he shall, before entering on the duties of his office, take and subscribe an oath that he will support the constitution of this state and of the United States, and that he will faithfully perform all the duties imposed upon him by law, touching the office of superintendent of public instruction; which oath shall also be filed in the office of the secretary of state.

**SEC. 26. Where to keep office—to keep records.** That it shall be his duty to keep an office at the seat of government, and to keep on file all papers, reports and public documents which may be transmitted to him from the school fund commissioners of the several counties in the state, each year separately, and hold the same in readiness to be exhibited to any committee of either house of the general assembly of this state, or to the governor, and shall keep a fair record of the proceedings in any matter touching the fund of public instruction.

**SEC. 27. To pay out moneys.** That he shall pay without delay all sums of money coming into his hands, the interest only of which can be used for the support of schools, into the hands of the fund commissioners; and shall from year to year adjust the sum at interest, dividing it equally among the several counties according to the number of persons in each county, reported by the fund commissioner, so as to place under the control of each fund commissioner

at as early a day as practicable, the amount as near as may be, to which his county is entitled, and thereby equalize the duties and responsibilities of the several commissioners.

**SEC. 28. To adjust interest, etc.** The superintendent of public schools [Instruction] shall carefully adjust the amount of interest accruing each year, apportioning to each commissioner the amount to be distributed in his county, which apportionment shall be according to the number of persons contained in the latest report from said commissioner.

**SEC. 29. Duty as to permanent fund.** That the superintendent shall, annually, on the first day of January, transmit to each school fund commissioner the amount of the proceeds of the permanent fund which were apportioned for distribution to his county, under the provisions of the twenty-eighth section of this act.

[133] **SEC. 30. Superintendent to transfer funds.** That when it shall appear by the annual apportionment that any fund commissioner has not in his hands the full amount due his county, the superintendent shall issue his warrant to said fund commissioner, authorizing him to draw on some particular fund commissioner who may have a surplus, for such amount as he may be deficit [in arrears].

**SEC. 31. Duty as to school funds.** That it shall be the duty of the superintendent to take a general oversight of all the schools formed under the provisions of a system of education for this state, and see that the system is as early as practicable put into operation, and cause it to be uniform in all its operations; to visit every county at least once during his term of office; to confer freely with the several township inspectors, and give such advice relative to schools as he may deem necessary; to deliver a public lecture to the teachers and people of each township on the subject of education, if deemed practicable, and to do generally such business as may be necessary for the promotion of public instruction.

**SEC. 32. May appoint deputy.** That the superintendent of public instruction have the power to appoint a deputy or clerk: provided, however, that he be accountable for the official acts of said deputy or clerk, and pay him out of his salary.

**SEC. 33. To report.** That the superintendent shall report to the legislature at each regular session, stating,

First—The whole amount of the school fund at interest.

Second—The annual proceeds of said fund.

Third—The amount annually appropriated for schools, and the source from which it accrued.

Fourth—The entire number of districts organized under this act.

Fifth—The number of persons between the ages of five and twenty-one years reported from said districts.

Sixth—The number of schools taught in the districts, and the number of scholars taught in all the said schools.

Seventh—the number of teachers employed, distinguishing between male and female, and the average pay received by the teachers, together with such other matters as may be required of him by law or joint resolution of the general assembly, or may appear to him relevant.

**SEC. 34.** That the superintendent shall furnish each fund commissioner with blanks, from time to time, suitable for their annual reports.

**SEC. 35. Salary—expenses.** That the superintendent of public instruction shall receive annually twelve hundred dollars, as a salary for the services re-

quired under the provisions of this act; and also all necessary contingent expenses for postage, books and stationery pertaining to his office, to be audited and paid as other state officers.

[134] **SEC. 36. Election of school fund commissioners—bond—oath.** Be it further enacted, that at the next annual township election, in every organized county in this state, there shall be elected a school fund commissioner for the county, who shall hold his office for two years, and until his successor is elected and qualified. The said fund commissioner, before entering on the duties of his office, shall execute a bond to the governor, in such sum and with such securities as shall be approved by the county commissioners—conditioned for the faithful performance of the duties of his office; and action may be taken on said bond at any time, in case of mal-action in office; also, he shall take and subscribe an oath or affirmation faithfully to discharge all the duties of his office according to law and the best of his abilities, which oath and bond shall be filed in the office of the county commissioners' clerk.

**SEC. 37. Duty as to moneys.** That the county fund commissioner, upon the reception of all sums of money—the interest only of which can be used for school purposes—shall proceed to loan the same on real estate securities, at a rate of interest not less than nine per cent. per annum—said interest payable annually at the office of said fund commissioner.

**SEC. 38. Amount to be loaned—term.** That no commissioner shall be allowed to loan to any one person or company a greater sum than five hundred dollars, nor shall the term of loans be less than one year, or longer than five years.

**SEC. 39. To report.** That the school fund commissioners of the several counties shall, annually, on the first day of November, report to the superintendent of public schools [instruction]:

1st. The number of persons in his county between the ages of five and twenty-one years.

2d. The number of districts in the several townships in his county.

3d. What length of time a school has been taught in each district.

4th. The aggregate number of all pupils taught in the several schools.

5th. The aggregate number of days said pupils have been taught.

6th. The average cost of tuition per term of three months.

7th. What part of the whole expense was defrayed by the public fund, and what by voluntary subscription.

8th. What amount of money he has appropriated to the support of schools, specifying the particular sources from which the amount accrued.

9th. What amount of the school fund at interest is under his control, and how vested; also, the amount, if any, on hand not yet appropriated, together with such other matters as may be required of him by the superintendent of public instruction.

**SEC. 40. To apportion money.** That the school fund commissioner shall, on the first day [135] of March, annually, call to his assistance two or more of the township inspectors of schools and proceed to apportion to the several townships all moneys then in his hands, according to the number of persons in the several townships, as shown by the last report of their inspector.

**SEC. 41. To keep record.** That the school fund commissioner shall keep a book in which the apportionment, as made out according to the provisions of the fortieth section of this act, shall be entered, and the fact, together with its correctness, certified by the two attending inspectors.

**SEC. 42. To pay out moneys.** That at any time after the said apportionment is made, or as soon thereafter as may be demanded, the fund commissioner shall proceed to pay out the true and just amount so apportioned to each

township; and when any township inspector receives the amount due his township, he shall receipt for the same, which receipt shall be filed on record.

**SEC. 43. Compensation of commissioners—person contracting.** That the county commissioners shall allow the school fund commissioner such compensation for the services required of him, in the discharge of his duties as school fund commissioner, as they shall deem reasonable, to be paid out of the school fund. And every person contracting with the fund commissioners for land shall pay into the school fund the sum of one dollar.

**SEC. 44. Vacancy of commissioner.** That if any vacancy shall occur in the office of the fund commissioner in any county by resignation, death, or otherwise, it shall be the duty of the county commissioners to fill such vacancy by appointment.

**SEC. 45. Duty of secretary.** That the secretary of state be instructed to have copies of this act, and all other acts pertaining to schools and school funds, passed by this present legislature, printed and distributed among the several fund commissioners, for the use of the several districts in their county.

**SEC. 46. Repealing section.** That all acts and parts of acts relating to schools, heretofore in force in this state, be, and hereby are, repealed.

**SEC. 47. To take effect.** This act to take effect and be in force from and after its publication.

Approved, January 24th, 1847.

[136] CHAPTER 100.

REVENUE.

AN ACT to provide for levying and collecting revenue for state and county purposes.

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

**SECITON 1. Sheriff to be assessor.** That the sheriff of each county shall be *ex officio* assessor for his county.

**SEC. 2. To give bond—oath.** On or before the first Monday in March in each year the assessor shall give bond with two or more securities, to the acceptance of the board of county commissioners, and conditioned for the faithful and impartial performance of his duties according to law; which bond shall be deposited with the clerk of the board of commissioners, and by him preserved, and shall also file in the office of the said clerk an affidavit in the following form: "I \_\_\_\_\_ do solemnly swear that I will perform the duties of assessor of the county of \_\_\_\_\_ for the year \_\_\_\_\_ faithfully, diligently and truly, according to law; that I will spare no person for favor, affection, reward, or the hope thereof, and that I will wrong no person through hatred, prejudice or ill-will, and that I will do equal justice according to the best of my judgment, so help me God; and shall immediately enter upon the duties of his office.

**SEC. 3. Clerk to prepare blanks.** By the first Monday in March, the clerk of the board of commissioners of each county shall prepare for the use of the assessor, blank forms, sufficient for the assessment of the county.

**SEC. 4. If sheriff neglects to qualify—election.** If any sheriff shall neglect to qualify in the manner prescribed in the preceding section, his office as sheriff and assessor shall be deemed vacant, and it shall be the duty of the clerk of the board of commissioners to issue notices of an election for filling the vacancy.



**SEC. 5. Suit on bond.** Suit may be instituted in the name of the obligees of the bond of the assessor, either by the state, county, or any person injured by his misconduct in office, or for the omission of any duty, before any tribunal having jurisdiction of the same.

**SEC. 6. Compensation.** The assessor shall be allowed one dollar per day for every day the board of commissioners shall be satisfied he has been faithfully and necessarily employed in the discharge of his duties, to be paid out of the county treasury.

**SEC. 7. Deputy assessor.** A deputy assessor may be appointed when necessary, to be approved by the board of commissioners, for whose acts the assessor shall be responsible, and who shall take an oath similar to the one required in the second section of this act.

[137] PROPERTY SUBJECT TO TAXATION.

**SEC. 8. Poll tax.** A poll tax shall be assessed of fifty cents on each male person over the age of twenty-one years, in the county where he shall be an inhabitant on the first Monday in March, for county purposes.

**SEC. 9. Property exempt.** All real and personal property of whatever kind, shall be assessed and taxable, save and except—

First.—The property of the United States and of this state, any claims against this state, evidenced by certificates of stock or funded debt, or auditor's warrants on the treasury.

Second.—The personal property of all literary, benevolent, charitable, and scientific institutions, and such real estate belonging to such institutions as shall be actually occupied by them, for the purposes for which they were incorporated.

Third.—The household furniture of every person, not exceeding one hundred dollars in value, and also his necessary wearing apparel.

Fourth.—All farming utensils, mechanics' tools, and private libraries, except where they exceed in value one hundred dollars.

Fifth.—All houses of religious worship and the lot or lots on which they may be situated, not exceeding five acres; the pews and furniture within such houses; all burial grounds, tombs, and right of burial.

Sixth.—Horses and neat cattle, under two years old; mules and asses, under one year old, and all sheep and swine, under six months old.

Seventh.—The polls and estates of persons who, by reason of age or infirmity, may, in the judgment of the assessor, be unable to contribute toward the public charges—such judgment being always subject to ratification or reversal by the board of commissioners.

**SEC. 10. Property to be taxed.** Each assessor shall require each person in his county to give in:

First—A description of all his lands, by township, range, section, quarter section, tract, lot or part thereof, and the number of acres in each particular tract or subdivision.

Second—All town lots or lands with improvements thereon.

Third—All capital employed in merchandise.

Fourth—All mills, manufactories, distilleries, carding machines and tan-yards, with the stock employed.

Fifth—Number of horses and neat cattle, over two years old; mules and asses, over one year; number of sheep and hogs, over six months.

Sixth—All pleasure carriages of whatever kind.

Seventh—All watches; every piano-forte, and the value thereof, together with all other personal property, and the value thereof, including interest in the capital stock, undivided profits or means of every company, incorporated or unincorporated; all right or interest in [138] any vessel or boat; all gold and silver coin and bank notes in actual possession; the value of every claim or demand for money or other consideration; every annuity, together with all moneys invested in property, of any kind, and secured by deed, mortgage, or other evidence of claim: provided, that each person giving in his list may deduct from the amount of money due him at interest the amount which he may owe, and on which he pays interest, so as to pay taxes only on the excess. The valuation of the property shall be its real worth in money, and not what it would bring at auction or a forced sale.

**SEC. 10. Hawkers and pedlars.** There shall be levied and collected for state purposes, a tax of twenty-five dollars on every hawker or pedlar of goods, wares and merchandise, for the privilege of peddling throughout the state for one year, and a tax of forty dollars from every hawker or pedlar of clocks, for the privilege of peddling clocks throughout the state for one year.

**SEC. 11. Taxes how assessed.** All taxes on real estate shall be assessed to the person who shall be the owner or in possession thereof at the time of the assessment, and in cases of mortgaged real estate, the mortgagor shall, for the purposes of taxation, be deemed to be the owner.

**SEC. 12. Mortgaged property.** When personal property is mortgaged or pledged, it shall for the purposes of taxation, be deemed the property of the party who has the possession.

**SEC. 13. Partners.** Partners in mercantile or other business may be jointly taxed under the partnership name, for all capital, personal and real property, employed in such business; and in case of being so jointly taxed, each partner shall be liable for the whole tax.

**SEC. 14. Refusal to give in property.** If any person shall refuse or neglect to furnish the assessor with a list of his taxable property, as required by this act, the assessor shall obtain, by the best means in his power, the taxable property belonging to such person and the value thereof, and as a penalty for such refusal or neglect, he shall assess such property at double its value.

**SEC. 15. Oaths.** The assessor is hereby empowered to administer all oaths or affirmations which may be necessary in the discharge of his duties, and false swearing before him shall be perjury.

**SEC. 16. Property omitted.** If any estate or property has been omitted or intentionally concealed in any previous assessment, the same when discovered, shall be assessed according to the provisions of this act, for such time as said property or estate shall have failed of being assessed.

**SEC. 17. Assessor to file list.** The assessor shall, on or before the 15th day of June, file in the office of the clerk of the board of commissioners the original assessment list made by him, added up so as to show the total amount of [139] each kind of property and the whole assessment, and give public notice that all persons feeling aggrieved by such assessment and desiring an abatement, must appear before the board of commissioners on the first Monday in July.

#### ABATEMENT OF ASSESSMENT AND THE LEVYING OF TAXES.

**SEC. 18. As to abatement—to levy a tax.** The board of commissioners in each county shall hold an annual meeting on the first Monday in July in each year, and after having examined the assessment rolls, heard and decided upon such applications as may be made for abatement of assessment, shall proceed to levy a tax, not to exceed four mills to the dollar for county purposes, and a tax of two mills to the dollar for state purposes.

**SEC. 19. Abatement of taxes.** Any person feeling himself aggrieved by the assessment of his property, or the property of which he is agent, may appear before the board of commissioners, at the time specified in the above section, or within two days thereafter, and present their [his] grievances: provided, that the commissioners may take further time for hearing such applications should they deem it necessary.

**SEC. 20. May be sworn.** The board of commissioners may cause such person, and such witnesses as he may introduce, to be sworn in relation to the assessment, and increase or diminish the same as they may think justice and right require.

**SEC. 21. Who may administer oaths.** Any member of the board is hereby authorized to administer such oaths or affirmations as may be necessary in the discharge of their duties.

**SEC. 22. Duty as to list.** They shall make out, or cause to be made out, a correct list of the county and state taxes due upon the lands and property of residents and non-residents, (together with all poll taxes,) to which they shall attach their warrant, directing and requiring the collector of the same to deliver said list to the treasurer of the county on or before the third Monday of August, for which they shall take the receipt of the treasurer.

**SEC. 23. Abstract to be sent to auditor.** They shall at the same time also make, or cause to be made, an abstract of the assessment list, which abstract shall contain the number of polls, the amount of real estate, and the amount of personal property, which abstract they shall forward forthwith to the auditor of state.

#### COUNTY TREASURERS, THEIR POWERS AND DUTIES.

**SEC. 24. Treasurer—failure to qualify.** The county recorder of each county shall be *ex officio* the treasurer of his county, and shall qualify as hereinafter provided; and if [140] any recorder shall fail to qualify, as required of the treasurer in this act, his office shall be deemed vacant, both as recorder and treasurer, and a new election shall be ordered to fill such vacancy.

**SEC. 25. To collect taxes—when remain at office.** Every county treasurer receiving any tax list and warrant shall proceed to collect the taxes therein mentioned, according to the warrant, and shall attend at his office, at the seat of justice, during the months of October, November and December, to receive taxes from persons wishing to pay them.

**SEC. 26. Error in list.** If, in the assessor's list, or in the warrant and list committed to the treasurers, there shall be any error in the name of any person taxed, the tax assessed to him may, notwithstanding such error, be collected off the person intended to be taxed; provided he is taxable and can be identified by the treasurer or assessor.

**SEC. 27. Assistance—fine.** Any treasurer, when resisted or impeded in the execution of his office, may require any suitable person to aid him therein; and if such person shall refuse to render such aid, he shall forfeit, to the use of the county where the offence is committed, a sum not exceeding ten dollars, to be recovered in the name of the county, before any justice of the peace having jurisdiction thereof.

**SEC. 28. Neglect to pay taxes—distress.** If any person shall refuse or neglect to pay his tax before the first day of January in each year, the treasurer shall have power to levy the same by distress and sale of his goods, excepting such goods as are exempt from taxation.

**SEC. 29. Sale.** The treasurer shall distrain the goods upon his warrant, and keep the same at the expense of the owner, and shall, within seven days after the seizure, offer the same for sale at public auction, for the payment of the tax,

and the charges of keeping and of the sale, having given notice of such sale five days at least before the sale.

**SEC. 30. Adjournment of sale—notice.** The treasurer may, if he sees fit, once adjourn such sale for a time not exceeding three days, and shall always adjourn, from time to time, when there are no bidders; in both of which cases he shall forthwith give notice of such adjournment by posting up a notification thereof at the place of sale, when he makes such adjournment.

**SEC. 31. Surplus.** If the distress shall be sold for more than the tax, and the charges of keeping the distress and making the sale, the treasurer shall return the surplus to the owner, upon demand, with an account in writing of the sale and charges.

**SEC. 32. Persons removing.** When any person shall, after the assessment of a tax upon him, remove out of the county without paying his tax, the treasurer may demand payment thereof wherever such person may be found; and in default of payment, the treasurer may forthwith proceed to collect the tax by making a distress.

[141] **SEC. 33. May maintain action.** When any person who is taxed shall remove, as aforesaid, or shall die, or being an unmarried woman, shall be married before payment of the tax, the treasurer may, in his own name, maintain an action of debt or assumpsit, in like manner as for his own debt; and the tax shall be *prima facie* evidence of said indebtedness.

**SEC. 34. Tenants' property.** The property of any tenant or person in the occupation of real estate, shall in no case be subject to distress for the taxes due upon such real estate.

**SEC. 35. Vacancy of treasurer.** If any treasurer shall die, or be prevented by any bodily infirmity, or any other cause, from completing his collection of taxes, the board of county commissioners may appoint some suitable person to complete the collection, who shall receive a reasonable compensation, to be paid by the county; and in case of such death, the administrators or executors of the deceased treasurer shall forthwith deliver said list into the custody of the board of county commissioners.

**SEC. 36. To give bond—effect of bond.** The treasurer, before entering upon the duties of his office, shall file with the clerk of the district court a bond, payable to the board of county commissioners, with freehold securities to be approved by said clerk, in the penal sum not exceeding twenty thousand dollars, the amount thereof to be determined by the county commissioners, conditioned for a faithful discharge of his duties according to law, and for the payment of all moneys coming to his hands as treasurer; which bond shall operate as, and have the effect of a judgment confessed, until a final settlement with the board of county commissioners and auditor of state: provided, that execution shall issue only for the amount said treasurer has received and not paid over: provided, that freehold security shall not be required in counties where the land has not been sold by the United States.

**SEC. 37. Mistake in bond.** No misrecital, misnomer, or mistake in said bond, shall vitiate it, but it shall be received and construed according to the true intent of the obligors at the time of signing.

**SEC. 38. Duty as to distress.** It shall be his duty to levy distress in all cases where the person taxed has personal property subject to the distress.

**SEC. 39. Return of money and list.** Every treasurer shall make due return of all moneys collected by him, together with his county and state tax [list], to the board of county commissioners, on the first Monday of January in each year.

**SEC. 40. Treasurer's account.** He shall lay before the board of county commissioners, at their January meeting in each year, all the tax lists, and, at the

same time, a true and complete account of the condition of the county treasury, specifying the amount of taxes received and collected by him.

**SEC. 41. List of unpaid taxes.** He shall, so soon after the first day of January in each year as possible, make out a complete list of the lands and property [142] upon which the taxes remain unpaid, which list he shall file in his office.

**SEC. 42. Compensation.** The treasurer shall receive for his compensation four per cent., until it amounts to the sum of two hundred and fifty dollars—should the amount collected amount to so much—and two per cent. on all above that amount; and shall be allowed the same fees for making distress and sale of goods and chattels for the payment of taxes as may be allowed by law to constables for making levy and sale of property on execution; traveling fees to be computed from the seat of justice of the county to the place of making the distress; and also, the sum of fifty cents for making a deed for lands sold for taxes.

**SEC. 43. Interest on taxes.** All taxes upon any lands and property due and unpaid on the first day of January, for the previous year, and returned delinquent, as aforesaid, shall draw interest at the rate of twenty-five per centum.

**SEC. 44. Delinquent list.** The treasurer shall receive the taxes due upon any of the delinquent lists upon the terms provided for in the foregoing section, and upon no other, during the space of two years from the first day of January next after said list shall be filed in his office as delinquent.

**SEC. 45. Taxes unpaid—report.** When the taxes upon lands in any county in this state have remained thus due and unpaid for the said term of two years, it shall be the duty of the county treasurer to make report thereof to the district court of his county, at the first term thereafter, which report shall be in the following or equivalent form:

List of Lands and other Real Estate, situated in the county of———, in the State of Iowa, on which taxes remain due and unpaid for the year herein set forth:

Names of Owners	Town lots	Costs	Interest	Amount of tax	Year tax is due	Description	County

**SEC. 46. Advertisement—contents.** Before making the application to the district court, provided for in the preceding section, the treasurer shall publish an advertisement in some newspaper printed in his county, if any such there [143] be, and if there be no such paper printed in the county, then in the nearest newspaper in the state, which advertisement shall be three times published, one of which shall be at least six weeks prior to said term of said district court; and the said advertisement shall contain a list of the delinquent lands and town lots to be reported to said court, the names of the owners, if known, the amount of taxes, interest and costs due thereon, and the year or years for which the same are due; shall give notice of the intended application to the court for judgment against said lands and town lots, for said taxes, interest and costs thereon, and for an order to sell the said lands and town lots for the satisfac-

tion thereof; and shall also give notice that after the adjournment of the said district court, all the lands and town lots against which judgment shall be pronounced, and for the sale of which such order shall be made, will be exposed to public sale at the court house in said county for the amount of said taxes, interest and costs, due thereon; and the advertisement published according to the provisions of this section, shall be deemed and taken to be sufficient and legal notice, both of the aforesaid intended application by the treasurer of [to] the district court for judgment, and also of the sale of said lands under the order of the said court.

**SEC. 47. Duty as to advertisement.** The treasurer shall obtain a copy of the advertisement, together with the certificate of the due publication thereof, from the printer or publisher of the newspaper in which the same shall have been published, and shall file the same with the clerk of the said district court at the said term thereof, together with the said reports provided for in the 45th section.

**SEC. 48. Duty of district court clerk—form.** The clerk of the district court, upon filing such report and certificate of publication by the treasurer, shall receive and record the same in a book to be kept for that purpose, in which he shall enter all judgments, orders and other proceedings of the court in relation thereto, and shall keep and preserve the same as a part of the record of the court; and the said clerk shall place the said report and the certificate of said treasurer at the head of the common law docket for said term, in the following form, to wit:—

"STATE OF IOWA,	}	Suit for Taxes."
vs.		
John Doe et al.		

**SEC. 49. Duty of court—order of sale.** It shall be the duty of said court, upon calling the common law docket for said term, if any defence be offered by any of the owners of said land so reported, or by any person having a claim or interest therein, to hear and determine the same in a summary way, without pleadings; and if no defence be made, the said court shall pro-[144]-nounce and render judgment against the said lands, and shall thereupon direct the clerk of said court to make out and issue an order for the sale of the same, which shall be in the following form, to wit:

STATE OF IOWA,	}	Sct.
_____ County.		

"Whereas, A. B., treasurer of said county, returned to the district court of said county on the — day of — the following tracts and parts of tracts of land and town lots, as having been assessed for taxes by the assessor of said county for the year —, and that the taxes thereon remain due and unpaid on the day of the date of the said treasurer's return, and that the respective owner or owners have no goods and chattels within his county on which the said treasurer can levy for the taxes, interest and costs, due and unpaid on the following described lands and town lots, to wit:

And whereas, due notice has been given of the intended application for a judgment against said lands and town lots, and no owner hath appeared to make defence or show cause why judgment should not be entered against said lands and town lots, for the taxes, interest and costs due and unpaid thereon, for the year herein set forth; therefore it is considered by the court, that judgment be, and is hereby entered against the aforesaid tract or tracts of land, or parts of tracts and town lots, (as the case may be,) in the name of the state of Iowa, for the sum annexed to each tract or parcel of land or town lot, being the amount of taxes, interest and costs due severally thereon, and it is ordered by

the court, that the said several tracts of land and town lots, or so much thereof as shall be sufficient of each of them to satisfy the amount of taxes, interest and costs, annexed to them severally, be sold as the law directs."

**SEC. 50. Form.** That the form as hereinbefore set forth, shall be pursued as near as the nature of the case will admit.

**SEC. 51. Duty of clerk as to order—duty of treasurer.** That it shall be the duty of the clerk, within five days after the adjournment of said court, to make out, under the seal of said court, a copy of the treasurer's report, together with the order of the court thereon, which shall constitute the process on which all lands and town lots shall be sold for county and state taxes, and deliver the same to the treasurer of his county, and the treasurer shall thereupon cause the said lands and town lots to be sold on the day specified in the notice given by him for the sale of the same, and make return thereof to the said clerk within twenty days after the last day of said sale.

**SEC. 52. Tax, etc., paid before sale.** Any person or persons owning or claiming lands or town lots advertised for sale as aforesaid, may pay the taxes, interest and costs [145] due thereon, to the treasurer of the county in which the same are situated, at any time before the sale thereof.

**SEC. 53. Figures may be used.** On all advertisements for the sale of lands or town lots for taxes, and in entries required to be made by the clerk of the court, figures may be used to denote townships, ranges, sections, parts of sections, dates, and the amount of taxes, interest and costs.

**SEC. 54. Sale.** The treasurer of each county in which lands or town lots shall have been advertised for sale for taxes, as hereinbefore prescribed, shall attend at the court house, or if there be no court house, then at the place of holding courts in said county, on the day for which said sale is fixed in the said advertisement, and between the hours of ten o'clock, a. m.; and three o'clock p. m., shall proceed to sell each lot, tract, or parcel of land, advertised for sale in his county, as aforesaid, at public auction, commencing with the first lot or parcel named in the list, and proceeding until the whole are sold. He shall continue the sale each day until three o'clock p. m., and then adjourn until the next day, and shall thus proceed, from day to day, (Sundays excepted,) till the sales are completed.

**SEC. 55. Sale continued—manner.** In selling the said lands, the treasurer shall offer the whole tract or lot for sale for the amount of taxes, interest and costs thereon, including the fees hereinafter mentioned, and so much thereof as may be necessary shall be struck off to the lowest bidder; that is, to the person who has offered to pay the amount due, as aforesaid, for the least number of acres. When a portion of a tract shall have been struck off, on any such bid, it shall be taken off the east side of said tract, extending the whole length on the east side, and so proportioned in width as to embrace the number of acres sold as aforesaid. If no person shall offer to pay the amount due on said land for less than the whole tract, the whole tract shall be struck off to any bidder for the said amount; but if no person shall offer to pay said amount for the whole tract, the same shall be struck off to the county, and the county set down as the purchaser thereof for the said amount due thereon.

**SEC. 56. Certificate of sale—may be assigned—effect—if not redeemed—interest—fees—deed to be executed—effect of conveyance—if tax has been paid—proviso.** As soon as may be after the sale by this act provided for, the treasurer shall give the purchaser a certificate in writing, describing the same with certainty, the sum paid therefor, and the time when the purchaser will be entitled to a deed for such lot or land, or part thereof, which certificate may be assignable by endorsement on the same, which assignment shall have the same force and effect as the assignment of other bonds for the conveyance of land; and if the owner or claimant of the lot or tract of land described in such cer-

tificate shall not, within two years from the date thereof, pay the purchaser, his heirs or assigns, or to the treasurer of the county in which such lot or tract of land be [146] situated, for the use of the purchaser, his heirs or assigns, the sum mentioned in said certificate, with interest thereon at the rate of twenty-five per cent. per annum, and redeem said lands from said purchase, for which said clerk [treasurer?] shall receive as a compensation for such redemption the sum of twenty-five cents for each eighty acres, and the same for each town lot, which sum said claimant shall pay said clerk [treasurer?] before redemption. The said treasurer or his successor in office at the time such deed is demanded, shall, at the expiration of the said two years, execute to said purchaser, his heirs or assigns, in the name of the state of Iowa, a conveyance of the lot or tract of land so sold as aforesaid and described in said certificate, which conveyance shall vest in the person to whom it is given an absolute estate in fee simple, and such conveyance acknowledged and recorded shall be good and valid in law. No sale of lands for taxes, nor deed made in pursuance thereof shall be of any validity, if the tax for which the same is sold shall have been paid prior to such sale, and the collector's receipt shall be evidence of that fact: provided, always, that when the lands of minors, insane persons, or persons in confinement, and *feme soles* be sold, the same shall be redeemable within one year after such disability shall have been removed.

**SEC. 57. Effect of sales and deed.** Sales made and deeds executed by treasurers as aforesaid, shall have the same force and effect, and be of the same legal validity, as sales when upon execution from district courts and deeds made by sheriffs upon such sales.

**SEC. 58. Treasurer to be charged with taxes—how released.** The treasurer of each county shall be charged with the amount of state tax, according to the copy of the assessment list returned to the auditor of state, and shall only be released from the obligation of his bond when the whole amount shall have been paid in or satisfactorily accounted for.

**SEC. 59. Taxes, how paid.** County orders shall be received at par when offered for county taxes, and one half of the state revenue shall be paid in cash and the remainder in cash or auditor's warrants.

**SEC. 60. Duty of county treasurer—what funds received—duty as to delinquent lists.** The treasurer of each county shall pay into the state treasury the amount of money collected by him, on or before the 15th day of February of each year, for which he shall receive a receipt, and nothing shall be received by the treasurer of state, except such funds as are received by law for state taxes. That it shall be the duty of the treasurer to collect the delinquent lists of the preceding year or years, and pay the same into the county and state treasuries, as they are herein required to pay in the taxes of the current year, and also to keep a separate account of the same, and specify, in said account to the clerk of the board of commissioners, for what year the same was collected. That the portion belonging to the state treasury shall be certified to the auditor of state by the clerk of the board of commissioners, and the amount shall be paid by the treasurer to the state treasurer, at the time and in the manner of paying over the state revenue for every current year.

**SEC. 61. Duty of state treasurer and auditor as to interest on loan.** It shall be the duty of the [state] treasurer and auditor to make a liberal estimate of the amount of money necessary to meet all obligations on account of the Iowa state stock, which may fall due before the expiration of the year, or before the revenue of the ensuing year shall be available, and set aside a sum sufficient for the purpose, out of the first money coming into the treasury from any source whatever; which sum shall be considered as irrevocably appropriated to that purpose.



**SEC. 62. Repealing section—proviso.** All acts and parts of acts conflicting with the provisions of this act are hereby repealed: provided, that nothing in this act shall be so construed as to prevent any person now holding office in this state, from holding the same until the first Monday in August, 1847. Neither shall anything in this act contained in any way interfere with the collection of any taxes already levied under the laws now or heretofore in force.

Approved, February 25th, 1847.

## CHAPTER 101.

### PENITENTIARY.

AN ACT relative to the penitentiary.

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

**SECTION 1. Agent—his duties.** That for the purpose of rendering the penitentiary efficient, an agent shall be appointed by joint resolution of the general assembly, whose duty it shall be to make the necessary contracts for completing the walls of the building, placing a roof over the part intended to be under cover, enclosing the exterior yard, and finishing ten additional cells, unless the means at his disposal are sooner exhausted.

**SEC. 2. State bonds.** To meet the necessary expenditure thus incurred, the governor shall cause to be executed state bonds to the amount of ten thousand dollars, drawing six per cent. interest per annum, and deliver the same to the agent hereinbefore mentioned.

**SEC. 3. Additional state bonds.** Whenever there shall be any such moneys in the treasury of the school fund, the governor, at the request of the agent, shall issue state bonds not exceeding ten thousand dollars in amount, made payable in ten years, to the common school fund, and bearing interest at the rate of ten per cent. per annum, payable on the first day of February in each year.

**SEC. 4. Bonds to be filed—auditor to pay—amount.** These bonds shall be filed in the office of the auditor of the school fund, who shall at any time thereafter, when requested by the agent, pay over to him the moneys hereby appropriated which may be then in the treasury; but not more than five thousand dollars shall be placed in the hands of the agent at any one time, over and above the amount for which satisfactory receipts and vouchers shall have been by him previously filed in the office of the auditor of state.

**SEC. 5. Agent's bond—oath.** Previous to commencing to discharge the duties of his office, the agent shall file, in the office of the state treasurer, his bond in the penalty of ten thousand dollars, with security to be approved by the governor, conditioned that he will faithfully account for and pay over all moneys that shall come into his hands as such agent. He shall also take an oath faithfully to discharge the duties of his office, which shall be filed with his bond.

**SEC. 6. Interest, how paid.** The interest on the loan hereby authorized, shall always be paid in preference to any other charge against the state treasury, except that for the interest on the loan already authorized.

**SEC. 7. Work, how prosecuted.** The work shall be prosecuted in such a manner as not to exceed in expense the sum herein appropriated, leaving that part of the work, (if any,) unfinished which is least important.

**SEC. 8. Prisoners—keeper.** Prisoners in the penitentiary shall be under the supervision of the agent, who shall have power to employ a keeper, to direct

the manner in which the prisoners shall be employed, to see that they are furnished with necessaries, and to make such rules as he may deem expedient for their regulation and government.

**SEC. 9. Compensation of agent.** The agent shall receive for his services the sum of four hundred dollars, to be paid out of any funds in the treasury, at the time of the termination of the work for which he was appointed.

**SEC. 10. Payment of keepers, etc.** The funds necessary for paying a keeper and furnishing necessaries, may be taken from the amount appropriated for the work herein authorized.

**SEC. 11. Agent's report.** The agent shall report his actings and doings in the premises, in full, to the governor, to be laid before the general assembly at the commencement of the next and any subsequent session while he may remain in office.

Approved, February 25th, 1847.

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[149] CHAPTER 102.

PENITENTIARY.

AN ACT to authorise the auditor to audit certain certificates of indebtedness, on account of expenses connected with the penitentiary.

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

**SECTION 1. Certificates be audited.** That the auditor of state is hereby authorized and required to audit certain certificates of indebtedness for necessary expenses of the penitentiary, issued by John W. Cohick, in the early part of the year 1846, while said Cohick was warden of said penitentiary, and before he became the lessee thereof.

Approved, February 25th, 1847.

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CHAPTER 103.

FORT MADISON.

AN ACT to provide for the repeal of the charter of Fort Madison, in Lee county.

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

**SECTION 1. Mayor and aldermen, duty as to funds.** That the mayor and board of aldermen of the town of Fort Madison shall have no power to appropriate any of the funds collected or to be collected by them, other than for the payment of the officers of said town, and the debts of the corporation now existing and unpaid—that it shall be their duty to pay said debt or debts as soon as they shall be enabled to do so, by levy and assessment of taxes upon property in said corporation, not exceeding the rate per cent. levied the past year.

**SEC. 2. Grocery and tavern licenses.** All sums of money arising from grocery and tavern licenses, and other sources of revenue in said town, shall be applied to the payment of said debts.

**SEC. 3. Election—notice—repeal.** It shall be the duty of the said mayor and board of aldermen, as soon as the debts of said town are paid, to give notice thereof to the inhabitants of said town by a written notice put up in four public places, notifying the inhabitants of said corporation that an election will

be held in the several and respective wards, wherein the inhabitants would be called upon to vote whether said incorporation be repealed or not. If a majority of the legal voters vote for repeal, the same is hereby repealed; if such majority should be against repeal, the charter of said corporation shall continue and be in full force. Said election [150] to be conducted in the same manner as other elections of said corporation.

**SEC. 4. In case of repeal.** In case a majority of the said inhabitants shall vote for a repeal of said corporation, then and in such case the said town shall become part and parcel of the township of Madison, to be governed by the same laws as other townships are governed.

**SEC. 5. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 24th, 1847.

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#### CHAPTER 104.

#### JONES COUNTY.

AN ACT to provide for the place of holding district courts in Jones county.

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

**SECTION 1. Where court to be held.** That the place of holding courts in Jones county shall be at the old court house in Edinburgh, in said county, until another place is provided by the county commissioners.

**SEC. 2. To take effect.** This act is to take effect and be in force from and after its passage.

Approved, February 24th, 1847.

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#### CHAPTER 105.

#### POOR OF LEE COUNTY.

AN ACT for the relief of the poor.

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

**SECTION 1. Act repealed as to Lee county.** That the act of the territorial legislature entitled "An act amendatory of an act for the relief of the poor," approved February the 12th, 1844, be, and the same is, hereby suspended, repealed and declared to be of none effect in the county of Lee, anything in said act of a general nature to the contrary notwithstanding.

**SEC. 2. Duty of commissioners—vote to be taken.** That the board of commissioners of said county may, and they are hereby authorized and empowered, at their discretion to order, time after time, at any general election hereafter to be held, that the legal voters in said county shall vote for or against the erection of a poor house in said county; and if a majority of votes at any election as aforesaid, be for a poor house, then all elections for or against a poor [151] house under this act in said county shall cease; and the board of commissioners shall proceed according to the provisions of an act of the territorial legislature, entitled "An act to authorize the establishment of poor houses," approved February 17th, 1842.

**SEC. 3. Notice and returns.** The manner of giving notice of and conducting said elections under this act, and the manner of making returns thereof to the board of county commissioners of the result of said election, shall in all respects be conducted, as nearly as may be, in accordance with the laws now in force regulating general elections.

**SEC. 4. To take effect.** This act shall take effect and be in force from and after its publication once in the Lee County Democrat, at the expense of said county.

Approved, February 25th, 1847.

## CHAPTER 106.

### WILLS, EXECUTORS, ETC.

AN ACT to amend an act relative to the probate of wills, executors, administrators, etc., approved Feb. 13th, 1843.

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

**SECTION 1. Failure to pay—duty of court.** That if any executor or administrator shall fail to pay the amount due to any creditor of the estate, or other person entitled thereto, in compliance with the written order of the judge of probate, such executor or administrator and his securities, shall be cited to appear before the probate court, at a time specified in the citation, giving at least ten days notice thereof, to show cause why he has so failed as aforesaid; and if no sufficient cause be shown, the probate court is hereby authorized and required to render judgment against such executor or administrator, and his securities, for the amount due in any such case, together with the costs of suit, and to issue execution therefor.

**SEC. 2. Effect of judgment.** Judgments rendered by the courts of probate shall have the same force and effect as judgments rendered in the district courts of this state: provided, that nothing herein contained shall prevent an appeal therefrom to the district court, as in other cases.

**SEC. 2. Section repealed.** The sixteenth section of the fifth chapter of the act entitled "An act relative to the probate of wills, executors, administrators, etc.," approved Feb. 13th, 1843, is hereby repealed.

**SEC. 4. Section amended—letters revoked—liability.** The ninth section of the sixth chapter of the act to which this is amendatory, is hereby so amended as to read as follows: "When any executor or administrator, after being duly cited by the judge of [152] probate, shall neglect to render any account of his administration, the judge of probate may revoke his letters and appoint a new administrator, with the will annexed, or otherwise, as the case may be; and the executor or administrator so neglecting to render his account, shall, with his securities, be liable in an action on the administration bond, before the probate or district court, for the value of the goods and chattels, rights and credits, for which he is justly chargeable.

**SEC. 5. Section amended—costs.** That the twelfth section of the said act of the 13th of Feb. 1843, be so amended as to read as follows, to wit: "That if judgment shall be recovered against an executor or administrator for costs in any suit commenced or prosecuted by him in that capacity, execution shall not be awarded against him, as for his own debts, unless it shall appear to the court that the suit was commenced or prosecuted unnecessarily, or without any reasonable cause.

**SEC. 6. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers published in Iowa City.

Approved, February 25th, 1847.

Published in the Reporter March 17th, and in the Standard March 18th, 1847.

## CHAPTER 107.

### REPEAL.

AN ACT to repeal an act herein named.

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

**SECTION 1. Act repealed.** That an act passed at the present session of this general assembly to change the name of Knoxville, in Marion county, be, and the same is, hereby repealed.

**SEC. 2. To take effect.** This act to take effect and be in force from and after its passage.

Approved, February 24th, 1847.

## CHAPTER 108.

### FERRIES.

AN ACT for extending the powers of the board of county commissioners in regard to licensing and regulating ferries.

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

**SECTION 1. Ferry license—conditions—requirements—to fix rates.** That, in addition to the powers now granted to the board of county [153] commissioners, they are hereby authorized and empowered to grant privilege to any person or persons to keep a ferry on any waters within the state, upon the following conditions and limitations:

First—The board of county commissioners in the several counties in this state may authorize any person or body politic to use and exercise the rights to keep a ferry on any of the waters of this state, or bordering on the same, who may give satisfactory evidence of their ability to comply with such regulations as the county commissioners may prescribe, which privilege may extend as far above, and as far before any given point as they may direct, not exceeding two miles, for any term not exceeding twelve years.

Second—The board of county commissioners shall require of the person to whom they may grant ferry privileges to keep constantly at said ferrying point such suitable boat or boats, with fixtures and hands, as they may think suited to public convenience, which shall be distinctly set forth in the license, and shall also prescribe such other and further duties as may be thought proper for the good of the public.

Third—Said commissioners shall have power to fix the rates of ferriage, and the amount which shall be paid the county annually.

**SEC. 2. License in two counties.** That any person desirous of keeping a ferry across any stream which forms a dividing line between two counties shall, before he establish a ferry or be in any wise authorized to keep one, obtain license from both counties.

**SEC. 3. Repealing section.** That all laws coming in conflict with the provisions of this be, and the same are, hereby repealed.

**SEC. 4. Bond.** That the county commissioners shall require of any person or persons obtaining a license under the provisions of this act, to give bond with sufficient security for the faithful performance of their duties.

Approved, February 24th, 1847.

## CHAPTER 109.

### ELECTIONS.

AN ACT defining the time of holding elections for state, district and county officers.

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

**SECTION 1. State officers.** That there shall be elected, by the qualified electors of this state, one governor, one secretary of state, one treasurer of state and one auditor of public accounts.

[154] **SEC. 2. Governor.** That the governor shall be chosen every four years, counting from the first Monday in August, eighteen hundred and forty-six, and shall hold his office until his successor is elected and qualified.

**SEC. 3. Secretary, treasurer and auditor.** That the secretary of state, auditor of public accounts, and treasurer, shall be chosen biennially, counting from the first Monday in August, eighteen hundred and forty-six, and shall hold their respective offices until their successors are elected and qualified.

**SEC. 4. Judges.** That the judges of the district court shall be chosen at the township election, on the first Monday in April, eighteen hundred and forty-seven, and every five years thereafter, and shall hold their respective offices until their successors are elected and qualified.

**SEC. 5. County officers—district clerks and prosecutors.** That there shall be chosen on the first Monday of August, eighteen hundred and forty-seven, and biennially thereafter, in each county in this state, one probate judge, one sheriff, one coroner, one county commissioners' clerk, one recorder, one surveyor, and one sealer of weights and measures, and shall hold their respective offices until their successors are elected and qualified; and in those counties where there was no election for clerks of the district court and prosecuting attorneys at the last election, there shall be elected on the first Monday in August next, one clerk of the district court and one prosecuting attorney, who shall hold their offices until the general election on the first Monday in August, 1848, and until their successors are elected and qualified.

**SEC. 6. Senators and representatives.** That on the first Monday in August in 1848, and biennially thereafter, there shall be elections held as aforesaid for the election of representatives, and also for senators in those districts where the terms of those elected have expired.

**SEC. 7. County commissioners.** That the elections for county commissioners shall take place as is now provided by law.

Approved, February 25th, 1847.

## CHAPTER 110.

### CITY OF KEOKUK.

AN ACT to incorporate the city of Keokuk.

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

**SECTION 1. Boundaries and style—powers—seal.** That all that part of fractional township number sixty-five (65) north, of range four (4) west of the fifth

principal meridian, in Lee county, in this state, and of township sixty-five north, of range five west of the said meridian, in said county, embraced within the boundaries or limits [155] of the town of Keokuk, according to the plat of the said town now on record in the recorder's office of said county, shall be, and is hereby declared to be, a city, and the inhabitants thereof are hereby created a body corporate and politic, with perpetual succession, by the name and style of the "City of Keokuk," and, as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered unto, in all courts and places, and in all matters whatsoever; and of taking, holding, purchasing and conveying all such real and personal estate as the purposes of the said body corporate may require; may have and use a common seal, and alter the same at pleasure; and shall be competent to have, exercise and enjoy all the rights, privileges and immunities of a municipal corporation.

**SEC. 2. Wards.** The said city shall be divided into three wards, as follows, to wit: That portion lying between the Mississippi river and the center of Second street in said city, and bounded on the southwest by a line drawn from the said river to the center of the said Second street, between, parallel to, and at equal distance from Main and Johnson streets in said city, shall be the first ward: That portion lying between the said river and the center of Second street aforesaid, and bounded on the northeast by the line aforesaid, shall be the Second ward; and that portion lying between the center of Second street aforesaid and the northwestern limit or boundary of the said city, shall be the third ward: provided, that the city council of the said city may change, unite or divide the said wards, or any of them, whenever they shall think it necessary or proper.

**SEC. 3. Officers—term of office—quorum—rules and record.** There shall be in and for said city a mayor, to be chosen by the qualified electors of said city, and, in and for each ward thereof, two aldermen, to be chosen by the qualified electors of said wards, who shall hold their respective offices—except as herein otherwise provided—for the term of one year, and until their successors are elected and qualified. Said mayor and aldermen shall constitute the city council of said city, of which the said mayor, or in his absence, some one of the said aldermen, to be chosen by the said council for that purpose, shall be president. A majority of all the members of the said council shall be necessary to constitute a quorum for the transaction of business, but a less number may, from time to time, adjourn. Said council shall determine the rules of their own proceedings, and shall cause a faithful record of the same to be kept, which shall at all times be open to the inspection of every citizen of said city.

**SEC. 4. Elections.** The first election of the members of the council to be held under and by virtue of this act, shall be held on the second Monday in [156] April, 1847, provided, this charter shall be accepted by the qualified voters of said city of Keokuk as is hereinafter provided, and the election of the members of said council and mayor shall be held annually thereafter on the second Monday in April in each year.

**SEC. 5. First election—duty of judges and clerks—other elections.** At the first election aforesaid, polls shall be opened at the Rapids Hotel in the first ward, at the New York House in the second ward, and at the office now occupied by J. G. Wickersham in the third ward; said polls to be kept open from 10 o'clock A. M., until 4 o'clock P. M.; three judges of election and one clerk shall be chosen, *viva voce*, at the opening of the polls in each ward, by the qualified voters of said ward present, who shall be sworn to conduct the said election, as nearly as may be, in conformity with the laws regulating general elections in this state, except as is herein otherwise provided. Immediately after the polls are closed in each ward the votes shall be counted, and a statement

thereof made out and signed by the judges and clerk of election; on the day following the said election the judges and clerks of election in the several wards, or a majority of them, shall meet and canvass all the votes cast in said city, and shall declare the persons who have received the highest number of votes for the several offices duly elected to said offices; they shall also, within four days thereafter, notify the persons so elected of their election. At all elections after the first, provided said charter be adopted thereat, the places of opening the polls and the judges and clerks of election in the several wards, shall be designated and appointed by the city council, but in all other respects the said elections shall be conducted in the same manner as is herein provided for the first election.

**SEC. 6. Voters.** Every male citizen of the United States, of the age of twenty-one years, who shall have been a bona fide resident of the said city for three months next preceding any election held in pursuance of this act, shall be qualified and entitled to vote for mayor at such election, and any such citizen and resident who shall also have resided in any ward of said city for fifteen days next preceding any such election, shall be qualified and entitled to vote thereat for aldermen of said ward, and not otherwise.

**SEC. 7. Oath of office.** All officers elected or appointed in pursuance of this act, shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation, before some officer authorized to administer oaths, to support the constitution and laws of the United States and of this state, and faithfully to discharge all the duties of the office to which they have been elected.

**SEC. 8. Duty of council and clerk—city officers—duties, etc.** The city council shall convene on the Monday following their election and the adoption of this charter, and shall proceed to [157] elect a clerk, who shall attend all meetings of the said council and keep a record of their proceedings; shall keep the corporate seal, and perform such other duties as the said council shall ordain and prescribe; they shall also appoint an assessor, a marshal and collector, who shall be the treasurer of the said city, and such other subordinate officers as they shall think necessary and proper. The council shall define the duties of the several officers appointed or elected by said council, subject to the provisions of this act; shall fix the nature and amount of compensation for their services, and shall require such security as they shall deem proper, for the faithful discharge of the duties of their several offices.

**SEC. 9. Council meetings.** The city council shall hold regular meetings on the first Monday in each month, and each member thereof in attendance upon any such meeting, shall be entitled to receive one dollar for his services thereat; special meetings of the council may be called at any time by the mayor, or, in his absence, by the president *pro tem.* of the council, but the members thereof shall receive no compensation for their services at such special meetings.

**SEC. 10. Powers—laws to be published—proviso.** The city council shall have power to make, ordain and publish such by-laws and ordinances as they shall think necessary and proper for the good order and government of the said city, for the promotion of morality therein, and for the health, interest and convenience of the inhabitants thereof; to alter and repeal the said by-laws and ordinances at pleasure, and to affix such reasonable penalty for the violation thereof, not exceeding twenty-five dollars for one offence, as they may deem necessary, to be collected with costs by an action of debt in the corporate name; but no such by-law or ordinance shall be in force until the same has been published at least ten days in some newspaper published in said city, or at least one copy thereof posted up in some public place in each ward of said city for the same length of time: provided, that nothing in this act shall be so construed as to authorize the passing or enforcing any by-law or ordinance contrary to the constitution and laws of the United States or of this state: pro-



vided, that nothing herein contained shall be so construed as to prevent any person from selling, within the chartered limits of said city, the products of his farm, at any time and in any manner he may deem proper, without restriction or taxation.

**SEC. 11. Streets, etc.** All the streets and alleys located, surveyed, laid out or marked upon the plat of the town of Keokuk aforesaid, recorded as aforesaid, shall be, and are hereby severally declared to be, streets and alleys in said city, and shall be and remain public highways in said city. And the city council shall have power to establish a grade of all [158] said streets and alleys; to grade, clear out, open, regulate and improve the same; and to remove nuisances and obstructions therefrom, as fast as the interests of the said city, and the citizens thereof, shall require; and to prevent any person or persons from encumbering, occupying or obstructing the same.

**SEC. 12. Wharf, etc.** The city council shall have power to regulate and improve the landings in the Mississippi river at the said city, and to fix wharfage and dockage rates for all boats, rafts and water crafts, of every description, landing at said city; and to collect the said rates, by proceedings in the corporate name, in the same manner as is now provided by law for the collection of other debts and demands from steamboats and vessels.

**SEC. 13. Taxes.** The city council shall have power to levy an annual tax upon all property, real and personal, within the limits of the said city, subject to taxation for county revenue, to carry into effect the provisions of this act: provided, that no such tax shall in any one year exceed one half of one per cent. upon the assessed value of the property upon which the same is levied.

**SEC. 14. Taxes—proviso.** The city council shall make out a duplicate of taxes in proportion to the valuation of the property of each individual in said city, on or before the first day of May in each year, to be signed by the mayor and countersigned by the clerk, which duplicate shall be delivered to the marshal and collector of said city, whose duty it shall be to proceed to collect the same, within such time and in such manner as the by-laws or ordinances of the said city shall require, and to pay over the amount of such tax so collected, upon an order of the city council, signed and countersigned in the same manner as is provided for said duplicate: provided, that the said council shall have power, on the complaint of any person aggrieved, to correct or amend any illegal or erroneous assessment, before making out or delivering such duplicate to the marshal and collector.

**SEC. 15. Tax sales—publication.** The marshal and collector shall have power to sell personal property, and for want thereof to sell real estate, for the non-payment of taxes within said city, giving the purchaser a certificate of such sale, setting forth a brief description of the property so sold and at what time he will be entitled to a deed, which certificate shall be assignable by endorsement thereon; but no real estate shall be sold for the non-payment of such taxes, unless the assessment of such tax or taxes shall have been duly notified by publication for at least six consecutive weeks before the day when the said taxes are payable, in some newspaper published in said city, or by notice posted for the same length of time in some public place in each ward thereof, nor unless the intended sale of such [159] real estate shall have been notified in the same manner and for the same length of time prior to such sale.

**SEC. 16. Redemption—deeds.** All real estate sold under or by virtue of section fifteen, may be redeemed by the owner thereof at any time within two years from the date of the sale thereof, by paying the amount of the taxes for which the same was sold, with costs of advertising and sale and fifty per cent. interest per annum upon the whole amount of such taxes and costs. But if any real estate so sold remain unredeemed at the expiration of two years from the date of the sale thereof, the marshal and collector of said city shall, upon

payment of a fee of one dollar to him by the purchaser of such real estate at such sale, his assignee or legal representative, make, execute and deliver a deed of such real estate to the said purchaser or his assignee or representative.

**SEC. 17. Road districts.** The streets and alleys of the said city shall constitute one road district, and the said city council shall annually appoint a supervisor or overseer of the same, who shall collect a road tax from all inhabitants of the said city liable to work upon the roads, in the same manner as is now provided by law for supervisors of road districts in the several townships.

**SEC. 18. Receipts and expenditures.** The city council shall, at least ten days before the annual election in each year, cause to be made out and entered upon their journals a full and correct statement of all the receipts and expenditures during the year, together with such other information in their power to furnish, as may be necessary to a full and perfect understanding of the financial condition of the said city.

**SEC. 19. Election on the charter.** That there shall be a poll opened at the several wards and at the places named in the fifth section of this act, on the fourth Monday in March, 1847, at which election the qualified voters of said town or city of Keokuk shall vote for or against this charter, and if a majority of all the votes cast at said election shall be in favor of the adoption of this charter, then it shall be adopted, and be taken and held to be in full force. But if a majority of all the votes cast at said election shall be against it, then the same shall stand rejected for the time being, and no election for mayor or councilmen shall take place on the said second Monday of April, 1847, as provided in the fourth section of this act. But a poll shall in like manner again be opened at the places of holding elections aforesaid, in said town, on the first Monday in December, 1847, at which the qualified voters of said town shall again vote for or against this charter, and if a majority of all the votes then cast at said election shall be against it, it shall be rejected and not go into effect. But if a majority of all the votes then cast shall be in favor of its adoption, then the same shall be adopted, and in every respect binding and obligatory, [160] and a temporary election shall be held on the first Monday of January, 1848, for mayor and councilmen, as provided in this act, and the persons then elected shall serve until the next regular election on the second Monday in April, 1848, and until their successors are elected and qualified.

**SEC. 20. Public act.** This act shall be taken and received in all courts, and by all judges, magistrates and other public officers as a public act.

**SEC. 21. Service of process.** All process against the said city shall be duly served by delivering a copy thereof, certified by the officer whose duty it is to serve the same, to the mayor, or, in his absence, to the clerk of the said city, within the same time as is provided by law for the service of process in other cases.

**SEC. 22. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 23d, 1847.

## CHAPTER 111.

### SCHOOL FUNDS.

[AN ACT to provide for the management and disposition of the school fund.]

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

**SECTION 1. Duty of trustees—sixteenth sections—allotment—valuation.** That it shall be the duty of the trustees of the several townships in this state, at

as early a day as may be convenient after the next township elections, to proceed to an examination of the sixteenth section or sections in their townships respectively, or lands granted in lieu thereof, and allot the same into such parcels as, in their opinion, may be best to suit purchasers, and advance the interest of the school fund; in such allotment conforming, as far as may be consistent with the interest of said fund, to the legal subdivisions by the United States surveys, and place a true value on each parcel, which value shall not be less than at the rate of one dollar and twenty-five cents per acre: provided, that upon lands settled upon and improved previous to the survey the valuation shall be made as prescribed in the next succeeding section.

**SEC. 2. Lands settled previous to survey—notice—appraisement—duty of appraisers—purchase—failure to purchase—land to be sold—no sale, interest to be paid.** When any person shall have settled and made improvements on the sixteenth section previous to the survey, he shall give the fund commissioner notice thereof, accompanied by an affidavit of the truth of his statement. He shall then select one appraiser, and the fund commissioner shall appoint another, and, in case of a disagreement, the two shall choose a third. The appraisers thus chosen shall appraise the land thus occupied, independent of the improvements, and the improve-[161]ments by themselves. The occupant shall then be permitted to purchase the land at the appraised value, on the conditions hereinafter provided. In case he shall fail to do so within ten days after the appraisement, the land shall then be sold to the highest bidder; but, in that case, the purchaser, in addition to the price of the land, shall pay the occupant the appraised value of his improvements in cash. In case the land shall be offered to the highest bidder as aforesaid and not sold, the occupant shall pay, annually, to the superintendent of public instruction, for the use of the school fund, interest on the appraised value of the land and the improvements together, at the rate of ten per cent. per annum from the day the state of Iowa was admitted into the Union until the land is sold as hereinbefore provided.

**SEC. 3. New assessments, etc.** That for good cause the fund commissioner may direct a new assessment or allotment, or either, as the case may seem to require.

**SEC. 4. Books of fund commissioners.** The fund commissioner shall procure at the expense of the county, such books as may be necessary, and therein keep a faithful record of his acts and doings by virtue of his office, and of all papers filed in the same.

**SEC. 5. Sale of lands—notice—terms of sale—proviso—proviso—payment.** The fund commissioners of the respective counties, having received the allotment and appraisement of any or all of the sections sixteen, or lands granted in lieu thereof, shall, after giving thirty days' notice by written or printed advertisements in three of the most public places in the county, and one in the township wherein the land is situated, proceed to sell such land to the highest and best bidder, upon the following terms, to wit: One-fourth of the purchase money in advance, and the balance on a credit not exceeding ten years, bearing interest at the rate of ten per cent. per annum from the day of sale until paid, payable annually at the office of said fund commissioner: provided, that lands assessed as aforesaid shall not sell for less than their appraised value: and provided, also, that the fund commissioner shall receive, when desired by the purchaser, the whole of the purchase money in advance.

**SEC. 6. Certificate and patent.** If the purchaser pay the money in hand the fund commissioner shall give him upon the receipt thereof a certificate of purchase, which shall entitle him to a patent, which patent shall be issued by the governor.

**SEC. 7. Lands sold on credit—when purchaser may pay.** If the lands be purchased upon a partial credit, as hereinbefore mentioned, the contract shall

be forthwith reduced to writing, signed by the parties, and filed and recorded in the office of said commissioner, and thence, during the continuance of such contract, it shall be lawful for such purchaser or his assignee at any time to pay [162] the principal and interest due upon such contract and receive a certificate of purchase, as mentioned in the preceding section.

**SEC. 8. 500,000 acres, how selected—settler to notify commissioner—amount—duty of commissioner—of superintendent—contract—terms—interest.** That the manner of selecting the five [hundred] thousand acres of land, mentioned in the second section of the tenth article of the constitution, and the disposition thereof, for the support of schools, shall be as follows, to wit: Any person capable of contracting, having settled upon public lands, the quality whereof and the improvements thereon will, in the opinion of the fund commissioner of the county, render the selection a safe and profitable one, may in writing signify to said fund commissioner of the county wherein the land is situated, his or her desire to have the same recognized as school land, and thereupon the same, not exceeding three hundred and twenty acres, shall be returned by said fund commissioner, with the date of their selection, to the superintendent of public instruction, to be by him registered as lands selected by the state under the grant from congress referred to. After which the said fund commissioner shall proceed to contract with such settler for a sale thereof upon the following terms, to wit: One fifth of the purchase money in advance, or within three months from the day of making the contracts, (as the said fund commissioner may think best,) and the balance on a credit of not more than ten years, at the discretion of the purchaser, bearing interest at the rate of ten per cent. per annum, payable annually at the office of said fund commissioner.

**SEC. 9. Interest, pay day.** In order that the day of paying interest may be uniform, all contracts therefor shall make the first day of January following the date of the contract, the day of the first payment, and annually thereafter upon the same day.

**SEC. 10. Failure to pay—contract forfeited—new sale.** If any person shall fail to pay the interest due upon any contract, as hereinbefore mentioned, it shall be lawful for the fund commissioner in his discretion, either to consider the contract as forfeited and proceed to sell the land anew, upon the terms prescribed in the fifth section of this act, or to collect the same by suit.

**SEC. 11. Waste.** All contracts for the purchase of lands under the provisions of this act, shall be subject to such regulations to prevent waste as may, from time to time, be prescribed by law.

**SEC. 12. Money to be paid in advance or security.** That when it shall appear to the satisfaction of the fund commissioner that any lands by him about to be offered for sale, are of such a description that a sale thereof upon a partial credit would be wholly incompatible with the interest of the school fund, and the preservation thereof from waste, and especially in the case of timbered lands, or lands the value whereof consists chiefly in the timber growing thereon, the fund commissioner may, in his discretion, exact the whole [163] of the purchase money in advance, or if he shall sell such lands upon a partial credit, as hereinbefore prescribed, it shall be his duty to require good collateral security for the payment of the residue of the purchase money, upon the terms agreed upon.

**SEC. 13. Waste—injunction—trial—order—costs—proviso.** When the fund commissioner shall be satisfied that waste is being committed upon school lands, sold or unsold, it shall be lawful for him to apply, by petition, to the district court, or any judge thereof, for an injunction to stay waste, and the same, if granted, shall be without bond, and shall stand for trial first in order upon the court docket. The said bill shall be tried in a summary way, upon which

the fund commissioner shall be a competent witness; the court may make such order in the premises as may be equitable and calculated to secure the school lands from waste or destruction, and may adjudge the party to the fund commissioner damages for the injury done; the costs shall abide the event of the injunction: provided, such damages may be assessed by a jury.

**SEC. 14. Five per cent. on sales.** The five per centum upon the net proceeds of the sales of the public lands granted by the United States to this state, shall be paid into the hands of the superintendent of public instruction, to be disposed of according to law.

**SEC. 15. Intestate estates.** The proceeds of the sales of intestate estates, to which there may be no heir, shall be paid into the general school fund, and be disposed of according to law.

**SEC. 16. Fund commissioner's security—citation—order—neglect—removal.** When in the opinion of the board of commissioners of any county, the security of the fund commissioner of their county may be insufficient, the said board may cite the said fund commissioner to appear before them at some specified time, to show cause why he shall not enlarge his bond, or give additional security, or both, as the case may be; and upon the return of the process served, the board may make such order in the premises as they think proper. If the fund commissioner neglect or refuse to comply therewith, the board may remove him from office and fill the vacancy.

**SEC. 17. Duty of superintendent as to 500,000 acres—notice.** The superintendent of public instruction shall report, from time to time, all selections made under the eighth section of this act, to the secretary of the treasury of the United States and to the proper land office, and as soon as the five hundred thousand acres shall have been selected, he shall give notice to the several fund commissioners, who shall thereafter stop receiving selections of land as aforesaid.

**SEC. 18. When selected.** If more than five hundred thousand acres are selected, those shall be rejected which were made by the fund commissioner last in point of time; and it shall be the duty of the several fund commissioner-[164]-ers, upon being informed thereof by the superintendent of public instruction to notify the persons whose selections are rejected of that fact.

**SEC. 19. Taxation.** All lands contracted for under the provisions of this act shall be subject to taxation from the day of making the contract of purchase, to be paid by the person contracting therefor or by the occupant

Approved, February 25th, 1847.

## CHAPTER 112.

### STATE SEAL.

AN ACT authorizing the secretary of state to procure a state seal.

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

**SECTION 1. Seal—device—motto.** That the secretary of state be, and he is, hereby authorized to procure a seal which shall be the great seal of the state of Iowa, two inches in diameter, upon which shall be engraved the following device, surrounded by the words, "The Great Seal of the State of Iowa"—a sheaf and field of standing wheat, with a sickle and other farming utensils. on the left side near the bottom; a lead furnace and pile of pig lead on the right side; the citizen soldier, with a plow in his rear, supporting the American flag and liberty cap with his right hand, and his gun with his left, in the center and

near the bottom; the Mississippi river in the rear of the whole, with the steamer Iowa under way; an eagle near the upper edge, holding in his beak a scroll, with the following inscription upon it: Our liberties we prize, and our rights we will maintain.

**SEC. 2. Appropriation.** The sum of forty dollars shall be, and is hereby appropriated for the purchase of the seal aforesaid, out of any money in the treasury not otherwise appropriated.

**SEC. 3. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers in Iowa City.

Approved, February 25th, 1847.

Published in the Reporter and Standard March 3d, 1847.

[165] CHAPTER 113.

PUBLIC WORKS.

AN ACT creating a board of public works, and providing for the improvement of the Des Moines river.

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

**SECTION 1. Board of public works—when elected—oath.** That, for the improvement of the Des Moines river, there shall be established a board, to be called the "board of public works," which shall consist of a president, secretary and treasurer, who shall be elected by the qualified electors of this state on the first Monday of August next, and every two years thereafter, and shall remain in office until their successors are elected and qualified; and before entering upon the discharge of their duties, they shall take and subscribe (before some person qualified to administer the same) an oath or affirmation for the faithful and impartial performance of the duties required of them by law, which shall be deposited with the secretary of state.

**SEC. 2. Vacancy.** In case of a vacancy, occasioned otherwise than by expiration of the term of service, the governor shall have power to appoint a successor, who shall serve until the place is regularly filled by election, in the manner prescribed in the first section of this act.

**SEC. 3. Salaries.** The president shall receive one thousand dollars, and the secretary and treasurer each eight hundred dollars, per annum, payable quarterly. The president shall be the active agent of said board; shall superintend said work, and make report of the progress of contractors every month or oftener, as the board may direct; and said board shall hold its regular sessions monthly—but the president may call them together whenever he may deem it expedient.

**SEC. 4. Expenses, how paid.** Such payments, as well as all the other expenses attending the prosecution of the work, shall be paid from the fund resulting from the sale of the donated lands.

**SEC. 5.** In case of inability of the president to discharge the duties of his office, he may appoint either of the other members of the board to act in his stead.

**SEC. 6. Chief engineer.** The board shall have power to procure a chief engineer and such assistants as may be necessary, and to take all other steps for the effectual prosecution of the work, and for the preservation and care thereof, as fast as it shall be completed.

**SEC. 7. Quorum.** They shall have the general supervision and control of said work, and any two of said board shall constitute a quorum: provided,

they shall all have been notified to attend, or if for any reason the attendance of the third member shall be impracticable.

[166] **SEC. 8. Treasurer to give bond—president and secretaries' bonds.** The treasurer shall give bond in the penalty of fifty thousand dollars, with securities to be approved by the governor, conditioned that he will faithfully perform the duties of his office—account for and pay over all moneys that shall come into his hands in his official capacity. The president and secretary shall each give bond, with security to be approved in like manner, in the sum of ten thousand dollars, conditioned that they will faithfully perform the duties required of them by law, which bonds shall be filed in the office of [the] secretary of state.

**SEC. 9. Report.** The board shall make report to the governor, on or before the first day of every regular session of the legislature, giving a full statement of all their doings, and recommending such legislative action as they may deem expedient.

**SEC. 10. Extra allowance.** No extra allowance shall be made to any contractor or other person, except under circumstances wherein the law would have compelled such allowance by a private individual. In all such cases full statements thereof, and the reasons therefor, shall be made out and filed in the office of the board.

**SEC. 11.** The board may sue and be sued in their legal name—service of process upon any member of the board shall be sufficient.

**SEC. 12. Office.** The board shall establish an office at some suitable place, which they may remove from time to time, so as to be as convenient as practicable to the land to be sold and the improvements to be made.

**SEC. 13. Nature of improvement.** The general nature of the said improvement shall be [a] system of slack water navigation, by means of dams and locks; but if, at any particular part of said river, such mode of improvement shall be found improper, such other mode may be adopted as the board may deem best.

**SEC. 14. Where to commence—mill dams.** As far as compatible with the advantageous prosecution of the work, the improvement of the river shall commence at either the mouth of the Dead Slough, or the mouth of the Massau Slough, on the Mississippi river—thence up the slough to the Des Moines river—unless the board find the improvement of either of said sloughs not best calculated to advance the interest of the state. They shall then be authorized to select such other point for the commencement of the work as they shall deem expedient; and said improvement shall progress regularly up said Des Moines river; and said board may require the proprietors of any mill dam in said river to place a sufficient lock therein within a reasonable time, or otherwise, they may proceed to cause such dam to be removed, or to take such other steps as they may deem proper to render the river navigable.

**SEC. 15. Locks.** The board shall fix upon [such] dimensions for the locks as, after full inquiry and investigation, they shall deem best adapted to the purpose for which they are intended.

[167] **SEC. 16. Dams and mills—power of board.** The dams shall be located, as far as practicable, so as to accommodate the mills and machinery now begun or erected on said river; and the board shall have power to make such arrangements with the proprietors thereof in relation to the water power as may be just and proper. If no satisfactory arrangement can be made, the board shall have power to proceed with the work, and the fact shall be reported as early as practicable to the governor, to be laid before the legislature.

**SEC. 17. Adjacent land.** The board shall also have power to make arrangements with the proprietors of the land adjacent to the dams, on either side of

said river, where no mill or machinery shall have been begun or erected, for the purpose of procuring for the state a tract of land sufficient to make the water power thereby created fully available; if no such satisfactory arrangement can be made, the sheriff of the county shall summon eighteen disinterested and qualified jurors, of whom each party shall strike off six, and the remaining six shall proceed to mark off such tract of land not exceeding ten acres, and to fix the fair value of the same; and upon the payment of that amount the board shall have power, by a bill in chancery, to compel the proprietors to execute a deed therefor to the state: provided, in the opinion of the court such conveyance is necessary to render the water power available.

**SEC. 18. Water power—contracts for.** The board shall have power to lease out any water power that may be created by said improvement, for a period of not more than fifty years. They may also make contracts of like duration with individuals, granting them the water power created by any dam: provided, they will erect the same, and the necessary appendages, and keep them in repair, upon such conditions, and with such securities for the faithful performance of such contracts, as they shall deem proper.

**SEC. 19. Removal of rocks, etc.—dams.** The board may, also, as soon as they shall deem it expedient, cause the removal of rocks and other obstructions to the navigation of any part of said river, below the Racoon Forks; and may, after the survey of the river and the location of the dams, cause such dams to be built at certain points out of their regular order, whenever they think the public interest requires it.

**SEC. 20. To prevent waste.** The board shall have power to take all the necessary steps to prevent waste upon the public lands granted for the improvement of the river, and may bring suit to recover damages therefor.

**SEC. 21. May purchase lands.** They shall have power to purchase any tract of land which may be found necessary to promote the prosperity of the work, or to accomplish the object contemplated by this act, which tract shall be held and used for the public benefit.

**SEC. 22. Dam charters vacated—dams to be altered, etc.—may pay proprietors.** All charters granted by the legislature of the territory [168] of Iowa for building dams across said river, are hereby declared to be vacated, unless the proprietors thereof will construct dams and locks in accordance with the direction of the board. The board shall require the proprietors, or any person who may have obtained a charter to build one, to build or alter the same so as to correspond with the general character of the improvement of the river—and unless they will comply with such requirement, their charters shall be deemed to be vacated—and the board are authorized to proceed to construct the dams or locks themselves; and nothing herein contained shall prevent the board from paying the proprietors of such dams whatever they may deem reasonable, in addition to the privileges authorized by this act.

**SEC. 23. Work to be done by contract—lowest bid.** As far as practicable, the work shall be done and the materials furnished by contracts, which shall be given to the lowest responsible bidders, after full public notice shall have been given. When the lowest bid shall not be accepted, the reasons therefor shall be stated and filed in the office of the board, and be subject to public inspection.

**SEC. 24. Contracts.** All contracts shall be made in writing, signed by the president of the board and the contractor, and a duplicate thereof filed in the office of the board previous to the commencement of the work; and no contract shall be entered into between the board and either of its members.

**SEC. 25. Record.** The board shall keep a record of all the proceedings, which, together with all papers filed in their office, shall at all times be subject to the inspection of such persons as the legislature may appoint for that purpose.



**SEC. 26. To sell lands—receiver and register—how governed.** The board shall proceed to sell the lands donated for said improvement as fast as the funds shall be required, and as shall be permitted by the terms of said grant; and for the sale of said land, the treasurer shall be receiver, and the secretary shall be register, and the treasurer and secretary in the discharge of their duties as receiver and register shall be governed by the laws and rules prescribed by congress for the sale of lands in this state, so far as applicable under the restrictions of said grant and provisions of this law, subject to such restrictions as may be authorized by this act.

**SEC. 27. Claim upon lands.** Any person who, on the first day of January, 1847, was by the then existing laws of this state, entitled to a claim upon the lands in this act mentioned, or who shall at the time of entering the same be the owner of such claim, shall have the right to enter the same in legal subdivisions of not less than forty acres, unless it be a fractional quarter, at the price of one dollar and twenty-five cents per acre; and the provisions of the several preemption laws of congress, passed since [169] the first of June, 1838, and all the privileges and benefits thereby granted are extended to the settlers on said land, as far as the same are applicable, and the same rules and regulations shall be observed in the entry and sale of said lands by the board.

**SEC. 28. Dams on unsold lands.** In all cases when the dams in said river shall abut on lands not then sold, or on which there shall not be a legal pre-emption right, under the laws of the United States, the board shall select a tract of land not exceeding ten acres in extent and retain the same, in order to render the water power more valuable, or to be otherwise used for the benefit of the state.

**SEC. 29. Rules of pre-emption—perjury.** The treasurer and secretary shall establish rules for proof of pre-emptions under this act, as well as for fixing the time when such pre-emptions shall be proved up; and any person who, in making oaths or affirmations in accordance with such rules, shall swear falsely, shall be deemed guilty of perjury and punished accordingly. The said treasurer or secretary, or either of them, are hereby authorized to administer said oaths.

**SEC. 30. Certificates of purchase—patents.** At the time of the sale, the treasurer and secretary shall issue their certificates of the same to the respective purchasers, retaining duplicates thereof; patents shall thereupon issue, signed by the governor, subject to such regulations as may be prescribed by law.

**SEC. 31. Board to keep books—fraud.** The board shall keep books which shall show the amount of sales, and to whom; the amount and items of money received, and also of all payments made; and any intentional fraud or deception used in the keeping such books, or any other of the accounts or papers of the office, either by themselves or persons in their employment, shall subject the offenders to imprisonment in the penitentiary for a period not exceeding three years.

**SEC. 32. Laws repealed.** All laws giving power to the county commissioners of any county to authorize the building of dams across the Des Moines river, be, and the same are, hereby repealed, so far as the same applies to said river below the mouth of the Racoon river and no farther.

**SEC. 33. Labor and materials.** When it shall be compatible with the public interest and the vigorous prosecution of the work, the board may, in payment of pre-emption rights, receive labor or materials, or other things deemed necessary; and for this purpose, may postpone the day of payment for pre-emptions for such a length of time as to the board may seem reasonable and proper under all the circumstances: provided, that nothing in this section contained shall in any manner change the mode of receiving proposals for said work or materials.

**SEC. 34. Monthly estimates—payments.** The board shall make an estimate monthly of the work as it progresses, and shall make payment for the same, which in no case [170] shall exceed eighty-five per cent. of the amount due for work done, until said work is completed.

**SEC. 35.** Should it be found impracticable, upon examination and survey, to improve the river in the manner herein contemplated, or if for any other reason the work cannot progress successfully, the board shall report that fact to the governor, and from that time their salaries and all further proceedings shall cease.

**SEC. 36. Reserves—proviso.** The board may, in all sales of land under the provisions of this act, reserve to the state the right of using any stone which they may need during the progress of the work, for the construction of any part of the same, and also may reserve from sale such timber lots as they may deem necessary to furnish timber for locks and dams, or any purpose connected with the work: provided, that the authority in this section granted shall not extend to the reservation of lands upon which, at the time of the taking effect of this act, there shall be a valid pre-emption right under this act.

**SEC. 37. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers of Iowa City.

Approved, February 24th, 1847.

Published in the Reporter March 3d, and in the Standard March 18th, 1847.

## CHAPTER 114.

### PRESIDENTIAL ELECTORS.

AN ACT to provide for the election of electors of president and vice president of the United States.

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

**SECTION 1. Election—who not eligible.** That the qualified electors of this state shall, on Tuesday [next] after the first Monday in the month of November, Anno Domini, 1848, assemble in their respective townships, at the usual places designated for holding elections, and proceed to elect a number of electors of president and vice president of the United States, equal to the number of senators and representatives this state may be entitled to in the congress of the United States; which election shall commence and close at the same hours, and be conducted in the same manner, and of which the sheriffs of the respective counties shall give the same notice, as is or may be directed by law for electing members of the general assembly of the state; but no senator or representative in congress, or person holding an office of trust or profit under the United States, shall be eli-[171]-gible as an elector of president and vice president of the United States.

**SEC. 2. Duty of judges—fine.** That it shall be the duty of the judges of elections in each township, forthwith after the close of the elections, to seal up one of the poll books of the election, which shall be carried, within three days after the day of election, to the sheriff of the proper county, who shall attend the three days next succeeding the election at the seat of justice of his county, for the purpose of receiving poll books as aforesaid; and if the judges of election, or any one of them, shall fail to carry the poll books as aforesaid, they shall forfeit and pay to the state the sum of five hundred dollars, to be recovered by an action of debt before any court having cognizance thereof.

**SEC. 3. Oaths—duty of sheriff.** That the sheriffs, upon receiving the poll books as aforesaid, shall administer an oath or affirmation to each judge who shall deliver said poll book, that he was a judge of said election, and shall endorse a certificate of having administered such oath or affirmation on the poll book or packet delivered to him, and shall moreover give the judge delivering the poll book a receipt for the same, which receipt the judges shall file with the clerk of the proper county; and the said sheriff, on the receipt of the poll books, shall deliver the same, or cause to be delivered, to the secretary of state at his office, within twelve days after the election, under the penalty of one thousand dollars, to be recovered as is provided in the second section of this act.

**SEC. 4. Poll books how opened—duty of secretary—of governor—tie votes.** That the said poll books, on the fourteenth day after the election, shall be opened by the secretary of state, in the presence of the governor and the aforesaid sheriffs, or such of them as choose to attend; the secretary shall cause the poll books, as they are opened, to be read aloud, and shall make out a fair abstract of the names of the persons voted for and the number of votes given to each, and the governor shall forthwith make out, for the persons having the greatest number of votes, certificates of their having been duly elected electors of president and vice president of the United States, and transmit, by special messenger, the proper certificate to each person so elected; and shall cause the election of electors to be published in the newspapers printed at the seat of government; but if more than the number of persons to be elected, have the greatest and an equal number of votes, then the election of those having such equal number of votes shall be determined by lot, to be drawn by the secretary of state in the presence of the governor and sheriffs aforesaid, the governor shall transmit the proper certificate and cause publication to be made as aforesaid, and the said poll books shall be kept in the secretary's office, subject to the inspection of any person who may choose to examine the same.

[172] **SEC. 5. Electors when to meet.** That the electors who shall be chosen as aforesaid shall, at twelve o'clock on the day which is or may be directed by the congress of the United States, meet at the seat of government of this state and then and there perform the duties enjoined upon them by the constitution and laws of the United States.

**SEC. 6. Neglect of duty.** That the several persons who shall be appointed to conduct the election of electors of president and vice president of the United States shall, for neglect of duty, or for improper conduct, be liable to the same penalties and forfeitures as are or may be provided by the law for regulating elections in this state.

**SEC. 7. As to electors—absence.** That each elector of president and vice president of the United States shall, before the hour of twelve o'clock on the day next preceding the day fixed by the law of congress to elect a president and vice president of the United States, give notice to the governor that he is at the seat of government and ready, at the proper time, to perform the duties of an elector; and the governor shall forthwith deliver to the electors present a certificate of all the names of the electors, and if on examination thereof it should be found that one or more of said electors are absent, and shall fail to appear before nine o'clock in the morning of the day of election of president and vice president as aforesaid, the electors then present shall immediately proceed to elect by ballot, in the presence of the governor, a person or persons to fill such vacancy or vacancies as may have occurred by this the non-attendance of one or more of the electors.

**SEC. 8. Tie vote.** That if more than the number of persons required to fill the vacancy or vacancies as aforesaid shall have the greatest and an equal number of votes, then the election of those having such equal and highest number of votes shall be determined by lot, to be drawn by the governor in the presence of the electors attending, otherwise he or they, to the number re-

quired, having the greatest number of votes shall be considered elected to fill such vacancy or vacancies.

**SEC. 9. Notice—duty of electors.** That immediately after such choice is made in the manner aforesaid, the name or names of the person or persons so chosen shall forthwith be certified to the governor, by the electors making such choice, and the governor shall cause immediate notice in writing to be given to each and every one of the electors chosen to fill such vacancy or vacancies as aforesaid, and the said person or persons so elected and notified, and not the person or persons in whose place he or they shall have been chosen, shall be electors, and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on him or them as electors aforesaid, by the constitution and laws of the United States and of this state.

[173] **SEC. 10. Fees, etc.** That the sheriffs of the different counties shall each receive for his services performed under this act, the following fees, to wit: for advertising the election of electors, the sum of fifty cents for each township within his county; for attending at the seat of justice to receive the township returns, the sum of two dollars; for delivering the poll books to the secretary of state at his office, the sum of two dollars for every twenty-five miles' travel to and from the seat of government, the distance to be estimated from their respective seats of justice, on the most usual route, to the seat of government; which fees shall be allowed by the auditor, on the certificate of the secretary of state, and paid by the treasurer of state.

**SEC. 11. Fees of electors.** That each and every elector who shall attend as an elector at the seat of government as aforesaid, shall be entitled to receive two dollars for each and every day's attendance, and two dollars for every twenty-five miles travel of the estimated distance, by the most usual route from his place of residence to the seat of government, and the like sum for returning; which sum shall be allowed by the auditor, on the certificate of the governor, and paid by the treasurer out of any moneys in the treasury not otherwise appropriated: provided, however, that when a member of the general assembly shall be appointed an elector he shall not be entitled to the compensation herein allowed.

**SEC. 12. Judges and clerk's compensation.** That the judges and clerks of the township elections held under this act, and the clerks of the different counties, shall be paid the like compensation, out of their respective county treasuries, and in like manner as they are entitled to for similar services under and by virtue of the existing election laws.

Approved, February 24th, 1847.

## CHAPTER 115.

### PUBLIC BUILDINGS.

AN ACT making an appropriation for the public buildings at Iowa City.

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

**SECTION 1. Appropriation.** That there is hereby appropriated towards the completion of the public buildings at Iowa City, the sum of twenty-five hundred dollars, to be paid out of any moneys in the treasury not otherwise appropriated.

**SEC. 2. Superintendent.** The said appropriation shall be expended under the superintendence of the treasurer of the state, who is hereby allowed the sum of two hundred dollars as compensation for said services.

[174] **SEC. 3. How applied.** That said money shall be applied in the manner best calculated to secure the said buildings and prevent their injury.

Approved, February 25th, 1847.

CHAPTER 116.

DISTRICT COURTS.

AN ACT fixing the times of holding district courts in the first judicial district.

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

**SECTION 1. Time of courts.** That from and after the first day of January, one thousand, eight hundred and forty-eight, the times of holding district courts in the several counties of the first judicial district of this state, shall be as follows:

**Louisa county.** In Louisa county, on the first Mondays in March and September;

**Washington.** In Washington county, on the second Mondays in March and September;

**Henry.** In Henry county, on the third Mondays in March and September;

**Des Moines.** In Des Moines county, on the first Mondays in April and October;

**Lee.** In Lee county, on the first Monday in February, fourth Monday in May, and first Monday in November.

Approved, February 24th, 1847.

CHAPTER 117.

TOWNS.

AN ACT incorporating towns.

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

**SECTION 1. Petition—proviso.** That whenever the inhabitants of any town wish to become incorporated for the better regulation of their internal police, it shall be lawful for the qualified voters who shall have resided six months therein to petition to the board of county commissioners in the county in which such town is situate to that effect: provided, such towns exceed in population five hundred inhabitants.

**SEC. 2. Election—notice.** When a majority of all the qualified voters who shall live within the limits of such proposed incorporation shall have signed said petition, and the same is presented to said board, they shall order an election to be held at the usual place of holding elections in said town, on some day within one month from that time, for the purpose of electing five trustees of such incorporation, of which said board shall [175] cause ten days' notice to be given by written advertisements to be put up in three of the most public places in said town.

**SEC. 3. Election.** At the meeting of said qualified voters for the election of trustees, they shall first proceed to elect a chairman and a clerk of said meeting, who, after being duly qualified, shall proceed to open a poll and receive the legal votes of the town for five trustees; and, also "for incorporating" and "against incorporating" said town; and, if a majority of the votes

cast shall be in favor of incorporating said town, then the trustees shall proceed to qualify, and shall serve one year and until their successors are elected and qualified; but if a majority of the votes should be against incorporating, then the election and former proceedings shall be null and void.

**SEC. 4. Annual election.** An election for trustees as aforesaid, after the first election, shall be held annually, on such day as the board may determine by law, and at every such election, the preceding board of trustees shall direct the manner in which the same shall be conducted.

**SEC. 5. Vacancies.** Vacancies occasioned by death, resignation or otherwise in said board, shall be supplied in such manner as the board may direct.

**SEC. 6. Duty of trustees.** It shall be the duty of the trustees first elected under this act, before they proceed to make any by-laws or regulations by virtue of their election to office, to have recorded in the county recorder's office the certificate of the chairman and clerk of the election of the first board of trustees, certifying to the election of the persons who were first elected trustees; and no act or ordinance of any such first board of trustees shall be valid or of any force, unless the provisions of this act shall have been substantially complied with.

**SEC. 7. President—style.** The board of trustees of any town, elected agreeably to the provisions of this act, shall choose a president out of their own body; and the president and trustees aforesaid so duly elected, and their successors in office, shall thenceforth be considered in law and equity a body corporate and politic, to have continuance forever, by the name and style of "The president and trustees of the town of \_\_\_\_\_;" and by such corporate name and style shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of suits, actions, complaints, pleas, causes, matters and demands, of whatever nature or kind they may be, in as full and effectual a manner as any person or persons, or bodies corporate and politic.

**SEC. 8. Powers and duties of trustees.** Whenever any town shall be incorporated agreeably to this act, the president and board of trustees, or a majority of them, shall have power, from time to time, and at all times, to make, ordain, establish and execute such by-laws and ordinances, not inconsistent with the [176] laws and constitution of this state, as they shall deem necessary for the good government of such corporation, and to prevent and remove nuisances; to restrain and prohibit gambling or other disorderly conduct; to provide for licensing, regulating, or restraining theatrical and other public shows and amusements within the corporation; to regulate and establish markets, and to sink and keep in repair public wells; and shall have the sole and exclusive power and authority to keep in repair all necessary streets, alleys and dams, and to pass regulations necessary for the same, agreeably to the plan of said town.

**SEC. 9. As to taxes.** The president and board of trustees, or a majority of them, shall have full power to assess and collect, annually, taxes on all real property, not exceeding fifty cents on every hundred dollars of the assessed value thereof; also a reasonable tax upon all other property which they may think proper subjects of taxation.

**SEC. 10. Officers.** They shall have full power and authority to appoint an assessor, treasurer, clerk and such other officers as they shall find necessary, and shall allow them a reasonable compensation for their services.

**SEC. 11. Duties—collection of taxes.** Such assessor, treasurer and clerk, when appointed, shall be governed by such rules and regulations as shall be prescribed by the said president and board of trustees; and the person or persons appointed to collect any tax imposed by virtue of any powers granted by this act, shall have authority to collect the same by distress and sale of the

goods and chattels of the person charged with such tax, on giving ten days' previous notice of the time and place of such sale; and if no goods and chattels of the person charged with such tax can be found, it shall be lawful to seize and sell any lot or lots or part of lots thereon, or so much as will pay and satisfy such taxes due and in arrear, and all costs accruing on such sale, paying to the owner or owners the overplus, if any.

**SEC. 12. Tax sales.**—Any real estate sold by virtue of this act, shall be redeemable at any time within two years, by the payment of the full amount for which the same may have been sold, with fifty per centum per annum thereon, and also the amount of all the taxes or charges subsequently accrued thereon, with legal interest on the same; and if the purchaser cannot be found conveniently, the same may be redeemed by payment made into the corporation treasury, for the benefit of the purchaser.

**SEC. 13. Quorum—expel.** A majority of the members of any board of trustees shall be a quorum to transact business, but a less number may make adjournments and shall have power to compel the attendance of absent members, by imposing such fine on delinquents as will insure their attendance; and the board of trustees shall be judges of the election of their own [177] members and officers, and two thirds of the members concurring, may expel an officer or member for mal-conduct in office.

**SEC. 14. Increase of trustees.** When, in the opinion of the board of trustees, it shall be deemed expedient to increase the number of trustees of such town, they may so order as exigency may require, designating the number; and such additional number shall be elected at any annual election; and they may in like manner diminish the number, but not below that originally created.

**SEC. 15. Penalties—publication of by-laws.** The president and trustees shall have power and authority to enforce their by-laws and ordinances. All penalties and forfeitures may be recovered before any justice of the peace in the county, by action of debt, in the name of such corporation. No by-law or ordinance shall be in force until it shall have been published in at least three of the most public places in said town ten days, and also in some newspaper, if any there shall be in the county.

**SEC. 16. Bounds of corporation.** The bounds of the corporation of each town shall extend in such manner as to embrace all the in-lots and streets thereto appurtenant as recorded in the recorder's office of the county; and when any new in-lots shall be laid off adjoining any town, and the plat thereof recorded, the same shall form a part of said corporation—entitled to the same privileges and subject to the same taxes, rules and regulations as the original corporation; and for the purpose of preventing or removing nuisances, the limits of the corporation shall extend to one half a mile in each direction from the recorded plat of the town.

**SEC. 17. Out lots incorporated.** When two-thirds of the householders residing on any tier of out-lots adjoining any incorporated town, are desirous of being embraced within the bounds of said corporation, and they shall petition the president and trustees of such corporation to that effect, it shall be lawful for the president and trustees, upon the petition being proved by the oath of a respectable witness to have been signed by the persons whose names are affixed to the same, and that they are householders resident as aforesaid, to order and cause said petition to be recorded among the minutes of the proceedings of such corporation, from which time the said tier of out-lots shall be made a part of said corporation, and the inhabitants residing thereon and the owners thereof shall be subject to the rules and regulations of said corporation, and be entitled to all the privileges of the same.

**SEC. 18. The jurisdiction—public grounds—wharfs.** The trustees, or other constituted authorities of any incorporated town, whether incorporated under this act or any other heretofore enacted, shall have jurisdiction over any commons or public ground belonging to such town, and such trustees or other authorities of any town or city in this state, situated on a navigable stream, shall have [178] power to regulate the banks, shores and wharves in front of said town, and the same shall be deemed a part of the corporation and within the jurisdiction of the trustees or authorities thereof.

**SEC. 19. Fines how paid.** Any person convicted of any petty offense and fined therefor, within a corporate town, if he have no goods and chattels out of which the same can be made, may commute the same for labor on the public streets of said town, at the rate of seventy-five cents per day, until the fine and costs be paid.

**SEC. 20. Fire companies.** It shall be lawful for the constituted authorities of any town, incorporated under this or any other law of the state, to establish fire companies in any such town, and to give such companies power to regulate themselves by such by-laws as may be necessary; and they shall also have power to raise by taxation or otherwise, and appropriate funds to procure fire engines, hooks, ladders and buckets, and all other things necessary for the extinguishment of fires; and to pass and enforce all such by-laws and regulations as may be necessary to prevent the occurrence of fires in such town.

**SEC. 21. To dissolve a corporation.** Whenever three-fourths of the inhabitants of any town incorporated by virtue of this act are desirous of dissolving the corporation, it shall be lawful for them to present a memorial or petition to the board of county commissioners of the proper county, signed by three-fourths of the legal voters of said corporation, including the president and a majority of the board of trustees, setting forth the object of such dissolution. On proof that notice of such intended application has been given in a public newspaper, if there be one printed in the county—if not, by notice in writing, set up in each district or ward in said town—for four successive weeks next previous to the sitting of said board, said notice or notices being signed by the presiding officer of said board of trustees, the board of county commissioners shall proceed to hear and determine upon the object of such dissolution, and may, if the causes assigned appear to be sufficient and proper, dissolve the corporation.

**SEC. 22. Effect of same.** No such dissolution shall in any wise affect any vested rights or any contracts made by such corporation; and said corporation shall be liable for all debts contracted or incurred during its existence, and it shall lay out and expend all moneys for and towards accomplishing the objects for which they were associated previous to such dissolution.

**SEC. 23. Entry of same.** Whenever said board shall dissolve any corporation under the provisions of this act, they shall cause entry of the same to be made in the books containing their proceedings, together with the causes set forth in such act of dissolution.

[179] **SEC. 24. Practice.** Whenever any suit shall be instituted by any corporation herein authorized to be established, said corporation shall not be compelled to show on such trial their compliance with the provisions of this act, as to their organization or as to the publication of their by-laws, unless the same is controverted or denied by plea, verified by affidavit.

**SEC. 25. Towns already incorporated.** Nothing in this act shall be so construed as to prevent the qualified voters of any town heretofore incorporated from adopting the provisions of this act; and, in case they do so, their former charter shall be void, so far as it may be contrary to the provisions herein contained—such adoption to be made at some regular annual election—notice



of the intention to take a vote on such subject having been given three weeks previous to taking the same, in like manner that the by-laws are required to be published, and two-thirds of the voters of such town voting for such adoption.

**SEC. 26. Wharfage.** That in all towns incorporated under the provisions of this act, situate upon navigable streams, and shall charge wharfage, such corporations shall be liable for all damages sustained by reason of their said wharf being kept in bad condition: provided, no boats shall be charged wharfage for landing opposite any incorporated town, if they do not take in or discharge some cargo.

Approved, February 24th, 1847.

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## CHAPTER 118.

### STATE ROAD.

**AN ACT** to lay out a state road from the county seat of Benton county, to Quasqueton, in Buchanan county.

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

**SECTION 1. Commissioners—route of road.** That E. B. Spencer, Samuel M. Lockhart and William Belles, of the counties of Benton and Buchanan, be, and they are hereby appointed commissioners to lay out and establish a state road from the county seat of Benton county, on the most suitable and practicable route, to Quasqueton, in Buchanan county.

**SEC. 2. When to meet—assistance.** Said commissioners, or a majority of them, shall meet at the county seat of Benton county, on the first Monday in May, or within three months thereafter, and take to their assistance one surveyor, two chain carriers and one marker, and proceed to lay out and establish said road according to the provisions of an act for opening and regulating roads and highway, approved Dec. 29th, 1838.

[180] **SEC. 3. Compensation.** That the persons required to render services under this act shall receive such compensation as is provided in the eleventh section of an act for opening and regulating roads and highways, approved February 1st, 1843.

**SEC. 4. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 25th, 1847.

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## CHAPTER 119.

### STATE ROAD.

**AN ACT** to discontinue certain territorial or state roads in the county of Jones.

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

**SECTION 1. Roads discontinued.** That all territorial or state roads in the county of Jones, running by the side of the military road and so near it as to render the said territorial or state road unnecessary, are hereby discontinued.

**SEC 2. Disagreement.** In cases where there is a disagreement about the necessity of the continuance of any territorial or state road in said county of Jones, the county commissioners of the county shall decide the same.

**SEC. 3. To take effect.** This act shall be in force from and after its passage.

Approved, February 25th, 1847.

## CHAPTER 120.

## SUPREME COURT.

AN ACT to provide for a term of the supreme court, and to change the time of holding the same.

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

**SECTION 1. July term, 1847.** That a term of the supreme court of this state shall be holden at Iowa City, on the first Monday in July, A. D. 1847.

**SEC. 2. January and June terms.** That from and after the year eighteen hundred and forty-seven, a term of the said supreme court shall be held at the seat of government on the first Mondays in January and June in each year.

**SEC. 3. Duty of clerk.** That it shall be the duty of the clerk of the supreme court to docket the causes returned from the first judicial district first, and those from the second judicial district second, and those from the third judicial district third, and those from the fourth judicial district fourth; and such time shall be appropriated by the said court, to the trial of the [181] causes from each judicial district, as the said supreme court may, from time to time, order.

**SEC. 4. Repealing section.** That all acts or parts of acts coming in conflict with this, be and the same are hereby repealed.

**SEC. 5. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers published in Iowa City.

Approved, February 25th, 1847.

Published in the Standard March 16, and in the Reporter March 17, 1847.

## CHAPTER 121.

## APPROPRIATIONS.

AN ACT making appropriations for the support of the state government for the fiscal years of 1847 and 1848.

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

**SECTION 1. Appropriation.** That the following sums be, and the same are, hereby appropriated to defray the expenses of the government, for the fiscal years of 1847 and 1848, to be paid out of any moneys in the treasury not otherwise appropriated:

**Governor.** For compensation to the governor of the state, two thousand dollars;

For contingent expenses of the governor's office, five hundred dollars.

**Secretary.** For compensation to the secretary of state, one thousand dollars;

For contingent expenses of the secretary's office, three hundred dollars.

**Auditor.** For compensation to the auditor of state, twelve hundred dollars;

For contingent expenses of the auditor's office, three hundred dollars.

**Treasurer.** For compensation to the treasurer of state, eight hundred dollars;

For contingent expenses of the treasurer's office, three hundred dollars.

**Supreme judges.** For compensation to the judges of the supreme court, six thousand dollars.

**District judges.** For compensation to the judges of the district courts, eight thousand dollars.

**Librarian.** For compensation to the librarian, three hundred dollars; For contingent expenses of the library, one hundred and fifty dollars.

**SEC. 2. Reports.** That the governor, secretary, auditor and treasurer of state, are hereby required to report each the several items of expenditure they may make out of the contingent fund, and to report the same to the next general assembly, within ten days after the session.

Approved, February 25th, 1847.

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[182] CHAPTER 122.

AGENT.

AN ACT to provide compensation to an agent to select lands for the use and support of a university.

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

**SECTION 1. Appropriation.** That David Ferguson, of Van Buren county, be, and he is, hereby allowed the sum of two dollars per day, out of any money in the state treasury not otherwise appropriated, for every day he may be necessarily employed in the discharge of his duty as agent appointed by the treasury department, to select two townships of land, granted by the act of congress, approved March 30, A. D., 1845, to the state of Iowa for the use and support of a university.

**SEC. 2. Agents account—duty of auditor.** The said David Ferguson shall present his account to the auditor of state, verified by oath, whereupon the auditor aforesaid shall issue an order on the treasurer of state, for the amount so verified.

**SEC. 3. Take effect.** This act shall be in force from and after its passage.

Approved, February 25th, 1847.

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CHAPTER 123.

POOR FARM, DES MOINES COUNTY.

AN ACT to require the county commissioners of the county of Des Moines to purchase land upon which to locate a farm for the use of the poor of said county.

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

**SECTION 1. Commissioners to purchase a good farm.** That the county commissioners' court of Des Moines [county] be, and they are hereby required and empowered to purchase any quantity of land, as to them shall seem fit, not exceeding in quantity two hundred acres, for the purpose of establishing a poor house and farm thereon, for the said county of Des Moines.

**SEC. 2. Location.** Said commissioners in making said purchase shall be governed as well in making said location by the health of the location as its conveniences and contiguity to the county seat of said county.

**SEC. 3. Poor house.** They shall erect a house or houses thereon, as necessity requires, and govern and manage the same, in all respects, as to them may appear best for the interests of said county.

[183] **SEC. 4. Persons sent—rules.** Every person or persons becoming a county charge, (except persons convicted of penal offenses,) shall be sent to said farm, and be kept and governed by such rules as the overseers thereof shall establish, not repugnant to the rules established by said commissioners' court.

**SEC. 5. Act repealed—duty of commissioners—of overseers.** That the law now in force, entitled "An act to authorize the establishment of poor houses," approved February 17th, 1842, be so far repealed in its application to the county of Des Moines, wherein it requires said commissioners to appoint a board of directors, and that all duties required to be performed by the said board of directors, be and the same are hereby required to be performed by said commissioners' court; and further, that the overseer of said farm be required to perform the duties of clerk for said poor farm.

**SEC. 6. Act in force.** That the above entitled act be continued in force in all respects, so far as applicable to said county of Des Moines, except so far as is above repealed.

Approved, February 25th, 1847.

## CHAPTER 124.

### APPROPRIATIONS.

AN ACT to provide for the compensation of members, officers and printers of the general assembly, and for other purposes.

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

**SECTION 1. Moneys appropriated.** That the following sums are hereby appropriated out of any moneys in the hands of the treasurer of state, for the following purposes, viz.:

**SEC. 2. House of representatives.** For pay and mileage of the members of the house of representatives, the sum of seven thousand five hundred and eighty-six dollars.

**SEC. 3. House officers.** For pay of officers of the house of representatives, one thousand two hundred and twelve dollars and fifty cents.

**SEC. 4. Senate.** For pay and mileage of the members of the senate, three thousand six hundred and eighty-four dollars.

**SEC. 5. Senate officers.** For pay of officers of the senate, one thousand two hundred and thirty-two dollars.

**SEC. 6. Speaker.** To Jesse B. Browne, for extra services as speaker of the house of representatives, one hundred and seventy-six dollars.

**SEC. 7. Carpenter.** To A. W. Carpenter, for stationery, thirteen dollars and twenty-five cents.

**Usher.** To \_\_\_\_\_ Usher, for repairing stove pipe, fifty cents.

[184] **Powell.** To John Powell, eight dollars and thirty-seven cents, for sundries.

**American.** To John L. American, three dollars and fifty cents, for services as fireman.

**Wilhelm and Ramge.** To Wilhelm & Ramge, nine dollars, for two boxes candles.

**Gray.** To A. L. Gray, for serving subpoena, sixty-two cents.

**Sanders.** To Alfred Sanders, twenty-two dollars, for publishing general order of adjutant general and proclamation of governor.

**Shepherd.** To J. & J. M. Shepherd, twenty-eight dollars, for publishing general order of adjutant general, the proclamation of the governor for election, and the proclamation convening the general assembly.

**Edwards.** To James G. Edwards, forty-six dollars, for publishing adjutant general's order; publishing an act to provide for the election of delegates, etc.; publishing proclamation of governor for election, and governor's proclamation for volunteers.

**Span & Porter.** To S. C. Span and T. C. Porter, each fifteen dollars, for attending the remains of the Hon. Reuben Conlee to Lee county.

**Bradshaw.** To James P. Bradshaw, seventeen dollars and three cents, for stove pipe, wire and sundry articles.

**Palmer.** To A. H. Palmer, thirty-nine dollars, for publishing governor's proclamation of the result of vote on the first constitution; the governor's proclamation for the state election; the governor's proclamation convening the general assembly, and the general order of the adjutant general.

**Skillman.** To W. D. Skillman, for stationery, two hundred and eighty-eight dollars and fifty-nine cents.

**Gower & Holt.** To Gower & Holt, seven dollars, for stationery.

**Buck.** To C. H. Buck, for stationery, three dollars and twenty cents.

**Sanxay.** To Theodore Sanxay, ten dollars, for two reams envelope paper.

**Sanders & Davis.** To Sanders & Davis, four dollars, for publishing an act to provide for the taking an enumeration of the inhabitants, etc.

**Pitkin.** To Nelson Pitkin, nine dollars, for use of room for the committee appointed at the May session of the territorial legislature to investigate the affairs of the penitentiary.

**Ray.** To Horace B. Ray, four dollars and fifty cents, for services rendered the same committee.

**Lameraux.** To Henry E. Lameraux, eight dollars, for use of buggy and harness to attend the remains of the Hon. Reuben Conlee to Lee county.

**Edmundson.** To William Edmundson, eight dollars, for procuring seals for the new counties.

**Swafford.** To S. Swafford, four dollars, for horse hire to attend the remains of the Hon. Reuben Conlee to Lee county.

[185] **Edwards.** To J. G. Edwards, twelve dollars, for services as clerk of the investigating committee.

**Palmer.** To A. H. Palmer, twelve dollars, for services as clerk of the investigating committee.

**Trowbridge.** To S. C. Trowbridge, postmaster, four hundred and twenty-three dollars and seventy-four cents, for postage on letters and papers sent to and from the house of representatives.

**Foster.** To Silas Foster, one thousand five hundred and six dollars, for incidental printing; for publication of laws in the Iowa Standard; for newspapers furnished this general assembly; for publishing governor's proclamation for election; for publishing general order of adjutant general, and for publishing governor's proclamation convening the general assembly.

**Stout and Israel.** To Stout & Israel, for newspapers furnished members of the general assembly, twelve dollars.

**Sanders & Davis.** To Sanders & Davis, one dollar, for newspapers.

**Edwards.** To James G. Edwards, thirty-nine dollars and fifty cents, for newspapers furnished members of the general assembly.

**Richman.** To J. Scott Richman, eight dollars, for two days' services as chief clerk pro tem.

**Swafford.** To S. Swafford, two dollars, for locks and repairs of desks in the house of representatives.

**Bradley.** To James Bradley, one hundred and forty-four dollars, for services as enrolling clerk of the house of representatives.

**Hudson.** To Silas A. Hudson, two hundred and fifty dollars, for preparing the journals of this house for printing, for superintending the printing and for distribution of the same.

**Morton.** To John T. Morton, for two days' extra services as speaker pro tem. of the house of representatives, four dollars.

**Hillhouse.** To William Hillhouse, six dollars, for transportation of stationery from Burlington to Iowa City.

**Palmer.** To A. H. Palmer, seventeen dollars, for publishing governor's proclamation, the requisition of the secretary of war, and the military order of Gen. Lowe in relation to a regiment of volunteers from Iowa.

**Palmer.** To A. H. Palmer, ninety-eight dollars and fifty cents, for copies of the Iowa Capital Reporter furnished members of the house of representatives.

**Burlington Gazette.** To the editor of the Iowa State Gazette, four dollars, for newspapers furnished members of the house of representatives.

**SEC. 8. Trowbridge.** To S. C. Trowbridge, postmaster in Iowa City, for postage on letters and papers for the senate, the sum of two hundred and seventy-eight dollars and ninety-eight cents.

[186] **SEC. 9. Palmer.** To A. H. Palmer, for incidental printing and papers furnished the senate and house of representatives, the sum of eleven hundred and nineteen dollars and eighty-four cents.

**SEC. 10. Lyon.** To W. P. Lyon, for articles furnished the general assembly, the sum of sixty-two dollars and fifty-eight cents.

**SEC. 11. Johnson.** To Sylvanus Johnson, for wood furnished the general assembly and officers of state, two hundred and eighty dollars.

**SEC. 12. Gower & Holt.** To Gower & Holt, for articles furnished the general assembly, seventy-six dollars and thirty-one cents.

**SEC. 13. Andrews.** To George Andrews, for articles furnished the general assembly, thirteen dollars and twenty-three cents.

**SEC. 14. Powell.** To John Powell, for carpeting for the senate chamber, four dollars and seventy-five cents.

**SEC. 15. Snyder.** Thomas Snyder, for labor and materials in repairing furniture of the senate and house of representatives, forty-four dollars and eighty-eight cents.

**SEC. 16. Bradshaw.** To James P. Bradshaw, for articles furnished the general assembly, five dollars and ninety-three cents.

**SEC. 17. Huner.** To Jacob Huner, for mileage and expenses for examining the penitentiary, thirty-two dollars.

**SEC. 18. Sprott.** To James Sprott, for mileage and expenses for examining the penitentiary, thirty-two dollars.

**SEC. 19. Reno.** To Morgan Reno, for salary as librarian from 1st January, 1846, to 24th February, 1847, two hundred and forty-one dollars; provided, that the auditor of public accounts shall not audit and allow the same, until he is fully satisfied that the same will not be allowed and paid by the United States.

**SEC. 20. Turner.** To W. H. Turner, for thirteen days in enrolling bills, fifty-two dollars.

**SEC. 21. Myers.** To Joseph Myers, for services as assistant secretary, ten dollars.

**SEC. 22. Windrum.** To William Windrum, for two days' services as messenger pro tem., four dollars.

**SEC. 23. Conboy.** To Peter Conboy, for two days' services as fireman pro tem., four dollars.

**SEC. 24. Stillwell.** To A. B. Stillwell, for articles furnished the general assembly, three dollars.

**SEC. 25. Baker.** To Thomas Baker, for extra services as president of the senate, one hundred and seventy-six dollars.

**SEC. 26. Russell.** To John B. Russell, two hundred and fifty dollars, for preparing the journals of the senate for publication, and for superintending the printing and distribution of the same.

[187] **SEC. 27. Irish.** To F. M. Irish; for transportation on books and stationery, two dollars.

**SEC. 28. Conboy.** To Peter Conboy, for labor performed in preparing room for the general assembly, thirty-one dollars.

**SEC. 29. Green.** To George Green, for advertising in the Miners' Express proclamations of the governor, sixteen dollars.

**SEC. 30. Howell & Cowles.** To Howell & Cowles, for advertising proclamations, etc., twenty-eight dollars.

**SEC. 31. Thurston and Tizzard.** To Thurston & Tizzard, for advertising proclamations and laws, thirty-one dollars.

**SEC. 32. Albright.** To R. W. Albright, for advertising proclamations, military orders, etc., forty-five dollars.

**SEC. 33. Roberts.** To Peter Roberts, administrator of D. Cox, for stove pipe furnished general assembly, twelve dollars.

**SEC. 34.** To Peter Roberts, for repairing and fixing desks in senate chamber, three dollars and sixty-two 1-2 cents.

**SEC. 35. Cutler.** To Elisha Cutler, jr., for freight paid on stationery, (twenty) four dollars.

**SEC. 36. Palmer.** To A. H. Palmer, for publishing laws in the Iowa Capital Reporter, as per order of the general assembly, two hundred and six dollars.

**SEC. 37. Welch.** To H. H. Welch, for three dozen steel pens, and amount paid for cutting wood, seven dollars and nineteen cents.

**SEC. 38. Duty of auditor.** That the auditor of state shall audit and allow the accounts for printing the laws and journals of this general assembly according to law, and the same shall be paid out of the state treasury.

**SEC. 39. Tizzard & Co.** To J. Tizzard & Co., for publishing laws, four dollars.

**SEC. 40. Edwards.** To J. G. Edwards, for ten copies of the Hawkeye, seven dollars and fifty cents.

**SEC. 41. Stout & Israel.** To Stout & Israel, for publishing proclamations of the governor, sixteen dollars.

**SEC. 42. \$1,000 appropriated for fugitives.** That the sum of one thousand dollars is hereby appropriated, to be placed at the disposal of the governor, for the purpose of arresting fugitives from justice.

Approved, February 25th, 1847.

## [188] CHAPTER 125.

## STATE UNIVERSITY.

AN ACT to locate and establish a state university.

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

**SECTION 1. Location.** That there shall be established at Iowa City, the present seat of government of the state of Iowa, an institution to be called the "State University of Iowa," with such branches as, in the opinion of the general assembly, the public convenience may hereafter require.

**SEC. 2. Public buildings granted—proviso.** The public buildings at Iowa City, together with the ten acres of land on which the same are situated, be, and the same are, hereby granted for the use of said university: provided, that the sessions of the general assembly, and the offices of the officers of state, shall be held in the present capitol until otherwise provided for by law.

**SEC. 3. Lands donated.** The two townships of land, granted by act of congress of July 20th, 1840, for the support of a university, be, and the same are, hereby donated to the said state university, to be and constitute a permanent fund, the interest of which shall be applied exclusively to the support of said university, and such branches as the general assembly shall establish.

**SEC. 4. Trustees—powers—president.** That for the control of said university, and for the better management of the same, there shall be appointed by the general assembly of the state, fifteen trustees, five of whom shall be chosen biennially, who may make such by-laws, rules and regulations, under the general laws of this state authorizing incorporations for educational purposes as may be necessary to organize and regulate said university. The superintendent of public instruction shall be president of the board of trustees, and shall have power to call special meetings of the trustees whenever in his opinion it is necessary.

**SEC. 5. Names of trustees—term of office.** That James P. Carleton, H. D. Downey, Thomas Snyder, Samuel McCrory, Curtis Bates, Silas Foster, E. H. Lyons, James H. Gower, George G. Vincent, Wm. G. Woodward, Theodore S. Parvin, George Achison, S. G. Matson, H. W. Starr, and Ansel Briggs, be, and they are hereby appointed the first board of trustees, five of whom shall hold their offices two years, five four years, and five six years; their several terms of office to be determined by lot.

**SEC. 6. Professorship.** That whenever, in the opinion of the superintendent of public instruction, it is necessary, a professorship for the education of teachers of common schools may be instituted, in such manner as in the [189] opinion of said superintendent will best promote the interests of common schools throughout the state.

**SEC. 7. Land, how disposed.** The two townships of land herein donated to said university, when selected, shall be disposed of by the board of trustees of said university in the same manner, and under the same regulations, as may be provided by law for the disposition and regulation of the sixteenth sections in the different townships.

**SEC. 8. Funds where paid—duty of treasurer.** That when said lands shall be disposed of, as provided for in this act, the fund arising therefrom shall be paid into the state treasury; and it is hereby made the duty of the treasurer to loan the same out for a space not less than five years, upon real estate security—the interest thereon payable annually—and the interest



thereof to be subject to the order of the board of trustees of said university, and by them applied to the uses intended by this act.

**SEC. 9. Quorum and time of meeting.** The said trustees shall meet at such times as shall be fixed by their own appointment, and eight members shall constitute a quorum to transact business.

**SEC. 10. Religious denominations.** That said university shall never be under the exclusive control of any religious denomination whatever.

**SEC. 11. Conditions of students—how selected.** That the grants and donations herein made are upon the express condition that the said university shall, so soon as it shall be in the enjoyment of revenue from the said grant and donations at the rate of two thousand dollars per annum, commence and continue the instruction—free of charge—of fifty students annually, in the theory and practice of teaching, as well as in such branches of learning as shall be deemed best calculated for the preparation of said students for the business of common school teaching. Said students to be selected from the different parts of the state in such manner and under such regulations as the governor, the superintendent of public instruction and the judges of the several judicial districts shall determine—said regulations to be subject to the supervision of the general assembly.

**SEC. 12. General assembly to have full control.** Nothing herein contained shall be construed to prevent the general assembly of this state from exercising full supervision over the said university, its officers, and the grants and donations made or to be made by the state.

**SEC. 13. Books—accounts—record.** The board of trustees shall keep a set of books, in which they shall keep an accurate account of all transactions relative to the sale and disposition of the land and the management of the fund arising therefrom, and a complete record of all their proceedings in the control and management of the affairs of the university—which shall at all times be open to the inspection of the general assembly, to whom they shall report whenever required.

Approved, February 25th, 1847.



## JOINT RESOLUTIONS

### [191] RESOLUTION—NO. 1.

#### POSTAGE.

JOINT RESOLUTION authorising the secretary of state to effect a loan to defray postage, and for other purposes.

*Resolved by the General Assembly of the State of Iowa:*

**Arrangements with postmaster—secretary to procure loan.** That the secretary of the senate and chief clerk of the house of representatives make arrangements with the postmaster at this place, for the receipt and transmission of papers and letters to and from the members of the legislative assembly during the present session; and that the secretary of state be authorized, at any time previous to the adjournment of the present session, to effect a loan, if necessary, for the payment of the same.

Approved, December 10th, 1846.

### RESOLUTION—NO 2.

#### DES MOINES RIVER GRANT.

JOINT RESOLUTION accepting the grant of land for the improvement of the navigation of the Des Moines river.

*Resolved by the General Assembly of the State of Iowa:*

**Grant accepted—proviso.**—That the donation of land contemplated in an act of congress, approved August 8th, 1846, granting certain lands to the territory of Iowa to aid in the improvement of the navigation of the Des Moines river, in said territory, be, and the same is, hereby accepted for the purposes specified in said act: provided, that the said grant of land contemplated in the said act does not form a part or come out of the five hundred thousand acres to which the state of Iowa is entitled, upon her entrance into the Union, by virtue of the act of congress of 1841; and

[192] **Preamble.** Whereas, the general assembly of Iowa does not believe that this grant ought to constitute a part of the five hundred thousand acres granted to the new states: Therefore,

**Further resolution—instructions to representatives.** Be it further resolved, That if such was the intention of congress in the passage of the law making the grant, that our representatives in congress be hereby instructed to use their effort to obtain the same grant contemplated in the act of congress of August, 1846, and for the same purpose, separate and distinct from the grant contemplated in the act of 1841.

**View as to restriction imposed on sale—representatives requested to procure removal of restriction.** Resolved, further, That this legislature is of the opinion that it is contrary to the usage of congress to make donations of lands to states in any manner, except to confine such donation to the particular uses for which it was made: That the restriction in said act of congress of August, 1846, which confines the state to the sales of no more than thirty thousand dollars at any one time, would render it impossible for the state to prosecute the improvement of the Des Moines river in such a manner as would make it advantageous either to the state or contractor, and that we hereby request our delegation in congress to use their efforts to procure such a change in the act of August, granting to Iowa lands for the improvement of the Des Moines river, as will authorize the state to sell and dispose of the lands in any quantity and at any time it may be deemed best to effect the contemplated improvement.

**Resolution to be forwarded.** Resolved, further, That these resolutions be immediately forwarded to our representatives in congress.

Approved, January 9th, 1847.

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RESOLUTION—NO. 3.

MAIL ROUTE.

**JOINT RESOLUTION** instructing our representatives in congress to procure the establishment of a certain mail route.

**Preamble—Mail from Burlington to Iowa City.** Whereas, in the opinion of the general assembly of the state of Iowa, public convenience requires the establishment of a mail route from Burlington, via Columbus City, Hillsborough and Port Allan, to Iowa City, in said state: Therefore,

*Resolved, by the General Assembly of the State of Iowa:*

**Instructions to representatives.** That our delegation in congress be instructed to use their endeavors to procure the establishment of said mail route.

**Copy to be forwarded.** Resolved, that a copy of the foregoing resolution be forwarded to our representatives in congress.

Approved, January 9th, 1847.

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[193] RESOLUTION—NO. 4.

MUSCATINE ISLAND.

**JOINT RESOLUTION** asking a donation of land for the improvement of Muscatine island, on the Mississippi river.

**Preamble.** Whereas, A large portion of the Muscatine Island, in the counties of Muscatine and Louisa, in the state of Iowa, to the extent of some forty or fifty thousand acres of land, is subject to inundation from the waters of the Mississippi river during a great part of the year, thereby wholly obstructing the sale of said lands by the government of the United States; and

Whereas, It is confidently believed that the whole of said land is capable of being reclaimed and rendered saleable, by the construction of a levee along the bank of the said Mississippi river from the high grounds on said island, below Bloomington, to the mouth of the Muscatine slough; and

Whereas, It is believed that a grant to this state, of ten thousand acres of said lands, would be sufficient to construct said levee: Therefore,

*Resolved, by the General Assembly of the State of Iowa:*

**Instructions to representatives.** That our delegation in congress be instructed to use their endeavors to obtain from congress the desired grant.

Resolved, that a copy of the foregoing preamble and resolution be forwarded to each of our representatives in congress.

Approved, January 9th, 1847.

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RESOLUTION—NO. 5.

EXPENSES OF CONVENTION.

**JOINT RESOLUTION** requiring the auditor to audit and allow the expenses incurred by the late convention to form a constitution and state government for the state of Iowa.

*Resolved by the General Assembly of the State of Iowa:*

**Auditor to audit expenses—certificate conclusive evidence—to issue warrants.** That the auditor of state be, and he is hereby required to audit and allow the expenses incurred by the convention to form a constitution and form of state government for the future state of Iowa, which assembled at the state house in Iowa City, on the first Monday in May, A. D. 1846, and that the certificates of the amount of said expenses, signed by the president [194] of said convention and countersigned by the secretary thereof, shall be taken as conclusive evidence of indebtedness to the holder, upon which the auditor shall issue his warrant upon the treasurer of the state for the amount therein specified.

Approved, January 7th, 1847.

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RESOLUTION—NO. 6.

PRINTING OF LAWS.

**JOINT RESOLUTION** relative to the printing of laws.

*Resolved by the General Assembly of the State of Iowa:*

**Laws published but once.** That hereafter all laws ordered to be printed in all or any of the newspapers of the state, shall intend that the same shall respectively be printed but once in said paper or papers, unless otherwise specially ordered.

Approved, January 18th, 1847.

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RESOLUTION—NO. 7.

CAVALRY COMPANY.

**JOINT RESOLUTION** instructing our representatives in congress to use their exertions to obtain six months pay for the volunteer company of cavalry, disbanded at Fort Atkinson on the 5th of October, 1846.

**Preamble.** Whereas, On the 24th of July, 1846, the secretary of war authorized his excellency Governor Clarke, to raise a company of cavalry to be sta-

tioned at Fort Atkinson, which company was organized accordingly, and mustered into the service of the United States, September 9th, 1846; and,

Whereas, On the representation and recommendation of Brevet Brig. Gen. G. M. Brooke, he was directed, on the 3rd of October, 1846, to order said company to be mustered out of service; and,

Whereas, The said order was executed by Brevet Maj. Hooe, 5th Infantry, on the 5th of October, 1846; and,

Whereas, Said company sustained a serious loss and injury by being thus unexpectedly and hastily disbanded; therefore, be it

*Resolved by the General Assembly of the State of Iowa:*

**Instructions to representatives.** That our representatives in congress be, and they are hereby, instructed to use their exertions to obtain six months pay for said company, from the time of their being mustered into service.

Approved, January 16th, 1847.

[195] RESOLUTION—NO. 8.

DES MOINES RIVER.

JOINT RESOLUTION in relation to obtaining privilege from the state of Missouri to erect dams across the Des Moines river.

**Preamble.** Whereas, the congress of the United States has recently made a large donation of the public lands for the improvement of the Des Moines river; and

Whereas, one half of said river, for a considerable distance from its mouth upwards, lies within the state of Missouri and beyond the jurisdiction of this state; and

Whereas, the said improvements will probably require the erection of dams or other works across the entire bed and upon the banks of said river, and will perhaps create water power which should in justice be under the control and be made to contribute to the benefit of this state, Wherefore, be it

*Resolved by the General Assembly of the State of Iowa:*

**Governor to open correspondence with governor of Missouri.** That the governor of this state be requested to open a correspondence forthwith, with the governor of the state of Missouri, for the purpose of obtaining from the legislature of that state the privilege of erecting dams and other works within the limits of said state, which may be necessary for said improvement, also the right of disposing of the water power which may be thereby created, in such manner as may be just and proper.

Approved, January 18th, 1847.

RESOLUTION—NO. 9.

MAIL ROUTE.

JOINT RESOLUTION in relation to a certain mail route.

*Resolved by the General Assembly of the State of Iowa:*

**Mail from Iowa City to Fort Des Moines.** That our representatives in congress be requested to use their influence to obtain the establishment of a mail

route from Iowa City, in Johnson county, by way of the county seats of Iowa, Poweshiek and Jasper counties, to Fort Des Moines, the county seat of Polk county, and to establish a post office at the town of Newton, the county seat of Jasper county. Said mail to be carried on the state road leading from Iowa City, by way of the before mentioned county seats, to the Council Bluffs.

**Governor to forward copies.** Resolved, That his excellency, Governor Briggs, be requested to [196] furnish each of our representatives in congress, and the postmaster general with a copy of the foregoing resolution.

Approved, January 20th, 1847.

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RESOLUTION—NO. 10.

MAIL ROUTE.

JOINT RESOLUTION relative to a mail route from Iowa City, in the state of Iowa, to Albany, in the state of Illinois.

**Route via Tipton and Dewitt.** Whereas, in the opinion of the general assembly of the state of Iowa, the establishment of a mail route from Iowa City, in the state of Iowa, by the way of Tipton, the county seat of Cedar county, and DeWitt, the county seat of Clinton county, to the town of Albany, in the state of Illinois, would greatly facilitate the transmission of mail matter from the east and the northeast to the interior of Iowa; and

Whereas, the convenience of the public requires the establishment of such mail route: therefore,

*Resolved by the General Assembly of the State of Iowa:*

**Representatives instructed.** That our delegation in congress be instructed to use their endeavors to procure the establishment of said mail route.

**Discontinuance of route.** Resolved, that in the event of the establishment of said mail route, the general assembly recommend the discontinuance of the mail route No. 4258, from Fulton City, in the state of Illinois, to Tipton, in the state of Iowa; and be it further

**Copies forwarded.** Resolved, that his excellency the governor be requested to forward to each of our representatives in congress, and to the Hon. John Wentworth, member of [the house of] representatives from the state of Illinois, a copy of this preamble and resolutions.

Approved, January 27th, 1847.

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RESOLUTION—NO. 11.

MAIL ROUTE.

JOINT RESOLUTION providing for a mail route from Fairfield to Bloomfield.

*Resolved by the General Assembly of the State of Iowa:*

That our representatives in congress be requested to use their influence in obtaining the establishment of a mail route from Fairfield, in Jefferson county, to [197] Bloomfield, in Davis county, and thereby extend mail facilities to the numerous population of the south part of this state.

Resolved, that his excellency Ansel Briggs be requested to forward a copy of the foregoing resolution to our representatives in congress, at as early a day as practicable.

Approved, January 28th, 1847.

## RESOLUTION—NO. 12.

## MILITARY ROAD.

PREAMBLE AND JOINT RESOLUTION for a military road from Iowa City, via Fort Des Moines, in Polk county, to some point on the Missouri river.

**Preamble.** Whereas, in the opinion of the Legislative Assembly of the state of Iowa, the establishment of a military road from Iowa City, via Fort Des Moines, in Polk county, to some suitable point upon the Missouri river, within the limits of the state, would be greatly conducive to the public interests, by increasing the facilities of communication between the eastern and western portions of said state; and,

Whereas, the said road, in almost its entire route, would pass through a section of the state remote from the navigable water courses, and would thereby tend to facilitate the sale of large tracts of the public domain, which must otherwise for a long time remain unsold. It would also be the shortest and most direct route, through the interior of the state from the Mississippi to the Missouri river. Therefore,

*Resolved by the General Assembly of the State of Iowa:*

**Representatives instructed.** That our representatives in congress be instructed to use their best exertions to obtain an appropriation for the establishment of a military road from Iowa City, via Fort Des Moines, in Polk county, to some suitable point upon the Missouri river, within the limits of this state.

Resolved, that the governor of the state be requested to forward copies of the above preamble and resolution to our representatives in congress.

Approved, January 27th, 1847.

## [198] RESOLUTION—NO. 13.

## MAIL ROUTE.

JOINT RESOLUTION providing for a mail route from Fairfield to Oskaloosa.

*Resolved by the General Assembly of the State of Iowa:*

That our delegates in congress be requested to use their influence in obtaining the establishment of a mail route from Fairfield, in Jefferson county, to Oskaloosa, in Mahaska county, and thereby extend mail facilities to the numerous population in the south and west of this state.

Resolved, that his excellency, Ansel Briggs, be requested to forward a copy of the foregoing resolution to each of our representatives in congress at as early a day as practicable.

Approved, February 2d, 1847.

## RESOLUTION—NO. 14.

## IOWA RIVER.

PREAMBLE AND JOINT RESOLUTION relative to the improvement of the Iowa river.

**Preamble.** Whereas, the Iowa river, passing as it does, through a portion of this state that has but few facilities for conveying its large amount of annual products to a market; and



Whereas, the said river, in a state of nature, affords an insecure navigation only for about one month in the year; and

Whereas, the river being admirably adapted to the building of dams for the purpose of slack-water navigation, and, added to the importance of the navigation of said stream, is the vast amount of hydraulic power which would be obtained by the construction of dams, which alone would be of incalculable advantage to the country through which it passes: Therefore,

*Resolved by the General Assembly of the State of Iowa:*

**Request to representatives.** That our representatives in congress be requested to use their best exertions to obtain an appropriation, either of land or money, sufficient to improve the navigation of the said river from its mouth to Iowa City, the capital of this state.

Resolved, that the governor of the state be requested to forward copies of the above preamble and resolutions to our representatives in congress.

Approved, February 2d, 1847.

[199] RESOLUTION—NO. 15.

MAIL ROUTE.

JOINT RESOLUTION requesting our representatives in congress to procure the establishment of certain mail routes.

*Resolved by the General Assembly of the State of Iowa:*

**Tri-weekly mail from Keokuk to Dubuque.** That our representatives in congress be requested to use their influence to procure the establishment of a tri-weekly mail, instead of the present weekly mail, on the route from Iowa City to Montrose, and have the same extended to Keokuk, in this state, and also to have the same mail route extended to Dubuque, in this state.

Resolved, that his excellency, the governor, be requested to forward a copy of this resolution to the postmaster general, and to each of our representatives in congress.

Approved, February 3d, 1847.

RESOLUTION NO. 16.

MAIL ROUTE.

JOINT RESOLUTION requesting our representatives in congress to procure the establishment of certain mail routes.

Whereas, there is no direct mail route to and from the seat of government of this state, in a southwesterly direction; and

Whereas, there is great delay in the conveyance of letters and papers to the southwestern counties, from the seat of government: therefore:

*Resolved by the General Assembly of the State of Iowa:*

**Mail from Iowa City to Ottumwa.** That our representatives in congress be requested to use their influence to procure the establishment of a mail route from Iowa City, by Sigourney, the county seat of Keokuk county, to Ottumwa, the county seat of Wapello county, and thence to Bloomfield, the county seat of Davis county.

Resolved, that the governor be requested to forward a copy of the above preamble and resolution to each of our representatives in congress.

Approved, February 3d, 1847.

[200] RESOLUTION—NO. 17.

CEDAR RIVER.

PREAMBLE AND JOINT RESOLUTION relative to the improvement of Cedar river.

**Preamble.** . . Whereas, Cedar river passing through many of the most fertile and central counties of this state, affords in its natural state but a very partial, insecure and uncertain conveyance to market of the large amount of surplus produce raised in its vicinity, and the great distance to which said produce has now to be carried by land to obtain a market, and the consequent expense attending it, leaves but little, if any, profit to the producer; and,

Whereas, said causes prevent the greater settlement of the country and purchase of the land contiguous to the same; and

Whereas, said river contains as much, or more, water than any river in the state, and is well adapted for erecting dams for the purpose of creating slack water navigation; and,

Whereas, besides the advantages of the navigation of the stream, the dams thus erected would afford a vast amount of water for propelling machinery which would greatly conduce to the public benefit. Therefore,

*Resolved, by the General Assembly of the State of Iowa:*

**Instructions to representatives.** That our representatives in the congress of the United States be instructed to use their best endeavors to obtain an appropriation, either of lands or money, sufficient to improve the navigation of said river, from its mouth, or where it empties into the Mississippi river, after its junction with the Iowa river, to the commonly called forks of said river, in the county of Blackhawk in this state.

Resolved, that his excellency the governor of this state, be requested to forward copies of the foregoing preamble and resolutions to our representatives in congress.

Approved, February 3rd, 1847.

RESOLUTION—NO. 18.

MAIL ROUTE.

JOINT RESOLUTION for a mail route from Keokuk to Fairfield.

*Resolved, by the General Assembly of the State of Iowa:*

**Intermediate points.** That our representatives in congress are hereby requested to use their influence in [201] procuring the establishment of a mail route from the town of Keokuk, West Point, Salem and Glasscoe, to Fairfield, in Jefferson county; and that his excellency the governor be, and he is hereby requested to forward a copy of this to each of our representatives in congress, and to the postmaster general.

Approved, February 10th, 1847.

## RESOLUTION—NO. 19.

## MILITARY ROAD.

**PREAMBLE AND JOINT RESOLUTION** of the general assembly of the state of Iowa, asking a donation of land for a military road from the Mississippi to the Missouri river.

**Preamble—Appropriation for road from Keokuk to mouth of Nebraska.**

Influenced by proper considerations in relation to the general welfare and facilities required by our constituents, and the wants, wishes and prosperity of a growing population, the general assembly of the state of Iowa respectfully solicit of the United States an appropriation of public lands, to improve a great western thoroughfare and mail route, from Keokuk, on the Mississippi river, leading through the Des Moines valley until it reaches the Raccoon fork of said river; thence taking the nearest and most direct route, to the east side of the Missouri river, opposite the mouth of the Nebraska or Great Platte river.

The termination of the proposed public highway and mail route, will be opposite the commencement of the great national highway and mail route reported at the last session of congress, by the committee on military affairs, making an appropriation for a line of stockade and block house forts along the valley of the Nebraska river to the Oregon territory. The improvement of such a road is not within the ability of the state at present, and the essential public accommodation it would afford to the intercourse, trade and agricultural interests of this state, and its proposed termination at the commencement of the military and mail route to Oregon, clearly brings an appropriation to improve it within the prescribed constitutional power delegated to congress.

**Route of Oregon mail, etc.** A glance over the map of the country through which this road will pass, must satisfy any person that it is destined, at no distant day, to be the great avenue upon which a large majority of the emigrants to the territory of Nebraska and Oregon are destined to travel, and upon which the Oregon mail will be conveyed, and that it will be a continuation of the national road to the Oregon territory.

In addition to this, it will pass, nearly central, through the late purchase of land from the Pottawatamie Indians, in the western part of Iowa, a country that will soon fill up with an enterprising population, that will be greatly benefited by such an improvement.

**Copies forwarded.** Resolved, that his excellency Gov. Briggs be requested to forward to each of our representatives in congress a copy of this preamble and joint resolution.

Approved, February 12th, 1847.

## RESOLUTION—NO. 20.

## SEALS.

**JOINT RESOLUTION** to pay Charles A. Robbins for a set seals for Benton county.

*Resolved, by the General Assembly of the State of Iowa:*

That the auditor of state be, and he is hereby authorized to audit and allow to Charles A. Robbins the amount of twenty dollars, for making, engraving and furnishing three seals for the county of Benton in this state.

Approved, February 17th, 1847.

## RESOLUTION—NO. 21.

## ACTS.

JOINT RESOLUTION concerning the taking effect of acts public and private.

*Resolved, by the General Assembly of the State of Iowa:*

**Laws, when to take effect.** That all acts of a public nature shall take effect from and after their publication and circulation in the several counties in this state by authority, except such acts as contain special provisions for their taking effect, by publication in newspapers in the state, which shall take effect accordingly.

**Private acts.** And be it further resolved, that all acts of a private and local nature shall take effect from and after their passage, except when otherwise specially provided.

Approved, February 24th, 1847.

## [203] RESOLUTION—NO. 22.

## PRINTING AND DISTRIBUTING LAWS.

JOINT RESOLUTION for superintending the printing and distributing the laws.

*Resolved, by the General Assembly of the State of Iowa:*

**Duty of secretary—allowance.** That Elisha Cutler, jr., superintend the printing of the laws of the present session of the legislature, that he shall index and distribute the same, and be entitled to receive therefor the sum of three hundred dollars.

Approved, February 25th, 1847.

## RESOLUTION—NO. 23.

JOINT RESOLUTION in relation to finishing the state house in Iowa City.

*Resolved, by the General Assembly of the State of Iowa:*

**Duty of state treasurer—to report.** That the treasurer of this state be, and he is hereby authorized and required to expend on the state house in Iowa City, any labor or materials that are now due or to become due in his office, for the sale of lots in Iowa City, made under the authority of any law of the legislative assembly of the territory of Iowa, and that he is hereby required to take immediate measures to close the leaks in the roof of the said state house; and that he report to the governor of this state, annually, the manner in which he has discharged the duties hereby assigned him.

Approved, February 25th, 1847.

## [204] MEMORIAL.

## SEAT OF GOVERNMENT.

MEMORIAL to congress for a grant of land upon which to locate the seat of government for the state of Iowa.

*To the Hon. the Senate and House of Representatives of the United States:*

Your memorialists, the general assembly of the state of Iowa, would respectfully represent, that in view of the extended limits of the state, and the rapid

increase of our population, the public mind is beginning to look forward to an ultimate change in the location of our seat of government. The selection of a new site, with a view to its permanent location, at as early a day as practicable is believed to be important. Your memorialists would therefore (in conformity to the usage of the general government, upon the admission of new states into the union) respectfully ask an additional grant of five sections of land, to be selected under the direction of the general assembly, for the purpose aforesaid.

Approved, February 8th, 1847.

AUDITOR'S OFFICE, }  
IOWA CITY, IOWA, APRIL 24, 1847. }

ELISHA CUTLER, JR., Esq., *Secretary of State*:

Sir:—In compliance with your request and the 18th section of the 4th article of the constitution, I herewith submit "an accurate statement of the receipts and expenditures of the public money," in order that the same may "be attached to, and published with, the laws of the general assembly."

I have the honor to be, very respectfully, yours, &c.,

JOS. T. FALES, *Auditor of State*.

AUDITOR'S OFFICE, }  
IOWA CITY, IOWA, APRIL 24, 1847. }

Amount of State Revenue received by M. RENO, Esq., *State Treasurer*, from the Treasurers of the following counties, since the last Annual Report from this office, in November last:

1846	Dec.	3	From Treasurer of Des Moines county,	-	\$ 126	43
1847	Jan.	5	" " " Van Buren	" -	226	28
"	"	9	" " " Jefferson	" -	141	12
"	Feb.	13	" " " Van Buren	" -	341	44
"	"	17	" " " Scott	" -	283	80
"	"	24	" " " Johnson	" -	230	90
"	"	25	" " " Clayton	" -	30	00
"	Mar.	18	" " " Jones	" -	102	00
"	"	18	" " " Mahaska	" -	38	10
"	"	29	" " " Muscatine	" -	259	80
"	April	6	" " " Benton	" -	10	35
"	"	10	" " " Lee	" -	705	24
"	"	10	" " " Linn	" -	404	72
"	"	12	" " " Marion	" -	19	90
"	"	14	" " " Johnson	" -	65	87
"	"	19	" " " Clayton	" -	40	33
"	"	22	" " " Jefferson	" -	134	89
"	"	23	" " " Iowa	" -	3	50
"	"	23	" " " Van Buren	" -	28	25
TOTAL,					\$3,193	04

The above is but a small portion of what is due; some of the county treasurers have paid nothing on the revenue of 1846, and are greatly in arrears for previous years; and, if those arrearages are not settled up immediately, the undersigned will be under the necessity of bringing suit on the treasurer's bonds, as required by law, but hopes that this notice will relieve him from that unpleasant duty.

*A statement of the Expenditures of the public money, since the Annual Report, in November last :*

			DOLL'S	CTS
1847	Feb.	25	Amount of warrants issued to members of the general assembly, - - - - -	11,278 00
"	"	"	Amount of warrants issued to A. H. Palmer, for incidental printing, - - - - -	1,492 34
1847	"	"	Amount of warrants issued to Silas Foster, for incidental printing, - - - - -	1,506 00
1847	"	"	Amount of warrants issued to officers of the house of representatives, - - - - -	1,364 00
1847	"	"	Amount of warrants issued to officers of the senate, - - - - -	1,232 00
"	"	"	Amount of warrants issued to the president and speaker, for extra services, - - - - -	352 00
1847	"	"	Amount of warrants issued to W. D. Skillman, for stationery, - - - - -	288 59
1847	"	"	Amount of warrants issued to S. Johnson, for wood, - - - - -	280 00
"	"	"	Amount of warrants issued to S. C. Trowbridge, for postage, - - - - -	702 72
1847	"	"	Amount of warrants issued to M. Reno. Librarian, - - - - -	32 72
"	"	"	Amount of warrants issued to sundry persons, per appropriation act, approved Feb. 25, 1847, - - - - -	892 20
1847	"	"	Amount of warrants issued to C. A. Robbins, for seals furnished Benton county, - - - - -	20 00
1847	"	"	Amount of warrants issued to sundry persons, on account of convention, in 1846, - - - - -	3,153 46
1847	"	"	Amount of warrants issued to sundry persons, on account of convention, in 1844, - - - - -	698 00
1847	Mar	.1	Amount of warrants issued on Governor's salary account, - - - - -	250 00
1847	"	"	Amount of warrants issued on Secretary's salary account, - - - - -	125 00
1847	"	"	Amount of warrants issued on Auditor's salary account, - - - - -	150 00
"	"	"	Amount of warrants issued on Treasurer's salary account, - - - - -	100 00
1847	"	"	Amount of warrants issued on penitentiary keeper's salary account, - - - - -	25 00
1847	"	12	Amount of warrants issued on Auditor's contingent fund account, - - - - -	300 00
1847	"	"	Amount of warrants issued on Secretary's contingent fund account, - - - - -	252 00

1847	"	"	Amount of warrants issued on Treasurer's contingent fund, - - - -	300	00
1847	"	"	Amount of warrants issued on Governor's contingent fund account, - - - -	10	00
1847	"	"	Amount of warrants issued to sundry persons, on penitentiary account, - - - -	236	00
1847	"	"	Amount of warrants issued to Deputy Sheriff of Supreme Court, - - - -	13	50
TOTAL, - - - -				<u>\$25,054</u>	<u>03</u>

Amount of warrants issued by the Territorial and State Auditors, from the organization of the Territorial government, in the year 1838, up to April 24, 1847, -	\$80,895 99
Amount of warrants redeemed by the Territorial and State Treasurers, - - - -	\$35,602 18
Amount paid by Secretary of the Territory on account of Penitentiary, - - - -	9,000 00
	<u>\$44,602 18</u>
Amount of warrants outstanding, - - - -	\$36,293 81

Which I am authorized to say, by M. Reno, the State Treasurer, will be redeemed as soon as the loan of \$55,000 is effected by the agent appointed for that purpose.

All of which is respectfully submitted,

JOS. T. FALES,

*Auditor of State.*





# INDEX

## TO THE CONSTITUTION

---

### A

	Sec.	Page	Reprint Page
<b>ARMY—</b>			
offences in .....	11	3	12
governor, commander of .....	5	9	17
no standing army in time of peace.....	14	3	12
appropriations for .....	14	3	12
<b>APPROPRIATIONS—</b>			
for army .....	14	3	12
schools, etc .....	2	13	20
for money in the treasury.....	24	7	16
<b>ACQUITTAL—</b>			
no trial afterwards .....	12	3	12
<b>ATTAINDER—</b>			
no bill to be passed.....	21	3	18
<b>ASSEMBLY, GENERAL—See Legislature.</b>			
<b>ATTORNEYS—</b>			
prosecuting, election, term of office, etc.....	5	11	19
<b>AUDITOR—</b>			
impeachment of, and further liability.....	20	6	15
salary .....	34	8	17
election, and term of office.....	17	10	18
first election, term, etc.....	6	16	22
<b>APPORTIONMENT—</b>			
of representatives .....	7	16	22

### B

<b>BOUNDARIES—</b>			
of the state .....	1	1	11
<b>BAIL—</b>			
except for capital offences.....	12	3	12
shall not be excessive .....	17	3	12
<b>BONDS—</b>			
official, to pass to the state, how sued.....	4	15	22
<b>BALLOT—</b>			
all elections shall be by.....	6	4	13

### C

<b>COMPENSATION—</b>			
for private property .....	18	3	13
of state officers, judges .....	34	8	17

	Sec.	Page	Reprint Page
CONTRACTS—			
not to be impaired .....	21	3	13
CRIMES—			
persons convicted of, not to be electors.....	5	4	13
servitude for .....	23	4	13
COURTS—			
judicial power, how vested .....	1	11	18
COURT, SUPREME—			
justices of, quorum .....	2	11	18
judges, election, term of office, jurisdiction, etc.....	3	11	18
COURTS, DISTRICT—			
judges, election, term of office, jurisdiction, etc.....	4	11	19
clerks elective, term of office.....	5	11	19
CLERKS—			
district court clerks elective, term, etc.....	5	11	19
CENSUS—			
to be taken every two years.....	31	8	16
COUNTIES—			
shall not be divided .....	32	8	16
representatives .....	7	16	22
shall not be less than 432 square miles.....	2	15	21
COMMISSIONS—			
how signed, registered, etc.....	16	10	18
CONSTITUTION—			
amendments of .....	1	14	21
D			
DUELS—			
persons engaged in disqualified .....	5	2	12
DISQUALIFICATION—			
persons engaged in duels .....	5	2	12
not on account of religious opinions.....	4	2	12
of members of the general assembly.....	21	7	15
of persons impeached .....	20	6	15
DEBT—			
no imprisonment for .....	19	3	13
state debt, amount, how created and paid.....	1	12	19
DISTRICTS—			
congressional, senatorial and representative.....	32	8	16
judicial .....	4	11	19
no county to be divided in making.....	32	8	16
DIVORCE—			
not to be granted by the legislature.....	28	8	16
E			
EVIDENCE—			
no one incompetent to give.....	4	2	12
in case of libel .....	7	2	12
of treason .....	16	3	12

	Sec.	Page	Reprint Page
<b>ELECTORS—</b>			
qualifications .....	1	4	13
privileges of .....	2	4	13
as to military duty.....	3	4	13
as to United States soldiers.....	4	4	13
as to idiots, insane persons, etc.....	5	4	13
<b>ELECTIONS—</b>			
when by ballot .....	6	4	13
to fill vacancies .....	13	6	15
when by viva voce .....	33	8	16
of district clerks and prosecutors.....	5	11	19
of superintendent of public instruction.....	1	13	20
first general election .....	6	16	22
<b>EXECUTIVE—See Governor.</b>			
powers, how vested and exercised.....	1	4	14
<b>EDUCATION—See Schools.</b>			
superintendent to be elected .....	1	13	20
appropriations for .....	2	13	20
fines, etc., appropriated .....	4	14	21
<b>ESTATES—</b>			
appropriated for schools .....	2	13	20
<b>F</b>			
<b>FINES—</b>			
shall not be excessive .....	17	3	13
appropriated to schools .....	4	14	21
to accrue to the use of the state.....	3	15	22
<b>FRAUD—</b>			
imprisonment for .....	19	3	13
<b>FOREIGNERS—</b>			
rights of .....	22	3	13
<b>G</b>			
<b>GOVERNMENT—</b>			
object, may be altered, etc.....	2	2	11
change of, not to affect writs, actions, claims, etc.....	1	15	21
laws of territory to continue in force.....	2	15	22
fines, etc., to accrue to the use of the state.....	3	15	22
<b>GOVERNOR—</b>			
executive powers, how vested .....	1	9	17
election and term of office .....	2	9	17
qualifications .....	3	9	17
returns of election, tie, etc.....	4	9	17
to be commander-in-chief .....	5	9	17
to transact business, may require information.....	6	9	17
to see that the laws are executed.....	7	9	17
to fill vacancies .....	8	9	17
message and recommendations .....	10	9	17
may adjourn general assembly .....	11	9	17

	Sec.	Page	Reprint Page
who ineligible for .....	12	10	17
may grant reprieves, pardons, etc. ....	13	10	18
compensation .....	14	10	18
to keep the great seal.....	15	10	18
to sign commissions .....	16	10	18
impeachment of, vacancy, etc.....	18	10	18
when secretary to act as.....	18	10	18
may convene the legislature .....	2	5	14
may order elections to fill vacancies.....	13	6	15
veto .....	17	6	15
impeachment of, and further liability.....	20	6	15
salary .....	34	8	17
to commission military officers .....	3	12	19
of the territory to appoint first election.....	6	16	22
first election of, term, etc.....	6	16	22
<b>GENERAL ASSEMBLY—See Legislature.</b>			
biennial sessions, time of meeting.....	2	5	14
<b>H</b>			
<b>HABEAS CORPUS—</b>			
writ of, shall not be suspended.....	13	3	12
<b>I</b>			
<b>INDICTMENT—</b>			
for libel .....	7	2	12
<b>IMPRISONMENT—</b>			
not for debt or military fine .....	19	3	13
may be for fraud .....	19	3	13
<b>IMPEACHMENT—</b>			
power of, how tried, etc. ....	19	6	15
who liable to, effect of, etc. ....	20	6	15
<b>INCORPORATIONS—</b>			
banking prohibited .....	1	13	20
political and municipal, shall not be made by special laws... ..	2	13	20
liability of stockholders in .....	2	13	20
state shall not be a stockholder in .....	2	13	20
<b>INSTRUCTION, PUBLIC—</b>			
superintendent, election, term, etc. ....	1	13	20
<b>J</b>			
<b>JURY—</b>			
trial by, inviolate, may be less than twelve men .....	9	2	12
<b>JUDICIARY—See Courts.</b>			
powers, how vested, exercised, etc. ....	1	4	13
<b>JUDGES—</b>			
salaries .....	34	8	17
supreme, election and term of office .....	3	11	18
district, election and term of office .....	4	11	19
may be impeached .....	20	6	15
<b>JUDICIAL—</b>			
powers .....	1	11	18
districts .....	4	11	19

	Sec.	Page	Reprin Page
<b>JOURNALS—</b>			
votes to be entered on .....	33	8	17
each house to keep .....	10	5	14
<b>JUSTICES OF THE PEACE—</b>			
jurisdiction, etc. ....	1	14	21

L

<b>LAWS—</b>			
to have a uniform operation .....	6	2	12
style of .....	1	4	14
not to abridge the liberty of speech or press .....	7	2	12
no ex post facto to be passed .....	21	3	13
not to impair contracts .....	21	3	13
statement of receipts and expenditures .....	18	6	15
shall embrace but one object, title, etc. ....	26	7	16
effect of, publication and circulation .....	27	7	16
general, for incorporations .....	2	13	20
of the territory to remain in force .....	2	15	21
<b>LIBERTY—</b>			
of the press and speech .....	7	2	12
<b>LIBEL—</b>			
evidence of it justifiable .....	7	2	12
<b>LEGISLATURE—</b>			
powers, how vested and exercised .....	1	4	13
biennial terms, style of laws .....	1	4	14
day of meeting, biennial sessions .....	2	5	14
how and when chosen, term of office .....	3, 5	5	14
qualifications .....	4, 5	5	14
number of senators, how divided .....	6	5	14
senators, when increased .....	7	5	14
officers, return of members, contested election .....	8	5	14
quorum, absent members .....	9	5	14
adjournment, journals, rules, powers, etc. ....	10	5	14
protest, yeas and nays .....	11	6	14
privileged from arrest .....	12	6	15
vacancies how filled .....	13	6	15
doors to be open, secrecy .....	14	6	15
bills how originated, signed, etc. ....	16	6	15
veto .....	17	6	15
impeachment .....	19	6	15
as to appointment to office .....	21	7	15
who ineligible for .....	22	7	15
as to public defaulters .....	23	7	16
compensation and extra session .....	25	7	16
laws of, how to take effect .....	27	7	16
not to grant divorces .....	28	8	16
lotteries not to be authorized .....	29	8	16
oath of members .....	30	8	16
census, apportionment and number of members .....	31	8	16
districts and counties .....	32	8	16
elections in, to be viva voce .....	33	8	16
may be convened by governor .....	9	9	17
may be adjourned by governor .....	11	9	17
to district state for judges .....	4	11	19
as to creating state debts .....	1	12	19

LEGISLATURE—Continued.	Sec.	Page	Reprint Page
to prohibit banking .....	1	13	20
to make general laws as to corporations .....	2	13	20
shall provide for election of superintendent .....	1	13	20
to encourage improvement .....	2	13	20
to provide a system of common schools .....	3	13	20
duty as to a university .....	5	14	21
duty as to amendment to the constitution .....	1	14	21
duty as to public lands and settlers, claims .....	3	15	21
<b>M</b>			
<b>MILITARY—</b>			
subordinate to the civil power .....	14	3	12
no imprisonment for fine .....	19	3	13
duty, electors exempt .....	3	4	13
<b>MONEYS, PUBLIC—</b>			
how drawn from the treasury .....	24	7	16
<b>MILITIA—</b>			
how composed, armed, etc. ....	1	12	19
of persons scrupulous of bearing arms .....	2	12	19
officer, election, how commissioned .....	3	12	19
<b>O</b>			
<b>OFFENCES—</b>			
presentment and indictment .....	11	3	12
in the army or navy, in time of war .....	11	3	12
capital, second trial, ball, etc. ....	12	3	12
<b>OATHS—</b>			
for search warrant .....	8	2	12
of members of the general assembly .....	30	8	16
<b>OFFICERS, STATE—</b>			
impeachment and liability of .....	20	6	15
salaries .....	34	8	17
superintendent of public instruction .....	1	13	20
civil and military to hold until superceded .....	5	15	22
<b>OFFICERS, CIVIL—</b>			
indictments for misdemeanors .....	20	6	15
<b>OFFICERS, MILITARY—</b>			
elective, how commissioned .....	3	12	19
<b>P</b>			
<b>PRESS—</b>			
liberty of .....	7	2	12
<b>PROSECUTIONS—</b>			
right of accused .....	10	3	12
how conducted, style of process .....	6	11	19
not affected by change of government .....	1	15	21
to be conducted in the name of the state .....	4	15	22
<b>PUNISHMENTS—</b>			
shall not be cruel and unusual .....	17	3	13
<b>PROPERTY—</b>			
if taken for public use .....	18	3	13
as to foreigners .....	22	3	13
<b>PETITIONS—</b>			
right of the people .....	20	3	13

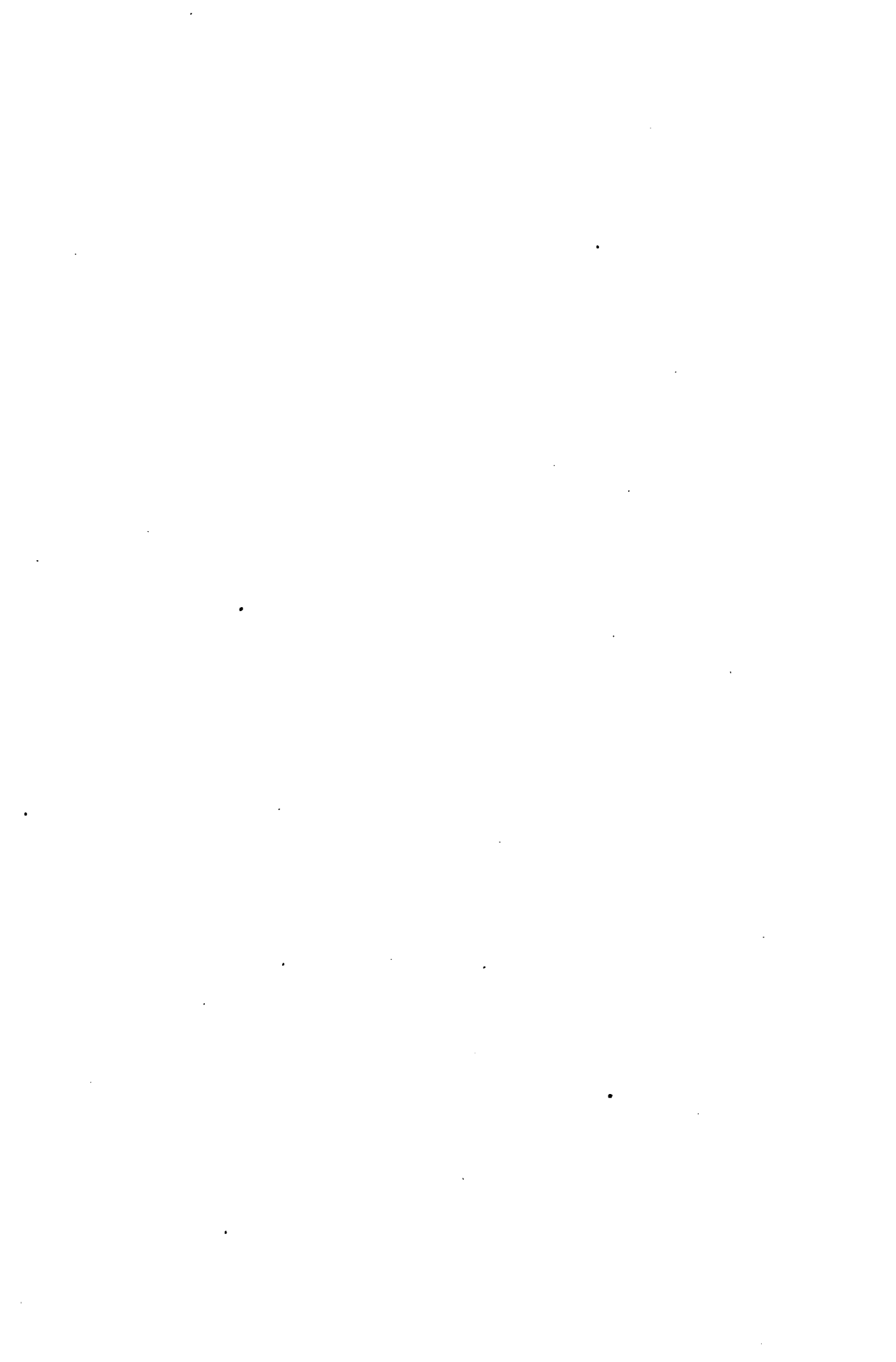
	Sec.	Page	Reprint Page
<b>POWERS—</b>			
legislative, executive and judicial .....	1	4	13
political, in the people .....	2	2	11
<b>PUBLIC—</b>			
moneys, how drawn from the treasury .....	24	7	16
lands, grants, settlers' claims .....	3	15	21
<b>PARDONS—</b>			
may be granted by the governor .....	13	10	18
<b>PROCESS—</b>			
style of .....	6	11	19
not affected by change of Government .....	1	15	21
<b>R</b>			
<b>RIGHTS—</b>			
bill of .....	1	2	11
to alter and reform government .....	2	2	11
of suffrage .....	1	4	13
as to seizures and searches .....	8	2	12
as to prosecutions .....	10	3	12
as to soldiers .....	15	3	12
as to criminal offences .....	11, 12	3	12
as to treason .....	16	3	12
as to bail, fines, punishments .....	17	3	13
to assemble, to petition .....	20	3	13
of foreigners .....	22	3	13
not impaired or denied .....	24	4	13
<b>RELIGION—</b>			
no law establishing .....	3	2	12
no religious test required .....	4	2	12
no one incompetent to give evidence, etc. ....	4	2	12
<b>REPRESENTATIVES, AND HOUSE OF—</b>			
when and how chosen, term of office, etc. ....	3	5	14
officers, returns, and contested elections. ....	8	5	14
quorum, absent members .....	9	5	14
adjournment, journals, rules, powers .....	10	5	14
protest, yeas and nays .....	11	6	14
privileged from arrest .....	12	6	15
vacancies, how filled .....	13	6	15
doors to be open, secrecy, etc. ....	14	6	15
shall not adjourn for more than three days .....	15	6	15
bill, how originated, signed, etc. ....	16	6	15
veto .....	17	6	15
impeachment .....	19	6	15
as to appointment to office .....	21	7	15
who ineligible .....	22	7	15
defaulters .....	23	7	16
compensation, extra session .....	25	7	16
oath of members .....	30	8	16
apportionment and number .....	31	8	16
districts of .....	32	8	16
speaker, when to act as governor .....	19	10	18
speaker, vacancy of .....	19	10	18
in Congress, when elected .....	6	16	22
apportionment .....	7	16	22

## S

	Sec.	Page	Reprint Page
<b>STATE—</b>			
boundaries of .....	1	1	11
shall not keep a standing army .....	14	3	12
seal .....	15	10	18
<b>SEIZURES AND SEARCHES—</b>			
rights of people as to, warrant for .....	8	2	12
<b>SOLDIERS—</b>			
how quartered .....	15	3	12
U. S., as to .....	4	4	13
<b>SLAVERY—</b>			
not tolerated .....	23	4	13
<b>SECRETARY—</b>			
impeachment, and further liability .....	20	6	15
salary .....	34	8	17
election, term of office, duties .....	17	10	18
to countersign commissions .....	16	10	18
when to act as governor .....	18	10	18
vacancy of .....	19	10	18
first election, term of office, etc .....	6	16	22
<b>SALARIES—</b>			
state officers and judges .....	34	8	17
governor's shall not be increased or diminished .....	14	10	18
<b>SCHOOLS—</b>			
superintendent, election of, etc. ....	1	13	20
appropriations for .....	2	13	20
to be kept up .....	3	13	20
finances, etc., appropriated .....	4	14	21
<b>SENATE AND SENATORS—</b>			
when and how chosen, qualifications, term, etc. ....	5	5	14
number, and how divided .....	6	5	14
when increased .....	7	5	14
officers, returns, contested elections .....	8	5	14
adjournment, journals, rules, powers .....	10	5	14
protest yeas and nays .....	11	6	14
privileged from arrest .....	12	6	15
vacancies, how filled .....	13	6	15
doors to be kept open, secrecy .....	14	6	15
not to adjourn for more than three days .....	15	6	15
bills, how originated, signed, etc. ....	16	6	15
veto .....	17	6	15
impeachment .....	19	6	15
as to appointment to office .....	21	7	15
who ineligible .....	22	7	15
public defaulters .....	23	7	16
compensation, extra session .....	25	7	16
oath of .....	30	8	16
apportionment and number of members .....	31	8	16
districts .....	32	8	16
president, when to act as governor, vacancy of .....	19	10	18



	Sec.	Page	Reprint Page
<b>SUFFRAGE—</b>			
right of .....	1	4	13
privilege of electors .....	2, 3	4	13
as to U. S. soldiers .....	4	4	13
idiots and insane persons .....	5	4	13
by ballot .....	6	4	13
<b>T</b>			
<b>TREASON—</b>			
what is, evidence of .....	16	3	12
as to electors .....	2	4	13
<b>TREASURY AND TREASURER—</b>			
how money drawn .....	24	7	16
impeachment, and further liability .....	20	6	15
salary .....	34	8	17
election, and term of office .....	17	10	18
<b>U</b>			
<b>UNIVERSITY—</b>			
lands, grants, funds, etc.....	5	13	21
<b>V</b>			
<b>VACANCIES—</b>			
of Governor .....	18	10	18
Secretary, President and Speaker.....	19	10	18
how filled .....	8	9	17
<b>W</b>			
<b>WAR—</b>			
soldiers, how quartered.....	15	3	12
levying war is treason .....	16	3	12
as to electors.....	3	4	13



# INDEX

## TO THE LAWS, &C.

	Sec.	Page	Reprint Page
<b>A</b>			
<b>AGENT OF THE STATE—</b>			
his duties, etc. ....	5	48	49
bond of, how approved and deposited.....	6	48	49
compensation of, how allowed.....	7	48	49
<b>AGENT OF THE PENITENTIARY—</b>			
duties and powers of.....	1	147	125
bond and oath .....	5	148	125
duty as to prisoners and keepers.....	8	148	125
compensation of .....	9	148	126
report of .....	11	148	126
<b>AGENT TO SELECT UNIVERSITY LANDS—</b>			
duties and compensation of.....	1	182	151
<b>APPROPRIATIONS—</b>			
for suit relative to the southern boundary.....	3	20	26
for state seal .....	2	164	138
buildings at Iowa City.....	1	173	144
how expended and applied .....	2	173	144
for state government, 1847-8 .....	1	181	150
for agent to select university lands.....	1	182	151
for members and officers of the H. R.....	2,3	183	152
for members and officers of the senate .....	4,5	183	152
speaker of the house of representatives.....	6	183	152
stationery and other expenses .....	7	183	152
postage and other expenses .....	8	185	154
for printing and other expenses .....	9	186	154
for transportation and other expenses .....	27	187	155
for arresting fugitives from justice .....	42	187	155
<b>APPORTIONMENT—</b>			
of school moneys .....	4	22	27
by commissioners .....	40	134	115
<b>ASSESSORS—</b>			
to take the census, when, etc.....	1	23	28
to make returns, compensation of.....	2	23	29
neglect of to make returns, fine, etc.....	4	24	29
of the town of Fairfield .....	7	51	51
sheriff to be, bond and oath of.....	1	136	116
bond, suit on .....	5	136	117
compensation of .....	6	136	117

	Sec.	Page	Reprint Page
<b>ASSESSORS—CONTINUED.</b>			
may appoint a deputy .....	7	136	117
may administer oaths .....	15	138	118
to fill assessment list .....	17	138	118
clerk to prepare blank for.....	2	136	116
<b>ATTORNEYS, PROSECUTING—</b>			
elected October, 1846, bond of, oath, etc.....	2	25	30
vacancy of, filled by election.....	5	26	31
duty of .....	1	41	43
to give advice, not to assist criminals.....	2	42	43
oath of, duty of district clerk as to.....	3	42	44
compensation of .....	4	42	44
bill of services, duty of commissioners as to.....	5	42	44
vacancy of, duty of judge as to.....	6	42	44
may remove books from the library.....	2	60	58
neglect to pay over fines.....	6	123	106
election of .....	5	154	130
<b>ATTORNEYS—</b>			
may remove books from the library.....	2	60	58
<b>AUDITOR OF STATE—</b>			
salary of, how paid, etc.....	1	39	42
duty of, as to Miners' Bank debt.....	1	43	44
to report to the governor.....	5	44	45
duty as to state agent.....	7	48	49
may take books from the library.....	2	60	58
duty as to librarian's account.....	14	61	59
to give bond, how approved .....	1	71	66
place of office, duty of.....	2	71	67
to keep state accounts .....	3	71	67
duty as to county treasurers and collectors.....	4	71	67
to keep account of revenues and funds.....	5	71	67
settle with public debtors .....	6	71	67
examine claims against the state .....	7	71	67
draw warrants on the treasury.....	3, 12	72	67
divide amounts, etc. ....	9	72	67
furnish government information .....	11	72	67
superintend fiscal concerns of the state, to furnish forms...	12	72	67
keep public books .....	13	72	68
enter all warrants .....	15	72	68
make report .....	16	73	68
require statements of moneys, etc.....	17	73	68
duty as to persons failing to account .....	18	73	68
make payment .....	19	73	68
account to be evidence .....	20	73	69
other remedies of .....	21	74	69
incidental expenses of .....	22	74	69
books of, to be open to public inspection.....	23	74	69
duty as to state loan .....	61	147	124
bonds .....	4	148	125
penitentiary expenses .....	1	149	126
election of .....	3	154	130
duty as to printing laws and journals .....	38	187	155
to audit expenses of convention .....		193	161
duty as to state agent.....	2	182	151

	Sec.	Page	Reprint Page
<b>B</b>			
<b>BANK, MINERS'—</b>			
debt to be audited, etc.....	1	43	44
when paid .....	4	48	49
<b>BELLVIEW, TOWN OF—</b>			
name changed .....	1	101	90
<b>BONDS—</b>			
of clerks of the district courts.....	1	24	29
of clerks of the district courts.....	5	26	31
treasurer of state .....	1	27	31
additional security on .....	3	27	32
state agent .....	6	48	49
state, to be issued .....	2	47	48
of librarian .....	10	61	59
auditor's, how approved .....	1	71	66
of state commissioners, treasurer .....	9	86	79
change in the form of.....	2	94	85
of superintendent of public instruction.....	25	132	113
school inspectors .....	7	128	111
sheriffs and assessors .....	1	136	116
of county treasurer, execution on do.....	36	141	120
state bonds to be issued.....	2, 3	147	125
duty of auditor as to.....	4	148	125
of agent of the penitentiary.....	5	148	125
administrators, liability on .....	4	152	128
required for ferry license .....	4	153	130
of board of public works.....	8	166	139
<b>BOUNDARIES—</b>			
governor to make agreed suit relative to.....	1	20	26
procure evidence and employ counsel.....	2	20	26
one thousand dollars appropriated for.....	3	20	26
of Marion county .....	1	32	36
Polk county .....	1	33	36
Clayton county .....	1	37	39
Fayette county .....	2	37	40
Allamakee county .....	1	81	75
Winneshie county .....	2	81	75
to be surveyed .....	3	81	75
Dubuque city .....	1	104	92
Ringgold county .....	1	114	100
Taylor county .....	2	114	100
Page county .....	3	114	100
Fremont county .....	4	115	100
Keokuk county .....	1	154	130
<b>BROOKLIN—</b>			
town of, vacated .....	1	33	36
<b>BOATS AND VESSELS—</b>			
wages, lien on .....	1	126	109
<b>BURLINGTON, CITY OF—</b>			
amount of tax to be levied in.....	1	91	82
election on, form of vote.....	2	91	83
poll to be opened for, notice.....	3	91	83

	Sec.	Page	Reprint Page
C			
CHALDEA, TOWN OF—			
name changed to Centerville.....	1	21	27
CHAKTERS—			
of Davenport repealed .....	1, 2	88	80
Burlington amended .....	..	91	82
Farmington .....	..	95	85
Dubuque .....	..	104	92
Fort Madison .....	1	149	126
Fairfield .....	..	49	49
Keokuk .....	..	154	130
CENSUS—			
assessors to take, when, etc.....	1	23	28
make returns of, compensation for.....	2	23	29
commissioners' clerk to make returns of.....	3	23	29
neglect of clerk or assessor, fine for do.....	4	24	29
CENTERVILLE, TOWN OF—			
name changed from Chaldea .....	1	21	27
CLERKS, DISTRICT COURT—			
to organize school districts .....	2	21	27
elected Oct., 1846, bond and oath of.....	1	24	29
to take possession of office.....	3	25	30
duty of, refusing to give possession.....	3	26	30
officers and court as to.....	3	26	30
vacancy of, filled by election.....	4	26	31
to give bond .....	5	26	31
duty as to prosecuting attorneys.....	3, 5	42	44
change of names .....	4	47	48
to keep office at county seat.....	1	78	72
vacancy of .....	3	78	73
duty as to criminal returns.....	1, 2	122	106
failure to report, fine, etc.....	4	122	106
duty as to treasurer's report.....	49	143	122
election of .....	5	154	130
CLERKS—			
of school directors .....	3	128	110
CLERKS, COMMISSIONERS—			
to organize school districts .....	2	21	27
apportion school moneys .....	4	22	27
make return of census .....	3	23	29
neglect of, fine, etc.....	4	24	29
duty of, as to vacancy of district clerk or prosecutor.....	4	26	31
as to townships .....	1	29	33
grocery license .....	6	63	60
to make returns of judges election.....	3	66	63
keep office at county seat.....	1	78	72
vacancy of .....	3	78	73
of Delaware county, acts legalized.....	1	81	74
Clayton county to approve bonds.....	4	82	75
Johnson county, duty as to agent of.....	1	124	107
duty as to school taxes.....	20	131	112
compensation for .....	23	131	113

	Sec.	Page	Reprint Page
<b>CLERKS, COMMISSIONERS—CONTINUED.</b>			
to certify to the auditor the amount of tax.....	59	146	124
prepare blanks for assessors.....	3	136	116
issue notice of elections.....	4	136	116
election of.....	5	154	130
<b>CLERK, SUPREME COURT—</b>			
duty as to docketing cases.....	3	180	150
<b>CRIMINAL RETURNS—</b>			
duty of clerks of district courts.....	1	122	105
to make report.....	2	122	106
duty of secretary of state.....	3	122	106
clerk's failure to report, fine, etc.....	4	122	106
secretary's failure to report, fine, etc.....	5	122	106
fines how appropriated.....	6	123	106
neglect of prosecuting attorneys.....	6	123	106
<b>COUNTIES—</b>			
Lee, act relative to records of, repealed.....	1	20	25
unorganized, census of, how taken.....	1	23	28
when census to be taken.....	1	23	28
commissioners of—See Commissioners.			
Marion, boundaries.....	1	32	36
seat of justice of.....	2	32	36
Polk, boundaries of.....	1	33	36
Davis, sheriff of, petition, etc.....	1	33	37
treasurer to pay.....	2	34	37
Clayton, boundaries of.....	1	37	39
Fayette, boundaries of.....	2	37	40
Jones, election for county seat of.....	1	38	40
other acts repealed.....	2	38	41
Washington, public buildings of.....	1	53	53
Louisa, not to pay road expenses.....	3	54	53
Dallas, organized.....	1	63	61
special election in.....	2	63	61
duty of sheriff of.....	3	63	61
term of officers of.....	4	64	61
term of justices of.....	5	64	61
sheriff of, oath of.....	6	64	61
death of sheriff of.....	7	64	61
actions at law, etc., in.....	8	64	61
duty of justices of.....	9	64	61
county attached to.....	10	65	62
commissioners to establish county seat of.....	11	65	62
when and where to meet.....	12	65	62
oath of.....	13	65	62
duty of.....	14	65	62
district court of, where held.....	16	65	62
Benton, district court, where held.....	1	68	64
Marion, justice acts legalized.....	1	69	65
Officers—See Officers.			
Washington, special tax in.....	1	80	74
Delaware, acts of clerk legalized.....	1	81	74
Allamakee, boundaries of.....	1	81	75

	Sec.	Page	Reprint Page
<b>COUNTIES—CONTINUED.</b>			
Winnesheik, boundaries of .....	2	81	75
to be surveyed .....	3	81	75
justices appointed, oath, etc.....	4	82	75
constables, how appointed, oath, etc.....	5	82	75
to refund moneys .....	6	82	75
to be districted .....	1	87	79
officers to complete certain acts.....	1	90	82
Ringgold, boundaries of .....	1	114	100
Taylor, boundaries of .....	2	114	100
Page, boundaries of .....	3	114	100
Freemont, boundaries of .....	4	115	100
Pottawattamie, organized .....	1	115	100
election in .....	2	115	100
sheriff of .....	3	115	101
precincts of .....	4	115	101
term of, officers in .....	5	116	101
term of justices in .....	6	116	101
sheriff appointed for .....	7	116	101
district courts of .....	8	116	101
others may be organized .....	9	116	101
Jackson, back taxes of .....	1	120	104
Buchanan, seat of justice of, commissioners of, etc.....	1	121	105
commissioners, how paid, etc.....	3, 4	122	105
Johnson county agent, duty of county clerk.....	1	124	107
Jones, place of holding courts in.....	1	150	127
Lee, poor of,			
act of February 12, 1844, repealed.....	1	150	127
election, duty of commissioners .....	2	150	127
Lee, notice and returns of election.....	3	115	100
officers, elections of .....	5	154	130
Treasurers—See Treasurers.			
<b>COURTS, DISTRICT—</b>			
act relative to Lee county repealed.....	1	20	25
duty as to sheriff of Davis county .....	1	34	37
changing names .....	2, 3	47	48
Skunk river .....	4	57	56
suits in, of Polk county.....	8	64	61
of Dallas county, where to be held.....	16	65	62
Benton county, where held.....	1	68	64
times of holding .....	1	74	69
suits, etc., in shall not abate .....	2	74	70
as to first terms of.....	3	75	70
executions against incorporations .....	19	103	91
of Pottawattamie county .....	8	116	101
test of writs, etc., of .....	1	119	103
seal of .....	2	119	104
duty as to partition of real estate.....	1	123	106
unpaid taxes .....	48	143	122
place of holding in Jones county.....	1	150	127
time of holding in first district.....	1	174	145
<b>COURTS, PROBATE—</b>			
duty of when administrator fails to pay.....	1	151	128
judge of, election of.....	5	154	130



	Sec.	Page	Reprint Page
<b>COURT, SUPREME—</b>			
members, attorneys and clerk may use library.....	2	60	58
test of writs, etc.....	1	119	103
seal of .....	2	119	104
July term, 1847 .....	1	180	150
semi-annual term of .....	2	180	150
duty as to cases from the several districts.....	3	180	150
<b>CORPORATIONS—See Incorporations.</b>			
<b>CONTRACTS—</b>			
of general incorporations .....	7	118	103
<b>COMMISSIONERS, COUNTY—</b>			
duty as to townships .....	1	29	33
compensation to road commissioners, etc.....	3	45	47
may improve public square in Fairfield.....	15	52	52
to levy tax in Washington county.....	1	53	53
duty as to grocery license.....	6	63	60
to allow road commissioners .....	3	80	74
of Scott county, duty as to Wilson's ferry.....	2	83	76
how elected .....	2	87	79
to district counties .....	1	87	79
power as to state roads.....	5	117	102
when to appoint county treasurer.....	35	141	120
may cause persons to be sworn.....	20	139	119
administer oaths .....	21	139	119
Lee county, duty as to election on poor house.....	2	150	127
to grant ferry license, bonds for do.....	1, 2	152	129
election of .....	7	154	130
may require additional security of fund commissioners, etc...	16	163	137
duty as to incorporating towns.....	2	174	145
roads in Jones county.....	2	180	149
to levy taxes .....	18	139	118
abate taxes .....	19	139	119
may administer oaths .....	21	139	119
to make out tax list.....	22	139	119
forward abstract to auditor .....	23	139	119
<b>COMMISSIONERS, ROAD—</b>			
from Rockingham to Iowa City.....	1	22	28
Bloomfield to Appanoose county .....	1	35	38
Knoxville to Newton .....	1	36	39
Canton to Pioneer Grove.....	1	37	40
Sullivan's line to Appanoose county.....	1	40	42
West Point to Bonaparte .....	1	41	43
Walling's Landing to Washington .....	1	45	46
Henry county to Keokuk county.....	1	44	46
Oskaloosa to Knoxville .....	1	53	52
Walling's Landing to Columbus City.....	1	54	53
in Washington and Jefferson counties.....	1	54	53
De Witt to Lyons .....	1	55	54
duty as to record .....	2	56	54
Iowa City to Dallas county.....	1	56	55
Burlington to Iowa City.....	1	58	56
Fairfield to Indian boundary .....	1	59	57
Fairview to Pioneer Grove.....	1	70	66

	Sec.	Page	Reprint Page
<b>COMMISSIONERS, ROAD—CONTINUED.</b>			
Wood's Mill to Bloomfield.....	1	78	72
Keokuk to Bloomfield .....	1	76	70
Bloomington to Tipton .....	2	76	71
Lake Prairie to Fort Des Moines.....	3	76	71
Hendry's to Fort Des Moines .....	4	76	71
Cedar falls to the rapids.....	5	76	71
Tipton to Dubuque .....	6	77	71
Cascade to Maquoketa .....	7	77	71
military road to Canton .....	8	77	71
military road to Jenkins .....	9	77	71
Cascade to Tete Des Morts.....	10	77	72
Iowaville to Lancaster .....	1	79	73
Ottumwa to Wells' mills .....	1	80	73
Agency City to state road.....	1	83	76
the mouth of English river.....	1	124	107
Portland to Bloomfield .....	1	125	108
Iowa City to Jasper county seat.....	1	125	108
Benton county to Quasqueton.....	1	179	149

**COMMISSIONERS, SCHOOL FUND—**

election, bond and oath of.....	36	134	115
to loan out moneys .....	37	134	115
amount to be loaned by.....	38	134	115
to make report .....	39	134	115
apportion moneys .....	40	134	115
keep books .....	41	135	115
pay out moneys .....	42	135	115
compensation of, persons contracting with.....	43	135	116
vacancy of .....	44	135	116
to appraise school lands.....	2	160	135
direct new assessment.....	3	161	135
keep books, etc.....	4	161	135
make sale of school sections .....	5	161	135
certificate of purchase .....	6	161	135
contract for sale of lands.....	8	162	136
may demand purchase money in advance.....	12	162	136
be removed by county commissioners.....	16	163	137
vacancy of how filled .....	16	163	137
duty when the 500,000 acres are selected.....	18	163	137
may consider contract for land forfeited.....	10	162	136

**COMMISSIONERS—To Locate Seat of Government.**

appointment, duties, etc. ....	1	85	78
oath of .....	2	85	78
when to meet, duties, etc.....	3	85	78
to employ a surveyor.....	6	85	78
to lay off a town, etc.....	7	86	78
to fix public sale, grant certificates of do., etc.....	8	86	78
one of to be treasurer.....	9	86	79
to make report .....	10	86	79
compensation of, how paid.....	11	87	79
expenses of, how paid.....	12	87	79

	Sec.	Page	Reprint Page
<b>COMMISSIONERS—</b>			
to locate county seat of Dallas county.....	11	65	62
oath and duty of .....	13, 14	65	62
compensation of .....	15	65	62
districts, counties to be districted.....	1	87	79
to locate county seat of Buchanan county.....	1	121	105
oath of .....	2	121	105
compensation of .....	3	122	105
<b>CONSTABLES—</b>			
of new counties, how appointed, oaths and bond.....	4	82	75
<b>CORONERS—</b>			
duty in certain cases .....	1	90	82
Congressional Districts—See Districts.			
<b>COMPENSATION—</b>			
of road commissioners from Rockingham to Iowa City.....	2	23	28
assessors for taking census .....	2	23	29
road commissioners from Bloomfield to Appanoose county.	3	35	38
Knoxville to Newton .....	2	36	39
Canton to Pioneer Grove.....	3	38	40
West Point to Bonaparte.....	3	41	43
prosecuting attorneys .....	4	42	44
road commissioners from Walling's Landing.....	3	45	47
in Washington county .....	3	55	53
from De Witt to Lyons.....	3	56	54
from Iowa City to Dallas county.....	2	56	55
from Burlington to Virginia Grove.....	3	59	57
Dallas county seat commissioners.....	15	65	62
road commissioners from Fairview to Pioneer Grove.....	3	70	66
Woods' mill to Bloomfield .....	3	78	72
Ottumwa to Wells' mill.....	3	80	74
seat of government commissioners .....	11	87	79
for laying out roads .....	6	117	102
of Buchanan county seat commissioners.....	3	122	105
road commissioners from Portland to Bloomfield.....	3	125	108
agent to select salt springs.....	2	127	109
to county treasurer and clerk.....	23	131	113
county treasurer .....	42	142	121
county assessor .....	6	136	117
of agent of the penitentiary.....	9	148	126
keepers of the penitentiary.....	10	148	126
sheriffs in presidential election.....	10	173	144
electors in presidential election .....	11	173	144
township officers in presidential election.....	12	173	144
treasurer on account of public buildings.....	2	173	144
road commissioners from Benton county to Quasqueton....	3	180	149
agent to select university lands.....	1	182	151
<b>CHURCH, CHRISTIAN—</b>			
trustees of, to sell real estate.....	1	68	64

	D	Sec.	Page	Reprint Page
<b>DAVENPORT—</b>				
charter of repealed.....		1	88	80
election on .....		2	88	80
voters on .....		3	88	80
effect of repeal of, duty of officers.....		4	88	80
<b>DEEDS—</b>				
acknowledged by Enoch Frazee .....		1	120	104
for tax, sold lands .....		56	145	123
validity of .....		57	146	124
<b>DIVIDENDS—</b>				
of general incorporations .....		10	119	103
<b>DISTRICTS—</b>				
school, legalized .....		1	22	27
county clerks to organize.....		2	22	27
Courts—See Courts.				
judicial, state divided, 1st, 2d, 3d and 4th.....		1	39	41
judges to fill vacancy of prosecuting attorney.....		6	42	44
Clerks—See Clerks.				
judges, election and vacancy of.....		1	66	62
sheriff to give notice of election of.....		2	66	63
judges of election, commissioners' clerk.....		3	66	63
governor to commission .....		3	67	63
oath of, how certified .....		4	67	63
first election of .....		5	67	63
neglect to take the oath.....		6	67	63
general election laws applicable to.....		7	67	64
contested election of .....		8	67	64
duty of governor as to .....		8	68	64
judicial, time of holding courts in.....		1	74	69
judges, when interested in suit.....		1	84	77
death or resignation of.....		2	84	77
congressional, state divided into two.....		1	84	77
1st and 2d, counties of .....		2	84	77
judges to approve commissioners' bond.....		9	86	79
election of .....		4	154	130
<b>DUBUQUE, CITY OF—</b>				
boundaries of, a body corporate.....		1	104	92
property vested in.....		2	105	93
annual election, council, quorum, journal of.....		3	105	93
duties of treasurer and other officers of.....		4	105	93
proclamation, election, judges of, mayor's duties.....		5	106	94
voters, oath of .....		6	107	94
city council, disqualification of .....		7	107	95
duty of mayor, to have the casting vote.....		8	107	95
oath of office, bonds, compensation, recorder of.....		9	108	95
duty of council, term of office of.....		10	108	95
vacancies, absence of the mayor of.....		11	108	95
powers and duties of the council of.....		12	109	96
fire companies, wharfage, etc. ....		13	109	96
security against fire in .....		14	109	96
taverns, ferries, licenses, exhibitions, auctions.....		15	109	96
nuisances and stagnant water in.....		16	110	97

	Sec.	Page	Reprint Page
<b>DUBUQUE, CITY OF—CONTINUED</b>			
streets, hogs, carts and drays.....	17	111	97
power to establish public schools .....	18	111	98
public moneys of, claims, laws.....	19	111	98
laws and ordinances of to be published.....	20	112	98
who deemed owners of land in.....	21	112	98
may grade and establish wharves on the Mississippi.....	22	112	98
justice of the peace in, powers and duties of.....	23	112	98
offenders against, style of process of, county jail, etc.....	23	112	98
trials, fines, etc., in .....	24	113	99
city property, sale of .....	25	114	99
taxes of, improvement of streets in.....	26	113	95
may borrow money, how .....	27	114	99
act of incorporation to be evidence .....	28	114	99

E

ESTATE REAL—

trustees of christian church to sell.....	1	68	64
partition of, when in more than one county.....	1	123	106

ELECTIONS—

of clerks of the district courts, October, 1846.....	1	24	29
to fill vacancy of clerk or attorney.....	4	26	31
for county seat of Jones county.....	1	38	40
of the town of Fairfield.....	2	49	50
on grocery license .....	1, 2	62	60
notice of, etc. ....	3	63	60
special, in Dallas county.....	2	63	61
of district judges .....	1	66	62
first election of ditto .....	5	67	63
election laws applicable to.....	7	67	64
contested .....	8	67	64
special, to fill vacancies of county officers.....	3	78	73
of county commissioners .....	2	87	79
on Davenport charter .....	2	88	80
Burlington charter .....	2	91	83
of United States senators .....	1	92	83
judges of .....	3	92	83
of supreme judges .....	12	94	84
certificates of .....	9	93	84
in Farmington city .....	6	96	86
Dubuque city .....	3, 4	105	98
Pottawatamie county .....	2	115	100
of school directors .....	2	127	110
inspectors .....	7	128	111
superintendent .....	24	131	113
fund commissioner .....	36	134	115
on Fort Madison charter.....	3	149	126
relative to a poor house in Lee county.....	2, 3	150	128
of state officers .....	1	153	130
governor, when chosen, etc.....	2	154	130
state officers, when chosen, etc.....	3	154	130
district judges, when chosen, etc.....	4	154	130
county officers, when chosen, etc.....	5	154	130

	Sec.	Page	Reprint Page
<b>ELECTIONS—CONTINUED.</b>			
senators and representatives, when chosen, etc.....	6	154	130
county commissioners .....	7	154	130
in Keokuk city .....	3	155	131
to incorporate towns .....	2	174	145
for township trustees .....	4	175	146
<b>ELECTION, PRESIDENTIAL—</b>			
election of electors, who ineligible .....	1	170	142
duty of judges of, fine.....	2	171	142
oath of judges, duty of sheriffs.....	3	171	143
duty of governor and secretary, tie vote.....	4	171	143
electors, when and where to meet.....	5	171	143
neglect of duty of, etc.....	6	172	143
absence or vacancy of.....	7	172	143
tie vote, for, how determined.....	8	172	143
notice of election of, duty of .....	9	172	144
fees and compensation of officers.....	10	173	144
electors .....	11	173	144
township officers .....	12	173	144
<b>EVIDENCE—</b>			
to be procured relative to the southern boundary.....	2	20	26
auditor's account to be.....	20	73	69
<b>EXPENDITURES—</b>			
receipts and expenditures of the state.....	205	169	
<b>EXECUTORS—See wills, executors, etc.</b>			
<b>F</b>			
<b>FARMINGTON TOWNSHIP—</b>			
poll to be opened <sup>a</sup> at Bonaparte.....	1	34	37
duty of judges and trustees .....	2	34	38
trustees .....	3	34	38
judges to make returns.....	4	34	38
trustees of, subject to existing laws.....	5	35	38
governor to cause act to be published.....	6	35	38
<b>FARMINGTON CITY—</b>			
limits of corporation, title, etc.....	1	95	85
corporate powers, how vested .....	2	95	86
board of aldermen, wards .....	3	95	86
mayor, how elected .....	4	95	86
aldermen of, how elected, tie vote, etc.....	5	96	86
first election, duty of clerk, oath, etc.....	6	96	86
president of quorum, absent members.....	7	96	87
stated meetings of board of.....	8	97	87
duty, powers and fees of the mayor of.....	9	97	87
appointment of officers, vacancies in.....	10	97	87
vacancy of mayor, compensation of.....	11	97	87
powers and duties of aldermen of.....	12	97	87
grocery license in .....	13	98	88
paving streets, etc., of.....	14	98	88
power of, as to streets and roads.....	15	98	88
ordinances of, how signed .....	16	98	88
style of laws of .....	17	98	88

	Sec.	Page	Reprint Page
<b>FARMINGTON CITY—CONTINUED.</b>			
register of, oath, bond and duties.....	18	99	88
oath of officers of .....	19	99	89
election, treasurer and constable .....	21	99	89
city property of .....	20	99	89
taxes, tax sales, etc.....	22	100	89
receipts and expenditures to be published.....	23	100	89
fire companies of .....	24	100	90
<b>FRAZEE, ENOCH—</b>			
marriage and deeds of, made valid.....	1	120	104
<b>FAIRFIELD, TOWN OF—</b>			
incorporated .....	1	49	49
election and officers of .....	2	49	50
first election of, oath of officers.....	3	49	50
a body politic, name, etc., suits and laws of.....	4	50	50
mayor, marshal, treasurer, fines .....	5	50	50
laws and ordinances of.....	6	51	51
taxes and assessor of.....	7	51	51
marshal's duty, tax sales .....	8	51	51
redemption from tax sales .....	9	51	51
accounts of, to be published .....	10	51	51
streets of, shows, etc.....	11	52	51
laws and ordinances of, to be published.....	12	52	52
road district in .....	13	51	52
mayor's duty, compensation of.....	14	52	52
county commissioners may improve public square.....	15	52	52
<b>FERRIES—</b>			
at Montrose, Lefevre's .....	1	29	33
good and sufficient boats to be kept .....	2	30	34
time to establish do.....	3	30	34
John Wilson's .....	1	82	76
county commissioners to license, conditions of.....	1	152	129
when license for to be obtained in two counties.....	2	153	129
commissioners to require bonds for.....	4	153	130
<b>FINES—</b>			
of the clerk of the district courts .....	4	122	106
of secretary of state .....	5	122	106
appropriated to the school fund .....	6	123	106
<b>FORMS—</b>			
of U. S. senators' credentials .....	10, 11	93	84
for fund commissioners .....	34	133	114
tax, commissioners' clerk to prepare .....	3	136	116
of treasurers report .....	45	142	121
of district court entry .....	48	143	122
<b>FORT MADISON—</b>			
duty of mayor, etc., as to funds of.....	1	149	126
funds arising from grocery license, etc., in.....	2	149	126
election on repeal of the charter of.....	3	149	126
in case charter of, is repealed.....	4	150	127
<b>FUND, SCHOOL—See Schools.</b>			
<b>FUND COMMISSIONERS—See Commissioners.</b>			

FUNDS—	Sec.	Page	Reprint Page
of Fort Madison .....	1	149	126
of seat of government .....	12	87	79

## G

## GOVERNOR—

to have act published .....	3	19	25
make an agreed suit with Missouri .....	1	20	26
employ counsel on suit with Missouri .....	2	20	26
may require additional security of treasurer .....	3	27	32
commissions to be issued by .....	3	31	35
to cause act to be published .....	6	35	38
salary of, how paid, etc. ....	1	39	42
to transact state business .....	1	43	45
deposite laws with the secretary .....	2	43	45
duty of as to certain suits .....	3	43	45
expenses of, how paid .....	4, 5	44	45
to bring suit in certain cases .....	6	44	45
issue state bonds .....	2	47	48
inform legislature .....	5	48	49
may take books from the library .....	2	60	58
duty of, as to library rules .....	17	62	59
to commission judges .....	3	67	63
duty of as to contested elections .....	8	68	64
to approve auditor's bond .....	1	71	66
to appoint justices in new counties .....	4	82	75
duty of, as to U. S. senators .....	10, 11	93	84
to select salt springs .....	1	126	109
may appoint an agent .....	2	127	109
may select salt springs on unsurveyed land .....	4	127	109
to report selections .....	5	127	109
issue state bonds .....	2, 3	147	125
election of .....	2	154	130
to issue patents for school lands .....	6	161	135
fill vacancies in board of public works .....	2	165	138
report to legislature relative to board of public works .....	16	167	139
issue patents for Des Moines river lands .....	30	169	141
duty as to presidential electors .....	4	171	143
to make certificate of electors .....	7	172	143
determine tie vote for electors .....	8	172	143
duty in case of vacancy of electors .....	9	172	144
to certify services of electors .....	11	172	144
appropriation for .....	1	181	150
to report expenses .....	2	181	151

## GOVERNMENT, SEAT OF—

commissioners to locate, duties of .....	1	85	78
oath of .....	2	85	78
when to meet, duties of .....	3	85	78
location of .....	4	85	78
grants of land for .....	5	85	78
surveyor of to be employed .....	6	85	78
commissioners to lay off a town, etc. ....	7	86	78
public sale of lots in, terms of sale .....	8	86	78
treasurer to be appointed, bond of, etc. ....	9	86	79



	Sec.	Page	Reprint Page
<b>GOVERNMENT, SEAT OF—CONTINUED.</b>			
commissioners to report .....	10	86	79
compensation of .....	11	87	79
expenses, how paid .....	12	87	79
funds of to be set apart.....	12	87	79
memorial as to.....	..	204	193
<b>GOVERNMENT, STATE—</b>			
style of writs, etc., under.....	1	94	85
bonds and recognizances .....	2	94	85
“territory” changed to “state” .....	3	94	85
write and other proceedings under.....	4	94	85
acts and resolutions of made valid.....	5	94	85
<b>GROCERY LICENSE—</b>			
election on' .....	1, 2	62	60
notice of .....	3	63	60
election, how conducted .....	4	63	60
certificate and returns of .....	5	63	60
duty of commissioners' clerk as to.....	6	63	60
<b>GUTHENBERG—</b>			
name changed from Prairie Laport .....	1	21	26
I			
<b>INDICTMENT—</b>			
if quashed .....	4	42	44
for obstructing Skunk river .....	2	57	55
<b>INTEREST—</b>			
on unpaid taxes .....	43	142	121
<b>INCORPORATIONS—</b>			
of the town of Fairfield .....	1	49	49
Davenport .....	1	88	80
city of Farmington .....	1	95	85
general, persons may incorporate themselves.....	1	101	90
regulations of .....	2	101	90
interest in, transferable .....	3	101	90
death of members not to terminate.....	4	101	90
may sue and be sued .....	5	101	90
may exempt private property .....	6	101	90
articles to be recorded .....	7	101	90
notice of, to be published .....	8	102	91
failure to comply with regulations .....	9	102	91
contents of notice .....	10	102	91
republishing of notice .....	11	102	91
to continue twenty years .....	12	102	91
dissolution of .....	13	102	91
fraud and consequences of .....	14	102	91
payment of dividends when fraud .....	15	102	91
liability of members of .....	16	102	91
forfeiture of privileges of .....	17	102	91
process, how served on .....	18	102	91
execution against, how served .....	19	103	91
property of, how released .....	20	103	92
plaintiffs may release property of.....	21	103	92

	Sec.	Page	Reprint Page
<b>INCORPORATIONS—CONTINUED.</b>			
books and papers of to be exhibited.....	22	103	92
indemnity of members of .....	23	103	92
general members may sue .....	24	103	92
winding up concerns of.....	25	103	92
stockholders' liability .....	26	104	92
of the city of Dubuque .....	1	104	92
general, persons may incorporate themselves.....	1	118	102
rules and regulations of .....	2	118	102
may sue and be sued, etc.....	3	118	103
death of members of .....	4	118	103
articles of association of .....	5	118	103
records of .....	6	118	103
power to enforce contracts .....	7	118	103
may hold lands .....	8	118	103
service of process on .....	9	119	103
dividends and personal liability of.....	10	119	103
articles of association of .....	11	119	103
of Fort Madison, repeal of.....	1	149	126
<b>INSPECTORS, SCHOOL—</b>			
election of, bond and oath of.....	7	128	111
to notify voters .....	8	129	111
annual report of .....	9	129	111
to apply for and appropriate moneys.....	10	129	111
to pay moneys to directors .....	11	129	111
application of, for moneys .....	12	130	112
to examine teachers .....	13	130	112
may form districts of two townships.....	14	130	112
to visit schools, may appoint directors.....	15	130	112
vacancy of, refusal to serve.....	16	130	112
compensation of .....	17	130	112
county treasurer to pay to.....	23	131	113
<b>INSTRUCTION, PUBLIC—See Schools.</b>			
<b>INCORPORATIONS—See Towns.</b>			
<b>J</b>			
<b>JUDGES, DISTRICT—See Districts.</b>			
salaries, when to commence .....	3	40	42
to fill vacancy of prosecuting attorney .....	6	42	44
may take books from the library.....	2	60	58
when interested in suit .....	1	84	77
death or resignation of .....	2	84	77
to approve commissioner's bond .....	9	86	79
fourth district, duty of .....	2	115	100
fourth district, duty of.....	7, 9	116	101
appropriation for .....	1	181	151
<b>JUDGES, SUPREME—</b>			
salaries, when to commence .....	3	40	42
may take books from the library.....	2	60	58
how elected .....	12	94	84
appropriations for .....	1	181	151

	Sec.	Page	Reprint Page
<b>JUDGES. PROBATE—</b>			
election of .....	5	154	130
<b>JUSTICES OF THE PEACE—</b>			
of Farmington township .....	2	34	38
of Dallas county, duty of.....	9	64	61
term of office .....	4	64	61
of Monroe county, acts of legalized.....	1	69	65
new counties, how appointed, oath, etc.....	4	82	75
to appoint constables .....	5	82	75
jurisdiction of .....	1	89	81
acts relative to, amended .....	2	89	81
term of office of .....	3	89	81
oath of, and when taken.....	4, 5	89	81
actions before, how brought .....	6	89	81
style of process of .....	7	90	82
attachment from, amended .....	8	90	82
acts relative to, repealed .....	9	90	82
in the city of Dubuque.....	23	112	98
<b>JUDICIAL—</b>			
districts, 1st, 2d, 3d and 4th.....	1	39	41
time of holding courts in.....	1	74	69

K

<b>KEOKUK, CITY OF—</b>			
boundaries and style of, powers, etc.....	1	154	130
to be divided into wards .....	2	155	131
officers of, quorum, rules, etc.....	3	155	131
elections of .....	4	155	131
first election, judges, clerks, etc.....	5	156	131
qualified electors of .....	6	156	132
oath of office in .....	7	156	132
duty of council and clerk of, officers of, etc.....	8	156	132
council, meetings of .....	9	157	132
powers of, laws to be published.....	10	157	132
streets, alleys, etc., of.....	11	157	133
wharfage, dockage, etc. ....	12	158	133
taxes, collection of .....	13, 14	158	133
tax sale, publication of.....	15	158	133
redemption of lands, deeds for, etc.....	16	159	133
road districts of .....	17	159	134
receipts and expenditures of .....	18	159	134
election on charter .....	19	159	134
charter to be a public act .....	20	160	134
process, service of .....	21	160	134

L

<b>LAWS—</b>			
relative to the records of Lee county repealed.....	1	20	25
school moneys, repealed .....	5	22	27
treasurer, repealed .....	12	28	33
township organization, repealed .....	2	29	33
to be in charge of the secretary.....	1	30,	34
secretary to superintend printing, etc., of.....	2	30	34

	Sec.	Page	Reprint Page
<b>LAWS—CONTINUED.</b>			
relative to secretary repealed .....	11	31	35
county seat of Jones county repealed .....	2	38	41
governor repealed .....	8	44	46
of January 17, 1846, amended .....	1	46	47
for loan repealed .....	9	49	49
of the town of Fairfield .....	6	51	51
relative to auditor repealed .....	24	74	69
act of Wisconsin revived .....	1	82	76
John Wilson subject to ferry laws.....	1	83	76
act of February 9, 1843, amended .....	2	89	81
act of February 9, 1843, amended.....	8	90	82
Burlington charter amended .....		91	82
made valid .....	5	94	85
to incorporate Farmington repealed .....	25	100	90
Dubuque repealed .....	29	114	100
for revenue repealed .....	62	147	125
for the relief of the poor repealed.....	1	150	127
relative to Knoxville repealed .....	1	152	129
ferries repealed .....	3	153	130
authorizing dams in Des Moines river repealed.....	32	169	141
relative to supreme court repealed .....	4	180	150
relative to poor houses repealed.....	5	183	152
printing of .....		194	161
and distribution of .....		203	168
time of taking effect of.....		202	168
school repealed .....	46	135	116
<b>LANDS, PUBLIC—</b>			
waste upon to be prevented.....	20	167	140
to be sold by board of public works.....	26	168	141
settlers claims and pre-emptions on .....	27	168	141
donated to university .....	3	188	156
how disposed of .....	7	189	156
of general incorporations .....	8	118	103
<b>LEGISLATURE—</b>			
expenses, how paid .....	3	48	48
application to, for state roads .....	1	116	101
members may take books from the library.....	2	60	58
<b>LIBRARY, STATE—</b>			
to be kept at the capitol.....	1	60	58
who may take books from, fine .....	2	60	58
receipts to be given to, fine .....	3	60	58
time books may be kept from, fine.....	4	60	58
as to revised statutes of Iowa.....	5	60	58
failure to return books to .....	6	60	58
strangers may be introduced to.....	7	60	58
hours to be kept open.....	8	61	58
librarian appointed .....	9	61	59
bond and oath of .....	10	61	59
to have charge of books, etc.....	11	61	59
may appoint assistant .....	12	61	59
to report expenses of .....	13, 14	61	59
duty as to journals .....	15	61	59
salary, how paid .....	16	61	59

	Sec.	Page	Reprint Page
<b>LIBRARY, STATE—CONTINUED.</b>			
rules of, how adopted, etc.....	17	62	59
librarian to sue for fines, etc.....	18	62	59
duty of secretary of state as to.....	19, 21	62	60
librarian, appropriation for .....	1	181	151
<b>LICENSE, GROCERY—See Grocery.</b>			
<b>LIABILITY—</b>			
of members of incorporations .....	10	119	103
<b>LOAN—</b>			
amount of, time, rate, etc.....	1	47	48
governor to issue bonds for, how signed.....	2	47	48
faith of the state pledged for payment of.....	3	48	48
how received and paid out .....	4	48	49
agent for, his duties, etc.....	5	48	49
to give bond, how approved .....	6	48	49
agent his compensation .....	7	48	49
powers how executed .....	8	49	49
former act for, repealed .....	9	49	49
money set apart for interest on.....	61	147	124
<b>M</b>			
<b>MARRIAGES—</b>			
solemnized by Enoch Frazee, legalized .....	1	120	104
<b>MADISON—See Fort Madison.</b>			
<b>MAIL ROUTES—</b>			
from Iowa City to Council Bluffs.....		195	163
Iowa City to Albany .....		196	163
Fairfield to Bloomfield .....		196	163
Fairfield to Oskaloosa .....		198	164
Dubuque to Keokuk .....		199	165
Iowa City to Bloomfield .....		199	165
Keokuk to Fairfield .....		200	166
<b>MEMORIAL—</b>			
as to seat of government .....		204	168
<b>MINERS' BANK—</b>			
debt to be audited and paid .....	1	43	44
when paid .....	4	48	49
<b>MILITIA—</b>			
may be called out .....	5	58	56
<b>MONEYS—See School Moneys.</b>			
public treasurer to have charge of.....	1	27	31
<b>N</b>			
<b>NAMES—</b>			
Laporte changed to Guthenberg .....	1	21	26
Chaldea changed to Centreville .....	1	21	27
Newton city changed to Newton .....	1	36	39
of towns, how changed .....	3	47	48
of members of convention how arranged.....	5	92	83
of Bellview, changed .....	1	101	90
district court to change names .....	1	46	47

	Sec.	Page	Reprint Page
<b>NAMES—CONTINUED.</b>			
petition for, and duty of court .....	2	46	47
of towns, how changed .....	3	47	48
to be recorded, costs, etc.....	4	47	48
<b>NEWTON CITY—</b>			
changed to Newton .....	1	36	39
<b>NOTICE—</b>			
of petition for roads .....	2	117	102
of incorporation, publication of .....	8	102	91
O			
<b>ORGANIZATION—</b>			
of Pottawatomie county .....	1	115	100
of other counties .....	9	116	101
<b>OFFICERS, PUBLIC—</b>			
to retain school moneys .....	1	19	25
to pay over school moneys.....	5	22	27
school inspector to report.....	3	22	27
duty of sheriff and coroner .....	3	26	30
state treasurer .....	1	27	31
duty as to Skunk river .....	5	58	56
county, to keep offices at county seats, etc.....	1	78	72
of Dubuque city .....	4	105	93
to complete certain acts .....	1	90	82
of Dallas county, term of.....	4	64	61
state, election of .....	1	153	130
county, election of .....	5	154	130
P			
<b>PRAIRIE LA PORTE—</b>			
name changed to Guthenberg .....	1	21	26
<b>PRACTICE—</b>			
test of writs, etc.....	1	119	103
seals of courts .....	2	119	104
of real estate in two counties .....	1	123	106
<b>PETITION—</b>			
for change of name .....	2, 3	46	47
state road .....	2	117	102
<b>PERJURY—</b>			
before register and receiver of lands.....	29	168	141
<b>PENITENTIARY—</b>			
agent of appointed, duties of .....	1	147	125
governor to issue bonds for .....	2	147	125
additional bonds for .....	3	147	125
bonds to be filed, duty of auditor.....	4	148	125
agent of, bond and oath .....	5	148	125
interest on bonds, how paid .....	6	148	125
work on, how prosecuted .....	7	148	125
prisoners in, how employed, etc.....	8	148	125
payment of keepers and necessaries for.....	10	148	126
agent of, to report .....	11	148	126
auditor to audit expenses of .....	1	149	126

	Sec.	Page	Reprint Page
<b>PRE-EMPTION—</b>			
on Des Moines river lands .....	27	168	141
how paid for .....	33	169	141
<b>PRESIDENTIAL ELECTION—See Electors.</b>			
<b>PROSECUTING ATTORNEYS—See Attorneys.</b>			
<b>PROCESS—</b>			
how served on corporations .....	18	102	91
style of, Dubuque city .....	23	112	98
service of on general incorporations .....	9	119	103
how served on Keokuk .....	21	160	134
board of public works .....	11	166	139
<b>POOR FARM—</b>			
commissioners of Des Moines to purchase.....	1	182	151
location of .....	2	182	151
house to be erected .....	3	182	151
persons to be sent to .....	4	183	152
duty of county commissioners and overseer .....	5	183	152
<b>PUBLIC OFFICERS—See Officers.</b>			
<b>PUBLIC INSTRUCTION—See Schools.</b>			
<b>PUBLIC BUILDINGS—</b>			
of Washington county, additional tax for.....	1	53	53
appropriation for .....	1	173	144
how expended .....	2	173	144
how applied .....	3	173	145
granted for university .....	2	188	156
<b>PUBLIC SQUARE—</b>			
of West Point vacated .....	1	69	65
if inclosed, etc. ....	3	70	65
<b>PUBLICATION—</b>			
of accounts of Fairfield .....	10	51	51
laws of Fairfield .....	12	52	52
notice of incorporation .....	8	102	91
laws of Keokuk .....	10	157	132
<b>PUBLIC WORKS, DES MOINES RIVER—</b>			
board of established, oath of .....	1	165	138
vacancy in .....	2	165	138
salary of, duty of president .....	3	165	138
expenses and payments, how made.....	4	165	138
inability of the president of .....	5	165	138
board to procure a chief engineer.....	6	166	138
quorum of, and powers .....	7	166	138
officers of to give bond .....	8	166	139
board of to make report.....	9	166	139
extra allowances on .....	10	166	139
process, how served on board of.....	11	166	139
board, office of the .....	12	166	139
nature of the improvement .....	13	166	139
where to commence, mill dams, etc.....	14	166	139
board of, duty as to locks .....	15	166	139
dams, where to be located.....	16	167	139

	Sec.	Page	Reprint Page
<b>PUBLIC WORKS, DES MOINES RIVER—CONTINUED.</b>			
board to procure lands, how . . . . .	17	167	139
lease water power, etc. . . . .	18	167	140
remove rocks and other obstructions . . . . .	19	167	140
prevent waste on public lands . . . . .	20	167	140
may purchase lands . . . . .	21	167	140
charter for dams vacated . . . . .	22	168	140
board may pay for dams . . . . .	22	168	140
work to be done by contract . . . . .	23	168	140
contracts, how made, etc. . . . .	24	168	140
board to keep a record . . . . .	25	168	140
to sell lands, register and receiver . . . . .	26	168	141
settlers claims and pre-emptions . . . . .	27	168	141
dams on unsold lands . . . . .	28	169	141
rules of pre-emption, perjury, etc. . . . .	29	169	141
certificates of purchase, patents, how made . . . . .	30	169	141
board to keep books, fraud in do. . . . .	31	169	141
laws authorizing dams repealed . . . . .	32	169	141
labor and material to be taken for land . . . . .	33	169	141
board to make monthly statements, payments, etc. . . . .	34	169	142
if found impracticable . . . . .	35	170	142
board may reserve stone and timber . . . . .	36	170	142

## R

## REVENUE—

sheriff to be assessor of, bond and oath . . . . .	1	136	116
county commissioners' clerk to prepare blanks for . . . . .	3	136	116
sheriff neglecting to qualify . . . . .	4	136	116
suit on assessor's bond . . . . .	5	136	117
compensation of assessor . . . . .	6	136	117
deputy assessor may be appointed . . . . .	7	136	117
poll tax to be assessed . . . . .	8	137	117
property exempt from taxation . . . . .	9	137	117
subject to taxation . . . . .	10	137	117
tax on hawkers and pedlars . . . . .	10	138	118
real estate how assessed . . . . .	11	138	118
mortgaged personal property . . . . .	12	138	118
partners in business how taxed . . . . .	13	138	118
persons refusing to give in property . . . . .	14	138	118
assessor may administer oaths . . . . .	15	138	118
property omitted to be taxed . . . . .	16	138	118
assessor to file assessment list . . . . .	17	138	118
county commissioners to levy taxes . . . . .	18	139	118
abatement of taxes . . . . .	19	139	119
persons may be sworn . . . . .	20	139	119
county commissioners may administer oaths . . . . .	21	139	119
to make list of taxes . . . . .	22	139	119
forward abstract to auditor . . . . .	23	139	119
recorder shall be treasurer . . . . .	24	139	119
treasurer to collect taxes . . . . .	25	140	119
error in tax lists . . . . .	26	140	119
treasurer may require assistance . . . . .	27	140	119
to levy distress for taxes . . . . .	28	140	119
to sell goods for taxes . . . . .	29	140	119



	Sec.	Page	Reprint Page
<b>REVENUE—CONTINUED.</b>			
may adjourn sale .....	30	140	120
to return surplus money .....	31	140	120
may demand tax of persons removed .....	32	140	120
maintain action for taxes .....	33	141	120
tenants property not liable for tax .....	34	141	120
treasurer, vacancy of .....	35	141	120
bond, execution on do.....	36	141	120
bond, mistake in .....	37	141	120
duty as to distress .....	38	141	120
to return money and tax list.....	39	141	120
account for tax .....	40	141	120
make list of delinquent tax.....	41	141	121
compensation and fees .....	42	142	121
interest on unpaid taxes .....	43	142	121
treasurer to collect delinquent taxes.....	44	142	121
report unpaid taxes, form .....	45	142	121
to give notice of application to sell.....	46	142	121
to file copy of advertisement .....	47	143	122
duty of district clerk on treasurer's report .....	48	143	122
duty of district court on treasurer's report.....	49	143	122
forms to be pursued .....	50	144	123
duty of district clerk as to sale.....	51	144	123
taxes may be paid any time before sale.....	52	144	123
figures may be used .....	53	144	123
tax sale .....	54	145	123
continued, manner of .....	55	145	123
certificate of sale assignable .....	56	145	123
validity of sale and deeds .....	57	146	124
treasurer to be charged with taxes.....	58	146	124
county and state tax, in what paid .....	59	146	124
treasurer, as to payments and tax lists .....	60	146	124
duty of state treasurer and auditor .....	61	147	124
act repealed .....	62	147	125
<b>RECORDER—</b>			
to hold office at county seat.....	1	78	72
vacancy of .....	3	78	73
to be treasurer.....	24	139	119
<b>RECEIPTS AND EXPENDITURES .....</b>		205	169
<b>RECORDS—</b>			
of general incorporations .....	3	118	103
of board of public works .....	25	168	140
<b>RETURNS—See Criminal Returns.</b>			
<b>REPORTS—</b>			
of governor relative to salt springs.....	5	127	109
of district clerk relative to criminal returns.....	1	122	105
of secretary relative to criminal returns .....	3	122	106
of board of public works .....	9	166	139
<b>RESOLUTIONS—</b>			
as to postage, etc.....		191	159
grant for Des Moines river .....		191	159
mail route from Burlington to Iowa City.....		192	160

	Sec.	Page	Reprint Page
<b>RESOLUTIONS—CONTINUED.</b>			
Muscatine Island .....	193	160	
expenses of convention .....	193	161	
printing of laws .....	194	161	
cavalry company .....	194	161	
Des Moines river .....	195	162	
mail route from Iowa City to Council Bluffs .....	195	162	
Iowa City to Albany .....	196	163	
Fairfield to Bloomfield .....	196	163	
military road .....	197	164	
mail route from Oskaloosa to Fairfield .....	198	164	
Iowa river .....	198	164	
mail route from Dubuque to Keokuk .....	199	165	
Iowa City to Bloomfield .....	199	165	
Cedar river .....	200	166	
mail route from Keokuk to Fairfield .....	200	166	
military road .....	201	167	
county seals .....	202	167	
taking effect of acts .....	202	168	
printing and distributing laws .....	203	168	
state house in Iowa City .....	203	168	
<b>RIVERS—</b>			
Skunk declared navigable .....	1	57	55
obstructions, slope in dams in .....	2	57	55
dams erected in, liability of .....	3	57	56
duty of district court as to .....	4	57	56
duty of sheriff or other officer .....	5	58	56
mill property, how liable .....	6	58	56
injured party may bring suit .....	7	58	56
Des Moines, resolution .....	—	191	159
Des Moines, resolution .....	—	195	162
Iowa, resolution .....	—	198	164
Cedar, resolution .....	—	200	166
<b>RIGHTS—</b>			
of persons to incorporate themselves .....	1	118	102
general incorporations .....	3	118	103
<b>ROADS, STATE AND TERRITORIAL—</b>			
from Rockingham to Iowa City .....	1	22	28
Bloomfield to Appanoose county .....	1	35	38
Knoxville to Newton .....	1	36	39
Canton to Pioneer Grove .....	1	37	40
Sullivan's line to Appanoose county .....	1	40	42
West Point to Bonaparte .....	1	41	43
Henry county to Keokuk county .....	1	44	46
Walling's Landing to Washington .....	1	45	46
act of January 17, 1846, amended .....	1	46	47
from Oskaloosa to Knoxville .....	1	53	52
Walling's Landing to Columbus City .....	1	54	53
Washington to Jefferson county .....	1	54	53
De Witt to Lyons .....	1	55	54
Iowa City to Dallas county .....	1	56	55
Burlington to Virginia Grove .....	1	58	56
Fairfield to Indian boundary .....	1	59	57

	Sec.	Page	Reprint Page
<b>ROADS, STATE AND TERRITORIAL—CONTINUED.</b>			
Fairview to Pioneer Grove .....	1	70	66
Keokuk to Bloomfield .....	1	76	70
Bloomington to Tipton .....	2	76	71
Lake Prairie to Ft. Des Moines.....	3	76	71
Hendry's to Ft. Des Moines .....	4	76	71
Cedar rapids to the Falls .....	5	76	71
Tipton to Dubuque .....	6	76	71
Cascade to Maquoketa .....	7	77	71
military road to Canton .....	8	77	71
military road to Jenkin's .....	9	77	71
Cascade to Tete Des Morts .....	10	77	72
Woods' Mill to Bloomfield .....	1	78	72
Iowaville to Lancaster .....	1	79	73
Ottumwa to Wells' Mill .....	1	80	73
Agency City to state road .....	1	83	76
application to legislature for .....	1	116	101
petition, notice for, etc. ....	2	117	102
proof of notice and certificate .....	3	117	102
acts for, how passed .....	4	117	102
relocation of .....	5	117	102
compensation for laying out .....	6	117	102
from the mouth of English river.....	1	124	107
Portland to Bloomfield .....	1	125	108
Iowa City to Jasper county seat.....	1	125	108
Benton county to Quasqueton .....	1	179	149
Jones county discontinued .....	1	180	149
military .....	—	197	164
military .....	—	201	167

**RULES AND REGULATIONS—**

of general incorporations .....	3	118	103
---------------------------------	---	-----	-----

**S**

**SALARIES—**

of governor, secretary, auditor and treasurer.....	1	39	42
how audited and paid .....	2	39	42
when to commence .....	3	40	42
how paid .....	4	48	49
of superintendent of public instruction .....	35	133	114
board of public works .....	3	165	138

**STATE—**

southern boundary of .....	1	20	26
officers to complete certain acts .....	1	90	82
house resolution .....		203	168
seal .....	1	164	137

**SALT SPRINGS—**

governor to select .....	1	126	109
agent may be employed, compensation of.....	2	127	109
selections of land with .....	3	127	109
where to be selected .....	4	127	109
governor to report .....	5	127	109

	Sec.	Page	Reprint Page
<b>SEALS—</b>			
territorial seal to be used.....	1	32	35
of supreme and district courts .....	2	119	104
state, device and motto of.....	1	164	137
appropriation for .....	2	164	138
<b>SECRETARY OF STATE—</b>			
where to keep office, to have charge of laws.....	1	30	34
to superintend printing, etc.....	2	30	34
countersign commissions .....	3	31	35
procure seals .....	4	31	35
furnish stationery and fuel .....	5	31	35
furnish information to governor .....	6	31	35
may appoint a deputy .....	7	31	35
office hours of .....	8	31	35
to purchase books and stationery .....	9	31	35
salary, how paid .....	1	39	42
to report to governor .....	5	44	45
may take books from the library.....	2	60	58
duty of, as to librarian .....	19, 21	62	60
to make report of criminal returns .....	3	122	106
failure to report .....	5	122	106
duty as to school laws .....	45	135	116
election of .....	3	154	130
to procure a state seal .....	1	164	137
duty as to presidential electors .....	4	171	143
to certify sheriff's fees .....	10	173	144
appropriation for .....	1	181	150
to report expenses .....	2	181	151
duty as to postage .....	1	191	159
<b>SHERIFFS—</b>			
of Dallas county, oath, etc.....	3, 6,	7	64
to give notice of judges election.....	2	66	62
duty in certain cases .....	1	90	82
of Pottawatomie county .....	3	115	101
how appointed .....	7	116	101
to be assessors, bond and oath of.....	1	136	116
neglecting to qualify, election of .....	4	136	116
election of .....	5	154	130
duty as to presidential election .....	3	171	143
fees as to presidential election .....	10	173	144
of Davis county, act for .....	1	33	37
<b>SENATORS, U. S.—</b>			
election of, convention for .....	1	92	83
who shall preside at election of .....	2	92	83
judges of election of .....	3	92	83
record, how to be kept.....	4	92	83
voters for, names how arranged.....	5	92	83
method of voting for .....	6	92	84
if no election of .....	7	93	84
adjournment of convention .....	8	93	84
certificate of election of .....	9	93	84
duty of governor, credentials of.....	10	93	84
temporary appointment of, credentials .....	11	93	84
rules of convention for .....	13	94	85

	Sec.	Page	Reprint Page
<b>SCHOOLS, COMMON—</b>			
act of January 16, 1840, repealed .....	2	19	25
officers to retain funds .....	1	19	25
districts legalized .....	1	21	27
county clerks to organize districts .....	2	21	27
inspectors to report .....	3	22	27
county clerk to make apportionment.....	4	22	27
laws repealed, officers to pay moneys.....	5	22	27
in Dubuque city .....	18	111	98
directors, a body politic .....	1	127	110
annual election of .....	2	127	110
duty of, and clerks .....	3	128	110
district meetings, subjects of consideration.....	4	128	110
directors, duty as to teachers .....	5	128	110
list of persons in district, schools .....	6	128	110
inspectors, election of, oath and bond.....	7	128	111
to notify voters .....	8	129	111
annual report .....	9	129	111
to apply for and apportion moneys.....	10	129	111
to pay to districts .....	11	129	111
application for moneys .....	12	130	112
to examine teachers .....	13	130	112
may form districts of two townships.....	14	130	112
to visit schools, vacancy of directors .....	15	130	112
vacancy of, refusal to serve .....	16	130	112
compensation of, and clerk .....	17	130	112
officers refusing to pay moneys .....	18	130	112
tax, county commissioners to levy .....	19	131	112
duty of county clerk as to.....	20	131	112
duty of county treasurer as to.....	21	131	113
fines, etc., appropriated for .....	22	131	113
county treasurers to pay fund commissioners.....	23	131	113
superintendent, election of .....	24	131	113
bond and oath .....	25	132	113
office and records .....	26	132	113
to pay out moneys, etc.....	27	132	113
to adjust interest .....	28	132	114
to transmit moneys to commissioners.....	29	132	114
to transfer funds .....	30	133	114
duty as to school funds .....	31	133	114
may appoint a deputy .....	32	133	114
to make report .....	33	133	114
to furnish blanks, etc.....	34	133	114
salary and expenses .....	35	133	114
fund commissioners, election, bond and oath.....	36	134	115
to loan out moneys .....	37	134	115
amount to loan .....	38	134	115
to make report .....	39	134	115
to apportion moneys .....	40	134	115
to keep books .....	41	135	115
to pay out moneys .....	42	135	115
completion of, persons contracting .....	43	135	116
vacancy of .....	44	135	116
laws to be printed, etc.....	45	135	116

	Sec.	Page	Reprint Page
<b>SCHOOL FUNDS AND LANDS—</b>			
duty of trustees as to 16th sections . . . . .	1	160	134
unsurveyed lands . . . . .	2	160	135
fund commissioner may direct new assessment . . . . .	3	161	135
to keep books . . . . .	4	161	135
terms of sale of 16th sections . . . . .	5	161	135
certificate of patent of . . . . .	6	161	135
500,000 acres, how selected and entered . . . . .	8	162	136
day for the payment of interest . . . . .	9	162	136
failure to pay interest . . . . .	10	162	136
regulations to prevent waste on . . . . .	11	162	136
money for or security . . . . .	12	162	136
injunction to stay waste . . . . .	13	163	136
per cent. on public sales, how paid . . . . .	14	163	137
proceeds of intestate estates . . . . .	15	163	137
fund commissioners' security . . . . .	16	163	137
superintendent's report . . . . .	17	163	137
when 500,000 acres are selected . . . . .	18	163	137
taxation upon school lands . . . . .	19	164	137
officers to retain funds . . . . .	1	19	25
county clerks to make apportionment . . . . .	4	22	27
<b>SUPERINTENDENT OF PUBLIC INSTRUCTION—</b>			
election of . . . . .	24	131	113
bond and oath of . . . . .	25	132	113
office of and records . . . . .	26	132	113
to pay out moneys, etc. . . . .	27	132	113
to adjust interest . . . . .	28	132	114
to transmit moneys to fund commissioners . . . . .	29	132	114
to transfer funds . . . . .	30	133	114
duty of as to school funds . . . . .	31	133	114
may appoint a deputy . . . . .	32	133	114
to make report . . . . .	33	133	114
to furnish blank forms, etc. . . . .	34	133	114
salary and expenses of . . . . .	35	133	114
to report selections of land . . . . .	17	163	137
duty when 500,000 acres are selected . . . . .	18	164	137
opinion as to professorship . . . . .	6	188	156
<b>T</b>			
<b>TAXES—</b>			
State stock not to be taxed . . . . .	3	48	48
of the town of Fairfield . . . . .	7	51	51
Washington county . . . . .	1	53	53
in Burlington city . . . . .	1	91	82
in Farmington city . . . . .	22	100	89
in Dubuque . . . . .	26	113	99
Reed to collect tax of Jackson county . . . . .	1	120	104
for common schools . . . . .	19	131	112
poll, to be assessed . . . . .	8	137	117
property exempt from . . . . .	9	137	117
property subject to . . . . .	10	137	117
on pedlars and hawkers . . . . .	10	138	118
how assessed on real estate . . . . .	11	138	118
mortgaged property . . . . .	12	138	118
partners in business . . . . .	13	138	118

	Sec.	Page	Reprint Page
<b>TAXES—CONTINUED.</b>			
commissioners to levy .....	18	139	118
abatement of .....	19	139	119
treasurer to collect .....	25	140	119
distress for .....	28	140	119
treasurer may maintain action for .....	33	141	120
tenant's property not liable for.....	34	141	120
delinquent list of .....	41	141	121
interest on unpaid .....	43	142	121
delinquent, to be collected .....	44	142	121
report of unpaid .....	45	142	121
land sold for .....	53, 54	145	123
in what to be paid.....	59	146	124
may be paid before sale.....	52	144	123
of Keokuk city .....	13, 14	158	133
of incorporated towns .....	9, 11, 12	176	147
<b>TREASURER OF STATE—</b>			
where to keep office, charge of moneys, etc.....	1	27	31
bond and oath of, how filed .....	2	27	32
additional security .....	3	27	32
to keep accounts, receipts, etc.....	4	27	32
to receive and redeem auditor's warrants .....	5	27	32
to pay interest on bills, notice of funds.....	6	28	32
to deposit bills in auditor's office.....	7	28	32
to make report to the governor.....	8	28	32
to submit books, etc., to the legislature.....	9	28	32
not to receive or purchase bills at a discount.....	10	28	33
incidental expenses of .....	11	28	33
acts relative to, repealed .....	12	28	33
to pay sheriff of Davis county.....	2	34	37
salary of, how paid .....	1	39	42
to report to governor .....	5	44	45
duty of as to state agent.....	7	48	49
may take books from the library.....	2	60	58
duty of as to librarian's account.....	14	61	59
duty as to state loan .....	61	147	124
election of .....	3	154	130
to pay sheriffs' fees .....	10	173	144
presidential electors .....	11	173	144
to superintend public buildings .....	2	173	144
duty as to state agent.....	2	182	151
university funds .....	8	189	156
<b>TREASURER, COUNTY—</b>			
to keep office at county seat.....	1	78	72
vacancy of .....	3	78	73
to pay moneys to fund commissioner .....	23	131	113
recorder to be, vacancy of.....	24	139	119
to collect taxes .....	25	139	119
may require assistance .....	27	140	119
to levy distress for tax .....	28	140	119
to sell goods for taxes.....	29	140	119
may adjourn sale, notice of do.....	30	140	120
to return surplus money .....	31	140	120
duty as to persons removed.....	32	140	120
may maintain action for tax.....	33	141	120

	Sec.	Page	Reprint Page
<b>TREASURER, COUNTY—CONTINUED.</b>			
vacancy of .....	35	141	120
bond of, execution on do.....	36	141	120
mistakes in .....	37	141	120
when to return moneys and tax lists.....	39	141	120
duty as to distress .....	38	141	120
when to return on account of tax, etc.....	40	141	120
to make delinquent list .....	41	141	121
compensation and fees of .....	42	142	121
to collect delinquent tax .....	45	142	121
to give notice of application to sell.....	46	142	121
to file copy of advertisement .....	47	143	122
to be charged with taxes, etc.....	58	146	124
when to make payments .....	60	146	124
<b>TOWNS INCORPORATED—</b>			
petition for incorporation .....	1	174	145
election, duty of county commissioners.....	2	174	145
elections, how conducted .....	3	175	145
annual, for trustees .....	4	175	146
vacancy of trustees, how filled .....	5	175	146
duty of trustees as to election.....	6	175	146
president, style of corporation .....	7	175	146
powers and duties of trustees .....	8	175	146
taxes of .....	9, 11	176	146
officers, and duties of .....	10, 11	176	146
tax sales, redemption, etc.....	12	176	147
quorum of trustees, powers, etc.....	13	176	147
trustees, increase of .....	14	177	147
power to enforce by-laws, etc.....	15	177	147
bounds of corporation .....	16	177	147
out-lots, how incorporated .....	17	177	147
trustees, jurisdiction of .....	18	177	148
fines in, how paid .....	19	178	148
fire companies established in.....	20	178	148
corporation, how dissolved .....	21	178	148
effect of dissolution of .....	22, 23	178	148
suit against, how conducted .....	24	179	148
towns already incorporated .....	25	179	148
as to wharves and wharfage .....	26	179	149
<b>TOWNSHIPS—</b>			
to be organized, duty of county clerk.....	1	29	33
of Farmington .....	1	34	37
<b>TRUSTEES—</b>			
of Farmington township .....	2	34	38
school, to value school sections .....	1	160	134
of incorporated towns .....		175	146
state university .....	5	188	156
<b>U</b>			
<b>UNIVERSITY—</b>			
established at Iowa City .....	1	188	156
public buildings granted for .....	2	188	156
lands donated to .....	3	188	156
trustees of, powers, etc.....	4	188	156



	Sec.	Page	Reprint Page
<b>UNIVERSITY—CONTINUED.</b>			
names of .....	5	188	156
professorship to be instituted.....	6	188	156
lands how disposed of.....	7	189	156
funds of, duty of state treasurer.....	8	189	156
trustees, meeting, quorum, etc.....	9	189	157
not to be under the control of any denomination.....	10	189	157
condition of donations and grants, students, etc.....	11	189	157
general assembly to have control of.....	12	189	157
trustees to keep books, etc.....	13	189	157

V

<b>VACANCIES—</b>			
of clerk and prosecutor .....	4	26	31
district judge .....	1	66	62
in the city of Farmington.....	10, 11	97	87
of school inspectors .....	16	130	112
directors .....	15	130	112
of recorder, election on.....	24	139	119
fund commissioner .....	16	163	137
in board of public works .....	2	165	138
of town trustees .....	5	175	146
county officers .....	3	78	73
in Dubuque city .....	11	108	95
<b>VESSELS AND BOATS—</b>			
wages lien on .....	1	126	109

W

<b>WARRANTS, AUDITORS—</b>			
receivable for public dues, redemption of.....	5	27	32
to bear interest, indorsement of, how paid.....	6	28	32
to be deposited .....	7	28	32
how drawn .....	8, 12	72	67
to be entered .....	15	72	68
<b>WAGES—</b>			
lien on boats and vessels .....	1	126	109
<b>WEST POINT—</b>			
public square of vacated .....	1	69	65
if college should cease .....	2	69	65
square is inclosed .....	3	69	65
no building to be erected on square .....	4	70	66
<b>WILSON, JOHN—</b>			
act of Wisconsin revived for.....	1	82	76
to be subject to ferry laws .....	1	83	76
to keep ferry boats, etc.....	2	83	76
<b>WILLS, EXECUTORS, ETC.—</b>			
administrator or executor failing to pay.....	1	151	128
effect of judgment .....	2	151	128
section of act, February 13th, 1834, repealed.....	3, 4	151	128
letters may be revoked .....	4	151	128
section of act, February 13th, 1843, amended.....	5	152	128