ACTS, RESOLUTIONS AND MEMORIALS

PASSED AT

THE EXTRA SESSION

OF THE

FIRST GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

WHICH CONVENED AT IOWA CITY, ON THE THIRD DAY OF JANUARY, A. D., 1848.

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

PUBLISHED BY AUTHORITY.

IOWA CITY:
A. H. PALMER, PRINTER.
1848.

SECRETARY'S OFFICE, IOWA CITY,
MARCH 30th, A. D., 1848.

I HEREBY CERTIFY, That the Acts, Resolutions, and Memorials, contained in this volume have been by me compared with the original rolls 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.

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LAWS

OF THE

STATE OF IOWA.

CHAPTER I.

CITY OF FARMINGTON.

AN ACT supplemental and amendatory to an act entitled "an act to incorporate the City of Farmington, in Van Buren county, Iowa."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all road tax which may hereafter be levied upon any property in the City of Farmington, in this State, shall be paid to the proper authorities of said city, for the improvement of the streets thereof. Taxes to be laid out on streets.

SEC. 2. Any person, being a resident of said city, and subject by the laws of this State to do two days work upon roads and highways, shall be required to do and perform, or cause the same to be done under the direction of the proper authorities, upon the streets of said city. How work is to be done.

SEC. 3. This act to be in force from and after its passage.

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

APPROVED, January 21, 1848.
ANSEL BRIGGS.

CHAPTER II.

STATE ROAD.

AN ACT to lay out and establish a State Road from Eddyville, in Wapello county, to Chariton Point, in Lucas county.

Commissioners names.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Luther M. Davis, of the county of Wapello, John Webb, of the county of Monroe, and W. S. Townsend, of the county of Lucas, be and they are hereby appointed commissioners to lay out and establish a State road from Eddyville, in Wapello county, to Chariton Point, in Lucas county.

Time and place of meeting.

SEC. 2. Said commissioners, or a majority of them, shall meet at Eddyville on the first Monday in August next, or within sixty days thereafter, and proceed to lay out and establish said road according to law.

Further duties.

SEC. 3. So soon as the counties west of Lucas county are organized, the said commissioners, or a majority of them, shall proceed to lay out and establish said road from Chariton Point to the Missouri river, opposite to the Council Bluffs.

APPROVED, January 22, 1848.

CHAPTER III.

CITY OF KEOSUAQUA.

AN ACT to amend the several acts for the incorporation of the City of Keosauqua.

Acts amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 16 of an act to incorporate the city of Keosauqua, approved, February 17th, 1842, and the 6th section of an act to amend an act entitled an act to incorporate the city of Keosauqua, approved, February 10th, 1843, be and the same are hereby repealed.

APPROVED, January 22, 1848.

CHAPTER IV.

TOWN OF CEDAR RAPIDS.

AN ACT to authorize Nicholas B. Brown and others to resurvey a portion of the town of Cedar Rapids, in Linn County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That George Greene, Alexander L. Ely, and Nicholas B. Brown, proprietors of that portion of the town of Cedar Rapids, in Linn county, Iowa, lying west of Commercial Street, and between said street and Cedar River, be, and they are hereby authorized to resurvey and divide the same into lots of a convenient size, and dispose of or use the same for hydraulic or other purposes; *Provided*, That nothing herein contained shall operate as a bar to any suit for any actual damages that any person may sustain by reason of such re-survey. Part of town to be resurveyed. Proviso.

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

APPROVED, January 22, 1848.

CHAPTER V.

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AN ACT in relation to Evidence.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all laws and joint resolutions passed by the General Assembly of said State, and required therein to be published in any newspaper or papers in said State, shall take effect and be in force from and after the date of said publication, and the printed certificate of the publisher appended to said law or laws, as to the date of said publication, shall be *prima facie* evidence of the same, and said certificate shall be *prima facie* evidence of itself. Evidence of the publication of laws, &c.

SEC. 2. *Be it further enacted*, That the certificate of the Secretary of State, appended to, and accompanying any bound volume or pamphlet laws of this State, certifying that said laws and resolutions were distributed throughout the State, shall be *prima facie* evidence in all courts in this State, that the same were so distributed, circulated, or published as therein stated. Evidence of the distribution, &c.

APPROVED, January 22, 1848.

CHAPTER VI.

DEEDS FROM THE STATE.

AN ACT in relation to deeds.

Deeds, how made.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all deeds hereafter to be executed by the State of Iowa, for the conveyance of lands within the same, shall be signed by the Governor of said State, or the person exercising the office of Governor, under the seal of the State, and countersigned by the Secretary of said State, or the person exercising that office, which deed, thus executed and delivered, shall convey all of the right, title and interest of the State of Iowa in and to the land therein mentioned, to the grantees mentioned in said deed.

Deeds, effect of.

Evidence of execution.

SEC. 2. That all deeds thus executed and delivered, shall be received in all courts of law or equity in this State, as *prima facie* evidence of their execution and delivery.

Need not be recorded.

SEC. 3. It shall not be necessary, in order to render any such deed good and valid, that the same should be acknowledged or recorded, as now required by the laws of this State; but should the same be recorded as other deeds, then certified copies thereof may be used in any court of this State, as copies of other deeds are now authorized to be used, and have the same force and legal validity.

Minute of deeds

SEC. 4. It shall be the duty of the Secretary of State to procure a suitable blank book in which shall be minuted the number and description of land sold, when the deed was executed, and to whom sold, which said book shall be received in all courts in this State as *prima facie* evidence of the fact or facts therein contained.

Evidence.

APPROVED, January 22, 1848.

CHAPTER VII.

DUBUQUE TOWNSHIP.

AN ACT supplemental and amendatory to "an act to amend an act entitled an act for the organization of townships."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of the sixth section of "an act to amend an act entitled an act for the organization of townships," approved, June 5th, 1845, as prohibits the township trustees from locating township roads on any other than section and quarter section lines, so far as the same is applicable to the county of Dubuque, be and the same is hereby repealed. Act amended.

SEC. 2. This act shall take effect and be in force from and after the first day of March next. When to take effect.

APPROVED, January 22, 1848.

CHAPTER VIII.

STATE ROAD.

AN ACT to review a part of the State road from Walling's Landing to Columbus City.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Benjamin Stoddard, Zachariah Kurts, and Aaron D. Hawley, are hereby appointed Commissioners to review so much of the State road from Wallings's Landing to Columbus City, in Louisa county, as runs by or through sections thirty-one and thirty-two, in township seventy-five, range three, and sections five and six in township seventy-four, range three, in said county of Louisa. Commissioners names. Duties.

SEC. 2. That said Commissioners or a majority of them, shall meet at the dwelling house of Zachariah Kurts, in said county, on the first Monday in April, 1848, or on any other day within three months thereafter, and taking to their assistance the necessary hands; proceed to review said road, and make such change in the location of said road (if any) as public convenience may, in the judgment of the said commissioners, require; and the said Aaron D. Hawley is authorized to act as surveyor as well as one of the commissioners. Time and place of meeting. Review of road.

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

APPROVED, January 22, 1848.

CHAPTER IX.

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AN ACT to amend "an act regulating Mills and Millers, and for other purposes, approved, February third, eighteen hundred and forty-three.

Proceedings when land is overflowed by mill dams.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person or persons owning a water mill or mills, and dam built upon a stream not navigable, and owning the land on both sides of the stream, may make application as directed in sections one, two and three of the act hereby amended, to the court of the county where such mill is situated, for a writ to examine, as therein directed, what lands may be overflowed by such dam, and what damage will be sustained by the owner or owners of such lands, and whether the health of the neighborhood will be affected by such overflowing; which writ shall be issued, directed and returned as therein prescribed. And if it shall appear to the court by the inquest or other evidence, that the health of the neighborhood is not affected by the overflowing from such dam—that no dwelling house, out-house, or garden of any proprietor will be overflowed, and also, that such mill or mills are for the public benefit, the court shall order the damages found by the jury, to be paid to the owner or owners of the lands found to be damaged by such overflow; and the payment or tender of said damages shall be a bar to any action for such injuries as were foreseen and estimated by the jury; *Provided,* That if the said mill or mills shall not be kept in repair and running for the accommodation of the public, for the space of one year at any one time, the owner or owners shall forfeit all rights acquired by virtue of this act, or of any act of the Territory.

Duty of court.

Mill to be kept running.

When to take effect.

SEC. 2. This act shall take effect and be in force from and after the publication of the laws of this State.

APPROVED, January 22, 1848.

CHAPTER X.

SUPREME COURT.

AN ACT to re-organize the Supreme Court.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Supreme Court shall be holden once a year in each of the judicial districts of the State, as follows, to-wit: At Burlington, in the first district, on the third Monday of May in each year; at Ottumwa, in the third district, on the second Monday of June in each year; at Iowa City, in the fourth district, on the fourth Monday of June in each year; at Dubuque, in the second district, on the third Monday of July in each year: *Provided,* That the State shall be at no expense for furnishing rooms for the session of the court, or offices for the clerks.

Time and place of holding the Supreme Court.

Proviso.

SEC. 2. *And be it further enacted,* That the judges of said court shall appoint a clerk of the Supreme Court for each of said districts, who shall reside, and keep the records thereof, at the place of holding said courts in each district respectively. *Provided,* That all unfinished business now in the Supreme Court, shall be completed by the Supreme Court in the fourth district.

Judges to appoint clerks.

Unfinished business.

SEC. 3. *Be it further enacted,* That all cases of appeals or writs of error, shall in future, be taken to the Supreme Court of the district in which they originated, except from Muscatine, Cedar, and Washington counties, which shall be taken to the Supreme Court in the fourth judicial district.

Appeals and writs of error where taken.

SEC. 4. *And be it further enacted,* That the sheriffs of the respective counties in which the Supreme Court may be holden, shall attend on said courts, and act as ministerial officers thereof, during their session; and final process may issue from said courts to the sheriff of any county in the State.

Sheriffs to be ministerial officers.

SEC. 5. *Be it further enacted,* That the Chief Justice shall, without delay, cause suitable similar seals, and the necessary blank books to be procured for said courts.

Seal.

SEC. 6. All unfinished business in the Supreme Court, as at present organized, except as above provided for, shall be disposed of by the Supreme Court sitting in the fourth judicial district.

Unfinished business.

SEC. 7. This act shall take effect from and after the first day of February next, and shall forthwith be published in the Iowa Capital Reporter and the Iowa Standard, published at Iowa City.

When to take effect.

APPROVED, January 22, 1848.

Publisher in the Reporter and the Standard, February second, eighteen hundred and forty-eight.

CHAPTER XI.

LAKE PRAIRIE TOWNSHIP.

AN ACT to organize the township of Lake Prairie in the county of Marion.

Lake prairie township organized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That township seventy-six and seventy-seven, of range eighteen, west of the fifth principal meridian, in the county of Marion, be and the same are hereby set off and organized into a separate township by the name of Lake Prairie.

Township election.

SEC. 2. The first township election therein shall be held at the house of H. P. Scholt, in said township on the first Monday in April next, at which time and place the white male inhabitants of said township, above the age of twenty-one years, shall elect two justices of the peace, two constables, and such other township officers as are required by the act for the organization of townships, approved, February 17th, 1842, and such school officers as are required by law to be elected at the township elections.

Powers and duties of officers.

SEC. 3. The powers, duties and manner of qualification of such justices of the peace and other officers, shall be such as are provided by the general laws of this State.

When to take effect.

SEC. 4. This act shall take effect and be in force from and after its publication in the Iowa City Standard and Iowa Capital Reporter, published at Iowa City.

APPROVED, January 22, 1848.

Published in the Reporter and in the Standard, February ninth, eighteen hundred and forty-eight.

CHAPTER XII.

PRINTING AND DISTRIBUTING LAWS.

AN ACT in relation to the printing and distribution of the Laws of this State.

Secretary to superintend.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Secretary of State, or the person exercising that office, be authorized and required to superintend the printing and distribution of all laws and joint resolutions passed by the General Assembly of the State of Iowa, at any regular or called session.

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

publication in the Iowa Capitol Reporter and Iowa Standard, published in Iowa City. When to take effect.

APPROVED, January 22, 1848.

Published in the Reporter and in the Standard, February ninth, eighteen hundred and forty-eight.

CHAPTER XIII.

CITY OF BURLINGTON.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the mayor of the City of Burlington shall be ex officio a justice of the peace to all intents and purposes, with jurisdiction limited to the City of Burlington, in the same manner as that of other justices is limited to their respective townships. Mayor to be a Justice.

SEC. 2. He shall not be disqualified from trying any cause for the reason that it is brought in the name or behalf, or under the ordinances of said city. When not disqualified

SEC. 3. The mayor and aldermen of said city shall have power to change the streets, to discontinue old streets, or to lay out new ones therein, whenever the public good may require the same; but whenever, for these purposes, private property shall be taken for public use, full compensation shall be made to the owners thereof, without setting off against such compensation the enhancement in value of the adjacent property. New streets, &c

SEC. 4. Whenever any portion of a street shall be discontinued, the mayor and alderman may dispose of the same for the benefit of the city. Streets discontinued.

SEC. 5. They shall also have power to sell all the accretions in front of said city, after a majority of the votes given on that subject, at any city election, shall have been given in favor of such sale. Accretions to said City.

SEC. 6. All suits and prosecutions on city ordinances shall be brought in the corporate name of the city; but the process shall run in the name of the State, as provided by the Constitution. Suits, how bro't

SEC. 7. No street or alley shall be changed, altered, or vacated, or new ones laid out, until [the consent of] a majority of the property owners on the block adjoining to said street, or through which said alley passes, shall be given in writing to that effect. Streets & alleys how changed.

SEC. 8. This act shall take effect from and after its publication, by

When to take effect.

one insertion in each of the newspapers printed in the City of Burlington.

APPROVED, January 22, 1848.

CHAPTER XIV.

TOWN OF PORTLAND.

AN ACT to authorize and empower the Board of Commissioners of the County of Van Buren, to sell and convey lots in the town of Portland, in said county.

Preamble.

WHEREAS, The Board of County Commissioners of the County of Van Buren having in conformity to the provisions of an act of Congress approved, May 23d, 1844, entitled "An act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," entered the lands upon which the town of Portland in said county of Van Buren is situated; and whereas, the title to lots in said town has not yet been fully vested in the rightful claimants thereto, as contemplated by the said act of Congress above referred to, but yet remains in the hands of said County Commissioners; and whereas, it is highly important to the citizens thereof that a speedy adjustment of their rights be had: Therefore,

Sale of town lots.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of the Board of County Commissioners of the said county of Van Buren, or their successors in office, to proceed in the disposal of all lots or parcels of ground in said town of Portland, or in the land entered by said Board as aforesaid, in such manner as they may ordain, executing deeds for the same, in conformity with the provisions of this act.

In cases of dispute.

SEC. 2. In all cases where there shall be a dispute or contest in regard to the title to any such lot or lots, or parcels of ground in said town, the said Board of Commissioners shall hear the testimony relating to the same, and shall give their deed to such person or persons as may seem to be justly entitled to the same; *Provided, however*, Nothing contained in this act shall be so construed as to prevent an appeal from the decision of said Board of Commissioners to the District Court of said county, under the same regulations as now are, or may hereafter be provided by law, for appeals from the decisions of said Board in other cases.

Appeal allowed to district court

Oath, evidence, depositions.

SEC. 3. The clerk of the said Board of Commissioners and the members thereof shall have power to administer oaths and affirmations to

any witness produced to said Board in all cases of contested or disputed titles to any such lots or lots, or parcels of ground in said town, or included within the land so entered by said Board as aforesaid, and in all such cases depositions taken in pursuance of the laws of this State, regulating the taking of depositions to be used in the District Court, may be read as evidence before said Board of Commissioners.

Deeds, how made.

SEC. 4. All deeds to be executed under the provisions of this act shall be signed by said Commissioners or a majority thereof, and attested by the clerk of said Board.

Sale of unclaimed lots.

SEC. 5. Any lot or lots or parcel of ground in said town, or land entered by said Board as aforesaid, the right to which shall not be claimed within six months from and after the passage of this act, or the payment for which shall not be made within one month from and after the decisions of said Board, or of the District Court, as to right of proper ownership, said lot or lots, or parcels of ground shall be sold by said Board of Commissioners for the amount due thereon and all costs chargable to said lot, according to the provisions of this act, thirty days public notice being given of such sale in some public newspaper printed in said county; and every person or persons to whom the right to purchase is conceded by the Board, shall, before receiving a deed to the same, pay to the Board of Commissioners such portion of the purchase money as may be adjudged by the Board to be due thereon, with interest on the same from the time of entry, together with all the costs accruing in determining the rightful owner; and the Board shall refund to the persons who furnished the same the full amount, with interest, furnished for the purchase of the land.

County not liable for costs or charges.

SEC. 6. Nothing in this act shall be construed so as to authorize a charge of any kind whatever to be made against the county, for any services performed in carrying into effect the provisions of this act, nor shall the county ever be liable for any costs that may accrue in consequence of any suit, in any court whatever.

When to take effect.

SEC. 7. This act shall take effect and be in force from and after its publication in the Iowa Democrat and Des Moines Valley Whig.

APPROVED, January 22, 1848.

Published in the Democrat Feb. eleven, eighteen hundred forty-eight, and in the Whig Feb. ——, eighteen hundred and forty-eight.

CHAPTER XV.

COUNTY ORDERS.

AN ACT to repeal the act allowing the county commissioners' clerks pay for filing papers.

Orders filed without pay.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all county orders required to be filed in the office of the clerks of the board of county commissioners, shall be filed without pay.

When to take effect.

SEC. 2. All acts and parts of acts coming in conflict with this act, be and the same are hereby repealed. This act to take effect from and after its publication in the Iowa Capital Reporter and Iowa Standard, published at Iowa City.

APPROVED, January 22, 1848.

Published in the Reporter, February sixteenth, and in the Standard, February ninth, eighteen hundred and forty-eight.

CHAPTER XVI.

SECOND JUDICIAL DISTRICT.

AN ACT to change the times of holding courts in the second judicial district of this State.

Times and places of court.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the time of holding the courts in the several counties of the second judicial district of this State, shall be as follows, to wit:

In the county of Cedar, on the first Mondays of April and September;

In the county of Jones, on Thursday after the first Mondays of April and September;

In the county of Buchanan, on the second Mondays in April and September;

In the county of Delaware, on Thursday after the second Mondays in April and November;

In the county of Clayton, on the third Monday in April and second Tuesday in September;

In the county of Dubuque, on the fourth Monday in April and third Monday in September;

In the county of Jackson, on the first Monday after the fourth Monday in April and fourth Monday in September;

In the county of Clinton, on the second Monday after the fourth Monday in April, and first Monday after the fourth Monday in September;

In the county of Scott, on Thursdays following the the Mondays for holding the courts in Clinton;

In the county of Muscatine, on the third Monday after the fourth Monday in April and second Monday after the fourth Monday in September;

In the other counties of said district, at such times as the judge of said district may appoint, after they are organized.

Effect of change

SEC. 2. No suits, indictments, recognizances, informations, declarations, pleas, or other process or proceedings, returnable to, or pending in, any of the above named counties, shall abate, be made void, or in any wise effected by reason of a change of the time of holding said courts by the provisions of this act, but shall be considered returnable to the term of the courts respectively named in this act; and all jurors, witnesses, or other persons, bound in any way to appear before the courts mentioned above, at the next term thereof, shall be bound to appear at the time first specified for holding courts in said respective counties, by this act.

Special terms.

SEC. 3. The judge of said judicial district, shall have power to adjourn the courts required to be held at the regular terms above named, and to hold special terms of court in lieu thereof; and to hold special terms of court in any of the counties of said district, whenever, in his opinion, the public interests shall require it, and for a like cause, to adjourn the regular term for holding in any one county, and hold a special term of court in lieu thereof, in any other county of said district.

Business of special terms.

SEC. 4. Whenever a special term of court is held in any county of said district, it shall be in the power and the duty of the judge of said district, to provide for the trial of criminal, civil, or chancery business, and to order process of all kinds, to be returnable to said special term, and to require or dispense with the necessity of summoning grand and petit jurors at such special terms, as in his opinion the public good may require; and in all such cases the order of the judge, calling such special court, shall specify the nature and character of the business to be transacted at said special term.

When to take effect.

SEC. 5. This act shall be in force from and after its publication in the Iowa Standard and Iowa Capital Reporter, published at Iowa City, and the Miners' Express, at Dubuque.

APPROVED, January 22, 1848.

Published in the Reporter and Standard, February second; and in the Express, February sixteenth, eighteen hundred and forty-eight.

CHAPTER XVII.

STATE ROAD.

AN ACT to locate and establish a Road therein named.

Commissioners names.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That T. L. Sargeant be and he is hereby appointed commissioner to locate and establish a road, commencing at a point in the Mt. Pleasant road opposite the centre of the bridge erected by the United States, over Hawkeye creek, west of Burlington; thence through the centre and parallel with the direction of said bridge fifty (54) rods westerly; thence following the direction of the original survey of said road unto the foot of the first bluff or hill, where the said road now makes an angle up said bluff or hill, establishing said road thirty feet each way from the line thus run, or making said road sixty feet wide as far as the foot of said bluff or hill; *Provided,* That the north line of said road west of said bridge, may be established at any distance not exceeding thirty feet nor less than twenty feet from the line of road run as above described, making said portion of the road not less than fifty feet nor more than sixty feet.

Route of road.

When to commence.

§ 2. Said commissioner shall proceed to the discharge of the duties required by this act, on the first Monday of February, 1848, or at any time within six months thereafter.

Road vacated.

§ 3. That so much of the Agency or Territorial road as lies between the Mt. Pleasant road and the terminating point at the angle at the bluffs, as specified above, and not embraced in the space required for a highway by the provisions of this act, is hereby declared to be vacant.

When to take effect.

§ 4. That this act be in force from and after the first day of February, 1848.

APPROVED, January 24, 1848.

CHAPTER XVIII.

SCHOOL TAX.

AN ACT to authorize the Directors of School District No. three in the township of Brighton, in Washington county, to levy a tax for School purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the school directors of said district, in the title of this act mentionted, be and are hereby authorized to levy a tax upon the inhabitants of said district, not exceeding five hundred dollars, for the purpose of purchasing a school house for the use of said district. Tax to be levied

§ 2. That it shall be lawful, and is hereby made the duty of said directors, to procure a certified copy of as much of the last authentic assessment list of the county assessor as embraces their proper district, and proceed to levy said tax, making out under their hands an alphabetical list of all the persons taxed, with the amount of his or her tax set opposite their proper names, which list shall forthwith be delivered to any constable of said township for collection. How levied.

§ 3. That the constable to whom such list shall be delivered as aforesaid, after giving bond to said directors and their successors in office, in double the amount of the tax so to be collected, for the proper discharge of such duty, shall within twenty days thereafter, proceed to collect said tax by levy and sale if necessary, of the goods and chattles of each and every person who shall refuse to pay the same, and shall make return of his doings, and pay over all moneys by him collected upon such list to said directors or their successors in office, within sixty days from the time said list was delivered to him as aforesaid; *Provided*, That any person of said district who may have contributed towards the building of said school house, shall be entitled to a credit to that amount on his tax, and if he has contributed more than the amount of his tax, he shall be entitled to a return of the amount over and above his tax, when said tax is collected. How collected. Proviso.

§ 4. This act to take effect and be in force from and after its passage. When to take effect.

APPROVED, January 24, 1848.

CHAPTER XIX.

HARRIET O'REILLY.

AN ACT for the relief of Harriet O'Reilly.

Authorized to sell real estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Harriet O'Reilly, of Fort Madison, in Lee county, be, and she is hereby empowered to sell, transfer and convey all that real estate which belonged to her prior to her marriage with Phillip O'Reilly, her present husband; and that she be authorized and empowered hereby, to make such deeds in her own name for the said real estate, as will convey the same in as full and ample a manner as though she had never intermarried with the said Philip O'Reilly.

When to take effect.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED, January 24, 1848.

CHAPTER XX.

FERRY.

AN ACT to authorize John Brophy to keep a Ferry across the Missouri River.

Ferry across the Missouri river.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That John Brophy, his assigns and associates, be, and they are hereby authorized to establish and keep a ferry across the Missouri river at Council Bluffs, or at any practical crossing over said river near the same, for the transportation of persons and their property, with such boats or vessels as will be suitable therefor, for the term of twenty years.

APPROVED, January 24, 1848.

CHAPTER XXI.

DISTRICT AND COUNTY ELECTIONS.

AN ACT to amend "an act defining the time of holding elections for State, District, and County officers," approved, February twenty-fifth, eighteen hundred and forty-seven.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in each county in this State in which no election was held on the 1st Monday of August, 1847, for the purpose of electing a Clerk of the District Court and a Prosecuting Attorney, an election shall be held for those officers on the 1st Monday of August, 1848, who shall hold their respective offices for one year, and until their successors are elected and qualified. Clerk and Prosecuting Att'ys.

§ 2. That there shall be elected in each organized county in this State, on the 1st Monday of August, 1849, and biennially thereafter, one Clerk of the District Court, and one Prosecuting Attorney, who shall hold their respective offices for two years, and until their successors are elected and qualified. Election in eighteen hundred & thirty-nine.

§ 3. That all elections held in this State, on the 1st Monday of August, 1847, for the purpose of electing Clerks of the District Courts, and Prosecuting Attorneys, are hereby legalized and declared valid. Elections legalized.

APPROVED, January 25, 1848.

CHAPTER XXII.

STATE ROAD.

AN ACT to amend an act entitled "An act to lay out and establish a State Road from Iowaville, in Van Buren county, to Lancaster, in Keokuk county, by the way of Creaseville, in Jefferson county, approved, Feb. twentieth, eighteen hundred and forty-seven.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the action of the commissioners appointed to lay out said road, shall not be invalid in consequence of their not having made their report as required by law; *Provided,* Their report be made and filed within sixty days after the passage of this act. Report of commissioners.

APPROVED, January 24, 1848.

CHAPTER XXIII.

STATE ROADS.

AN ACT to vacate portions of certain roads therein named.

Roads vacated and changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of the several State (or Territorial) roads leading to Mount Pleasant, in Henry county, as lies upon, or runs over the east half of the south-west quarter of section number twenty-three, (23) in township number seventy-one (71) north, of range number six (6) west, be and the same is hereby vacated; and said roads are hereby so changed as to run due north from where said roads now strike said eighty acre lot on the east side thereof, to the north-east corner of said lot; thence due west to the point or points where said roads now run.

§ 2. This act to take effect from and after its passage.

APPROVED, January 24, 1848.

CHAPTER XXIV.

TOWN OF FAIRFIELD.

AN ACT to permit the people of the town of Fairfield to repeal their Charter.

Vote on repeal.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the qualified voters of the town of Fairfield, Jefferson county, may on the 2d Monday of March next, vote for or against a repeal of the act passed at the last session of the General Assembly, entitled "an act to incorporate the town of Fairfield."

By ballot.

§ 2. At said election those voters wishing to vote for a repeal of said act, shall put in ballots with the word "repeal" written or printed thereon; those wishing to vote for a continuance of the charter shall put in ballots with the word "charter" written or printed thereon.

If repealed.

If not.

§ 3. Should the number of votes for a repeal exceed the number for a continuance of the charter, then the said act of incorporation shall be from thenceforth repealed, but if otherwise, the act shall be continued in force. The mayor of the town of Fairfield shall cause notice thereof to be published in the Iowa Sentinel.

Mayor to be justice.

§ 4. Should the said act of incorporation be continued in force by the vote as aforesaid, the mayor of said town shall from thenceforth be

ex officio a justice of the peace, with jurisdiction limited to the town of Fairfield, in the same manner that the jurisdiction of other justices is limited to their respective townships.

APPROVED, January 24, 1848.

CHAPTER XXV.

WAPSIPINICAN BRIDGE.

AN ACT to authorize George L. Davenport, John Wilson, A. Davenport, William Insly, A. C. Fulton, and others, to erect a toll bridge across the Wapsipinican river.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That George L. Davenport, John Wilson, A. Davenport, William Insly, A. C. Fulton, James M. Bowling, C. S. Whisler, J. M. D. Burrows, A. Leclaire, and such other persons as may associate with them, be and they are hereby authorized to erect a toll bridge across the Wapsipinican river, at some point between Basset's and Rutley's ferry, and as near the latter place as practicale, to be selected by survey, with the exclusive privilege of bridging said river for two miles above and two miles below said selected point, for the term of thirty years: *Provided*, Said bridge is completed within two years from the taking effect of this act, and kept in repair thereafter. Toll bridge authorised. Proviso.

§ 2. That the rate of toll to be exacted shall be as follows: For each horse and rider, five cents; for each two wheeled vehicle, fifteen cents; for all four wheeled vehicles, twenty cents; for foot passengers no charge shall be made whatever; toll on sheep or hogs, two cents each; on horses mules and neat cattle, four cents each. Rates of toll.

§ 3. Nothing in this act shall be so construed as to interfere with the right that any individual may have to the land on the banks of said river. Individual rights.

§ 4. The counties of Scott and Clinton to have the privilege to purchase said bridge, at any time that they may think proper, for the purpose of making it a free bridge; by paying the stockholders the cost of the improvement with six per cent. added to the amount. Bridge may be purchased.

§ 5. This act to take effect from and after its passage. When to take effect.

APPROVED, January 24, 1848.

CHAPTER XVI.

UNIVERSITY LAND AGENT.

AN ACT to compensate the agent employed to select the University lands for this State.

Compensation of agent.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the agent employed by the Treasury department of the United States for the purpose of locating and selecting two townships or seventy-two sections of land for the use and support of a State University, be and he is hereby allowed the sum of two dollars per day for every day he may be employed in the discharge of his duty.

Auditor's duty.

§ 2. The Auditor of State shall, upon presentation of his account, verified by oath, audit and allow the same, and shall draw a warrant in his favor on the Treasurer of State for the amount thus verified.

When to take effect.

§ 3. This act to take effect and be in force from and after its passage.

APPROVED, January 24th, 1848.

CHAPTER XXVII.

STATE ROAD.

AN ACT to establish a state road from Elkader, in Clayton county, to Quasqueton, in Buchanan county.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Isaac Haven and George Cornwall, of the county of Clayton, and Jeremiah Taylor, of the county of Fayette, are hereby appointed commissioners to lay out and establish a state road from Elkader, in Clayton county, to Quasqueton, in Buchanan county.

Time and place of meeting.

§ 2. That said commissioners, or a majority of them, shall meet at Elkader, on the first Monday in March next, or within sixty days thereafter, and proceed to lay out and establish said road agreeably to the laws now in force on that subject.

Duties.

§ 3. 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 approved by law.

When to take effect.

§ 4. This act to take effect from and after its passage.

APPROVED, January 24, 1848.

CHAPTER XXVIII.

PEDLARS.

AN ACT to license and tax Pedlars.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whoever shall deal in the selling of goods, wares, and merchandize, other than the growth, produce, or manufacture of this State, by going from place to place to sell the same, is declared to be a pedlar. Who are pedlars.

§ 2. No person shall deal as a pedlar without a license; and no two or more persons shall deal under the same license either as partners, agents, or otherwise. To be licensed.

§ 3. Every license shall state the manner in which the dealing is to be carried on; whether on foot or with one or more beasts of burden or carriage. Manner of pedling.

§ 4. There shall be levied and paid on all pedlars, (except clock pedlars,) the following rates: First—If the pedlar travel and carry his goods on foot, three dollars for every period of six months. Second—If on one or more beasts of burden, six dollars for every period of six months. Third—If on a cart or other land carriage, ten dollars for every period of six months. Rates of license

§ 5. Any person desirous of obtaining a pedlar's license, may do so in the following manner, to wit: He shall pay in money to the treasurer of some county in this state, the amount levied on such license, and take his receipt for the sum so paid; which receipt he shall deliver to the clerk of the board of commissioners of such county, whose duty it shall be to issue to such person a license, under the seal of the commissioners of his county, and make a return of the amount of such receipt to the Auditor of State, when the Auditor shall charge said amount to the county treasurer of said county, which shall be paid in by him to the State Treasurer. License how obtained. Duty of county clerk. Duty of Auditor

§ 6. Every person who shall deal in the selling, exchanging, bartering, leasing, hiring, or lending clocks, or who shall dispose of the same by any kind of artifice, device, or contrivance whatsoever, by travelling from place to place, shall be deemed a clock pedlar. Clock pedlars.

§ 7. Any person may obtain a license as a clock pedlar in the same manner, and by the same means, as above provided, in the case of pedlars of merchandize. There shall be levied and paid on every clock pedlar's license, twenty-five dollars for every period of six months, as a state tax. Clock pedlar's license.

Refusing to produce license.

§ 8. If any pedlar or travelling merchant shall, upon the demand of any person of lawful age, to whom he shall offer to sell any wares, merchandize, or clock, refuse to produce his license and allow the same to be read by the person making the demand, such refusal shall be taken as *prima facie* evidence that he has no license.

Fines.

§ 9. Every person who shall be found dealing as a pedlar without a license, or contrary to the terms of his license, shall forfeit, if a foot pedlar, the sum of ten dollars; if on one or more beasts of burden, the sum of twenty dollars; if in a cart or other land carriage, fifty dollars.

Violations of this act.

§ 10. Whenever an affidavit shall be filed with any justice of the peace, charging any person with a violation of this act, it shall be the duty of such justice to issue a warrant and cause the offender to be brought before him or some other justice of the peace of the proper county.

Duty of justices

§ 11. When any person shall be brought before a justice of the peace, under the provisions of this act, it shall be the duty of the justice to hear, try, and determine, in a summary manner, the complaint alleged against the defendant; and trial in such case shall be governed by the laws regulating trials in cases of breach of the peace, so far as the same is applicable; and if any pedlar who shall have refused to show his license, in accordance with the provisions of the eighth section of this act, shall offer such license in evidence thereafter, he shall be adjudged to pay all costs that may have accrued up to the time he shall so offer his license in evidence.

Costs.

APPROVED, January 24, 1848.

CHAPTER XXIX.

PROSECUTING ATTORNEYS.

AN ACT to amend "an act to define the duties of Prosecuting Attorneys, and provide compensation for their services."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no Prosecuting Attorney shall hereafter receive any compensation for services rendered in any case in which he shall enter a *nolle prosequi*, unless the acting judge shall certify that in his opinion the said *nolle prosequi* was not entered merely to prevent the indictment from being quashed, but for good and sufficient cause, for which the Prosecuting Attorney was not responsible.

As to nol. prosequi.

When to take effect.

§ 2. This act to take effect and be in force from and after its publication.

APPROVED, January 24, 1848.

CHAPTER XXX.

REPRESENTATIVES IN CONGRESS.

AN ACT to provide for the election of Representatives in Congress.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That a Representative in the Congress of the United States shall be chosen in each of the Congressional districts of the State, by the qualified voters thereof, at the general election in the year one thousand eight hundred and forty-eight, and every two years thereafter. Election.

§ 2. If a Representative in Congress shall resign, he shall forthwith, transmit a notice of his resignation to the Secretary of State; and if a vacancy shall occur by death or removal from the District in the office of Representative in Congress, the clerk of the board of commissioners of the county where such Representative shall have resided at the time of his election, shall, without delay, transmit a notice of such vacancy to the Secretary of State. Resignation and vacancy. Duty of county clerk.

§ 3. Upon the happening of a vacancy in the office of Representative in Congress, the Governor shall order a special election to fill such vacancy, unless in his opinion there will not be sufficient time to hold an election and allow the Representative then chosen, to take his seat before the expiration of the term for which he would have been chosen; the same notice of such special election shall be given in each county of the proper Congressional district, as is provided for in cases of special election to fill the vacancy occasioned by the death of a Representative in the General Assembly of this State. Special elections. Notice.

§ 4. The clerks of the boards of commissioners of the respective counties in the district, shall, immediately after any election of Representative in Congress, forward an abstract of votes given thereat, to the Secretary of State by mail; and the Governor, Secretary of State, Auditor and Treasurer, or any three of them, shall be a board of canvassers to count such votes, and report thereon. In case three of said officers do not attend, either of the judges of the Supreme or District Courts, may be called in to make up that number, and the person having received the highest number of votes in such district, shall be declared duly elected. Duty of county clerk. Board of canvassers.

§ 5. The said board of canvassers shall be called together by the Secretary of State as soon as all the returns shall be in, and in case such returns shall not be in within thirty days from the day of the election, he Duty of Secretary.

shall despatch a special messenger to the delinquent county or counties, for the purpose of bringing up such returns.

Report to be published.

§ 6. The report of the board of canvassers shall be published in one of the newspapers printed at the seat of government, and shall set forth the number of votes given for each candidate in each of the counties of the proper district. Should there be a tie, a special election shall be called in the manner above provided.

Tie election.

APPROVED, January 24, 1848.

CHAPTER XXXI.

CLAYTON COUNTY SCHOOL FUND.

AN ACT relating to the School Fund of Clayton County.

Duty of collector.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Robert R. Reed, treasurer and collector of Clayton county, be and he is hereby authorized to pay over all school money or funds for the support of the common schools, collected in the year 1846, which he has in his possession, or may have received, to the board of school directors of the respective school districts that are organized at the taking effect of this act, according to their respective proportions.

When to take effect.

§ 2. This act to take effect and be in force from and after its passage.

APPROVED, January 24, 1848.

CHAPTER XXXII.

STATE ROAD.

AN ACT to vacate a part of the Territorial Road from Davenport via Rochester, to Iowa City.

Road vacated.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That so much of the Territorial road from Davenport *via* Rochester, to Iowa City, as lies between a point opposite the house of David Wilson on said road and Iowa City, be, and the same is hereby vacated.

When to take effect.

§ 2. This act shall take effect and be in force from and after its publication.

APPROVED, January 24, 1848.

CHAPTER XXXIII.

UNITED STATES PRISONERS.

AN ACT for the confinement of prisoners under the authority of the United States, in the jails of this State.

PREAMBLE:—*Whereas*, It hath heretofore been recommended by Congress to the legislature of the several States, to pass laws making it expressly the duty of the keepers of the jails, to receive and safe keep therein, all persons committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such States respectively; the United States to pay for the use and keeping of such jails, at the rate of fifty cents per month for each prisoner, who shall under their authority be committed thereto, during the time such prisoner shall be therein confined; and also, to support such of said prisoners as shall be committed for offences;—Therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the sheriff or keeper of every jail in any county of this State, shall be, and he is hereby authorized and required to receive all prisoners committed to his custody, by the authority of the United States, and to keep them safely until discharged by due course of the laws of the same; and if any jailor or sheriff shall neglect or refuse to perform the services and duties required of him by this act, or shall offend in the premises, he shall be liable to the like penalties, forfeitures and actions, as if such prisoner had been committed under the authority of this State; *Provided*, That every prisoner who shall be committed for any offence by the authority of the United States, shall be supported at the expense of the same, during his or her confinement in said jail. Duty of sheriff or jail-keeper. Proviso.

§ 2. That the sheriff or keeper of every jail shall, on the first Monday of January annually, make out under oath or affirmation, the name or names of all prisoners who, within the year then last past, shall have been committed to his custody under the authority of the United States, and the time that he, she or they, shall have been respectively confined, with an account of the expense thereof, at fifty cents per month, for the use and keeping of said jail, for every person so committed, together with an account of their subsistence, at the rate established by law for State prisoners, unless provided for by the United States, and transmit Sheriff's report

Auditor's duty. the same to the Auditor of this State, who is hereby authorized and required to draw on the Treasurer of this State, who shall pay the account [out] of any public money in his hands not otherwise appropriated; and the said Auditor is hereby required to exhibit the several accounts by him received as aforesaid, against the United States, on or before the last day of March annually, for allowance.

APPROVED, January 24th 1848.

CHAPTER XXXIV.

SAMUEL A. EVANS.

AN ACT to legalize the election of Samuel A. Evans as a justice of the peace, of Richland township, in Keokuk county.

Preamble. WHEREAS, Samuel A. Evans was, at the August election, 1847, elected and duly qualified as a justice of the peace of the township of Richland, in the county of Keokuk, according to the requirements of the laws, except that he had not been a resident of said county six months preceding his election; and whereas, it is highly important that his acts since done and performed, as justice of the peace, should be rendered valid; Therefore,

Acts legalized. *Be it enacted by the General Assembly of the State of Iowa*, That all and and every, the official acts and doings of the said Samuel A. Evans, done and performed by him by virtue of said election to the office of justice of the peace, in and for said county of Keokuk, or hereafter done by virtue of the same, be and are hereby declared good and valid in law, to the same extent as if said justice had been a resident of said county for six months preceding his election.

APPROVED, January 24, 1848.

CHAPTER XXXV.

CONGRESSIONAL DISTRICTS.

AN ACT to amend an act entitled an act to divide the State into Congressional Districts.

Powesheik to be in first district. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That an act entitled "an act to divide the State into two Congressional Districts," approved, February 22, 1847, be, and the same is here-

by so amended, that the county of Powesheik shall be attached to, and made a part of the first Congressional District, instead of the second, as provided for by said act.

§ 2. This act to take effect from and after its publication. When to take effect.

APPROVED, January 24, 1848.

CHAPTER XXXVI.

STATE ROAD.

AN ACT to relocate a portion of a State Road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That George W. Vardeman, of the county of Jefferson, Thomas Frazier, sen., of the county of Henry, and S. S. Ross, of the county of Jefferson, be, and they are hereby appointed commissioners to re-locate a portion of a Territorial road located in accordance with the provisions of "an act entitled an act to locate and establish a Territorial road from Fort Madison, in Lee county, to Fairfield, in Jefferson county," approved, January 29th, 1840, as follows, to-wit: Commencing at the point where said road crosses Cedar creek in Henry county, thence on the nearest and best route to Glasgow, in Jefferson county, and thence on the nearest and best route to Fairfield, in said county of Jefferson. Commissioners. Road from Fort Madison to Fairfield.

§ 2. Said commissioners shall meet at such time and place as they, or a majority of them may agree upon, and take to their aid a surveyor and such other help as may be deemed necessary, and proceed to locate and mark said alteration or re-location, (doing as little damage to private property as possible,) commencing at the point where said road crosses Cedar creek on the route specified in the preceding section, agreeable to an act to provide for laying out and opening Territorial roads, approved, February 29th, 1844. Duty of commissioners.

APPROVED, January 24, 1848.

CHAPTER XXXVII.

MILL DAM.

AN ACT to authorize David Sterrit, his heirs and assigns, to build a dam across the Pittsburg chute of the Iowa river, and a mill race from thence to Wapello.

Mill race and dam authorized

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That David Sterritt, of the county of Louisa in said state, his heirs and assigns, are hereby authorized to construct a canal or mill race, not exceeding in width one hundred feet, from any eligible point of the Pittsburg chute of the Iowa river, on the best practicable route to intersect the said Iowa river at a point in or near England's addition to Wapello in said county, running through a part of block number seventeen, and the northern part of Water street, in said England's addition to Wapello, with the privilege of constructing a dam across said Pittsburg chute, and the right to use the water power acquired thereby, and the right of way into and upon any lands along the line of said race, for the purpose of constructing and keeping the same in repair.

Damages to lands.

§ 2. If the proprietor of any land through which said race is to pass, or on which any part of the said dam may be located, shall refuse to consent to the same, such refusal shall not prevent the construction of the said dam or race; *Provided*, the said Sterritt, his heirs or assigns, shall pay the damages occasioned thereby, to be determined by the District Court of said county, in like manner as other cases are tried and determined.

Act may be altered.

§ 3. This act may be altered or repealed at any time by the General Assembly of Iowa, and shall take effect from and after its publication.

APPROVED, January 24, 1848.

CHAPTER XXXVIII.

EDWARD FOSTER.

A BILL for the relief of Edward Foster.

Debt remitted.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the balance of the debt due the State of Iowa, from Edward Fos-

ter, for the purchase of lot No. seven, (7,) in block No. seventy-nine, (79,) in Iowa City, is hereby remitted.

§ 2. This act to take effect and be in force from and after its publication. When to take effect.

APPROVED, January 24, 1848.

CHAPTER XXXIX.

BLOOMINGTON FERRY.

AN ACT to amend an act entitled "an act to amend an act entitled an act to incorporate the town of Bloomington," approved, December twenty-ninth, eighteen hundred and forty.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That if any person shall ferry any person or property across the Mississippi River, from the Iowa shore of said river at the town of Bloomington, or from any point one mile above or one mile below said town, in any boat or vessel used for the purpose of ferrying, with or without compensation therefor, having no license, leave or permission from the President and Trustees of the said town of Bloomington, according to the provisions of the act to which this is amendatory, such person so ferrying shall be fined in any sum not less than five dollars nor more than fifty dollars for each person or article of property that shall be so ferried, for the use and benefit of the said President and Trustees; and the boat or vessel that shall be used in such illegal ferrying shall be condemned and forfeited to the said President and Trustees. Ferry at Bloomington. Fine for illegal ferrying.

§ 2. That all actions or suits brought under the provisions of this act, and the act to which this is amendatory, shall be brought in the name of the State of Iowa, for the use of the President and Trustees of the town of Bloomington. Actions how brought.

§ 3. That any person may commence such action by written complaint, to any justice of the peace in the town of Bloomington, setting forth the facts of such illegal ferrying, and such justice is hereby authorized, upon proof of the facts set forth in such complaint, and that notice has been served upon the person so complained against, three days previous, whether in this State or in the State of Illinois, shall proceed and render judgment against said person so complained against, for the fine before mentioned, and render judgment of forfeiture of said boat or vessel to the President and Trustees, and the said boat or vessel shall thereafter be the property of the said President and Trustees. Actions how commenced. Duty of justice. Effect of forfeiture.

Action for recovery of property.

§ 4. That after such judgment of forfeiture of said boat or vessel, it shall be lawful for the said President and Trustees, or their assignee or lessee, or for any person by them authorized, to enter upon such boat or vessel and seize the same, and retain possession thereof, or bring any action to replevy the same as their own proper goods and chattles, wrongfully detained.

Jurisdiction.

§ 5. That the said justice shall have jurisdiction over any person resident in the state of Illinois, provided he shall have been served with notice of the pendancy of said complaint.

APPROVED, January 24, 1848.

CHAPTER XL.

JURORS IN LEE COUNTY.

A BILL for an act regulating the mode of selecting grand and petit jurors for the several District Courts in Lee county.

Jurors how selected.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the selection of grand and petit jurors in the county of Lee, shall be according to the laws now in force, prescribing the mode of selecting the same, except that grand and petit jurors to serve at the District Courts held in Keokuk, in said county, shall be selected from the townships of Jackson, Montrose, and Des Moines, and that grand and petit jurors to serve at the District Courts held at Fort Madison, in said county, shall be from the remaining townships in said county, and no other.

No. and manner of drawing.

§ 2. That the number of grand and petit jurors, for each division of the District Court in said county of Lee, and the manner of ascertaining the proportion to each township, and of giving notice thereof and returning the persons selected, and of drawing the forty-seven ballots, shall be the same for each division of said courts or districts as though they were separate counties.

Duty of county clerk.

§ 3. That a separate attested copy of the jurors selected in each district of said county, shall be delivered by the Clerk of the Commissioners to the Clerk of the District Court, and his deputy; and a *venire* or summons shall issue thereupon from the court at which said jurors are to serve, and no other.

Acts repealed

§ 4. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

§ 5. This act to take effect and be in force from and after its publication in the Keokuk Register and Iowa Statesman. When to take effect.

APPROVED, January 24, 1848.

CHAPTER XLI.

DES MOINES RIVER.

AN ACT supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines river, approved, February twenty-fourth, eighteen hundred and forty-seven.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any person who is over the age of twenty-one years, or who is the head of a family, and was on the first day of January, 1847, the legal owner and occupant of any claim on the lands donated for the improvement of said river, shall have the privilege of pre-empting and entering three hundred and twenty acres of the same, at the rate of $1 25 per acre, under such rules and regulations as the board have made; which rules shall conform, as nearly as practicable, with the rules and regulations of the government of the United States in similar cases. And that the privileges of the several pre-emption acts of Congress, passed since the first day of June, A. D., 1838, are hereby granted to the actual settlers on said lands; provided, however, that no person shall be allowed more than one pre-emption on said lands. Who may pre-empt lands.

§ 2. That if any person applying for any of the privileges embraced in the foregoing section, shall hereafter be guilty of trespass or waste on any of said lands, other than those embraced in their application, shall be liable for such trespass or waste in double the value of such trespass or waste, which may be collected by the board, for the use of the improvement and State, before any court having jurisdiction in such cases. Further, any other person who may be guilty of trespass or commit waste on said lands, shall be liable as above provided. Persons guilty of trespass.

§ 3. In all cases when the dams or other improvements of the State, shall abut or be located on lands not sold, or on which there shall not be a legal pre-emption right under the laws of Congress, the board shall select such tract or parcel of land as they may find necessary to advance the prosecution of the work, and to render the water power available and most valuable, which lands shall be retained and used for the benefit of the improvement and the State. Board may select lands.

§ 4. The board shall, after having given public notice, and a rea- Public sale.

sonable time for pre-empting, which shall be at least two months, offer the residue of said lands at public sale, in such parcels, and at such times and places as they may find necessary and convenient in the prosecution of the work; any person who may purchase any of said lands within one year after said notice has been given, upon which improvements have been made, the purchaser shall pay to the claimant of such land a reasonable compensation for his or her improvements; but said lands shall not be sold at a less price than two dollars per acre.

Improvements to be paid for.

Minimum price

Act amended.

§ 5. That the two last words in the 36th section of said act be stricken out, and the following added: "The several pre-emption acts of the United States referred to in this act."

Act repealed.

§ 6. That section twenty-seven and twenty-eight, and all other parts of said act, that conflict with this act, be and the same are hereby repealed.

When to take effect.

§ 7. This act to take effect and be in force from and after its publication in the Fairfield and Keosauqua papers.

APPROVED, January 24, 1848.

Published in the "Whig" and "Democrat" February eleventh, and in the "Sentinel" February twenty-fifth, eighteen hundred and forty-eight.

CHAPTER XLII.

SKUNK RIVER.

AN ACT to provide for the descending navigation of Skunk River.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Skunk river from its mouth to the forks thereof, in Keokuk county, be, and the same is hereby declared a navigable stream, subject to the restrictions of this act.

Skunk river declared navigable.

Obstructions and fines.

§ 2. That any person or persons who shall in anywise obstruct or interrupt the navigation of said river, below the said forks, or continue such obstruction or interruption, shall be subject to indictment, and upon conviction thereof, shall be fined in any sum not less than one hundred dollars, to be assessed by a jury: *Provided,* That no person shall be liable for an obstruction or interruption, occasioned by a mill dam in 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 for one foot high at the entrance of the slope, with a notch in the dam the full width of the slope,

Slopes to dams.

of two feet deep for every eight feet high, from the bottom of the dam to the top; said slope shall not be less than twenty-five feet wide; said slopes to be located as provided for in the following section.

§ 3. That E. A. Gibbs, of Lee county, and B. F. Roe, of Des Moines county, be and are hereby appointed commissioners to designate the points at which the slopes shall be located, in the dams attached to mills situated in said counties, or in either of them. Thomas Miller, of Jefferson county, and Anson Moore, of Washington county, are appointed commissioners to perform the same duties in relation to dams attached to mills situated in both or either of said last named counties. S. D. Woodworth and George Miller, of Henry county, are appointed commissioners to perform the same duties in relation to dams attached to mills in said county of Henry; said commissioners shall proceed immediately after the taking effect of this act, to locate said slopes, and shall make immediate report of their action to the commissioners' clerk of the proper county, to be entered of record, and shall receive a proper compensation for their services, to be paid to each by the county in which he shall reside: *Provided*, That in all cases where the point for locating the slope in any dam on said river, has been designated by commissioners appointed under the provisions of an act entitled an act to provide for the navigation of Skunk river, approved, February 15, 1847, said above named commissioners, shall not interfere with such location, but the point so designated shall be the point in said dam where the slope required by this act shall remain.

Commissioners to locate slopes.

Proviso.

§ 4. That if the dams in the second section of this act mentioned, shall have been erected before the passage of this act, the owner or occupant of the mill to which the same may be attached shall not be liable under the second section of this act, until the first day of December, 1848: *Provided*, That the owner or occupant of such mill shall make or have made in the dam attached to his mill, by the 15th day of March next, a notch of the width and depth prescribed in the second section of this act.

Mill owners, who liable.

§ 5. That if the owner or occupant of any mill on said river, shall comply with the provisions of the second section of this act, he shall not be liable in any civil action for damages, claimed as occasioned by an obstruction or interruption to the navigation of said river.

Who not liable for damages.

§ 6. That an act entitled an act to provide for the navigation of Skunk river, approved February 15th, 1847, and all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Act repealed.

When to take effect.

§ 7. This act to take effect and be in force by publication in the Capital Reporter and Iowa Standard.

APPROVED, January 24th, 1848.

Published in the Standard February ninth, and in the Reporter February sixteenth, eighteen hundred and forty-eight.

CHAPTER XLIII.

REVISED CODE.

AN ACT to provide for the appointing of Commissioners to draft, revise and arrange a Code of Laws.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Charles Mason, of the county of Des Moines, William G. Woodard, of the county of Muscatine, and Stephen Hempstead, of the county of Dubuque, be and they are hereby appointed a committee to draft, revise and prepare a code of laws for the State of Iowa.

Place of meeting.

§ 2. Said commissioners, when qualified as hereinafter provided, shall meet together, at some place to be selected by a majority of said commissioners, and enter upon the discharge of their duties.

Rules.

§ 3. Said commissioners shall be governed in their deliberations by the following rules: *First,* They shall choose one of their number to preside over their deliberations, who shall decide all questions of order, and may vote upon all matters brought before them in case of a tie.

Bills to be recorded.

Each bill, as it is prepared, shall be *examined and considered* by them when in session, and altered or amended as a majority of them may decide, and when finally acted upon shall be recorded by them, or under their direction, in a plain, legible hand, in a book to be provided by them for that purpose, with plain marginal notes to each act.

Time and place of meeting.

§ 4. The said commissioners shall regulate the time and place of their meeting and adjourning, and may change at pleasure their place of deliberations.

Duty of commissioners.

§ 5. Said commissioners shall prepare a complete and perfect code of laws, as nearly as may be, of a general nature only, and furnish a complete index to the same when completed.

To keep a journal.

§ 6. Said commissioners shall keep, or cause to be kept, a journal of their proceedings, from day to day, the time and place when met, what commissioners were present, and what business was transacted at each meeting.

Absence of com

§ 7. No commissioner shall be permitted to absent himself from the

sessions of said board, except in cases of absolute necessity, and then only by leave of said board, which leave shall be entered on their journals, and the length of time for which he is permitted to be absent. missioner.

§ 8. No business shall be transacted by said board, other than to adjourn from day to day, unless all of said commissioners be present, except in the case mentioned in the preceding section, when one of said commissioners has been excused, and in that case, the other two may proceed to transact business. Business, how transacted.

§ 9. Said commissioners shall report said code, with the proper marginal notes and index, under the certificate of their President, to the Governor, at the earliest practicable period, together with a correct journal of their proceedings. Report.

§ 10. Said commissioners, before they shall be qualified to act as such, shall each take and subscribe the following oath or affirmation: "I, ——————— ———————, appointed by the General Assembly of the State of Iowa, to draft, revise and prepare a code of laws for said state, do solemnly swear, or affirm, (as the case may be,) that I will faithfully and impartially discharge the trust reposed in me by said state, that I will strictly, to the best of skill, ability and fidelity, observe the rules laid down in the law under which I am appointed, and that I will discharge all of the duties required of me as commissioner, with an eye single to the good of the people of the State of Iowa;" which said oath shall be certified by the officer administering the same, and filed in the office of the Secretary of State. Oath.

§ 11. Said commissioners may make and adopt such rules and regulations for the government of their body, as a majority of them may think fit, not repugnant to any of the provisions of this act. Rules and regulations.

§ 12. Said commissioners may purchase, at the expense of the state, such books, writing paper, ink, quills, and sand, as is necessary and proper to enable them to carry out the provisions of this act; but all other expenses shall be borne by said commissioners. Stationery and expenses.

§ 13. Said commissioners shall each receive the sum of one thousand dollars, to be paid out of any money in the treasury not otherwise appropriated, to be paid after their report has been accepted by the General Assembly; but should the place of one of the commissioners become vacant, he shall only be paid in proportion to the time he actually served; and in case of a vacancy, the other two commissioners shall fill such vacancy; and the person thus appointed, shall be paid in proportion to the time he actually serves, and who shall also take oath and qualify as the other commissioners. Compensation. Vacancy.

When to take effect.

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

APPROVED, January 25, 1848.

Published in the Observer, February first, and in the Reporter and Standard, February ninth, eighteen hundred and forty-eight.

CHAPTER XLIV.

STATE ROAD.

AN ACT to repeal an act herein named.

Act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That an act passed at the last session of this General Assembly, entitled an act regulating State Roads, approved, February 24th, 1847, be and the same is hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its publication in the Iowa City Standard and Iowa Capital Reporter, published at Iowa City.

APPROVED, January 24, 1848.

Published in the Standard, February second; and in the Reporter, February twenty-third, eighteen hundred and forty-eight.

CHAPTER XLV.

GENERAL ASSEMBLY.

AN ACT fixing the compensation per diem of the members of the General Assembly.

Pay of members

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the members of the General Assembly shall receive for their services, the sum of two dollars per day each, for the first fifty days of each regular session, and the sum of one dollar per day each, for the remainder of the session.

§ 2. This act to be in force by publication in the Iowa Capital Reporter and Iowa Standard.

APPROVED, January 24, 1848.

Published in the Reporter, March fifteenth, and in the Standard, February ninth, eighteen hundred and forty-eight.

CHAPTER XLVI.

PUBLIC PRINTING.

AN ACT to amend an act establishing the prices of Public Printing, approved, February second, eighteen hundred and forty-three.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the prices allowed for folding, stitching, pressing and binding the Journals of both Houses, and the Laws of the General Assembly, (when published in pamphlet form,) shall be ten cents per copy. Price of binding.

§ 2. This act to take effect from and after its publication in the Iowa City weekly papers. When to take effect.

APPROVED, January 24, 1848.

Published in the Observer, Feb. first, in the Standard, Feb. ninth, and in the Reporter March fifteenth, eighteen hundred and forty-eight.

CHAPTER XLVII.

STATE ROAD.

AN ACT to repeal an act herein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That an act passed at the last session of this General Assembly, entitled an act regulating State Roads, approved, February 24th, 1847, be and the same is hereby repealed. Act repealed.

§ 2. This act to take effect and be in force from and after its publication in the Iowa Standard, and Iowa Capital Reporter, published in Iowa City.

APPROVED, January 24, 1848.

Published in the Standard, February second, and in the Reporter, Feb. twenty-third, eighteen hundred and forty-eight.

CHAPTER XLVIII.

JACKSON COUNTY SEAT.

AN ACT to provide for the re-location of the County Seat in the county of Jackson.

Election for county seat.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the legal voters of Jackson county shall vote at the April election of 1848, 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 Jackson county. But if no one point shall receive such majority, then the legal voters of said county shall vote at the next August election, for the two points which received the highest number of votes at the April election, and the point receiving the highest number of votes, shall be and remain the permanent seat of justice of said Jackson county.

Acts repealed.

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

When to take effect.

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

APPROVED, January 24, 1848.

Published in the Reporter, February sixteenth, eighteen hundred and forty-eight.

CHAPTER XLIX.

CLINTON COUNTY SEAT.

AN ACT to provide for the location of the County Seat of the county of Clinton.

Vote for county seat.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the legal voters of the county of Clinton, shall vote at the Spring election of 1848, 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 a majority, then a special election shall be held on the first Monday of the next month, in the several townships in the county, and the legal voters shall then vote for the three points which received the highest number of votes at the last election, and if any

point receive a majority of votes over the other two points, it then shall be and remain the permanent seat of justice of said county; and if no point receives a majority of the votes 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 Clinton county. Such special elections to be conducted, and returns made as in regular elections.

Court house and jail to be built.

§ 2. That if either Lyons or Camanche, in said county, be determined upon as the county seat, at any election as aforesaid, that the citizens of said place shall, at their own expense, erect and complete (free of charge to the county) a court house of the same dimensions, upon the same plan, and of similar materials as the court house of Scott county, in the town of Davenport; and also, a jail of the same dimensions, and upon the same plan, and constructed in the same manner as the jail of Scott county; which buildings, when completed, shall be the property of the county of Clinton.

When county seat to be removed.

§ 3. Before the present county seat of said county shall be removed, or before any of the county business of said county shall be transacted at the place decided upon by the legal voters of said county, the provisions of the second section of this shall be strictly complied with, and the board of county commissioners of said county shall, and it is hereby made their duty, to determine when such compliance has been made.

Acts repealed.

§ 4. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

When to take effect.

§ 5. This act to take effect by publication in the Iowa Capital Reporter and Iowa City Standard.

APPROVED, January 24, 1848.

Published in the Standard, February ninth, and the Reporter, March fifteenth, eighteen hundred and forty-eight.

CHAPTER L.

DAVIS COUNTY SEAT.

AN ACT to provide for the relocation of the seat of justice of Davis county.

Vote on county seat.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the legal voters of the county of Davis shall, at the annual township election in April next, vote for or against the removal of the seat of justice of said county; said election to be conducted, in all respects, as general elections.

Commissioners to locate.

§ 2. If a majority of the votes cast be for a removal, then William G. Coop, of the county of Jefferson, William S. Whitaker, of the county of Van Buren, and George Wilson, of the county of Wapello, be and are hereby appointed commissioners to select a new seat of justice for said county of Davis, as near the Geographical centre of said county as a suitable site may be obtained, having due regard to donations of land which may be made by the owners thereof, for the use of the county; to the obtaining of good water; its contiguity to building materials, stone coal and public roads.

Time and place of meeting.

§ 3. Said commissioners, or a majority of them, shall meet at the town of Bloomfield, in said county, on the first Monday in May next, or within ten days thereafter, and shall, before entering upon their duties, take an oath, before the clerk of the board of commissioners of said county, who shall file the same in his office, conditioned that they will faithfully and impartially locate the seat of justice of said county of Davis agreeable to the provisions of this act, and that they have no personal interest, directly or indirectly, in the location of said seat of justice.

Oath.

Duty of commissioners.

§ 4. Said commissioners, when met and qualified as aforesaid, shall proceed to locate the seat of justice of said county, and as soon as they shall have determined, they shall give it such name as they may deem proper, and commit their proceedings to writing, which shall be signed by said commissioners and filed with the clerk of the board of county commissioners of said county, whose duty it shall be to record and keep the same on file in his office.

Duty of county clerk.

Vote on site selected.

§ 5. And the site thus selected by said commissioners shall, together with Bloomfield, be submitted to the legal voters of said county on the first Monday in June next, and if the site selected as aforesaid receive a greater number of votes than Bloomfield it is hereby declared the seat of justice of said county.

§ 6. 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 from their place of residence to the county seat of the said county of Davis, in the discharge of the duties enjoined by this act, which shall be paid out of the county treasury as other moneys are paid. Compensation.

§ 7. As soon as the said seat of justice is selected, as provided for in this act, it shall be the duty of the commissioners of said county to immediately proceed and lay out a town at the point selected as aforesaid, and to sell lots, and perform all other matters necessary for the improvement of said town. Town to be laid out.

§ 8. It is hereby made the duty of the commissioners of said county to deed and convey to every person or persons (who were owners of a lot or lots in Bloomfield at the passage of this act) other lot or lots similarly situated in the new location; provided, that they first deed and convey the said lot or lots in the town of Bloomfield to the county, such conveyance not to extend to any improvements thereon. Lots to be conveyed.

§ 9. All acts and parts of acts coming in conflict with this act are hereby repealed. Acts repealed.

§ 10. This act to take effect and be in force from and after its publication in the Iowa Democrat and Des Moines Valley Whig. When to take effect.

APPROVED, January 24, 1848.

Published in the Democrat and in the Whig February eleventh, eighteen hundred forty-eight.

CHAPTER LI.

RAILROAD COMPANY.

AN ACT to authorize the "Mississippi Rapids Railroad Company" to acquire a right of way.

WHEREAS, Lucius H. Langworthy, Wm. W. Coriell, Caleb H. Booth, James M. Marsh, and Daniel S. Harris, did, under the provisions of an act entitled "An act to authorize general incorporations," approved, February 22d, 1847, constitute and form themselves and their associates into a body politic and corporate, under the name of "The Mississippi Rapids Railroad Company," for the purpose of constructing a Railroad from the lower or southern extremity of the Des Moines Rapids of the Mississippi river, to the upper or northern extremity of the same, in the county of Lee; and whereas, the said work will be of Preamble.

public utility; now therefore, to enable the said company to construct the said railroad.—

Company may appropriate lands

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That if the said company shall not be able to acquire the title to the lands through which the said railroad shall be laid, by purchase or voluntary cession, it shall be lawful for the said company to appropriate so much of said land as may be necessary for its use, for the purposes contemplated by this act, on conforming with the following provisions:

Conditions.

1ST. The directors of said company may present a petition to the judge of the district court, of the district in which the said land may be situate, setting forth by some proper description, the lands which are wanted for the construction of said railroad, or the appendages thereto, and the names of the owners thereof, if known, distinguishing with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for an assessment of damages which the owners of said land will severally sustain by reason of the appropriation thereof by the company to its own use.

2ND. On the presentment of such petition, the said district judge shall appoint a day for hearing the parties in interest, and shall direct such notice as he shall deem reasonable to be given, of the time and place of hearing; and if it shall appear that any of the owners of said land is a married woman, an infant, or insane, or otherwise incompetent to take care of his or her interest, it shall be the duty of said judge to appoint some discreet and reputable person to act in the premises in his or her behalf.

Assessment of damages.

3RD. At the time appointed for such hearing, the said judge shall appoint three disinterested freeholders, residents of the county of Lee, for the purpose of assessing such damages, and in the order in which they are appointed, shall direct and specify what lands are proposed to be appropriated and occupied by the said company for the purposes aforesaid.

Oath of appraisers.

4TH. Said appraisers, after being duly sworn before some officer properly authorized to administer oaths, honestly and impartially to asses such damages, if any, shall proceed by viewing said lands and by such other evidence as the parties may produce before them, to ascertain and asses the damages, if any, which each individual owner will sustain by the appropriation of his or her lands for the use of such railroad.

Appraisers report.

5TH. The said appraisers shall make a report to the said judge in writing, under their hands, reciting the order for their appointment and specifying the several parcels described therein, with all necessary certainty, the names of the respective owners, if known, and if not known

stating the fact, and specifying also the damages, if any, which the owners of the said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid.

6TH. On payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the said judge, the said company shall immediately become entitled to the use of said lands for the purposes aforesaid; and the report of said appraisers shall be recorded in the office of the recorder of deeds of the county of Lee, in the same manner and with like effect as deeds are recorded, without any further proof than the certificate of the said judge that the report is authentic. When the said report shall have been so recorded as aforesaid, the said company shall be seized and possessed of such land or real estate, and may enter upon and take possession, and use the same for the purposes herein before recited. Payment of damages. Possession.

§ 2. This act to take effect and be in force by publication in the Keokuk Register and Iowa Statesman, weekly newspapers published in Lee county. When to take effect.

APPROVED, January 24, 1848.

Published in the Statesman, February twelfth, and in the Register February ——, eighteen hundred and forty-eight.

CHAPTER LII.

FIRST JUDICIAL DISTRICT.

AN ACT fixing the times and places of holding the District Courts in the first judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That from and after the first day of February, 1848, the times and places of holding the district courts in the several counties of the first judicial district of this state shall be as follows: Times and places of court.

In Louisa, on the first Monday in March and last Monday in August;

In Henry county, on the third Monday in March and second Monday in September;

In Washington county, on the second Monday in March and the first Monday in September;

In Des Moines county, on the first Mondays in April and October;

In the county of Lee, at Fort Madison, on the third Monday in April and first Monday in November;

At the city of Keokuk, in said county of Lee, on the third Monday in February and third Monday in September; and after the year 1848, at the city of Keokuk on the first Monday in February and third Monday in September: *Provided*, That the authorities of the city of Keokuk shall provide, free of charge, the necessary rooms for holding court at said county, [city?]

Jurisdiction in Lee county.

§ 2. That the said district courts in the county of Lee shall have concurrent jurisdiction in all civil causes in said county, except appeals from justices of the peace in the city of Keokuk and in the townships of Jackson, DesMoines and Montrose.

Keokuk court.

§ 3. The district court at the city of Keokuk shall have exclusive jurisdiction in all criminal causes, and in all appeals in civil causes from justices of the peace in the said city of Keokuk and in the townships of Jackson, Des Moines, and Montrose, in said county of Lee.

Madison court.

§ 4. The district court at Fort Madison shall have exclusive jurisdiction in all criminal causes, and in all appeals from justices of the peace, appeals, or writs of error from the judge of probate in the said county of Lee, except in criminal causes and appeals from justices of the peace in the said city of Keokuk and the townships of Jackson, Des Moines and Montrose.

Clerk's office.

§ 5. It shall be the duty of the clerk of the district court of Lee county to keep an office at Fort Madison and at the city of Keokuk, and to perform all the duties of clerk of the district court at each of said places, either by himself or deputy, one of whom shall reside at each of said places.

Sheriff's office.

§ 6. It shall be the duty of the sheriff of Lee county to keep an office at Fort Madison and at the city of Keokuk, and to perform all the duties of sheriff for the district court at each of said places, either by himself or deputy, one of whom shall reside at each of said places.

Act repealed.

§ 7. That an act entitled "an act fixing the times of holding district courts in the first judicial district," approved, February twenty-fourth, 1847, and so much of an act entitled "an act fixing the times of holding the district courts in this state, as fixes the time of holding the district courts in the first judicial district," approved, February 17th, 1847, be and the same are hereby repealed.

Effect of change

§ 8. No suits, indictments, recognizances, informations, declarations, pleas, or other process or proceedings, returnable at, or pending in the said district court, for 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, at the next term thereof, shall be bound to appear at the time first specified for holding courts by this act.

§ 9. This act to take effect and be in force from and after its publication in the Keokuk Register and the Iowa Statesman, weekly newspapers in Lee county. When to take effect.

APPROVED, January 24, 1848.

Published in the Statesman and in the Register, February fifth, eighteen hundred and forty-eight.

CHAPTER LIII.

HALF BREED TRACT.

AN ACT concerning claimants on the Half Breed Tract in Lee county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all persons, their heirs and assigns respectively, being possessed of any lands, town lots or tenements upon the Half Breed Tract, in Lee county, under and by virtue of a color of title to the same, and upon which there are improvements, shall be entitled to the full and appraised value of such improvements. Persons entitled to improvements.

§ 2. That in any action of Right or Ejectment, for any such lands, town lots or tenements, the jury before whom such suit is tried, shall if they find a verdict for the plaintiff, also find and return in such verdict whether the defendant was possessed of such lands, town lots, or tenements under and by virtue of a color of title, which shall be entered of record as a part of said verdict. Actions of right or ejectment.

§ 3. That within twenty days after the term of court at which any such judgment is rendered, the plaintiff and defendant or their legal representatives, shall each choose one person as appraiser, and the two thus choson shall upon notice, forthwith choose a third person, and they shall constitute the board of appraisers of such improvement. Board of appraisers.

§ 4. That it shall be the duty of said board of appraisers to proceed forthwith to appraise said improvements at a fair valuation, and make out under their hands a fair statement of their doings, setting out with common particularity, the land or town lot upon which said improvements are, and the kind of improvements, and the valuation in dollars and cents they place upon it, all of which shall be sealed up by them, Duty of board.

and returned by one of said board to the Clerk of the District Court in said county.

Duty of district clerk.

§ 5. The clerk of said court shall open said returned statement, and file it as a paper in the case, and it shall be taken aud considered as a part of the record.

Appraised value to be paid.

§ 6. That in all such cases no writ of possession shall issue until the appraised value as aforesaid, shall be paid or tendered to the defendant, his heirs, executors or administrators, and the receipt of the defendant, his heirs, executors or administrators, in any such case, filed with the other papers shall be *prima facie* evidence of such payment.

In case of tender.

§ 7. That in case tender be made as aforesaid, in lawful money of the United States, to said defendant, his heirs, executors or administrators, and they or either of them, as the case may be, refuse to receive the same, the plaintiff may make affidavit of such facts before said clerk, and a writ of possession may thereupon issue as though said tender had been received.

Who may bring suit for value of improvements.

§ 8. That nothing in this act shall be construed to bar the right of any such defendant, his heirs, executors or administrators, to bring suit for the appraised value of such improvements, and of the amount or sum and items of such value, the returned statement of the board of appraisers as mentioned in the fourth section of this act, shall be conclusive evidence: *Provided*, That if it shall appear in the trial of any such suit that a tender was made according to the provisions of the seventh section of this act, the plaintiff shall have judgment for the sum claimed only, and shall pay all the costs of suit.

Proviso.

Effect of act.

§ 9. That the benefits and provisions of this act shall apply to all actions of Right or Ejectment pending and undetermined in said county at the taking effect of this act, as well as all others hereafter to be brought.

Acts repealed.

§ 10. That all acts and parts of acts contravening the provisions of this act, be and they are hereby repealed.

When to take effect.

§ 11. This act shall take effect and be in force from and after its publication in the Iowa Standard and Capital Reporter.

APPROVED, January 24, 1848.

Published in the Standard and in the Reporter, February ninth, eighteen hundred and forty-eight.

CHAPTER LIV.

POWESHIEK COUNTY.

AN ACT to organize the county of Poweshiek, and to provide for the location of the seat of justice thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county of Poweshiek be and the same is hereby organized, from and after the third day of April next, and the inhabitants of said county shall be entitled to all the privileges to which, by law, the inhabitants of other organized counties of this state are entitled, and the said county shall constitute a part of the third judicial district of this state. County organized.

§ 2. That for the purpose of organizing said county, it is hereby made the duty of the sheriff of Mahaska county, to proceed to order an election in said county for the purpose of electing three county commissioners, one judge of probate, one sheriff, one clerk of the district court, one prosecuting attorney, one county recorder, one clerk of the board of county commissioners, one surveyor, one coroner, and such number of justices of the peace, and constables, as may be directed by the officer ordering said election; the officer having due regard for the convenience of the people; which election shall be on the first Monday in the month of April next: and that the officer ordering said election, shall appoint as many places of holding elections in said county as the convenience of the people may require, and shall appoint three judges of election for each place of holding elections in said county, and issue certificates to said judges of their appointment; and the officer ordering said election shall give at least fifteen days notice of the time and place of holding such election, by at least three written or printed notices, which shall be posted up at three of the most public places in the neighborhood where each of the polls shall be opened as aforesaid. First election, duty of sheriff, &c. Time of election.

§ 3. That the officer ordering the election as aforesaid, shall receive and canvass the polls, and grant certificates to the persons selected to fill the several offices mentioned in this act. The officer ordering the election shall perform the duties of a clerk of the board of county commissioners, until there shall be a clerk of the board of county commissioners elected and qualified for said county under the provisions of this act. Duty of sheriff as to polls, certificates, &c.

§ 4. That said election shall, in all cases not provided for in this act, be conducted under the laws of this state regulating general elections. Election, how conducted.

Term of office.

§ 5. That the officers elected under the provisions of this act, shal hold their offices until the next general election, and until their succes sors are elected and qualified.

Books and papers of election

§ 6. That the officer ordering the election in said county, shall re turn all the books and papers which may come into his hands by virtu of this act, to the clerk of the board of county commissioners forthwit after said clerk shall be elected and qualified.

Fees.

§ 7. That the officer conducting said election shall be allowed th same fees for services rendered by him under the provisions of thi act, that are allowed by law for similar services performed by the sheri or county commissioner's clerk for services in similar cases.

Actions in Mahaska county.

§ 8. That all actions at law in the district court for the county o Mahaska, commenced prior to the organization of said county of Powe-shiek, when the parties, or either of them, reside in said county o Poweshiek, shall be prosecuted to final judgment, order or decree, as fully and effectually as if this act had not been passed.

Duty of justices of the peace

§ 9. That it shall be the duty of all justices of the peace residing in said county, to return all books and papers in their hands, appertaining to said office, to the next nearest justice of the peace which may be elected and qualified for said county under the provisions of this act, and all suits at law or other official business which may be in the hands of such justices of the peace and unfinished, shall be completed or prosecuted to final judgment by the justice of the peace to whom such business or papers may have been returned as aforesaid.

Assessment of the county.

§ 10. That the sheriff elected under the provisions of this act, for said county, shall proceed to assess said county on the fifteenth day of April next, and he shall make his return to the county commissioners' clerk at the same time, and be under the same obligations and liabilities as sheriffs of other counties are.

Commissioners on county seat.

§ 11; That David Edmundson, of the county of Jasper, John White, of the county of Mahaska, and John Rose, of the county of Polk, be, and they are hereby appointed commissioners to locate and establish the seat of justice of said county of Poweshiek; said commissioners, or any two of them, shall meet at the house of Mahlan Woodward, Esq., in said county, on the first Monday in June next, or at such other time within one month thereafter, as a majority of said commissioners may agree upon, in pursuance of their duties under this act.

Oath of commissioners.

§ 12. That said commissioners shall first take and subscribe the following oath, to-wit: "We do solemnly swear (or affirm) that we (or either of us) have no personal interest, either directly or indirectly in the location of the seat of justice of Poweshiek county, and that we will faithfully and impartially examine the situation of said county,

taking into consideration the future as well as the present population of said county, also to pay strict regard to the geographical centre of said county." Which oath shall be administered by the clerk of the District Court of said county of Poweshiek, or any justice of the peace of said county, and the officer administering the same, shall certify to, and file the same in the office of the clerk of the board of county commissioners of said county, whose duty it shall be to receive the same.

§. 13. That 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, they shall commit to writing, the place so selected, with such name as they may deem proper, and a particular description thereof, signed by the said commissioners and filed by the clerk of the board of county commissioners, in which such seat of justice is located, whose duty it shall be to record the same, and forever keep it on file in his office, and the place thus designated, shall be the seat of justice of said county of Poweshiek. Duty of commissioners.

§ 14. That said commissioners shall each receive the sum of two dollars per day while necessarily employed in the discharge of the duties enjoined upon them by this act, which shall be paid by the county out of the first funds arising from the sale of lots in said seat of justice. Pay of commissioners.

§ 15. This act to take effect and be in force from and after its publication in the Iowa Standard and Iowa Capital Reporter. When to take effect.

APPROVED, January 24th 1848.

Published in the Standard, February ninth, and in the Reporter, February twenty-third, eighteen hundred and forty-eight.

CHAPTER LV.

PRACTICE.

AN ACT to amend an act entitled an act regulating practice in the district courts in the Territory of Iowa, approved, January the tenth, eighteen hundred and forty-three.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter when any person wishes to revive any judgment by *scire facias*, and the party against whom the judgment has been rendered is a non-resident, or where personal service cannot be had, it shall be lawful far the party wishing to revive any such judgment, to give notice of the same by publication, for three successive weeks, in Judgment by scire facias.

some newspaper in the county where such judgment is of record, and if there be no paper published in such county, then in the paper nearest to such county; and such publication shall be deemed and taken as a personal service.

Notice by publication.

§ 2. The publication shall be deemed sufficient, if it contain the name of the parties, the nature of the proceeding, the date of the judgment sought to be revived, and the term of the court at which the cause is to be heard, and may be signed by plaintiff's attorney.

When to take effect.

§ 3. This act to take effect and be in force from and after the first day of March, A. D., 1848; said act to be published in the Iowa City papers.

APPROVED, January 24, 1848.

Published in the Observer, February first, in the Standard, February ninth, and in the Reporter, March fifteenth, eighteen hundred and forty-eight.

CHAPTER LVI.

DISTRICT COURTS.

AN ACT to amend an act entitled "an act fixing the times of holding the district courts in this state, approved, February seventeenth, eighteen hundred and forty-seven.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the times of holding the district courts in the fourth judicial district shall be as follows:

Courts in fourth district.

Times and places.

In Johnson county, on the third Monday in March and the first Monday in September;

In Iowa county, on the first Monday after the fourth Monday in March;

In Linn county, on the second Monday after the fourth Monday in in March, and the second Monday in September;

In Benton county, on the fourth Monday after the fourth Monday in March, and the third Monday in September;

In Dallas county, on the second Monday in May;

In Polk county, on the Wednesday following the second Monday in May;

In Jasper county, on the third Monday in May;

In Powashiek county, on the Thursday after the third Monday in May, A. D., 1849, and on the same day in every year thereafter.

Effect of change

§ 2. No suits, indictments, recognizances, informations, declarations, pleas or other process or proceedings, returnable at, or pending

in, the said district courts 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, at the next term thereof, shall be bound to appear at the term specified for holding courts by this act.

§ 3. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Standard. When to take effect.

APPROVED, January 24, 1848.

Published in the Standard, and in the Reporter, February second, eighteen hundred and forty-eight.

CHAPTER LVIII.

SCHOOL FUND.

AN ACT to amend an act entitled "an act to provide for the management and distribution of the School Fund," approved, twenty-fifth Feb. eighteen hundred and forty-seven.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the rights and privileges conferred by the second section of the act to which this is amendatory, upon the settlers on the sixteenth sections of public lands, shall also be enjoyed by the assignees or legal representative of such settler. Rights of assignees of settlers

§ 2. That all persons who have settled, or may hereafter settle upon such sixteenth sections, after they may have been surveyed, shall enjoy the same rights which are by law conferred upon those who may have settled prior to such survey, except that such latter settler claiming the right of pre-emption, shall pay an advance of fifty per cent. over and above the appraised value of the land in its unimproved state, and the same course shall be pursued in regard to its valuation and sale, as is provided by the act to which this is amendatory, in relation to sixteenth sections, which may have been settled upon prior to the public surveys. Settlers upon sixteenth sections.

§ 3. This act shall take effect and be in force from and after its publication in the Reporter and Standard, of Iowa City. When to take effect.

Acts repealed. § 4. All acts or parts of acts contravening the provisions of this act are hereby repealed.

APPROVED, January 24, 1848.

Published in the Standard, February ninth, and in the Reporter, March fifteenth, eighteen hundred and forty-eight.

CHAPTER LVIII.

LEE COUNTY JURORS.

AN ACT regulating the fees of jurors in Lee county.

Fees of grand jurors. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the fees of grand jurors in the several district courts in said county of Lee, shall be one dollar per day for the first six days of their sessions respectively, and for every subsequent day which they may sit they shall receive the sum of fifty cents.

Fees of petit jurors. § 2. That the fees of petit jurors for the several district courts in said county, shall be one dollar per day for each and every day they shall serve.

APPROVED, January 25, 1848.

CHAPTER LIX.

S. A. STYLES.

AN ACT to legalize the acts of S. A. Styles, as a justice of the peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the acts of S. A. Styles, as a justice of the peace in Cascade township, in the county of Dubuque, from and after the 20th day of April, A. D., 1847, till his successor was elected and qualified, be and the same are hereby legalized and made valid.

Acts legalized.

When to take effect. § 2. This act shall take effect and be in force from and after its publication.

APPROVED, January 25, 1848.

CHAPTER LX.

CITY OF KEOKUK.

A BILL for an act to amend an act to incorporate the City of Keokuk, approved, February twenty-third, eighteen hundred and forty-seven.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the city council of the City of Keokuk be, and they are hereby authorized and empowered to grant licenses to keep groceries within the charter limits of said city: *Provided,* That no license, as aforesaid, shall be for a longer period than one year at any one time: *Provided also,* That no license shall be granted by said council for the keeping of any grocery as aforesaid, until the applicant for such license shall pay into the hands of the council for the use of said city, a sum not less than fifty dollars nor more than five hundred dollars.

Council may grant licenses.

Proviso, as to time.

Proviso, as to price.

§ 2. That any person or persons violating the provisions of this act, by selling vinous or spirituous liquors in less quantities than one gallon, without first obtaining a license therefor as aforesaid, he shall upon conviction thereof, be fined in any sum not less than fifty dollars nor more than one hundred dollars for the use of said city.

Fine.

§ 3. That all suits or informatious for any violation of the provisions of this act, shall be brought in the name of the City of Keokuk, and such suit or suits may be commenced by indictment in the District Court, or by suit before any justice of the peace as actions of debt.

Suits how bro't

§ 4. That appeals to the District Court from the judgment of any such justice may be taken as in other cases.

Appeals.

§ 5. When any such suit or information fails, the city shall all pay the necessary and legal costs thereof.

Costs how paid.

APPROVED, January 25, 1848.

CHAPTER LXI.

DUBUQUE COUNTY.

AN ACT for the relief of Dubuque county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Auditor of State be authorized, and is hereby empowered and

Claim to be audited.

directed to audit and allow to the county of Dubuque, the sum of one thousand two hundred and eighty-five dollars and seventy cents, it being the amount of the claim of said county for costs in a case wherein the United Statesare plaintiff and William Evans, Charles Rowley, George B. Parish, and Israel Spencer,are defendants, in an indictment for burglary, determined in the district court of said county, February term,A. D., 1843: *Provided, however*, That the Auditor shall deduct from such amount any demand due from said county for Territorial revenue of the late Territory of Iowa, or of the State of Iowa.

When to take effect.

§ 2. This act shall take effect and be in force from and after its passage.

APPROVED, January 25, 1848.

CHAPTER LXII.

SCHOOL FUND.

A BILL for an act to amend an act to provide for the management and disposition of the school fund, approved, February twenty-fifth, eighteen hundred and forty-seven.

Act amended as to the sale of lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the last clause of the second section of said act, be and is hereby so amended as to read, that in case the land shall be offered to the highest bidder as aforesaid, and not sold, the occupant shall pay annually to the fund commissioner of the proper connty, to the use of the school fund, interest at the rate of ten per cent. per annum, on the appraised value of the land and improvements, from the day the State of Iowa was admitted into the union, until the land be sold as hereinbefore provided, any thing in the said second section to the contrary notwithstanding.

Superintendent to report.

§ 2. *And be it further enacted*, That the seventeenth section of said act be and the same is hereby so amended as to read, that the Superintendant of Public Instruction shall report, from time to time, all selections made under the eighth section of said act, 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.

To give notice.

§ 3. That all acts and parts of acts conflicting with the provisions of this act be and the same are hereby repealed.

Acts repealed.

APPROVED, January 25, 1848.

CHAPTER LXIII.

REVENUE.

AN ACT to amend an act providing for levying and collecting revenue for State and County purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the board of county commissioners in every organized county in this State, at their annual meeting on the first Monday in July, in each year, shall levy a tax of not exceeding four mills to the dollar, of the assessment list for county purposes, and two and a half mills to the dollar for State purposes. Assessment for county and state purposes.

§ 2. That warrants heretofore issued, and which have been presented and endorsed in accordance with the sixth section of "an act prescribing the general duties of Treasurer of State," approved, January 21, 1847, shall from the taking effect of this act, bear interest at the rate of eight per cent per annum, and that all warrants hereafter issued or now outstanding and not presented, shall from their presentation and endorsement bear the same rate of interest. Interest on warrants.

§ 3. That the Auditor of State be, and he is hereby required to procure hereafter, every year successively, in such a manner as he may deem most advisable, an abstract of all the lands that have been entered in the different land offices of this State during the year preceding, and file the same in his office. Auditor to procure land lists.

§ 4. That the said Auditor of State be further required to make copies of the entries of all lands entered in each county by itself, and furnish said copies to the several clerks of the board of county commissioners in the several organized counties in this State, on the first Monday in March in each year, or as soon thereafter as practicable for the purpose of having said lands assessed and taxed for the year ensuing. Auditor to furnish copies to county clerks.

§ 5. That the Auditor of State be, and he is hereby authorized to make suitable compensation to the proper land officers for furnishing the abstracts of entries of lands above specified, and that the Auditor of State be allowed such compensation for the services required by this act, as the General Assembly may hereafter direct. Compensation to Auditor and others.

§ 6. That it shall be the duty of the clerks of the boards of county commissioners, assessors and prosecuting attorneys, of the several counties, to furnish such information in reference to the State revenue as shall be required by the Auditor of State, and a failure by any of such Duty of county officers.

officers, to furnish the information, if in their possession, as required by the Auditor of State, shall be liable to a fine of twenty-five dollars, which shall be collected by an action of debt in the name of the State, before any competent tribunal, and the boards of county commissioners shall make such compensation for said services as they may deem just and reasonable.

Fine for failure

Compensation.

§ 7. That the collectors of State revenue in the several counties of this State, be, and they are hereby required to pay over into the State Treasury, on the first Monday in December in each year, all monies in their hands belonging to the State; *Provided*, Said sum amounts to one hundred dollars, and upon failing to do so, they shall be fined the sum of fifty dollars, to be collected before any competent tribunal.

When collectors to pay over revenue.

Fine for neglect

§ 8. That so much of the 18th section of the act to provide for levying and collecting Revenue for State and county purposes, approved, February 25, 1847, as conflicts with the provisions of this act is hereby repealed.

Act repealed.

APPROVED, January 25, 1848.

CHAPTER LXIV.

FORT MADISON.

AN ACT to incorporate and establish the town of Fort Madison, and for revising and repealing all laws and parts of laws heretofore enacted on the subject.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the inhabitants of the town of Fort Madison, be and they are hereby constituted a body politic and corporate, with perpetual succession, by the name of "The Mayor and Aldermen of the town of Fort Madison;" and by their corporate name may sue and be sued, plead and be impleaded; may receive, purchase, acquire, and hold, and grant, sell, and convey, real, personal, and mixed property, and do all other acts as natural persons may do; may have and use a common seal, and the same at pleasure alter or break.

Style and powers of the incorporation.

§ 2. The limits and boundaries of said town shall be as defined and laid down on the plat of said town, recorded in the recorder's office of Lee county, and extending to the middle of the main channel of the Mississippi river, and co-extensive along the middle of said main channel, east and west, with the limits of said town.

Limits and boundaries.

§ 3. The said town shall be divided into three wards. The Mayor

Wards.

and Aldermen shall have power to change the boundaries of said wards at their discretion; but until such change is directed, the wards of said town shall remain according to their present limits and boundaries.

§ 4. The said corporation shall consist of a Mayor, who shall be a resident of said town, and six Aldermen; two Aldermen to be elected in each ward, and to be residents of the ward in which they shall be elected; and the said Mayor and Aldermen shall also possess the qualification of voters for members of the Legislative Assembly; the Mayor shall preside at all meetings of the corporation, but shall not vote on any question, except in case of a tie, when he shall give the casting vote. In case of the death, absence, resignation, sickness, or other disability of the Mayor, the Aldermen shall elect one of their number Mayor pro tempore, who shall have all the authority and perform all the duties of Mayor, during his absence, or until another shall be elected and qualified.

Officers of the incorporation.

Duties of the mayor.

Mayor pro tempore.

§ 5. On the first Monday of January, 1849, and annually thereafter, polls shall be opened at one convenient place in each ward in said town, at which the qualified voters for members of the Legislative Assembly, residing within the limits of the ward in which they shall offer their vote, may vote by ballot for a Mayor and two Aldermen; and the the Mayor and Aldermen so elected shall hold their offices for one year, and until their successors are elected and qualified: *Provided*, That a failure to hold said election on the day herein prescribed in any year, shall not work a forfeiture of this charter, and an election may be held on any succeeding day, by giving notice thereof, according to the provisions of the eleventh section of this act: *And provided further*, That the present Mayor and Aldermen shall continue to hold their respective offices under and by virtue of this charter, until their successors are elected and qualified as aforesaid.

Annual election

Term of office.

Failure to elect

Special election

Present board.

§ 6. The mayor and aldermen shall at least one day previous to each election provided for by this act, appoint two judges of elections for each ward, and said judges for each ward respectively, shall appoint their own clerk, and in case of failure of said judges, or either of them, to attend, or of refusal to act, the electors present shall choose viva voce, a judge or judges to supply such vacancy. No person shall be competent to act as a judge or clerk at such election, who is not a qualified elector at all such elections. The polls shall be opened between the hours of one and two in the afternoon, and close at the hour of four in the same afternoon. The clerk at each ward shall keep a poll book, in which he shall enter the name of every voter, in the order in which he shall vote, and at the close of the polls the votes shall

Judges of election.

Clerk.

Who may be judges, &c.

Hours of election.

Duties of judges and clerks of election.

be counted by said judges and clerk, and a statement of the result of the election shall be proclaimed at the door of the house in which such election shall be held; and the two judges and clerk of each ward, shall give to each of the two persons having the greatest number of votes in their ward for aldermen, a certificate of his election; and the judges of the different wards shall attend at the office of the mayor, between the hours of nine o'clock, A. M. and twelve o'clock, M., on the first Monday after the election, with the poll books and shall examine the certificate of the votes given to each person, and the person having the greatest number of votes shall be declared duly elected mayor of said town; and the said judges shall make and deliver to such person a certificate of his election, which shall be signed by at least a majority of all the judges of said three wards. The mayor and aldermen so elected, shall within ten days after their election, take and subscribe an oath to support the constitution and laws of the United States and of Iowa, and faithfully, impartially, and to the best of their ability, to discharge the duties of their respective offices, which shall be deposited with and safely kept with the clerk of said corporation.

Oath of office.

Powers and duties of the mayor and aldermen.

§ 7. The said mayor and aldermen, or a majority of whom shall be a quorum for the transaction of business, shall have power to adjourn their meetings from time to time, unless sooner called together by a written notice from the mayor, designating the time and place of such meeting; they may also, by ordinance, prescribe the times for holding their regular meetings; they shall also have power to appoint a clerk, a marshall, who shall be assessor, collector and treasurer, 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 appoint others in their stead, and to establish the fees or salaries of all such officers of the corporation, where the same are not ascertained by this act; they shall cause their clerk to keep a correct journal of their proceedings, and enter the yeas and nays on any question at the request of any member; they shall cause to be recorded in a plain legible hand, in a book to be provided for that purpose alone, all the by-laws and ordinances made and ordained by them, which book together with the said journal, shall be at all times open to the inspection of the electors of said town. The journal of the proceedings of each meeting shall be signed by the mayor and clerk; they shall also sign all by-laws and ordinances passed by said corporation, and the same shall be carefully filed and preserved by the clerk. All bills, bonds, notes, drafts, or contracts, ordered by the said corporation, shall be signed by the mayor and attested by the clerk; and all bills, bonds, notes, drafts or contracts so signed and attested, and in the case of

Subordinate officers.

Journal to be kept.

Laws to be recorded.

Journals to be signed.

Bills, bonds, &c.

bonds or contracts under seal, sealed with their common seal, shall be valid and binding on said corporation, in law and in equity, in every court in Iowa.

§ 8. The said mayor and aldermen shall have full power and authority to pass all by-laws and ordinances, to regulate the stationing, anchorage, landing, mooring or unlading of boats, vessels, rafts, and all other water crafts, within the limits of said town, to prevent and remove nuisances, to establish night watches, erect lamps, to provide for licensing and regulating retailors of spirituous liquors within said town, and for annulling the same on good and sufficient complaint made against any person holding such license; to license and regulate drays, carts and other vehicles kept for public hire, to prohibit the discharging of fire arms, and the racing or immoderate running or driving of horses, drays, carts, carriages, wagons or other vehicles in said town, to regulate and establish markets, and to rent out the stalls in the same, and to prohibit the selling of meats, poultry, fish or game, except at the public market; *Provided*, That nothing in this act shall be so construed as to prevent any person from selling the products off of their farms, in such quantity as they may deem proper; to erect and repair bridges, to regulate and improve all streets, avenues, alleys, side walks, landings, wharves and squares, drains and sewers; to sink and keep in repair public wells, to establish and regulate fire wards and fire companies, to provide for the prevention and extinguishment of fires, and if necessary, to remove or pull down buildings or fences for the prevention of the spreading of the same; to license bakers and regulate the price and weight of bread, and to prohibit the baking of the same for sale except by those licensed; and also to pass all such by-laws and ordinances not inconsistent with the constitution and laws of the United States, or of Iowa, as they shall deem necessary and proper for the health, safety, cleanliness, and convenience of said town, and the citizens thereof.

As to by-laws and ordinances, and city regulations in general

Licenses.

§ 9. The said mayor and aldermen shall also have power to fix and impose fines and penalties for breaches of the by-laws and ordinances by them passed and ordained: *Provided*, The same shall not exceed twenty dollars for any one breach or violation by any one person, of any one by-law or ordinance; and the same may be recovered with costs of suit, before the mayor, who is hereby endowed with judicial authority to hear, try and determine all such causes and grievances. The said fine shall be recovered by action of debt in the name of the said corporation; the process issued against the person accused to compel his appearance, shall be a warrant of arrest, issued in the name of the State of Iowa, and attested by the mayor; and the process issued for the collection and satisfaction of the fine, shall be a warrant

Fines for breaches of the by-laws, &c.

Proviso.

Judicial authority of the mayor.

Process.

issued in the name of the State of Iowa, and attested by the mayor, commanding the marshal of the town to proceed and by levy and sale of the property of the accused, to collect the said fine and costs, or that in case the person accused shall not, upon demand, pay the said judgment and costs, or turn out sufficient property for the payment of the same, to be made by levy and sale as aforesaid, that he shall then take the person of the accused and confine him in the guard house of the corporation, or in case there is no such guard house, commit him to the common jail of the county, for a term not exceeding four months, nor less than ten days, the period of which commitment to be specified in the judgment of the mayor; and the terms of the warrant, and every levy and sale made under and by virtue of any such warrant, shall be conducted agreeably to the law of the state regulating the sale of personal property by constables, under executions issued by justices of the peace: *Provided*, That such person fined as aforesaid shall have the right to appeal to the district court in and for said county, by filing bond with approved security before the mayor on the day of said trial: *And provided further*, That the accused may be released from imprisonment by the performance of labor upon the public works of the town, at the rate of one dollar per day, to be done in such way, and under such regulations as the mayor and aldermen may by ordinance prescribe.

Imprisonment for fine, &c.

Levy and sale of property.

Appeals.

Release from imprisonment.

Vacation of offices.

§ 10. The absence from said town, for three consecutive months, of the mayor or any alderman, or the removal of any alderman out of the ward for which he was elected, shall vacate his office, and a special election shall be held to supply such vacancy, and the person so elected shall hold the office for the remainder of the term for which his predecessor was elected; such special election shall be held, and returns made and certificates given, in the same manner that the annual elections are, and the person so elected shall qualify in the same manner.

Special elections.

Notice of annual election.

§ 11. The mayor shall give at least ten days previous notice of every annual or special election, and of the places of holding the same, by advertisement in some newspaper published in said town, or by one written notice set up at some public place in each ward of said town, in which such election is to be held.

City tax.

§ 12. The mayor and aldermen shall have power to assess and levy an annual tax, on all personal property in said town, made subject to taxation by the laws of Iowa for county purposes, not exceeding in any one year, one half per centum on both the real and personal estate and property, which value shall be ascertained by the marshal, as assessor of said town, and they shall prescribe by ordinance the time within which said marshal shall make out and return to their clerk the assess-

Rate of tax.

Assessment, &c

ment roll, and also the time within which the clerk shall make out and deliver to the marshal a duplicate thereof, together with a warrant for the collection of the taxes so assessed, signed by the mayor and clerk, and sealed with the common seal of the corporation; they shall also have power to correct or equalize any erroneous or injudicious assessment.

Collection of taxes.

§ 13. The marshal shall be the collector of all taxes assessed as aforesaid, by said corporation; he shall, upon receiving the duplicate and warrant aforesaid, make personal demand of every resident charged with tax, if to be found within the town, or leave a written notice of the amount of such tax at his usual place of abode, and shall also put up at least one written notice in each ward in said town, that if the taxes are not paid within twenty days thereafter, the same will be collected by the sale of the property of delinquents; at the expiration of which twenty days, said marshal shall, and he is hereby authorized and required, by distress and sale of personal property of such delinquent or delinquents, as constables on execution, to collect said tax, and all costs, remaining unpaid, and hold the said tax and costs subject to such order, and to be paid in such way, as the mayor and aldermen, by ordinance, shall prescribe; and if the tax on any lot or piece of land on which no personal property can be found, shall remain unpaid at the expiration of said twenty days, then the said marshall shall give notice by publication in the nearest newspaper, for eight consecutive weeks, stating the amount of tax and costs, and the number of the lot or description of the piece of land on which the same are due, and the owners name if known, and that the said lot or piece of land will be sold to discharge such tax and costs and printer's fees, on a day at the place in such notice mentioned, and which shall be at least three months after the day of its first publication, unless payment thereof be made on or before said day of sale, on which day if the said tax, costs and printer's fees be not previously paid said marshall shall proceed to sell the said lot or piece of land, or so much thereof as will discharge said tax, costs and printer's fees; said sale to take place at the door of the court house in said town, or at the door of the mayor's office; and the mayor and aldermen shall, by ordinance, fix the costs or fees to be allowed said marshal for collecting taxes by sale of either personal or real property by virtue of this act. The marshal shall give to each purchaser at such sale a certificate, containing the number of the lot or description of the piece of land purchased, the price paid therefor, and the day of sale, and at the expiration of the time hereinafter limited for the redemption thereof, if the same shall not be redeemed, the mayor shall execute to the purchaser or his assignees a deed therefor, under the seal of said corporation, and the same, if ac-

Notice.

Sale of real estate for taxes, duties of officers in the same deeds, &c.

knowledged or proven, and recorded as other deeds are or may be required to be acknowledged or proven and recorded, shall be good and valid in law and equity to pass a valid title to such lot or piece of land.

Redemption of tax sales.

§ 14. If the owner of such lot or piece of land, or his assignees or grantee, or his or her or their attorney, shall appear at any time within two years after said sale, and pay the purchase money, with interest, and twenty per centum penalty thereon, or deposite the same with the treasurer, he shall be entitled to the right of redemption of said lot or piece of land; saving, however, to minors the right of such redemption at any time within one year after arriving at full age.

Publication of by-laws, &c.

§ 15. The by-laws and ordinances of said corporation shall be published in a newspaper published in said town, or posted up at one public place in each ward, fifteen days before the taking effect thereof; and the certificate of the clerk, in the book in which said by-laws and ordinances are recorded, shall be sufficient evidence of the same having been done; and the said book, or a copy of any by-law or ordinance, with the copy of the certificate of the clerk of publication aforesaid, certified by the said clerk to be a true copy of such by-law or ordinance, and certificate, shall be a sufficient authentication to allow the same to be read or received in evidence, in all actions and suits, in any court in this state.

Evidence of publication.

Account of receipts and expenditures to be published.

§ 16. Twenty days before each annual election, the mayor and aldermen shall put up in some conspicuous place in said town, or publish in some newspaper published therein, an account of all the moneys 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 clerk.

Road district and supervisors.

§ 17. The streets and alleys of said town, together with the several roads leading therefrom, for the distance of one mile from the corporation limits, shall constitute one road district, and the mayor and aldermen shall have the exclusive right of appointing the supervisor for said district, who in every respect shall act as though appointed by the county commissioners.

Compensation of officers.

§ 18. The aldermen shall receive no compensation for their services, neither shall the mayor receive compensation for his services, except when acting as a judicial officer.

Jurisdiction & fees of the mayor.

§ 19. The mayor shall by virtue of his office, have concurrent jurisdiction in all cases with the justices of the peace in the town of Fort Madison, and exclusive original jurisdiction of all suits brought by and in the name of the corporation, and shall be entitled to the same fees as justices of the peace are in like cases provided for, and in such cases as are not provided for, he shall have such fees as may be prescribed by

ordinance; *Provided*, That the corporation shall in no case be liable for costs incurred in suits for breaches of the town ordinances, commenced and prosecuted on its behalf. Proviso as to costs.

§ 20. All writs and process issued for a breach of the town ordinances, shall be directed to the marshal of the town, for their due execution; and the said marshal shall be allowed a reasonable and just compensation, to be fixed by ordinance, for his services in assessing and collecting the town taxes and holding and paying over the same, but for the performance of any other duty he shall receive such fees only as he may be allowed by ordinance to collect from the defendant or person accused. Writs and process. Marshal's fees.

§ 21. The mayor and aldermen shall have power to caused to be opened, paved or improved, any street, alley, market place, public square, or public landing, on petition of not less than two thirds of the number of resident owners of the ground fronting on such street, alley, market place, public square or public landing, and to levy and collect a special tax for the defraying the cost and expenses of the same by an equal assessment on the ground, according to the space or feet, fronting as aforesaid. Streets, &c. how improved.

§ 22. The said mayor and aldermen shall have exclusive authority to license ferries, to fix the rates of ferriage, and define the duties of the keepers of ferries landing within the limits of the town, in all cases where such regulations shall not interfere with vested rights; they may at their own discretion contract with the owner or owners of a ferry boat or boats for the free carriage across the Mississippi river for one year, of all persons with their property coming to Fort Madison for the purpose of trading with its inhabitants, and bringing marketing and produce to the place; *Provided*, That such carriage shall be contracted for at the least practicable amount, and the costs and pay thereof shall in no event exceed two hundred dollars; and they may when authorized by a vote of three fifths of all the votes given in by the legal voters of the town, the time, manner and places of voting, to be prescribed by ordinance, and the funds of the corporation will permit, construct a ferry boat and regulate the same, or contract with the owner or owners of any ferry boat or boats on the lowest terms practicable for the free or cheap passage of all persons or any particular class thereof, with their property, across the Mississippi river opposite the town of Fort Madison, and coming to said town and departing therefrom. Ferry license. Free ferry. Proviso.

§ 23. The mayor and aldermen shall have authority to appoint an attorney for the prosecution and defence of suits in the corporation name, but in the prosecution of suits for breaches of, and penal- City attorney.

ties accruing under the town ordinances, he shall be entitled to no fee or fees, except such as he may by ordinance be entitled to recover of the defendant upon his conviction.

City debt and liabilities.

§ 24. The mayor and aldermen shall appropriate one half of the yearly revenue of the town for the payment of the present debt of the corporation, but in no case shall they be allowed to make any contract, or incur any liabilities more than the amount of the surplus money on hand, and one half of the nett yearly revenue of the year when the contract is made or liability incurred.

Repeal of former charters.

§ 25. That the act entitled "an act to incorporate the town of Fort Madison," passed by the Legislative Assembly of the Territory of Iowa, and approved February 17th, 1842, together with all other acts and parts of acts relating to the incorporation of the town of Fort Madison, or to the authority and duties of the mayor and aldermen thereof, be and the same are hereby repealed from and after the adoption and confirmation of this act and charter by the inhabitants of Fort Madison, as is hereinafter provided; *Provided, however*, That all by-laws and ordinances now in force in said town shall continue in force until altered or repealed by the corporation created by this act, and no suit or judgment then pending or unsatisfied, to which said corporation shall be a party shall abate, but the same may be prosecuted and inforced in the name of the mayor and aldermen of the town of Fort Madison; and all debts, covenants, contracts and agreements, and all liabilities contracted, made and entered into by the present mayor and aldermen of said town, or by their predecessors in said office, or by their authority to and with any person or persons; and all liabilities contracted, made and entered into by the President and trustees of said town, elected and acting under the provisions of an act of the Legislative Assembly of the Territory of Wisconsin, entitled "an act to incorporate the town of Fort Madison," approved, January, 19th, 1838, or by their authority to and with any person or persons, shall survive and be, as good and valid in law and equity, as if contracted, made and entered into by the mayor and aldermen of the town of Fort Madison, to be elected under this charter, and suits may be instituted and sustained, either in favor of or against them, on such debts, covenants, promises, contracts, agreements, and liabilities, as might or could have been in favor of or against said corporation, created by the act or acts hereby repealed, if this act had not been passed; the service of all process against said mayor and aldermen shall be by leaving with the mayor, or in his absence with the clerk, a certified copy thereof; and in case of subpœna in chancery, a certified copy of the bill also.

By-laws and ordinances now in force.

Debt, &c.

Service of process.

§ 26. This act shall be printed in two of the weekly newspapers of Lee county, and immediately after such publication the mayor of the town of Fort Madison shall call a special meeting of the Aldermen of the town, who, with himself, or a majority of whom, shall make an order for a special election to be held at the court house in said town, on a day, and between such hours, as in said order may be fixed, for the purpose of giving the legal voters of said town an opportunity to express by their votes, which shall be given by ballots, their approval and confirmation, or disapproval and rejection, of this act. Said election shall be conducted by two judges and one clerk, who shall be chosen *viva voce* by the electors present at the court house at the time appointed for the opening of the polls; and who shall conduct the said election agreeably to the law now in force regulating the election of the mayor and aldermen of the town. The tickets voted by those in favor of this act, shall contain on them, the words written or printed, "for charter;" and the tickets voted by those opposed thereto, shall have written or printed on them, "against charter;" and after the said polls are closed, the said judges and clerk shall count and certify in writing, the number of votes respectively polled "for charter," and "against charter," and sealing the said certificate in envelope, and endorsing the same to the mayor and aldermen of Fort Madison, shall immediately thereafter deliver the same to the said mayor, who shall thereupon call a special meeting of the aldermen of said town, to examine the said returns, when if upon opening and examining the returns, it shall appear that a majority of the votes given have been cast in favor of the adoption of this act, they shall cause their clerk to make a minute thereof on the journals of said incorporation, and from thenceforth this act shall take and be in full force and effect; but if a majority of the votes given is against the adoption of this act, it shall thenceforth be null and void for all purposes whatsoever; and the said mayor shall take said returns, with a copy of the entry to be made on the journal as aforesaid, certified by said clerk, and file the same in the office of the county commissioner's court of Lee county, with the clerk thereof, who shall copy the same into the records of said court, and which entry or a transcript thereof, shall thenceforth be full evidence in all the courts of the state of the adoption of this act by the people of said town, and the existence of said incorporation.

Special vote on this act.

Tickets how voted

Duty of judges and clerks

Duty of mayor

Effect of vote.

Duty of county clerk.

Evidence, &c.

APPROVED, January 25, 1848.

CHAPTER LXV.

COUNTY ORDERS.

A BILL for an act making County Orders bear interest.

Rate of interest

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter when the county commissioners of any county in this State shall issue any order upon the Treasury of said county, the said order shall bear interest at the rate of six per cent. per annum, from the time of the presentation of the order to the Treasurer for payment.

Unpaid orders.

§ 2. Every county order heretofore issued and remaining unpaid, shall bear interest at the same rate from and after the passage of this act.

APPROVED, January 25, 1848.

CHAPTER LXVI.

CITY OF DUBUQUE.

AN ACT to amend an act entitled "an act to incorporate the City of Dubuque," approved February twenty-fourth, Eighteen hundred and forty-seven.

Mayor to be a justice.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter the mayor of the city of Dubuque, who shall be elected by virtue of the provisions of the act to which this is amendatory, shall be, and he is hereby invested with all the powers now granted by law to justices of the peace within this State, for the purpose of hearing, trying and determining, all offences committed against the ordinances of said city, and the said mayor shall also be a conservator of the peace within the limits of said city.

Mayor, how governed.

§ 2. That the said mayor shall, as near as may be, conform to, and be governed by the several acts in relation to justices of the peace now in force, and which have been heretofore passed by the Council and House of Representatives of the Territory, and by the General Assembly of the State of Iowa.

Fees.

§ 3. That the said mayor shall be allowed such fees for his services as are now, or that may hereafter be allowed by law to justices of the peace for like services.

§ 4. That every law or ordinance passed by the city council of

said city, shall be in full force, and binding upon the inhabitants thereof and others, six days after the same shall have been published in any public newspaper printed in said city of Dubuque. Publication of city laws.

§ 5. That in addition to the powers already granted in the act to which this is amendatory, to the city council of said city of Dubuque, the said city council shall be, and are hereby authorized to compel all merchants and store-keepers within said city, to pay in addition to the tax provided for in said act, such further sum for license to sell goods, wares and merchandize, as the said City Council shall by ordinance deem proper to impose. Merchant's license.

§ 6. That all acts and parts of acts, to which this is amendatory, which conflict with the provisions of this act, be, and the same are hereby repealed. Acts repealed.

§ 7. This act shall take effect and be in force from and after its publication in the Miners' Express and Dubuque Tribune, newspapers printed at Dubuque. When to take effect.

APPROVED, January 25, 1848.

Published in the Tribune, February fourteenth, and in the Express, February sixteenth, eighteen hundred and forty-eight.

CHAPTER XXVII.

SCHOOL LANDS.

AN ACT to legalize the sale of school lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the sales of school lands made under the provisions of an act entitled "an act to provide for the management and disposition of the school fund," approved, Feb. 25th, 1847, be and the same are hereby ratified and confirmed as fully and effectually as if the school officers elected on the first Monday in the month of April, 1847, had been legally elected and qualified: *Provided,* That the purchaser or purchasers of such lands shall not make known their dissent to such ratification and confirmation, in writing, to the proper officer, within six months after the taking effect of this act; in which case the purchase to any such person dissenting shall not be ratified or confirmed. Sales legalized. Proviso.

§ 2. That in all cases where lands have been selected under the provisions of the act aforesaid, where such selections have or may hereafter be rejected by the general government, it is hereby made the duty of the proper officer to cancel the bonds given, and also to refund back Duty of officers in case of rejected lands.

all moneys which may have been paid by purchasers of land, under the provisions of said act, upon request being made by the proper person, at his office.

When to take effect.

§ 3. This act to take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Standard.

APPROVED, January 25, 1848.

Published in the Reporter, February ninth, and in the Standard, February second, eighteen hundred and forty-eight.

CHAPTER LXVIII.

SCHOOL TAX.

AN ACT to authorize a District School Tax.

District school tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That a tax may be levied in each organized school district in this State, for the purpose of building a school house in each district, and furnishing the same. Said tax to be levied and collected in the following manner:

Vote on tax.

§ 2. Upon the written request of any three free-holders in said district, made to the moderator of the board of directors, asking that a vote may be taken, whether or not a tax shall be laid for the purposes above mentioned; said president shall forthwith order an election for that purpose, designating in three printed or written advertisements, set up in three of the most publie places in said district, the time and place when and where said election shall be held, which elections shall be conducted as township elections, and the result of said elections, when in favor of a tax, shall be returned to the county commissioners' clerk as other election returns.

Time and place of election.

Vote to be viva voce.

§ 3. The vote shall be taken in favor of or against a tax, which shall be given *viva voce.*

Tax when unpaid, amount.

§ 4. If the vote then taken shall be in favor of a tax, the school directors shall then proceed to impose such tax as shall be sufficient to build and furnish said school house, but the amount of such tax shall not exceed five hundred dollars in any one year.

Tax how assessed.

§ 5. Whenever it shall be voted that a tax shall be levied as above, the clerk of the board of directors shall obtain a transcript of the last assessment roll of the county, and shall add thereto any taxable property therein omitted, having himself assessed the value thereof, and when the tax shall have been apportioned thereon, by the district

board, said clerk shall post up a list of names of persons taxed, with the amount set opposite their names, and if not known, the number or description of the land, with the amount due upon the same, at least thirty days previous to proceeding to collect the same, during which time any one may pay the amount of their tax to said clerk. List of names.

§ 6. At the end of said time, the moderator shall issue his warrant directed to said clerk, who shall proceed to collect said tax, and hold it subject to the order of the moderator. Warrant for collection.

§ 7. Should any one, when called on, neglect or refuse to pay such tax, the collector shall proceed to collect the same by the distress and sale of goods and chattles found within his district, which sale shall be made and notice given as sales by constables. Neglect to pay tax.

§ 8. When the owner of lands fails to pay the tax thereon, and personal property cannot be found, out of which to make the same, that fact shall be reported by the collector, with a description of the land on which said tax remains unpaid, to the county collector of taxes, in time for the same steps to be taken by said collector as are prescribed for the sale of lands for delinquent county tax for the same year; the lands shall be sold in like manner and with the same consequences as though sold for delinquent county taxes, and if for any cause they shall not be thus sold at the proper time, they may be sold the following year in the same manner and with the same consequences as is above contemplated. Land sales for taxes.

§ 9. When lands have been sold or tax collected, as contemplated in the 8th section of this act, the county collector shall hold the same subject to the order of the moderator for the proper school district, and which shall be paid over accordingly. County collector to hold tax.

§ 10. The clerk of said board of directors may receive in payment of said tax any labor or materials which may be agreed upon by said clerk and tax payer. Tax paid in labor.

§ 11. Before said clerk shall proceed to collect any such tax, he shall give bond and security to said board of directors, as a majority of them shall determine. Clerk to give bond.

§ 12. It shall be lawful for any school district, in which the building of a school house was commenced under the laws in force before the taking effect of the act of Jan. 24th, 1847, entitled an act supplemental and amendatory of an act to establish common schools, approved, January 16th, 1840, to proceed to the completion of said school house, in virtue of the laws then in force; and all taxes levied therefore, under said laws, shall be collected by the proper collecting officer of the district, and applied to that purpose as fully and effectually as if said act of January 26th, [24th,] 1847, had not been passed, and all School houses commenced before Jan. twenty-fourth, forty-seven.

contracts heretofore made with the proper authorities of any school district, shall be obligatory upon, and may be enforced by or against their successors under this act.

When to take effect.

§ 13. This act to take effect by publication in the Reporter and Standard of Iowa City.

APPROVED, January 25th, 1848.

Published in the Standard February second, and in the Reporter February sixteenth, eighteen hundred and forty-eight.

CHAPTER LXIX.

MILITARY DUTY.

AN ACT requiring the assessors to take lists of persons subject to military duty.

Duty of county assessors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the assessors in each organized county in this state be required to take, at the next annual assessment, a list of all able bodied white male citizens, between the ages of eighteen and forty-five years, subject to military duty in their respective counties, and return such list with their assessment roll to the clerk of the board of county commissioners, whose duty it shall be, within thirty days thereafter, to forward an abstract of said list to the Governor of the State.

When to take effect.

§ 2. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter, and Iowa Standard, published in Iowa City.

APPROVED, January 25, 1848.

Published in the Standard, February ninth, and in the Reporter, Feb. twenty-third, eighteen hundred and forty-eight.

CHAPTER LXX.

PUBLIC BUILDINGS.

AN ACT making an appropriation for the public buildings at Iowa City.

Appropriation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby appropriated towards the completion of the public buildings at Iowa City, the sum of two thousand five hundred dollars, to be paid out of any money in the treasury not otherwise appropriated.

§ 2. That said appropriation shall be expended under the superintendence of Morgan Reno, Esq., who is hereby allowed the sum of two hundred dollars, as a compensation for said services. Superintendent

§ 3. It is hereby made the duty of said superintendent to complete, in a plain and substantial manner, the large hall in the north end of the Capitol, and furnish the same with a good and substantial set of desks and seats for the use and occupancy of the Senate; also to complete, in the same manner, the Representative Hall, now occupied by said body, and furnish the same with desks and seats; also, to fit up for committees, four rooms in the basement of said building, and such other work as said superintendent may deem proper to be done upon said building. Work to be done.

SEC. 4. This act to take effect and be in force from and after its publication in the Iowa Capital Reporter, and Iowa City Standard. When to take effect.

APPROVED, January 25, 1848.

Published in the Reporter, and in the Standard, February ninth, eighteen hundred and forty-eight.

CHAPTER LXXI.

APPROPRIATIONS.

AN ACT to provide for the compensation of members, officers, and printers of the General Assembly, and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the following sums are hereby appropriated, out of any money in the hands of the Treasurer of State not otherwise appropriated, for the following purposes, viz: Appropriation.

§ 2. For pay and mileage of members of the House of Representatives, two thousand four hundred and sixty dollars. Representatives.

§ 3. For pay of officers of the House of Representatives, three hundred and twenty dollars. House officers.

§ 4. For pay and mileage of the members of the Senate, one thousand two hundred and twelve dollars. Senators.

§ 5. For pay of officers of the Senate, three hundred and sixty-eight dollars. Senate officers.

§ 6. To Jesse B. Browne, for extra services as Speaker of the House of Representatives forty-six dollars. Browne.

§ 7. To J. Scott Richman, for superintending the printing, indexing, and distributing the journals of the House, two hundred and fifty dollars. Richman.

Porter. § 8. To Francis C. Porter, for per diem as assistant clerk, six dollars.

Fisk. § 9. To C. R. Fisk, for copies of the Iowa Observer to members of the House, eight dollars and twenty-five cents.

Conboy. § 10. To Peter Conboy, for extra services and expenses, eight dollars.

Supreme Court. § 11. For expenses of Supreme Court, subject to the order of the court, two hundred and ninety dollars.

Ewing. § 12. To Peter Ewing, for services as messenger pro tem, four dollars.

Palmer. § 13. To A. H. Palmer, for publishing Governor's proclamation, four dollars.

Howell & Cowles. § 14. To Howell & Cowles, for publishing School Laws, and papers to members, fifty dollars and seventy cents.

Foster. § 15. To Silas Foster for incidental printing of House of Representatives, and copies of Standard to members, four hundred and twenty-eight dollars and sixty-one cents.

Palmer. § 16. To A. H. Palmer, for copies of Iowa Capital Reporter furnished members, one hundred and ninty-three dollars and fifty cents.

Harlan. § 17. To James Harlan, for one years salary as Superintendent of Public Instruction, twelve hundred dollars.

Goodrell. § 18. To Stewart Goodrell, for services as Speaker pro tem. two days, four dollars.

Hendrix. § 19. To H. H. Hendrix, for expences incurred as messenger, two dollars and twenty-five cents.

Land agent. § 20. In the pay of Agent for selecting University lands, three hundred dollars.

Ogden. § 21. To J. W. &. R. B. Ogden, for publishing in Keokuk Register, the sale of lots in Monroe City, the sum of ten dollars.

Sanxay. § 22. To F. Sanxay, for two stoves and two reams envelope paper, the sum of forty-one dollars.

Edwards. § 23. James G. Edwards, for ten copies of the Hawkeye for members of Senate, the sum of five dollars.

Foster. § 24. Silas Foster, for 130 copies of the Standard for members of the Senate of the present session, the sum of sixty-five dollars.

Contingent fund. § 25. For a contingent fund for purposes not specified in this act, the sum of three hundred dollars, the claims to be paid out of which, in all cases, to be audited and allowed by the Auditor of State.

Cutler. § 26. To Elisha Cutler, Jr. for superintending the printing, and for distributing the laws of the present session as per resolution, the sum of two hundred dollars.

Russell. § 27. To John B. Russell, for superintending the printing of the

journal of the Senate of the extra session, and for distributing the same, the sum of two hundred and fifty dollars.

§ 28. To Joseph T. Fales, for satinett for desks, and brooms and paper, the sum of twelve dollars. Fales.

§ 29. To Elisha Cutler, Jr. for three weeks services in fitting up the Hall of the Senate and House of Representatives, thirty-six dollars. Cutler.

§ 30. To A. W. Carpenter, for set of seals for the county of Keokuk, thirty dollars. Carpenter.

§ 31. To A. Hart, for stove pipe and tin-ware for use of General Assembly, thirty-five dollars and seven cents. Hart.

§ 32. To C. R. Fisk, for twelve copies of Iowa Observer, furnished members of the Senate, three dollars. Fisk.

§ 33. To C. C. Catlett, for hard-ware on capitol, nine dollars and thirty cents. Catlett.

§ 34. J. F. Abrahams, for stationery for use of General Assembly, the sum of three hundred and twenty dollars and thirty-seven cents. Abrahams.

§ 35. To Peter Roberts, for making desk and case for Supreme Court, the sum of twelve dollars. Roberts.

§ 36. To Jesse Berry, for hauling furniture from Burlington to Iowa City, the sum of fifteen dollars. Berry.

§ 37. To Little and McGuire, for carpets, fringe and candles for General Assembly, the sum of one hundred and forty-seven dollars and ninety cents. Little & McGuire.

§ 38. To Mrs. A. C. Allds, for making and fitting trimmings and curtains for Speaker's desk, the sum of five dollars. Allds.

§ 39. To publishers of Dubuque Tribune, for publishing the census act, the sum of seven dollars. Tribune.

§ 40. To Horace B. Cutler, for making up carpets for House of Representatives, three days, the sum of five dollars. Cutler.

§ 41. To A. Hart, for stove pipe and tinware for district court room, the sum of ten dollars and twenty-one cents. Hart.

§ 42. To F. A. C. Foreman, for publishing the census act, the sum of five dollars. Foreman.

§ 43. To A. W. Albright, for publishing the census act, and for five copies of the Lee County Democrat furnished members of the House of Representatives, the sum of ten dollars. Albright.

§ 44. To A. Hart, for two days services as assistant secretary of the Legislative Council of the Territory of Iowa, at the extra session, the sum of six dollars. Hart.

§ 45. To Murray & Sanxay, one thousand seven hundred and Murray & Sanxay.

twenty-seven dollars and eighty-four cents, it being the amount of Territorial scrip this day cancelled.

Snyder. § 46. To Thomas Snyder, twenty-two dollars and eighty-seven cents, for fitting up the hall of the House of Representatives and Senate chamber.

Conboy. § 47. To Peter Conboy, twenty-four dollars, for putting up stoves in the Senate chamber and House of Representatives.

Morris. § 48. To Easton Morris, seven hundred and fifty dollars, for one hundred and forty copies of the first volume of the reports of the Supreme Court.

Kiester. § 49. To Israel Kiester, three dollars and thirty-seven cents, for paste, paste pan, mail wallet, &c.

Gower & Holt. § 50. To Gower & Holt, seventy dollars and three cents, it being the amount of his bill of various articles furnished for the use of the General Assembly.

Johnson § 51. To Sylvanus Johnson, one hundred and three dollars and fifty cents, for wood and bricks, sand, &c.

Greene. § 52. To George Greene, eighteen dollars, for publishing the orders of Adjutant General.

Windham. § 53. To Wm. Windham, six dollars, for services as fireman.

Brophy. § 54. To John Brophy, six hundred and forty-five dollars, for services as commissioner to locate salt springs.

Thomas. § 55. To Lewis A. Thomas, ten dollars, for services as attorney for the State, in the case of the State of Iowa vs. I. P. Van Hagen.

Palmer. § 56. To A. H. Palmer, three hundred and nine dollars and forty-one cents, for incidental printing and papers furnished the Senate.

Patterson § 57. To Lemuel B. Patterson, six dollars, for three days services as enrolling clerk.

Trowbridge § 58. To S. C. Trowbridge, four hundred and forty dollars and eighty-four cents, for postage on letters and papers for the General Assembly.

Morsman § 59. To M. S. Morsman, three dollars and seventy-five cents, for stationary.

APPROVED, January 25, 1848.

CHAPTER LXXII.

FERRY.

AN ACT to authorize Josephus Beal and James Brierly, their heirs and assigns, to establish and keep a ferry across the Mississippi River, at Nashville, Lee county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Josephus Beall and James Brierly, their heirs and assigns, are hereby authorized to establish and keep a ferry across the Mississippi river at the town of Nashville, in Lee county, for the term of ten years, with the exclusive privilege to the same for two miles up said river, from the centre of the eastern boundary of said town, and from said centre two miles down said river; *Provided*, said persons, their heirs and assigns, be subject to all laws now in force, or which may be in force during said term. Ferry authorised. Subject to laws.

§ 2. That the said Josephus Beall and James Brierly, their heirs and assigns, shall keep upon said ferry a good and sufficient boat, to be propelled by steam or horse power, for the safe conveyance of persons and property at all reasonable hours, across said river without delay or prejudice. Steam or horse boats.

§ 3. That until said persons, their heirs and assigns, can conveniently procure said boat as above named, they shall keep a good flat boat or other craft for the safe and expeditious conveyance of persons and property across said river as aforesaid, which flat boat or other craft, shall be manned by a sufficient number of hands so as to insure expedition and safety in crossing said river. Flat boat.

§ 4. That a non-compliance with any or all of the provisions of this act, shall be esteemed and adjudged a forfeiture of its privileges. Non-compliance.

§ 7. This act to take effect and be in force from and after its passage. When to take effect.

This bill having remained with the Governor three days, (Sundays excepted) and the Legislative Assembly being in session, it has become a law this twenty-fifth day of January, A. D. eighteen hundred and forty-eight. Authentication.

ELISHA CUTLER, JR.,
Secretary of State.

CHAPTER LXXIII.

FERRY.

AN ACT to authorize Adam Hine, his heirs and assigns, to establish and keep a ferry across the Mississippi river at the city of Keokuk, in Lee county.

Ferry authorised

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Adam Hine, his heirs and assigns, are hereby authorized to establish a ferry across the Mississippi river, at the city of Keokuk, in Lee county, for the term of twelve years, with the exclusive privilege to the same, commencing at the mouth of Blundo street in the bank of said river; thence down said river one mile, thence up said river one mile from said street: *Provided,* Said Adam Hine, his heirs and assigns, 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: *Provided,* The city of Keokuk may levy such tax on said ferry as they think proper, for the privilege of landing.

Subject to laws

Tax on ferry

When to take effect

Proviso

§ 2. This act to take effect and be in force from and after its passage: *Provided,* Said Adam Hine, 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.

Time to establish boats

Flat boats, &c

§ 3. The said Adam Hine, 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 crafts as may be necessary for the public convenience, with a sufficient number of hands to propel said boat or boats without delay; and if the said Adam Hine 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.

Failure to comply

Authentication

This bill having remained with the Governor three days, (Sundays excepted,) and the Legislative Assembly being in session, it has become a law this twenty-fifth day of January, A. D., eighteen hundred and forty-eight. ELISHA CUTLER, Jr.,
Secretary of State.

CHAPTER LXXIV.

FERRY.

AN ACT to authorize A. W. Thompson to establish and keep a ferry across the Mississippi River, at a point opposite Keithsburg.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That A. W. Thompson, his heirs and assigns, are hereby authorized to establish and keep a ferry across the Mississippi river, at a point in the county of Louisa in said State, opposite the town of Keithsburg, (in Illinois,) for the term of twelve years, with the exclusive privileges to the same, extending one mile each way up and down said river, along the west bank thereof, from the usual landing point; *Provided*, Said A. W. Thompson, his heirs and assigns, be subject to all laws now in force, or which hereafter may be in force regulating ferries; *Provided further*, That said Thompson, his heirs and assigns, keep or cause to be kept at said ferry, at all times, a good and sufficient boat or boats for the safe conveyance of passengers, horses, teams, cattle and hogs, across said river without delay.

Ferry authorized

Subject to laws

§ 2. This act may be altered or repealed at any time by the General Assembly of Iowa, and shall take effect from and after its publication.

Act may be repealed

This bill having remained with the Governor three days, (Sundays excepted,) and the Legislative Assembly being in session, it has become a law this twenty-fifth day of January, A. D. eighteen hundred and forty-eight. ELISHA CUTLER, JR., Secretary of State.

Authentication

JOINT RESOLUTIONS.

RESOLUTION—No. I.

MUSCATINE ISLAND.

[JOINT RESOLUTION asking a donation of land for the improvement of Muscatine Island, on the Mississippi river.]

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 portion of the year, thereby wholly obstructing the sale of said lands by the government of the United States; and Preamble.

WHEREAS, It is confidently believed that said lands are 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, That our delegation in Congress be requested to use their endeavors to obtain the desired grant. Request to Representatives

Resolved, That the Secretary of State be requested to forward a copy of this preamble and resolution to each of our Representatives in Congress.

APPROVED, January 22, 1848.

RESOLUTION—No. II.

U. S. DISTRICT COURT.

JOINT RESOLUTION relative to United States District Court Room.

Resolved, by the General Assembly of the State of Iowa, That the north-east room on the first floor in this Capitol, and two rooms in the basement, be and are hereby set apart for the use of the United States District Court until otherwise ordered, and that the United States Marshal is hereby authorized to take possession of the same for that use.

APPROVED, January 22, 1848.

RESOLUTION—No. III.

POSTAGE.

JOINT RESOLUTION relative to Postage.

Duty of Treasurer.

Duty of Secretary.

Resolved, by the General Assembly of the State of Iowa, That the Treasurer of State be, and he is hereby instructed to make prompt payment of the postage on letters, newspapers and other public documents sent to and from members of the General Assembly during the present session, and in the event of there being no money in the State Treasury at the close of said session, it is hereby made the duty of the Secrtary of State to negotiate a loan for that purpose.

APPROVED, January 22, 1848.

RESLUTION—No. IV.

MAIL ROUTE.

JOINT RESOLUTION for a mail route from Mt. Pleasant to Oskaloosa.

Mail from Mt Pleasant to Oskaloosa

Resolved, by the General Assembly of the State of Iowa, That our members in Congress be requested to use their influence in procuring the establishment of a mail route from Mount Pleasant, in Henry county, via Brighton, in Washington county, Richland and Waugh's Point, in Keokuk county, to Oskaloosa, in Mahaska county.

Resolved, That the Secretary of State be requested to forward a copy of the above resolution to our members in Congress, at as early a day as practicable.

Request to Secretary

APPROVED, January 22, 1848.

RESOLUTION—No. V.

RAIL ROAD.

JOINT RESOLUTION for a grant of Land from Congress.

Resolved, by the General Assembly of the State of Iowa, That our Senators when elected, be instructed, and Representatives in Congress be requested, to procure from the Government of the United States, a grant of land to aid in the construction of a Rail Road from Davenport, by way of Iowa City, Monroe City, Racoon Fork, to some point near Council Bluffs, on the Missouri River in this State.

Grant of land to aid in constructing rail road from Davenport to Council Bluffs

APPROVED, January 24, 1848.

RESOLUTION—No. VI.

REVISED STATUTES.

JOINT RESOLUTION to furnish Appanoose connty with ten copies of the Revised Statutes.

Resolved, (the Senate concurring,) That the Secretary of State is hereby authorized to furnish the commissioners of Appanoose county with ten copies of the Revised Statutes of the State of Iowa, for the use of said county.

APPROVED, January 24, 1848.

RESOLUTION—No. VII.

COMMON SCHOOLS.

JOINT RESOLUTION relative to Common Schools.

Resolved, (the Senate concurring,) That the committee of the two houses on schools, be instructed to hold joint meetings and agree on

some system of common schools, before any system is acted upon by either house.

APPROVED, January 24, 1848.

RESOLTION—No. VIII.

REVISED STATUTES.

JOINT RESOLUTION to furnish Poweshiek county fifteen copies of Revised Statutes.

Resolved, (the Senate concurring,) That the Secretary of State be authorized and required to furnish the commissioner's clerk of Powesheik county with fifteen copies of the statutes of Iowa, for the use of said county, as soon as the same is organized.

APPROVED, January 24, 1848.

RESOLUTION—No. IX.

BOOKS IN THE LIBRARY.

JOINT RESOLUTION relative to Books in the Library.

Each judge of S Court to take twenty vols of law books from the library

When to be returned

Resolved, by the General Assembly of the State of Iowa, That each of the Judges of the Supreme Court be authorized to take from the State Library not more than twenty volumes of law books to use in the Supreme Court of the respective districts; *Provided*, That they shall be returned to the Library by the first day of each term of the Supreme Court held at Iowa City, and by the first day of each session of the General Assembly.

APPROVED, January 24, 1848.

RESOLUTION—No. X.

MAIL ROUTE.

JOINT BESOLUTION providing for a mail route from Tipton, Cedar county, via Pioneer Grove and Marion to the county seat of Benton.

Mail from Tipton to the coun-

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 Tipton, Cedar county, via Pioneer Grove and Marion, to the county seat of Benton, and thereby extend mail facilities to that part of the State.

ty seat of Benton county

Resolved, That the Secretary of State be requested to forward a copy of the foregoing resolution to our Representatives in Congress, at as early a day as practicable.

APPROVED, January 24, 1848.

RESOLUTION—No. XI.

AUDITOR OF STATE.

JOINT RESOLUTION authorizing the Auditor of State to audit and allow certain certificates therein named.

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 certain certificates, No. 197, 221 and 224, amounting in all the sum of thirty-seven dollars and twenty-four cents, which were issued by Amos Ladd, ex-Superintendent of the Penitentiary at Fort Madison, for work done and materials furnished for said Penitentiary, and that any monies in the Treasury not otherwise appropriated, are hereby appropriated to pay the amount of said certificates when audited.

To audit and allow certificates

Money appropriated

APPROVED, January 24, 1848.

RESOLUTION—No. XII.

MAIL ROUTES.

JOINT RESOLUTION relative to certain mail routes.

SECTION 1. *Resolved, by the General Assembly of the State of Iowa*, That the Hon. Cave Johnson, Postmaster General, be requested to change the mail now carried from Montrose, through Charleston, Franklin, West Point, Lowell, Mount Pleasant, Trenton, Washington, to Iowa City, from horse back service to a tri-weekly mail carried in two horse coaches, on the above named route, leaving out Lowell and taking in Salem, which would give to the last named place the benefit of the eastern mail three times a week, supplying the office at Lowell, West Point, a distance of eight miles. Also, that the tri-weekly mail from Keokuk to Keosauqua, and the weekly mail from Keokuk to Fairfield,

Change mail route from Montrose to Iowa City from horse back to a tri-weekly mail in two horse coaches

Mail from Keokuk to Keosauqua and from Keokuk to Fair

field to be changed to tri-weekly

both at present carried for forty miles on the same road, be so changed as to extend to us the facilities of a tri-weekly mail to the latter place.

§ 2. That the Governor be requested to forward copies of this resolution to the Postmaster General and to our members in Congress.

APPROVED, January 25, 1848.

RESOLTION—No. XIII.

STATUTE LAWS.

JOINT RESOLUTION for furnishing new counties with ten copies of the statute laws of this state.

Resolved, by the General Assembly of the State of Iowa, That the Secretary of State be and he is hereby required to furnish to each new county in this state, as soon as the same may become organized, with ten copies of the statute laws of this state.

APPROVED, January 25, 1848.

RESOLUTION—No. XIV.

MAILS.

JOINT RESOLUTION in relation to Mails.

Resolved, by the General Assembly of the State of Iowa, That our Representatives in Congress be requested to use their influence to have the mail route No. 4577 from Fairfield to Fort Desmoines in this State, carried weekly in a two horse hack.

Resolved, That the Secretary of State be requested to forward a copy of the above resolution to each of our Representatives in Congress, and to the Hon. Cave Johnson, Post Master General.

APPROVED, January 25, 1848.

RESOLUTION—No. XV.

PRINTING AND DISTRIBUTION OF THE LAWS.

JOINT RESOLUTION relative to the printing and distribution of the laws.

Resolved, by the General Assembly of the State of Iowa, That there shall be four thousand copies of the laws and joint resolutions of the present session printed, and that the same shall be distributed as follows:

Four thousand copies of laws and resolutions of present session printed

To the counties of Lee, Van Buren, and Des Moines, each 140 copies.

Jefferson, Dubuque, and Henry, each 130 copies.

Wapello, Jackson, and Davis, each 120 copies.

How distributed

Linn, Mahaska, Scott, Louisa, Washington, Johnson, and Muscatine, each 100 copies.

Keokuk, Cedar, Marion, Clayton, Polk, and Jones, each 90 copies.

Clinton, Monroe, and Delaware, each 80 copies.

Appanoose, Jasper, Iowa, Benton, Dallas, and Buchanan, each 75 copies.

And that the remainder of said copies be deposited in the Secretary's office, subject to such further distribution as is or may be authorized by law.

Remainder how disposed of

Resolved, That all unorganized counties shall be entitled to their proportion of the laws from the counties to which they are attached for judicial purposes.

Unorganized counties how supplied

Resolved, That in the distribution of the laws aforesaid, the clerks of the boards of county commissioners shall be governed by the act relative to the distribution of the laws, approved, 16th Feb., 1844.

Duty of clerks of board of co commissioners

Resolved, That Elisha Cutler, jr., shall be allowed the sum of $200 00 dollars, for superintending the printing and indexing, and for distributing said laws.

Allowance to Elisha Cutler, jr

APPROVED, January 25, 1848.

RESOLUTION—XVI.

COMMITTEE OF REVISION.

Resolved, by the General Assembly of the State of Iowa, That the Commissioners appointed to revise the Statutes of Iowa be, and they are

Permitted to take books from library.

hereby permitted to take from the Library, such books as they may deem necessary in the prosecution of their labors, for which they shall give their receipt, with the liberty of returning them at any time prior to the meeting of the next General Assembly.

When to be returned.

APPROVED, January 25, 1848.

RESOLUTION—No. XVII.

AUDITOR.

His duty.

Resolved, by the General Assembly of the State of Iowa, That the Auditor of State is hereby authorized and required to audit and allow the account of newspaper publishers, for publishing the laws of the present session of the General Assembly; *Provided*, That the same are certified to be correct by the Secretary of State, at the prices established by law.

Proviso.

APPROVED, January 25, 1848.

RESOLUTION—No. XVIII.

DISTRIBUTION OF THE LAWS.

JOINT RESOLUTION to distribute one copy of the laws to each member of the General Assembly.

Resolved, by the General Assembly of the State of Iowa, That each member of the General Assembly receive one copy of the laws passed at the present session.

APPROVED, January 25, 1848.

RESOLUTION—XIX.

WILLIAM KEMP'S HEIRS.

JOINT RESOLUTION authorizing the Governor to make a deed for a certain Lot in Iowa City to the heirs of William Kemp, deceased.

Preamble.

WHEREAS, William Kemp, (now deceased,) did at the sales of Iowa City property in May, 1842, purchase out Lot number twenty-six, for

the sum of one hundred and fifty dollars, which amount has all been paid to the State by said Kemp, and whereas, the certificate of purchase was lost or mislaid by said Kemp during his life-time, and although diligent search has been made for said certificate since his decease, no trace of it have been discovered, therefore,

Resolved, by the General Assembly of the State of Iowa, That the Governor is hereby authorized and directed to execute a deed for said Lot, to the heirs of William Kemp aforesaid.

Duty of Governor to make deed to heirs.

APPROVED, January 25, 1848.

RESOLUTION—No. XX.

BUCHANAN COUNTY.

Resolved, by the General Assembly of the State of Iowa, That the Secretary of State be directed to furnish to the County Commissioners of Buchanan county, ten copies of the revised Statutes and all other laws that are now in force, if he has the same in his possession.

APPROVED, January 25, 1848.

RESOLUTION—No. XXI.

ORPHAN ASYLUM AND MANUAL LABOR SCHOOL.

JOINT RESOLUTION for a donation of Land from Congress for the purpose of erecting an Orphan Asylum and Manual Labor School.

Resolved, by the General Assembly of the State of Iowa, That our Representatives in Congress be instructed to use their best endeavors to procure a donation of five sections of land out of any lands belonging to the General Government not yet disposed of, in or near the township of Fairview in said county, or in the adjoining county of Linn, near the same township, as a commissioner appointed for that purpose may select, for the use of an Orphan Asylum and Manual Labor School. Said lands to be and remain a perpetual donation, the use or rents of which, are to be applied for the benefit of poor orphan children and such other indigent persons as may be admitted to the institution as objects of charity.

APPROVED, January 25th, 1848.

RESOLUTION—No. XXII.

NORTH LINE OF THIS STATE.

JOINT RESOLUTION requesting our Representatives in Congress to procure the services of one of the Topographical Engineers to run the north line of this State.

Resolved, by the General Assembly of the State of Iowa, That our Representatives in Congress be requested to use their influence to procure the services of one of the Topographical Engineers to run the north line of this state, also to have the Indian title extinguished to all lands within the state.

Resolved, That his Excellency, the Governor, be requested to forward a copy this resolution to our Representatives in Congress.

APPROVED, January 25, 1848.

RESOLUTION—No. XXIII.

MAIL ROUTE.

JOINT RESOLUTION for a mail route from Cedar Rapids, in Linn county, to the falls of Cedar river, in Blackhawk county.

Resolved, by the General Assembly of the State of Iowa, That our Representatives in Congress are hereby requested to use their influence to procure the establishment of a mail route from Cedar Rapids, in Linn county, via the county seat of Benton county, to the falls of Cedar river, in the county of Blackhawk.

Resolved, That the Secretary of State is hereby instructed to forward a copy of these resolutions to our Represetatives in Congress.

APPROVED, January 25, 1848.

RESOLUTION—No. XXIV.

WAR WITH MEXICO.

JOINT RESOLUTION in relation to the officers and soldiers in Mexico, from this State.

Our citizens who are soldiers and offi-

Resolved, by the General Assembly of the State of Iowa, That we feel a just pride at the intrepid conduct of those of our fellow citizens, both

officers and soldiers, who have so nobly aided in sustaining the honor and interests of our country in the present war with Mexico, and that the laurels they have won reflect the highest honor on our young State.

cers in Mexico nobly sustained the honor of the state.

Resolved, That in the death of Major Frederick D. Mills, the State has lost one of her brightest ornaments and the army one of its most chivalric soldiers, and that our exultation at the brilliancy of his brief military career, is only exceeded by our regret and sorrow at its extinction.

Frederick D. Mills.

Resolved, That we deeply sympathise with the bereaved family and friends of that true soldier and patriotic citizen, Captain Edwin Guthrie, who met the fate that the brave do not shun, in laying down his life for his country.

Sympathy with the friends of the deceased Capt. E. Guthrie

Resolved, That a committee of two members from each branch of the General Assembly be appointed to address letters to the nearest relatives of each of those gallant officers, expressive of the mixed feelings of congratulation and condolence, which are caused by their heroic conduct and their untimely fate.

Committee of two appointed to address letters to the relatives of dec'd.

Resolved, That the thanks of the General Assembly be tendered to our fellow citizen, Captain Benjamin S. Roberts, of the rifle regment, whose name has been so honorably associated with the history of all the great battles fought since he joined the army in Mexico at the siege of Vera Cruz.

Capt. Benj. S. Roberts.

Resolved, That our thanks are also due and are hereby freely offered to the officers and soldiers of the Iowa Company, commanded by Captain Bowie, whose ranks have been so thinned by Mexican weapons and the diseases of a Mexican climate, and yet none ever faltered or flinched to follow where duty led, and that we deeply and cordially sympathise with the friends of those who have thus become martyrs in the cause of their country.

Officers and soldiers of company commanded by Capt. Bowie.

Resolved, That the Governor be requested to forward a copy of these resolutions to Captains Roberts and Bowie, and that a copy of the papers containing the same be forwarded for one year to the nearest friends of Major Mills and Captain Guthrie, at the expense of the State.

APPROVED, January 25, 1848.

RESOLUTION—No. XXV.

ADJOURNMENT OF THE LEGISLATIVE ASSEMBLY.

JOINT RESOLUTION for adjournment.

Resolved, (the House concurring therein,) That the General Assembly will adjourn, *sine die*, on Tuesday the 25th inst.

APPROVED, January 25, 1848.

MEMORIAL—No. I.

SCHOOL LANDS.

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 an act was passed by the General Assembly of this State at the last session, approved February 24th, 1847, prescribing the mode of selecting the five hundred thousand acres of land accruing to this State on her admission into the Union, under the act of Congress, of the 4th September, 1841, which provides that the selection shall be made in such manner as the legislature of the State may direct, and located in parcels conformably to sectional divisions and sub-divisions of not less than three hundred and twenty acres in any one location on any public lands, except such as are or may be reserved from sale by any law of Congress or proclamation of the President of the United States.

Your memorialists claim the benefit of a fair and legal interpretation of this act of Congress, and earnestly protest against the instructions of the General Land Office at Washington, denying to the State the privilege of selecting lands upon which settlements and improvements have been made, a privilege clearly conferred upon the State by the act of Congress of the 4th September, 1841. No such restrictions were contemplated by the General Assembly in the passage of the act of the 24th February, 1847.

This act provides for the selections of the lands by the actual settlers and those who have made improvements thereon; a large portion of the lands which have been selected, are of this class of selections, and the advance payment of the purchase money made to the proper

officers of State, to reject these selections under the circumstances will inflict a serious injury upon a meritorious class of citizens who prefer making their purchases from the State, on account of the benefit of a privilege of ten years credit on four fifths of the purchase money.

Under the foregoing restrictions the settlers will be forced to purchase of the General Government, so far as they have the means to do so, and those who are poor and unable to pay the whole purchase money to the General Government, but who could pay one fifth to the State, will be deprived of their freehold, while the State in the meantime will be retarded in her endeavors to carry out her wise constitutional provisions for a system of common schools. An injury not confined to the State alone, since her children are the children of the nation, in whose welfare the national government cannot but feel a common interest with us.

Your memorialists would therefore most earnestly pray that the proper departments be instructed so to modify the instructions to the Land Offices in this State, as to give the State of Iowa the benefit of the act of the 4th September, 1841.

Your memorialists would also pray, that the above recited act be so amended as to authorize the State of Iowa to select the residue of the 500,000 acres in legal subdivisions and fractional subdivisions of not less than eighty acres and upwards.

Resolved, That the Governor be requested to forward one copy of this memorial to the Senate of the Unted States, and one copy to the Speaker of the House of Representatives, and one copy to each of our delegation in Congress.

APPROVED, January 25, 1848.

MEMORIAL—No. II.

FORT ATKINSON.

MEMORIAL to Congress for a donation of the site of Fort Atkinson.

To the Senate and House of Representatives of the United States:

Your memorialists, the General Assembly of the State of Iowa, respectfully request of your honorable bodies the donation of the site and buildings at Fort Atkinson, in this state, together with two sections of land, including the same, for the purpose of establishing at that place an agricultural school, which shall form a branch of our State University. Agriculture being the leading interest in this state, we desire to

elevate the condition of those who engage in it, to cause it to be regarded as a progressive science; and for this purpose to furnish our young men with the means of combining sound theory with useful observation and experiment.

To effect this object we contemplate the early establishment of our agricultural school upon the manual labor plan, and learning that the troops now stationed at Fort Atkinson are soon to be removed, we have already passed an act locating the institution at that place, provided the consent of Congress can be thereto obtained. The location is one of the finest agricultural portions of the state, and will soon be surrounded by a dense population. The buildings are well adapted to the use for which we desire them, they would well accommodate one or two hundred students, together with the necessary dining and recitation rooms, and would be of comparatively little value for any other purpose. If sold they would bring but a trifle, and if left unoccupied and unprotected after the removal of the troops they will be subject to great depredations and will soon become to a great extent ruined.

Believing, therefore, that a great benefit can be conferred upon our state, at a very slight sacrifice by the general government, we have hopes of obtaining the favor we seek.

APPROVED, January 24, 1848.

MEMORIAL—No. III.

RAIL ROAD.

MEMORIAL to Congress for a donation of land to aid in the construction of a Rail Road from Dubuque to Keokuk in 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, desirous of encouraging agriculture and facilitating commerce with our sister States, and through them with foreign States, respectfully represent, that the obstructions to the navigation of the Mississippi River, at what is called the upper and lower rapids, are a great barrier to the trade and commerce of Iowa, as well as Illinois and Wisconsin, that we cannot remain indifferent to the improvement of this important national highway, which washes the eastern border of our State for three hundred miles, but viewing this as a national work, in the early accomplishment of which the Western States, nay, all the States of the Union, are more or less interested, Iowa can only express her earnest wish

as one of those States, that the Congress of the United States will see proper in its wisdom, to make ample appropriation for the improvement of the navigation of this important artery of commerce—this great arm of the Ocean, upon which the surplus produce of the western farmer finds its way to feed the starving population of the Old World, at the earliest practicable period, whilst we entertain and cannot withhold the expression of these views in regard to the improvement of the Rapids in the Mississippi, we beg leave to invite the attention of Congress to an object demanded alike by the interests of our State and of the General Government; we allude to the necessity of the construction of a Rail Road from Dubuque through the counties of Dubuque, Jones, Linn, Johnson, Washington, Henry and Lee, to Keokuk, a work called for by the growing importance of the agriculture products of Iowa, and the importance of connecting the rich mineral regions of the northern part of the State, with the lower Mississippi, at a point that is navigable at all seasons of the year, except a few weeks during the winter season, by which means the hardy and enterprising miner will find constant employment and increased pay for his labor, while the farmer through the enterprise of the merchant, will be enabled to realize the benefits of the earliest and best markets for the products of his annual toil, and the interest and prosperity of other classes of our cititzens would be equally promoted.

Your memorialists would remind your honorable body that the great mass of our community thus to be benefited by an enterprise of this kind, is composed of individuals who are eager to appropriate all the surplus funds which they may realize from their industry, to the purchase of Government lands, and who only want the benefit of the market which this work will bring to their doors, to enable them to become profitrble customers of the General Government in the purchase of her vacant prairie lands, which otherwise would remain unsold for for years to come.

Your memorialists therefore, respectfully ask an appropriation of lands for the construction of a Rail Road from Dubuque to Keokuk, through the interior of the State, equal to five sections for each mile of said road, to be located in alternate sections five miles on each side of said Road or lands adjacent thereto, as the same may be conveniently obtained.

In looking back upon the rapid and powerful growth of the west, in in population, industry and wealth, we are glad to acknowledge that that growth has been greatly promoted by the liberality of the General Government, in the appropriations of lands for objects of internal improvements in the nine states where the public lands are situated. In

every instance, it is believed, that the improvements made in whole or in part by grants of public lands, have resulted in corresponding benefits to the General Government, in the increased sale of those lands, so we confidently believe it would be in regard to the project under consideration; it is a narrow view of the subject to say that the government can ever be the loser by extending aid to objects of this kind in a border state, increased emigration, the sale and cultivation of immense bodies of lands, which otherwise would remain unsold and uncultivated for years, the impetus given to the agriculture, commerce, and general prosperity of the state, the accesion thereby offered to the aggregate wealth of the nation, all forbid it.

By the accomplishment of this enterprise, the large prairies on the line of its route could be supplied with timber for fencing, and building purposes from the pine regions of the upper Mississippi and upper Cedar rivers, which would bring into market large tracts of fertile lands, now too remote from timber to be subject to cultivation, without some such facility as would be afforded by the proposed Rail Road; but acting on the belief that the State and Nation will both be benefited by the grant we ask for, we commend the subject to the early consideration of Congress, and trust that our prayers may be granted, under such conditions in regard to the transportation of the mails, troops and munitions of war as the General Government may deem fit.

Resolved, That the Secretary of State be requested to furnish one copy of this memorirl to the Senate of the United States, and one copy to each of our Representatives in Congress.

Approved, January 22, 1848.

RECEIPTS AND EXPENDITURES.

Amount of moneys received by M. RENO, ESQ., *State Treasurer, from the 24th of April,* 1847, *to the 17th of March,* 1848.

April 12,	From David T. Dunham, Treasurer of Marion county,		$5 10
" 27,	" E. Shockley, " Keokuk "		52 48
" 27,	" Daniel Trullinger, " Davis "		108 00
" 29,	" Caleb S. Cleaves, " Washington "		194 00
" 30,	" G. F. Thomas, " Louisa "		232 11
May 24,	" Geo. Blickhahn, " Des Moines "		732 57
" 24,	" C. J. Leist, " Dubuque "		242 43
June 1,	" Wm. F. Coolbaugh, on account of loan,		30,000 00
" 11,	" A. H. Miller, Treasurer of Scott county,		1 64
" 12,	" H. M. Snyder, " Henry county,		445 78
" 12,	" J. Baker, " Wapello county,		72 31
" 17,	" Joel Bailey, " Delaware county,		29 90
July 2,	" John Webb, " Monroe county,		25 00
" 6,	" Wm. F. Coolbaugh, in full for loan,		25,000 00
Sept. 1,	" Robt. M. Long, Treasurer of Cedar county,		126 00
" 15,	" Robt. Reed, " Jackson county,		112 83
" 27,	" Jesse Wood, " Appanoose county,		9 95
" 29,	" George Blickhahn, " Des Moines county,		110 00
Oct. 26,	" Eben Dunning, " Clinton county,		90 34
Nov. 30,	" J. W. P. Davis & Co., pedlars of clocks,		40 00
Dec. 21,	" C. J. Leist, Treasurer of Dubuque county,		41 77
" 28,	" J. M. Kane, " Muscatine county,		471 30
1848.			
Jan'y 12,	" R. R. Bedford, " Clinton county,		77 60
" 15,	" G. B. Alexander, " Van Buren county,		501 28
" 20,	" Wm. K. Whittlesey," Cedar county,		515 26
" 25,	" J. M. Oaks & J. D. Bourne, Treasurers of Clinton co.		10 04
" 24,	" J. Pursglove, pedlar of goods,		25 00
" 26,	" H. C. McMurphy, treasurer of Lee county,		2,072 90
Feb. 2,	" Robt. McKee, " Iowa county,		14 50
" 8,	" Seth Hammer, " Jasper county,		26 40

Feb. 8,	From Samuel Townsend, treasurer of Louisa county,			$650 00
" 10,	" Anson Ford,	"	Jefferson county,	1,000 00
" 11,	" H. M. Snyder,	"	Henry county,	900 00
" 12,	" Robt. R. Reed,	"	Clayton county,	387 79
" 14,	" Wm. Sterling,	"	Jones county,	197 18
" 14,	" James Campbell,	"	Polk county,	40 00
" 14,	" A. H. Miller,	"	Scott county,	300 00
" 15,	" Hiram Watts,	"	Johnson county,	687 00
" 15,	" F. H. Stone,	"	Muscatine county,	988 32
" 15,	" G. B. Alexander,	"	Van Buren county,	553 02
" 16,	" J. H. Walters,	"	Marion county,	67 90
" 16,	" G. W. Baer,	"	Mahaska county,	180 00
" 18,	" C. S. Cleaves,	"	Washington county,	550 30
" 21,	" Wm. Phillips,	"	Delaware county,	134 74
" 21,	" A. K. Eaton, prosecuting attorney,	"	"	45 73
" 22,	" R. R. Bedford, treasurer of Clinton county,			207 20
" 22,	" Joseph Leighton,	"	Wapello county,	314 32
" 22,	" Wm. M. Harris,	"	Linn county,	820 89
" 22,	" G. B. Alexander,	"	Van Buren county,	70 20
" 25,	" J. P. Van Hagen,	"	Dubuque county,	1,047 58
" 29,	" Joel Long,	"	Keokuk county,	207 30
Mar. 13,	" Joseph C. Corbell,	"	Dallas county,	13 00
" 14,	" Geo. Blickhahn,	"	Des Moines county,	1,160 86
" 16,	" Wm. S. Stevens,	"	Davis county,	305 90
				$72,216 72

Amount of Warrants drawn on the State Tresurer, from the 24th of April, 1847, *to the 17th of March,* 1848.

For Convention of 1844,	$ 430 00
" Convention of 1846,	659 50
" Salaries of State officers,	2562 00
" " of the Judges of the Supreme and District Courts,	6293 35
" Indexing and distributing laws, 1847 and 1848,	400 00
" The several contingent funds,	618 50
" State Seal,	35 00
" Printing and binding the Laws, 1847,	2138 78
" Fees in the suit Iowa *vs.* Missouri,	1000 00
" Printing the Laws in the Newspapers,	657 90
" Librarian's salary,	150 00
" Public Buildings at Iowa City,	2667 59
" Lesse of Penitentiary,	261 36
" Printing the Journals of General Assembly, 1847,	2018 14
" Indexing and distributing Journals of 1847,	500 00

" Debt paid Miners' Bank of Dubuque, - - -	$ 6931 23
" Arresting fugitives from justice, - - - -	400 00
" Interest and expense in procuring loan, - -	3330 23
" Incidental printing and newspapers at session of 1848, -	1000 52
" Reports of Supreme Court, - - - -	750 00
" Supreme Court fund, - - - - - -	276 50
" Election returns, - - - - -	38 00
" Postage of General Assembly, session 1848, - -	440 84
" James Harlan, three quarters salary as Superinten't Pub. Instruc.	900 00
" John Brophy, agent to select Salt Springs, - -	645 00
" Dubuque county criminal cases, - - - -	835 91
" Registers of Land Offices, for lists of lands, - -	114 00
" Members and officers of General Assembly, session 1848, -	4412 00
" Stationery for do do do do	320 37
" Furniture for do do do do	147 90
" Fuel for do do do do	103 50
" Sundry small appropriations as per act, - - -	422 10
" Samuel Riggs, sheriff of Davis county, - -	40 00
	$41,550 22

AUDITOR'S OFFICE,
IOWA CITY, March 17, 1848.

I hereby certify that the foregoing is "an accurate statement of the Receipts and Expenditures of the public moneys which have come under the control of this Office, from the 24th of April, 1847, up to this date.

JOS. T. FALES, Auditor of State.

INDEX.

A

D

PAGE.

M

O

P

S

ERRATA.

Page 14, sec. 1, line 13, read "of" between the words *garden* and *any*.

Page 22, s. 1, line 3, read "point" between *a* and *in*.

" " s. 1, line 13, read "than" between *less* and *twenty*, and "of" between *line* and *road*.

Page 23, for chapter VII, read chapter XVII.

" 59, " " LVIII, " " LVII.

30

Acts, Resolutions and Memorials

PASSED AT THE

REGULAR SESSION

OF THE

SECOND GENERAL ASSEMBLY,

OF THE

STATE OF IOWA,

WHICH CONVENED AT IOWA CITY, ON THE THIRD DAY OF DECEMBER, ANNO DOMINI, 1848.

ANSEL BRIGGS, GOVERNOR, | JOSEPH T. FALES, AUDITOR.
JOSIAH H. BONNEY, SECRETARY, | MORGAN RENO, TREASURER.
JOHN J. SELMAN, PRESIDENT OF THE SENATE.
SMILEY H. BONHAM, SPEAKER OF THE HOUSE OF REPRESENTATIVES.

PUBLISHED BY AUTHORITY.

IOWA CITY:
PRINTED BY PALMER & PAUL.
1849.

TABLE OF CONTENTS.

LAWS OF IOWA.

Chapter 1.

FERRY.

AN ACT to authorize Wm. S. Townsend to establish and keep a ferry across the Missouri River at Traders Point.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Wm. S. Townsend, his associates, heirs or assigns, be and they are hereby authorized to establish and keep a ferry across the Missouri River at Traders Point, or at any other practicable crossing place within five miles of said point, for the term of twenty years.

W. S. Townsend to establish a ferry at Trader's Point for 20 years.

SEC. 2. That it shall be the duty of said William S. Townsend, his associates, heirs and assigns, to procure and keep a suitable boat or boats for the safe and speedy transportation of persons and property over said ferry at all reasonable hours.

To procure and keep boat.

SEC. 3. This act may be altered or repealed at any time by the General Assembly of this State.

Repeal.

SEC. 4. This act shall take effect and be in force from and after its passage and publication in the Iowa City news-papers.

To take effect.

SMILEY H. BONHAM,
Speaker of the House of Representatives.

JOHN J. SELMAN,
President of the Senate.

Approved, Dec. 12, 1848.

ANSEL BRIGGS.

Published in Republican, Dec. 27, and Reporter, Dec. 27, 1848.

Chapter 2.

UNITED STATES COURT.

AN ACT to grant certain rooms in the Capitol for the use of the United States Courts.

Rooms in the Capitol set apart for use of United States court

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the north-east room on the first floor, and two rooms in the basement of the Capitol of this State, be and are hereby granted and set apart for the use of the Courts of the United States, while said courts shall be held at said Capitol: *Provided,* said rooms shall be furnished and fitted up at the expense of the United States.

Taking effect.

SEC. 2. This act shall take effect and be in force from and after its publication in the weekly news-papers of this City.

Approved, Dec. 16, 1848.

Published in Reporter, Dec. 27, and in Republican, Dec. 27.

Chapter 3.

CITY OF KEOKUK.

AN ACT to incorporate the City of Keokuk.

Limits of incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all that part of the 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 of the town of Keokuk, according to the plat of the said town now on record in the recorders 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, 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, per-

Body corporate

Name.

sonal and mixed estate, and may have and use a corporate seal, and may change, alter and renew the same at 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.

Have a seal.

Mayor and Aldermen.

SEC. 2. The said city shall be divided into three wards as follows, to-wit: That portion lying between the Mississippi river and the centre of third street in said city, and bounded on the south-west by a line drawn from the said river to the centre of the said third 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 centre of third street aforesaid, and bounded on the north-west by the line aforesaid, shall be the second ward; and that portion lying between the centre of third street aforesaid, and the north-western limit or boundary of the said city, shall be the third ward: *Provided*, That the said 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.

Wards.

Proviso.

SEC. 3. That the said city of Keokuk 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 Keokuk, 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.

Property and demands belonging to Keokuk.

SEC. 4. That the qualified electors of said city shall, on the first Monday in April, Anno Domini, eighteen hundred and forty-nine, and annually on the same day thereafter, elect a Mayor, who shall have resided in said city one year, and the qualified electors of said city shall at the same time elect six Aldermen, who shall have resided in said city one year; and the Mayor and the Aldermen so elected, when

Election of Mayor.

Aldermen.

Majority constitute a quorum.

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 qualifications 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 oaths of office before some officer qualified to administer oaths, shall elect from their own body a president pro-tempore.

Term of office.

To keep a journal.

Compel attendance of absent members.

To meet first Monday in April and choose president.

Elect Recorder.

SEC. 5. The city Council, when convened on the second Monday in April, shall proceed to elect a recorder, who shall attend all meetings of the said council, and keep a record of all 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, and 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.

Assessor, marshall, collector, and treasurer to be appointed.

Define duties, fix compensation and security.

Proclamation to be made of the time of, and officers to be elected ten days previous to election.

SEC. 6. 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 and 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 election, 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 the 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

Time of opening and closing polls.

Make return of election.

Proviso.

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 marshall, and every person so 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.

Open the returns. Abstract of votes.

Failure to elect a second election to be held.

Mayor or president to notify

Persons elected to qualify, & in default the office deemed vacant.

City Council appoint time & place for holding election and appoint judges.

SEC. 7. 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, shnll 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, Aldermen, and such other officers as are in and by this act directed to be chosen by the qualified voters of said city, or of their 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 judge 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 pre-

Qualification of voters for city officers.

Duty of judges of election.

Oath of qualification.

ceding the 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.

Disqualification of City Councilmen.

SEC. 8. 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.

Duty of mayor.

SEC. 9. That the Mayor 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 prescribe and determine, not inconsistent with the provisions of the charter.

All city officers to take an oath.

SEC. 10. That the recorder, assessor, marshall, and collector, and treasurer, 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 of this State, and faithfully and impartially to perform the several duties of their offices to which they may have been 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; 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.

Officers to give bond to the city

Fees.

Fines.

Duty of city recorder.

City Council to fix time and place of holding their meetings.

Provide for the election of city officers not herein provided for.

SEC. 11. 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.

Term of office.

SEC. 12. That whenever the office of mayor, councilmen, treasurer, marshall, recorder, or any other officer in and by this act specified and provided for, shall become vacant by death, resignation, 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 duties of his office, during such sickness or temporary absence, shall be discharged by the president pro-tempore, who shall be obeyed and respected accordingly.

Duty of City Council in the event of a vacancy of any office under this act.

SEC. 13. 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 lacivious 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 gunpowder within the city.

City Council to publish certain ordinances

Power to make and publish ordinances for the health, safety, and prosperity of the city.

SEC. 14. 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, merchandize, produce and other articles that may be moored at, landed on,

Duty as to fire companies.

Establish landing, fix rates of landing.

or taken from any landing, wharf, dock, or basin, belonging to said city.

In certain events to prohibit erection of buildings unless certain conditions complied with.

SEC. 15. That for the purpose 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 wall 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.

Council to regulate taverns, groceries, and all exhibitions.

SEC. 16. That the city Council shall have power, and it is hereby made their duty, to regulate by good and wholesome laws and ordinances, all taverns, ale, beer, cider and porter shops, and places where spiritous 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 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 spiritous 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, merchandize, horses, and other animals at public auction; keepers of billiard tables, ball and ten pin alleys, 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.

To license ferries, and to fix the rates of same.

Power of council to license.

Power to revoke license.

SEC. 17. That the city Council shall have power, and they are here-

by 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 the ground 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 orders 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 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. Abatement of nuisances.

SEC. 18. That the said city Council shall have the exclusive power of appointing supervisors and other officers of 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 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 licence 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. Appointment of supervisors and other officers of streets. Their duty.

SEC. 19. That said city Council shall have power, whenever they deem it expedient, to provide for the establishment and support of pub- Establish public schools.

lic schools within said city, and to pass all ordinances necessary and proper for the good government of the same.

Momey collected to be paid into city treasury.

SEC. 20. That all money raised, recovered, received or collected by means of any tax, license, penalty, fine, forfeiture or otherwise, made 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 entrusted with the disbursements 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 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.

Persons to account for moneys received and paid out.

Statement to be published of receipts and expenditures.

Ordinances to be signed by mayor and published.

SEC. 21. 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.

To establish grades of street

SEC. 22. The city Council shall have exclusive power to establish and regulate the grades of wharves, streets, and banks along the Mississippi river within the corporate limits of said city.

Power of mayor to issue process.

SEC. 23. And the mayor, within said city, shall have full power and authority, and it is hereby made his duty at such times as complaint and application shall be duly made before him, 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 offenders within 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 he is authorized and required to cause to come before him 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 case of acquittal the same shall be paid by the corporation, having first been allowed by the city Council, and shall be executed and returned by the marshal within said city Council, 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 in Lee county—and in case where a portion or all the punishment shall be imprison-

Hold a court, to fine, imprison, or discharge

To call a jury.

Duty of marshal

To commit offenders to jail in Lee county.

ment, the keeper of said jail is hereby required to receive such person or persons, on the proper warrant of the mayor, 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 mayor, marshal, or jurors in such cases shall be the same as are allowed by statute in similar cases for the State of Iowa. The said mayor is also hereby authorized to issue all needful process to arrest any offenders against the criminal laws of the State, and shall proceed to try said person or persons by the same rules that govern justices of the peace.

Fees of certain officers.

Mayor to issue process against criminals of State and try them as justice of the peace.

SEC. 24. The city marshal shall, within the city, in matters of a criminal nature arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation as either constable in Jackson township; he shall execute and return all process issued by the mayor under this act, or any ordinance of the city.

Marshal to receive same fees as constable of Jackson township.

SEC. 25. 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 offence, be deprived of his or her liberty, or be fined in any sum not less than one, nor more than fifty dollars, unless convicted by a jury of six citizens of said city qualified to vote as aforesaid.

Trials to be proceeded with in a summary manner.

Party entitled to a jury.

SEC. 26. That the said city Council shall have the custody, care, and management of all personal, real, or 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 Keokuk, 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.

City Council to have the custody and control of all city property.

Citizens to give their assent to disposition of real estate belonging to city of Keokuk.

SEC. 27. 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 asssessed value of the property upon which the same is levied.

To levy tax.

Council to make out duplicate of taxes, which shall be given to city collector who shall collect the same

SEC. 28. 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 recorder, which duplicate shall be delivered to the 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 agrieved, to correct or amend any illegal or erroneous assessment before making out or delivering such duplicate to the collector.

Collector to pay same on the order of council.

Illegal assessment corrected by council.

General powers of collector to collect taxes

SEC. 29. The 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 real estate shall have been notified in the same manner, and for the same length of time prior to such sale.

Real estate not to be sold for taxes, unless certain requisites are complied with.

Real estate sold for taxes may be redeemed within 2 years.

SEC. 30. All real estate sold under or by virtue of section twenty-nine 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 collector of said city shall, upon the 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.

City Council may borrow money.

SEC. 31. The said city Council, whenever they think it expedient, shall have power by ordinance to borrow money on the credit of the city, provided it shall not exceed $20,000, and also to appropriate money and to provide for the payment of all debts and expenses of the city.

SEC. 32. That the present mayor and aldermen of the city of Keokuk shall have all the power and authority granted in this charter to the mayor and aldermen, and said mayor and aldermen are hereby authorized to perform all the duties prescribed in this charter, from and after its passage, until their successors in office shall be elected by the citizens of Keokuk and qualified to fill such offices. Powers of mayor and aldermen.

SEC. 33. 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 and under the authority of the Senate and House of Representatives, shall be admitted as good authority thereof without any other proof whatsoever. This act declared a public act

SEC. 34. That all acts and parts of acts heretofore passed relative to the incorporation of said city of Keokuk, and coming within the purview of this act, be and the same are hereby repealed. Conflicting acts repealed.

SEC. 35. This act shall take effect and be in force from and after its passage.

Approved, Dec. 13, 1848.

Chapter 4.

ELECTION PRECINCT.

AN ACT to establish an additional election precinct in Van Buren township, in Van Buren county, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there shall hereafter be a poll opened and a vote taken at each general and special election at the town of Pittsburg, in the county of Van Buren, in addition to the poll now opened at the city of Keosauqua, in said county, for the election of all officers required to be elected under the constitution and laws of this State. Poll to be opened at Pittsburg.

SEC. 2. *Be it further enacted*, That two justices of the peace of Van Buren township, be hereby required to open a poll at the town of Pittsburg in said county, at the next township election, and that said justices preside as judges of said election and appoint their clerks, and that there shall be at said election two additional trustees of said township elected, who shall continue in office until their successors shall be chosen and qualified, which shall be done annually thereafter by the qualified electors: *Provided*, That in the election of said two trustees, the qualified voters of said Van Buren township, who reside on the Justices of the Peace made judges of election. Additional trustees elected. Who shall vote for additional trustees.

south-west side of the Des Moines, river shall be entitled to vote and none others, and *provided further*, that the two trustees so elected shall have no further power, except to hold the election aforesaid.

Duties of said trustees.

Trustees to open polls.

SEC. 3. *Be it further enacted*, That it shall be the duty of the trustees so elected, to open polls at the town of Pittsburg aforesaid, at each general and special election for State, county, township, and other officers.

Judges to return votes.

SEC. 4. That the judges of the election held as aforesaid, shall return to the proper office the votes cast at the said precinct, within the time and in the manner prescribed by the election laws of this State, and under the restrictions of the same.

Trustees subject to regulations of law.

SEC. 5. That the trustees selected under the provisions of this act, shall be subject to all regulations imposed by law in relation to township trustees.

Take effect.

SEC. 6. This act to take effect from and after its publication in the news-papers printed in Van Buren county.

Approved, Dec. 16, 1848.

Published in the Desmoines Valley Whig, Jan. 5, and in the Keosauqua Democrat, Jan. 22, 1849.

Chapter 5.

STATE ROAD.

AN ACT to establish a State road from Cedar Rapids in Linn county, to Marengo in Iowa county.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Joseph Greene, James Ure and S. W. Durham, of Linn county, are hereby appointed commissioners to lay out and establish a State road from Cedar Rapids in Linn county, thence on the best and most direct route, to Scott's Grove, on Prairie creek, thence to Marengo in Iowa county.

Duties.

When to meet.

SEC. 2. That said commissioners, or a majority of them, shall meet at Cedar Rapids on the first day of April next, or within three months thereafter, and proceed to lay out and establish said road, being governed in all things according to the statute in such case made and provided.

Take effect.

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

Approved, Dec. 23, 1848.

Chapter 6.

STATE ROAD.

AN ACT to establish a State road from Delhi in Delaware county, to Independence in Buchanan county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That J. W. Clark and Clement Coffin of the county of Delaware, and S. P. Stoughton of the county of Buchanan, are hereby appointed commissioners to lay out and establish a State road from Delhi in Delaware county, to Independence in Buchanan county. Commissioners. Duties.

SEC. 2. That said commissioners, or a majority of them, shall meet at Delhi on the first Monday in April next, or within sixty days thereafter, and proceed to lay out said road on the most practicable route to Coffin's Grove, from thence as nearly as may be, on the connection line between towns eighty-eight and eighty-nine, to Independence in Buchanan county. When to meet.

SEC. 3. 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 approved by law. Employ surveyor.

SEC. 4. This act to take effect from and after its passage. Take effect.

Approved, Dec. 23, 1848.

Chapter 7.

DES MOINES RIVER.

AN ACT to provide for the descending navigation of the Des Moines river between the mouth of the Raccoon Fork thereof, and the northern boundary of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That if any person or persons shall in any wise obstruct the navigation of the Desmoines river, between the mouth of the Raccoon Fork thereof and the northern boundary of this State, or continue such interruption or obstruction, shall be subject to indictment, and upon conviction shall be fined in any sum not less than fifty dollars, to be assessed by a jury; *Provided, however*, That no person shall be liable for any Obstructing the navigation. Penalty. Proviso.

obstructions occasioned by a mill dam in 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 for one foot high at the entrance of the slope, with a notch in the dam the full width of the slope, of two feet deep for every six feet high from the bottom of the dam to the top, and said slope shall not be less than thirty feet wide.

Repealing sec. SEC. 2. That all acts and parts of acts contravening the provisions of this act are hereby repealed.

Take effect. SEC. 3. This act shall take effect from and after its publication according to law.

Approved, Dec. 27, 1848.

Chapter 8.

PROBATE JUDGE.

AN ACT to authorize the Probate Judge of Marion county to transcribe the records of the Probate court.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the judge of the probate court of the county of Marion, be authorized and required to transcribe the records of said court, and that he be allowed for transcribing said records the sum of eight cents for each and every one hundred words, to be audited and allowed by the board of commissioners, and paid out of the county treasury of the county of Marion.

Probate Judge authorized to transcribe records.

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

Approved, Dec. 27, 1848.

Chapter 9.

NEW COUNTIES.

AN ACT to amend an act entitled "an act to establish new counties and define their boundaries."

Lucas county. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the following shall be the boundaries of a new county which shall

be called Lucas, to-wit: Beginning at the north-west corner of Monroe county, thence west to the north-west corner of township seventy-three (73) north of range twenty-three (23) west; thence south to the south-west corner of township seventy-one, (71) north of range twenty-three west; thence east to the south-west corner of Monroe county, thence north to the place of beginning. Boundaries.

SEC. 2. That the following shall be the boundaries of Clark county, to-wit: Beginning at the north-west corner of Lucas county, thence west to the north-west corner of township seventy-three, (73) north of range twenty-seven (27) west; thence south to the south-west corner of township seventy-one, (71) north of range twenty-seven (27) west; thence east to the south-east corner of Lucas county, and thence north to the place of beginning. Clark county—boundaries.

SEC. 3. That all acts and parts of acts conflicting with this act be and the same are hereby repealed, Repealing sec.

Approved, Dec. 27, 1848.

Chapter 10.

CITY OF BURLINGTON.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the mayor of said city of Burlington, before entering upon the discharge of his duties, shall within five days after receiving his certificate, enter into bond to the board of commissioners of the county of Desmoines, with two or more good securities, to be by the clerk of the district court approved, in the sum of one thousand dollars, conditioned that he will faithfully pay over all monies that may come into his hands by virtue of his office as mayor or justice of the peace, and in other respects discharge the duties of a justice of the peace. Mayor to give bond. Clerk of Dist. Court to approve bond.

SEC. 2. *Be it further enacted*, That suit or suits may be instituted against said justice and his sureties, by any person aggrieved by a breach of said bond, or other violation of his duty as a justice of the peace, which said suits may be instituted before any courts having jurisdiction of the amount of damage claimed or sum demanded, and judgment shall be rendered for so much as the party shall prove himself entitled to recover. May bring suits

SEC. 3. This act to take effect from and after its passage. Take effect.

Approved, Dec. 27, 1848.

Chapter 11.

RECORDS OF CLAYTON COUNTY.

AN ACT to authorize Frederick Andrews to transcribe the records of Clayton county.

Frederick Andrews authorized to transcribe records.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Frederick Andrews, clerk of the district court for the county of Clayton, be and he is hereby authorized to transcribe all the records of said court, into books of record.

Procure books.

SEC. 2. *And be it further enacted,* That the said F. Andrews be and is hereby authorized to procure suitable books of record for said court, and that for such books and labor of transcribing, he shall receive out of the treasury of said county of Clayton, such compensation as the commissioners of said county shall deem just and equitable.

Compensation.

Take effect.

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

Approved, Dec. 27, 1848,

Chapter 12.

STATE ROAD.

AN ACT to locate a State road from Monona to Fort Atkinson.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Joel Post, Robert Tucker, and Page Olmstead, of the county of Clayton, be and they are hereby appointed commissioners to lay out and establish a State road from the town of Monona, where the upper and lower ferry roads intersect, to Fort Atkinson, in the county of Winnesheik.

Where to meet.

Employ surveyor.

SEC. 2. Said commissioners shall meet at the conjunction of said roads on or before the first Monday of May next, and take to themselves a competent surveyor, two chain carriers and one marker, and after being duly qualified according to law, shall proceed to locate said road and make returns thereof as the law requires.

SEC. 3. That for such services they shall receive severally such compensation, and in such manner, as is prescribed by law. Compensation.

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

Approved, Dec. 27, 1848.

Chapter 13.

WARREN AND MADISON COUNTIES.

AN ACT to locate the seat of justice of the counties of Warren and Madison.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Thomas Butler, of Dallas county, George Gillaspy, of Marion county, and Isaac Cooper, of Polk county, be and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Madison. Said commissioners, or any two of them, shall meet at the house of John Butler in said county, on the first Monday of June next, or at such other time within the month of June next, as a majority of said commissioners shall agree, in pursuance of their duties under the provisions of this act. Commissioners to locate seat of justice of Madison county. When to meet.

SEC. 2. That William Ferguson of Jasper county, William Ware, of Polk county, and Alfred D. Jones, of Madison county, be and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Warren. Said commissioners, or any two of them, shall meet at the house of Alexander Ginder in said county, on the first Monday of June next, or at such other time within the month of June next, as a majority of said commissioners shall agree, in pursuance of their duties under this act. Commissioners to locate seat of justice of Warren county. When to meet.

SEC. 3. That said commissioners shall, before entering upon the duties of their office, take and subscribe the following oath, 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 the county of Warren, (or Madison as the case may be) 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 present population of said county;" which oath or affirmation shall be administered by the clerk of the district court, notary public, or some justice of the peace of the county whose seat of justice said commissioners are appointed to locate, and the officer administering the same shall certify Commissioners to take oath. Who to administer the oath.

Where oath to be filed.

and file the same in the office of the clerk of the board of county commissioners of such county, whose duty it shall be to record the same.

Commissioners to proceed to locate seat of justice.

SEC. 4. That said commissioners, when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of the respective counties for which they have been appointed, and as soon as they shall have come to a determination, they shall make out a certificate containing a particular description of the place so selected, naming therein the quarter, section, township and range, upon which they have located such seat of justice; which shall be signed by said commissioners and filed in the office of the clerk of the board of commissioners of such county, whose duty it shall be to record the same in his office; and the place thus designated shall be the seat of justice of said county.

Make out certificate.

Certificate to be filed, &c.

Compensation.

SEC. 5. That said commissioners shall each receive the sum of two dollars per day while necessarily employed in the discharge of their duties under the provisions of this act, and two dollars for every twenty miles travel in going to and returning from said county, to be paid out of the funds arising from the sale of lots in said seat of justice.

Take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, Dec. 27, 1848.

Chapter 14.

FERRY.

AN ACT to authorize David W. King to establish and keep a ferry across Cedar, at a point opposite Cedar Rapids.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That David W. King, his heirs and assigns, are hereby authorized to establish and keep a ferry across Cedar river at a point in Linn county opposite Cedar Rapids, Iowa, for the term of ten years, with exclusive privilege to the same, extending one mile each way up and down said river along the east bank thereof. Said David W. King, his heirs and assigns, be subject to all laws now in force or which hereafter may be in force regulating ferries: *Provided further,* Said King, his heirs and assigns, keep or cause to be kept at said ferry, at all times, a good and sufficient boat or boats, for the safe conveyance of passengers, horses, teams, cattle and hogs, across said river without delay: *Provided,* Said

David W. King to keep a ferry across Cedar.

Subject to laws in force.

Proviso.

Proviso.

landing shall not in any way interfere with the erection of a bridge that may hereafter be erected.

SEC. 3. This act may be altered or repealed at any time by the General Assembly of Iowa, and shall take effect from and after its passage. Repealing sec.

This bill having remained with the Governor three days (Sundays excepted,) and the Legislative Assembly being in session, it has become a law this 27th day of December, 1848.

JOSIAH H. BONNEY, Secretary of State.

Chapter 15.

STATE ROAD.

AN ACT to establish a State road from Eddyville in Wapello county, to Bloomfield in Davis county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That E. M. Kirkland, Silas Doggett, and John Massey, are hereby appointed commissioners to lay out and establish a State road, commencing at Eddyville, on the Desmoines river, in Wapello county, running by the way of Garlinghouse, on Avery creek, thence to the most suitable place of bridging Soap creek, between Martin's and Green's mill, and thence to Bloomfield in Davis county. Commissioners.

SEC. 2. Said commissioners, or a majority of them, shall meet at Eddyville on the first Monday in August next, or within sixty days thereafter, and proceed to lay out and establish said road agreeably to the laws now in force on that subject. When to meet.

SEC. 3. 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. Employ a surveyor, &c. Compensation.

SEC. 4. This act to take effect from and after its passage. Take effect.

Approved, Dec. 27, 1848.

Chapter 16.

STATE ROAD.

AN ACT to establish a State road from Mrs. Fesler's in Johnson county, to Columbus city in Louisa county.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Benjamin W. Coe, A. B. Cline, of Washington county, and Robert Walker of Johnson county, are hereby appointed commissioners to lay out and establish a State road leaving the military road at or near Mrs. Fesler's in Johnson county, running south under the bluff until it passes Benjamin W. Coe's house on the west; thence on a southerly direction until intersecting the road running from McClure's mill on English river, to Columbus city in Louisa county.

When to meet.

SEC. 2. Said commissioners, or a majority of them, shall meet at the house of Mrs. Fesler's on the first Monday in April next, or within sixty days thereafter, and proceed to lay out and establish said road agreeably to the laws now in force on that subject.

Employ a surveyor.

Compensation.

SEC. 3. That said commissioners shall take to their assistance a surveyor, two chain carriers and one marker, and proceed to their respective duties, and shall receive such compensation, and in such manner, as approved by law.

Take effect.

SEC. 4. This act to take effect from and after its passage.

Approved, Dec. 27, 1848.

Chapter 17.

STATE PRINTER.

AN ACT to create the office of State Printer, to provide for his election, to define his duties, and to establish the prices of public printing.

Office of State Printer established.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby established an office to be called the office of State Printer.

When elected.

SEC. 2. That a State Printer shall be elected at the present session of the General Assembly, by a joint vote of the two houses thereof,

who shall hold his office for the term of two years, and until his successor shall be elected and qualified. Term of office.

SEC. 3. That the President of the Senate and the Speaker of the House of Representatives, shall, without delay, furnish to the person elected to the office of State Printer, a certificate of his election, and within ten days after receiving the same, he shall give bond and security, and he shall take the oath of office, and enter upon the discharge of his duties at such time as is hereinafter provided for, and if he fail to do so, his office shall become vacant. Certificate of election. Give bond.

SEC. 4. That the bond of the State Printer shall be given to the State of Iowa, shall be signed by at least three good securities, shall be in the penalty of five thousand dollars, shall be conditioned for the faithful and punctual performance of all the duties of his office, and shall be approved by the Governor and Secretary of State, and shall be filed in the office of Secretary of State, to be by him recorded. Bond to be given to the State. Penalty. Conditions. Approved and filed.

SEC. 5. That the State Printer to be elected at the present session of the General Assembly, shall enter upon the duties of his office, on the first day of May next; and State Printers thereafter elected, shall hold office for the term of two years, and until their successors shall be elected and qualified. Enter upon duties.

SEC. 6. That if the office of State Printer shall become vacant from death, resignation, or otherwise, the Governor shall appoint a public printer, who shall give bond and qualify, and shall hold his office for the same time that the person in whose stead he shall be appointed, would have held. Vacancy, the Governor to appoint.

SEC. 7. That the State Printer shall hold his office at the seat of government, and shall print the laws, the journals of the two houses of the General Assembly, the incidental printing thereof, and all forms and blanks that may be required to supply the offices of Governor, Secretary of State, Auditor and Treasurer, and Superintendent of Public Instruction. Office held at the Seat of Government. Duties.

SEC. 8. That the laws, journals, and all other printing in book form, shall be executed in small pica type, on pages to contain not less than fifteen hundred ems, and shall be printed on strong and fair paper of good quality, and the head notes and indexes, printed by the State Printer, shall be in brevier type. Materials to be used in printing

SEC. 9. That all the State printing shall be done in a neat, substantial, and workmanlike manner, and shall be promptly performed and delivered, so that the public business shall not be delayed, nor the public interest permitted to suffer from any failure to have the work done in a reasonable and proper time. State Printing to be executed neatly, &c.

SEC. 10. That the State Printer shall receive for his services the

Fees of State Printer.

following prices to-wit: For printing laws, journals, documents, and all other book or pamphlet work, 75 cents per thousand ems for composition, and double prices for rule and figure work; per token of an 8 page form for press work, 75 cents, and 87 cents per token, of an 8 page form, for paper; for folding, stitching, pressing, and binding the session laws and journals of the General Assembly, in strong paper covers, 10 cents per copy; for printing, folding, stitching, and binding any larger volumes which are ordered to be bound in board or leather covers, such prices as may hereafter be fixed by law; for bills ordered to be printed by either house of the General Assembly, 75 cents per thousands ems for composition, 75 cents per token for press work, and 87 cents per token for paper, the same to be printed on foolscap paper, in pica type, the lines numbered, beginning with the figure one (1) at the commencement of each section, with a space between lines not exceeding the size of pica; for printing blanks for the State officers hereinbefore mentioned, two dollers for the first quire, and 90 cents for each additional quire, and no charge shall be allowed for unnecessary blank paper or constructive services of any kind.

No charge allowed for constructive services.

Secretary of State to examine work and give receipt therefor.

SEC. 11. That it shall be the duty of the Secretary of State, upon the completion of the printing of the laws and journals as aforesaid, to examine whether they have been properly executed according to the provisions of this act, and should they be thus executed, he shall give his receipt therefor, stating the same, together with the amount to which the printer is entitled for said work, and if not so executed, he may nevertheless, receive the same and give his receipt therefor, noting said deficiency in said receipt.

Auditor of State to issue warrant

SEC. 12. That the Auditor of State, on the production of the aforesaid receipt of the Secretary of State, shall issue his warrant on the State Treasurer for the amount therein stated, and should there be a deficiency noted on said receipt, he is hereby required to order suit to be commenced immediately against the printer and his securities, on the bond hereinbefore provided for, and report the proceedings therein in his next report to the General Assembly.

Duty when deficiency noted.

Accounts of State Printer to be examined,

SEC. 13. That the accounts of the State Printer, for bills and all other job work done for each house of the General Assembly, shall be carefully and strictly examined by a committee, and so much as is justly due to him shall be certified to the Auditor of State by the presiding officer of the house for which the work shall have been done, and thereupon the Auditor shall draw his warrant upon the State Treasurer, in favor of the Public Printer, for the amount thus certified.

Auditor to draw warrant upon Treasurer

Secretary to fur

SEC. 14. That the Secretary of State shall furnish to the State Printer, within ten days after the adjournment of the General Assembly, at each

session, a copy of all acts, memorials, and joint resolutions, passed at each; and the State Printer shall, within fifty days after such copy shall have been furnished to him as aforesaid, print all copies that may be by law required, and the Secretary of State shall, within five days after the same are printed, make out and deliver to the Public Printer an index to the same, who shall, within thirty days, print the same and deliver to the Secretary of State such copies of the laws, bound in such manner as is hereinbefore provided for: *Provided*, That the time herein provided for printing laws shall not apply to the printing of any revised code of laws hereafter adopted by the General Assembly.

nish copies of all laws, &c.

State Printer to print the laws within fifty days.

Secretary to furnish index.

Proviso.

SEC. 15. That all other accounts for work done for the State by the State Printer in pursuance of law, the payment for which is not hereinbefore provided for, shall be presented and allowed in the same manner as is provided for in the eleventh and twelfth sections of this act.

Accounts to be audited.

SEC. 16. That at any time during the progress of the printing of the laws or journals of the General Assembly, the Secretary of State may issue his certificate for one-half the value of the work done and performed according to the requisitions of this act, to be ascertained by said Secretary, and the amount so certified shall be audited and allowed as is provided in the twelfth section of this act.

Secretary may issue certificate before the work is completed.

SEC. 17. That the same price herein established shall be paid for the printing of the laws of the present session.

Prices to govern the printing of the present session.

SEC. 18. That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Repealing sec.

SEC. 19. That this act shall take effect and be in force from and after its publication in any two papers in this State by order of the Secretary of State.

Take effect.

Approved, Dec. 29, 1848.

Published in the Reporter and Iowa Republican, January 3d, 1849.

Chapter 18.

HALF BREED LANDS.

AN ACT amendatory of an act entitled "an act to provide for the better settling and adjudicating of the several titles set up to the "Half Breed" lands in Lee county."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in all actions of ejectment or right, instituted under the the act of

Actions of right

Duty of court. which this is amendatory, it shall be the duty of the court, before whom said action or actions shall be tried, to permit the defendant or defendants in such action or actions, to raise, on the trial of the same before the jury, the question of fraud in the inception, procurement, or execution of the title adduced by the plaintiff, or plaintiffs, in such action or actions, of whatsoever nature the said title may be; which question of fraud shall be investigated by the jury.

Liberal construction. SEC. 2. This act shall receive a liberal construction by the court in favor of the investigation of fraud by the jury.

Take effect. SEC. 3. This act to take effect and be in force from and after its publication in the "Keokuk Register" and "Telegraphic Dispatch" in Lee county.

Approved, Dec. 29, 1848.

Chapter 19.

STATE ROAD.

AN ACT to locate a State road from Knoxville in Marion county, via. the seats of justice of Warren and Madison counties, to the west line of Madison county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,*

Commissioners That William A. Stephens, of Polk county, John A. Scott, of Marion county, and Hugh Patterson, of Jasper county, be and they are hereby appointed commissioners to locate a State road, commencing at Knoxville in Marion county, running thence by the nearest and best route to the seat of justice of Warren county, thence by the nearest and best route to the seat of justice of Madison county, thence by the nearest and best route to the west line of Madison county, in the direction of Council Bluffs, on the Missouri river.

When to meet. SEC. 2. That said commissioners, or a majority of them, shall meet at Knoxville in Marion county, on the first Monday of June next, or within sixty days thereafter, and proceed to locate and establish said road.

Surveyor. SEC. 3. That Alfred D. Jones be and he is hereby appointed surveyor, to survey said road, and that said surveyor and commissioners, Compensation. and such assistants as they may employ, shall be allowed for their services such fees as are now allowed by law.

Take effect. SEC. 4. That this act shall take effect and be in force from and after the first day of May next.

Approved, Dec. 29, 1848.

Chapter 20.

STATE ROAD.

AN ACT re-locating part of a State road leading from Burlington, in Des Moines county, to Wapello, in Louisa county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That William M. McClure, John Hewitt, and Robert Stewart, of the county of Des Moines, be, and they are hereby, appointed commissioners to review a part of the State road leading from Burlington, in Des Moines county, to Wapello, in Louisa county, beginning on the half section line at the north line of section fourteen, in Franklin township, Des Moines county, and running north, on the half section line, eighty rods in section eleven, in Yellow Springs township; thence forty rods east; thence north two hundred and eighty rods; thence to intersect the old road in Des Moines county, nigh the north line of the county, running north or west as may be found necessary. Commissioners.

SEC. 2. That said commissioners, or a majority of them, shall meet at Joseph Stewarts, some time in the month of May, and proceed to lay out and establish said road according to law. When to meet.

SEC. 3. Said commissioners shall take to their assistance a surveyor and such other hands as may be necessary, and said commissioners and persons thus employed, shall receive such compensation as is allowed by law. Surveyor, &c. Compensation.

SEC. 4. This act to take effect from and after its passage. Take effect.

Approved December 29, 1848.

Chapter 21.

STATE ROAD.

AN ACT to vacate a portion of a certain road herein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of the territorial road, running from Princeton in Scott county, to intersect the State road leading from Camanche in Clinton county, to Iowa City, as lies between Lost Grove creek, at or near the Vacating road.

residence of Daniel Heirs, and the said point of intersection be and is hereby vacated.

Take effect.

SEC. 2. This act to take effect from and after its passage.

Approved, Dec. 29, 1848.

Chapter 22.

DAVENPORT.

AN ACT to amend an act, entitled "An act to incorporate the town of Davenport," approved February 11th, 1842.

Mayor invested with the power of justice of the peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That hereafter the mayor of the town of Davenport, who shall be elected by virtue of the provision of the act to which this is amendatory, shall be, and is hereby invested with all the powers now granted by law to justices of the peace within this State, for the purpose of hearing, trying, and determining, all offences committed against the ordinances of said town; and the said mayor shall also be a conservator of the peace within the limits of said town.

Mayor to conform to laws in force in relation to justices.

SEC. 2. That the said mayor shall, as near as may be, conform to and be governed by the several acts in relation to justices of the peace now in force, and which may be passed hereafter in relation thereto.

Fees.

SEC. 3. That the said mayor shall be allowed such fees for his services as are now, and that may hereafter be allowed to justices of the peace for like services.

Repealing sec.

SEC. 4. That all acts and parts of acts, to which this act is amendatory, which conflict with the provisions of this act, be and the same are hereby repealed.

Take effect.

SEC. 5. This act shall take effect and be in force from and after its publication in the Democratic Banner, and Davenport Gazette, newspapers printed at Davenport.

Approved December 29, 1848.

Published in the Democratic Banner, January 6th, 1849, and Davenport Gazette.

Chapter 23.

FERRY.

AN ACT to authorize William S. Townsend, his heirs and assigns, to establish and keep a ferry across the Missouri river at Trading Point.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That William S. Townsend, his heirs, associates and assigns, are hereby authorized to establish and keep a ferry across the Missouri river at Trading Point, in the State of Iowa, or within ten miles up or down, from said Point, for the term of twenty years, with an exclusive privilege for two miles above, and two miles below said point or place of landing: *Provided*, Said William S. Townsend, his heirs, associates and assigns, shall be subject to all laws now, or hereafter in force, regulating ferries. To keep a ferry. Proviso.

SEC. 2. That it shall be the duty of the said William S. Townsend, his heirs, associates or assigns, to procure and keep a suitable boat or boats for the safe and speedy transportation of all teams, passengers, and freight, at all reasonable hours; and the said William S. Townsend shall receive such rates of ferriage as the board of commissioners of Fremont county shall establish, until the county in which said ferry is situated, shall be organized into a county; after which time the rates of ferriage shall be established by the county commissioners of the proper county. To procure good boats, &c. Board of commissioners to regulate rates of ferriage.

SEC. 3. That the said William S. Townsend shall have the period of two years to put said ferry into operation. When the ferry to go into operation.

SEC. 4. That all acts and parts of acts which contravene the provisions of this act, be and the same are hereby repealed. Repealing sec.

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

SEC. 6. This act may be altered or repealed at any time by the General Assembly of the State of Iowa. Repealing sec.

This bill having remained with the Governor three days, (Sundays excepted,) and the Legislative Assembly being in session, it has become a law this 1st day of January, 1849. Authentication.

JOSIAH H. BONNEY, Secretary of State.

Chapter 24.

ELECTIONS.

AN ACT to repeal an act, approved, Jan. 25th, A. D. 1848, entitled "an act to amend an act defining the time of holding elections for State, district, and county officers," approved, Feb. 25, 1847.

Repealing sec.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That an act approved January 25, A. D. 1848, entitled an act to amend an act defining the time of holding elections for State, district, and county officers, approved, Febuary 25, A. D. 1847, be and the same is hereby repealed, so far as it applies to, or in any manner effects, the election of prosecuting attorneys, and district clerks, held on the first Monday in August, A. D. 1848.

Terms of office of Clerks and Prosecuting Attorneys elected August, 1848.

SEC. 2. That all prosecuting attorneys and district clerks, who were elected on the first Monday of August, A. D. 1848, shall hold their offices respectively for the period of two years from their election, and until their successors are elected and qualified.

Failure to elect 1848, to elect 1849.

SEC. 3. That in all the organized counties in this State, in which there was a failure to elect either clerks of the district courts or prosecuting attorneys, at the last August election, and also in all counties which may be organized prior to the first Monday in August, A. D. 1849, there shall be, on said first Monday in August, A. D. 1849, an election for clerks of the district courts and prosecuting attorneys, who shall hold their offices for one year, and until their successors are elected and qualified.

Term of office.

Regular election.

SEC. 4. That, on the first Monday in August, A. D. 1850, and every two years thereafter, there shall be elected in every organized county in this State, one clerk of the district court, and one prosecuting attorney, who shall hold their office until their successors are elected and qualified.

Take effect.

SEC. 5. That this act shall take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, Dec. 29, 1848.

Published in the Reporter, Jan. 17, and in the Republican, Jan. 10, 1849.

Chapter 25.

STATE ROAD.

AN ACT to locate a State road from Pella, in Marion county, to Fort Des Moines, in Polk county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That J. Smith Hooton, of the county of Marion, John McLain and John M. Wallace, of the county of Polk, be and they are hereby appointed commissioners to locate and establish a State road, commencing at the town of Pella, in Marion county, thence on the nearest and most direct route to the town of Fort Des Moines, in Polk county. Commissioners

SEC. 2. That John McLain, 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 for his services as such surveyor, as the county commissioners of the several counties shall deem reasonable. Surveyor.

SEC. 3. Said commissioners, or a majority of them, shall meet at the town of Pella, in Marion county, on the first day of March next, or within six months thereafter, and proceed to locate and establish said road according to the provisions of law for laying out and opening roads. When to meet.

Approved, Dec. 29, 1848.

Chapter 26.

STATE ROAD.

AN ACT to establish a State road and branch thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That John G. Baker, of the county of Wapello, John Webb and John Clark, of the county of Monroe, and William S. Townson, of the county of Lucas, be, and they are hereby appointed commissioners to lay out and establish a State road from Ottumwa, in Wapello county, to Chariton Point, in Lucas county. Commissioners

SEC. 2. And the said commissioners shall have power, and it is

Power of commissioners. hereby made their duty, to lay out and establish a lateral or branch road, beginning at the most suitable point on the aforesaid road, in the western part of Monroe county, and running on the nearest and best ground to Eddyville, in Wapello county.

When to meet. SEC. 3. That said commissioners, or a majority of them, shall meet at Ottumwa, on the second Monday in August next, or within thirty days thereafter, and proceed to lay out and establish said road and branch thereof, according to the laws now in force regulating roads and highways.

Power to continue said road. SEC. 4. *And be it further enacted*, That the commissioners aforesaid shall have power, and it is hereby made their duty, (if in their opinion the public good require it,) to continue and establish the said State road from Chariton Point to Trader's Point, on the Missouri river: and for the performance of the duties contemplated by this section of this act, they shall receive such compensation as the General Assembly may determine and direct.

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

Approved, Dec. 29, 1848.

Chapter 27.

STATE ROAD.

AN ACT to locate a State road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Joel Bailey and John Hinkle, of Delaware county, and William Hall, of Dubuque county, are hereby appointed commissioners to lay out and establish a State road from Cascade, in Dubuque county, on the nearest and best route to Delhi, in Delaware county.

Commissioners.

When to meet. SEC. 2. Said commissioners shall meet at Cascade on the first Monday in May, 1849, or at any time within six months thereafter, and after being duly qualified, shall proceed to locate said road according to law.

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

Approved, Dec. 29, 1848.

Chapter 28.

FERRY.

AN ACT to establish a ferry at Boatman's mill, on the Des Moines river, in Lee county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That George W. Wyrick, his heirs and assigns, are hereby authorized to establish and keep a ferry across the Des Moines river, at Boatman's mill, in Lee county, for the term of fifteen years, with the exclusive privilege to the same, commencing at said Boatman's mill and extending each way for the distance of one mile up and down the said river: *Provided*, Said George W. Wyrick, his heirs and assigns, shall be subject to all laws now in force, or which may be in force during the term of fifteen years from the passage of this act, regulating ferries. Keep a ferry. Proviso.

SEC. 2. This act to take effect from and after its passage: *Provided*, Said George W. Wyrick, his heirs and assigns, keep or cause to be kept at said ferry, a good and sufficient 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 and manage said boat or boats without delay. Take effect. Proviso.

SEC. 3. This act may be altered or repealed at any time by the General Assembly of the State of Iowa. Repealing sec.

This bill having remained with the Governor three days, (Sundays excepted,) and the Legislative Assembly being in session, it has become a law this first day of January, 1849. Authentication

JOSIAH H. BONNEY, Secretary of State.

Chapter 29.

STATE ROAD.

AN ACT for a State road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That M. M. Read and Jacob Philips, of Delaware county, and Samuel W. Durham, of Linn county, are hereby appointed commissioners to lay out and establish a State road from Marion, in Linn county, to Delhi, in Delaware county, thence to Ead's grove, thence to Elkador, in Clayton county. Commissioners

When to meet. SEC. 2. Said commissioners, or a majority of them, shall meet at Marion, on the first Monday in May, 1849, or within six months thereafter, and after being duly qualified shall proceed to locate said road according to law.

Surveyor. SEC. 3. 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.

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

Approved, Dec. 29, 1848.

Chapter 30.

STATE ROAD.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,*

Commissioners That Egbert T. S. Schenk and Samuel Nichols, of Muscatine county, and Laurel Summers, of Scott county, be and they are hereby appointed commissioners to locate and establish a State road, commencing at Davenport, in Scott county, thence, on the most practicable route, to Moscow, in Muscatine county; thence westwardly to intersect the section line between sections eleven (11) and fourteen, (14,) township seventy-eight, (78,) north of range three (3) west; thence west, on said section line, to intersect the Territorial road from Bloomington to Iowa City.

When to meet. SEC. 2. That said commissioners, or a majority of them, shall meet at Davenport on the first Monday of April next, or within sixty days thereafter, and taking to their assistance a surveyor and the necessary hands, proceed to locate and establish said road according to law.

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

Approved, Dec. 29, 1848.

Chapter 31.

CEDAR RIVER.

AN ACT to authorize William Green, his heirs or assigns, to improve Cedar river by the erection of a dam and lock.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That William Green, of Rochester, Cedar county, his heirs and assigns, be and they are hereby authorized to erect a dam across Cedar river, in Cedar county, within the limits of section two, (2,) in township seventy-nine, (79,) north of range three (3) west of the fifth principal meridian.

Authority to erect a dam across Cedar river.

SEC. 2. Said dam shall not exceed in height five feet above low water mark, and shall contain a lock not less than one hundred and thirty feet in length, and thirty-five feet in width, and so constructed as to allow the passage of all boats and water crafts navigating said river.

Dimensions of dam and lock.

SEC. 3. *Be it further enacted*, That in case the said river shall hereafter be improved by authority of law, the General Assembly shall provide for a compensation to the said William Green, his heirs and assigns, to be paid by the State, or any company that may have the benefit of any improvement of the navigation of said river: *Provided*, That said compensation shall only be to the extent of the benefit derived from said dam and lock.

If the river is improved compensation to be allowed.

SEC. 4. Any person or persons who shall injure said dam or lock, or any part thereof, in navigating said river, or otherwise, shall be liable in any sum not exceeding double the amount of damages assessed.

Persons injuring said dam liable to damages.

SEC. 5. Nothing in this act shall allow the said Green, his heirs or assigns, to impede the navigation of said river, or otherwise interfere with the rights and privileges of any person, without the consent of such person.

Not to impede navigation.

SEC. 6. This act shall take effect from and after its passage.

Take effect.

Approved, Jan. 5, 1848.

Chapter 32.

LIBRARY.

AN ACT to amend an act, entitled "An act to provide for the management of the State Library, and the election of a Librarian," approved Feb. 15, 1847.

Judges of the District Court to remove books from Library.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Judges of the District Courts of this State shall have the same privilege to remove books from the Library, as is allowed Judges of the Supreme Court, by the second section of the act of which this is amendatory, and under all the restrictions in said act specified.

Take effect.

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

Approved January 5, 1849.

Chapter 33.

GRADED ROAD.

AN ACT granting to James Weed and his associates, the right of way and the privilege of constructing a road from Bloomington, in Muscatine county, via Tipton, in Cedar county, to the county seat of Benton county.

Names of the incorporators.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That James Weed, of Muscatine county, John Culbertson, of Cedar county, William Abbey, of Linn county, and Thomas Way, of Benton county, and their associates, be, and they are hereby, authorized to construct a graded road from Bloomington, in Muscatine county, by way of Tipton, in Cedar county, to the county seat of Benton county, on the most practicable route, to be ascertained by survey: *Provided*, The grade of said road shall not be less than thirty feet wide: *And provided further*, That the said James Weed and his associates, shall commence the construction of said road within six months from the taking effect of this act.

Proviso.

Time when work to commence.

Owner of land refusing consent, not to prevent the construction.

SEC. 2. That if the owner or proprietor of any land through which the said road may be laid out, shall refuse his or her consent to the location of said road through his or her premises, such refusal shall not

prevent the construction of said road through said land; and if the owner of said land should consider himself or herself aggrieved, he or she may notify the said James Weed, or any of his associates, that he or she claims damages in consequence of the construction of said road through his or her premises, and thereupon each party may choose a disinterested freeholder, resident of the county where said land is situated, and the two thus chosen shall choose a third, who, or a majority of whom, shall proceed to view the premises, by personal inspection, and after taking into consideration the benefits and disadvantages of said road to the said land, shall assess the damages (if any) sustained by the owner of said land, and report the same in writing to the Clerk of the District Court of the county wherein said land may be situated; and the Clerk shall receive and file said report in his office; and if the said James Weed and his associates shall, within thirty days thereafter, pay the amount of the said damages, so assessed, into the hands of said Clerk, or to the owner of said land, then and in that case the said James Weed and his associates shall have the right to construct said road through said land; and the report made by the said freeholders as aforesaid, shall be considered as a final adjudication between the parties, from which there shall be no appeal.

Owner aggrieved to notify.

Each party to choose disinterested freeholder.

Report in writing to the Clk of the District Court.

Clerk to receive and file report.

Damages to be paid to the clerk

Report to be final.

Sec. 3. That if, after the survey of a route for said road, the same shall be found to run through the land of any non-resident proprietor, the said James Weed and his associates shall give thirty day's notice in some newspaper, published in Bloomington, notifying the owners thereof by name, if known, if not, by a description of said land, that the said road is located through his or her land, and unless they shall apply within twenty days after the termination of the publication of said notice, to have the damages occasioned by the construction of said road assessed according to the provisions of the second section of this act, the right of way through his or her land shall be considered as granted, and the said James Weed and his associates shall be authorized to construct said road through said land.

Road run thro' the land of non-resident proprietor.

Notice to be given in newspaper.

Sec. 4. That as soon as twenty-five miles of said road shall be constructed, the said James Weed and his associates may erect toll-houses and gates upon said road, and shall be authorized to exact such tolls as the County Commissioners of each county through which said road may be located, may determine, for the length of said road in each county respectively: *Provided*, That the said commissioners shall establish reasonable rates of toll, and such as will render to the said James Weed and his associates a reasonable interest on the amount of funds invested in said road, and protect, mutually, the said James Weed and his associates, and the public from imposition.

Erect toll-houses and gates, and exact such tolls as commissioners may allow.

Proviso.

Graded road to be established for the convenience and interest of the public

SEC. 5. It is hereby declared to be the intention of this act to establish a graded road, between the points mentioned in the first section of this act, for the convenience and interest of the public, and at the same time to protect the said James Weed and his associates in the construction of said road; and for that purpose the right of way is hereby granted to the said James Weed and his associates for the term of twenty years; and if, at the expiration of that time, a joint convention of the Boards of Commissioners of the several counties through which the said road may pass shall be made satisfied that the tolls received on said road have not amounted to a sum sufficient to cover the expenses of building and keeping said road in repair, and the incidental expenses thereto pertaining, and a reasonable interest on the amount invested, then the said Boards of Commissioners may grant to the said James Weed and his associates the right to exact tolls upon said road for such further and longer term as they may deem proper.

Term of the incorporation.

A joint convention of Board of Commissioners may extend the time.

Rates of toll to be posted up.

SEC. 6. That the said James Weed and his associates shall post up in a conspicuous place, at each toll-house, or gate, the rates of toll established by the Boards of Commissioners as hereinbefore provided; and any person traveling upon said road, who shall refuse to pay the rates of toll thus established, may be prosecuted before any justice of the peace of any county through which said road may pass, in an action for debt, and shall pay double the amount of toll required in the first instance, and all costs of suit.

Persons refusing to pay toll may be prosecuted.

Defacing or injuring road, &c. may be indicted

SEC. 7. That any person or persons obstructing, injuring, or defacing the said road, gates or toll-houses, or any of the property belonging to the same, in any manner, or shall aid or abet the same, shall be prosecuted in any court of competent jurisdiction, within the proper county, by indictment, and upon conviction shall be liable for such damage or injury, and shall be subject to a fine and imprisonment at the discretion of the court.

James Weed and associates to form themselves into a company.

SEC. 8. The said James Weed and his associates shall form themselves into a company under the provisions of "An act to authorize general incorporations," approved Feb. 22, 1847, and may establish all needful rules and regulations, not inconsistent with said act or the constitution of this State, for the transaction of business and the government of said association.

Right of way to be 60 feet wide.

SEC. 9. The right of way hereby granted shall not be less than sixty feet in width, and if the said James Weed and his associates shall at any time deem it necessary for the interest of the public, they may construct a plank track, not less than eight feet in width, in which case they shall receive such additional toll, to be established as hereinbefore

May construct a plank road.

provided, as the Boards of Commissioners of the proper counties may direct.

SEC. 10. That when the term of the right of way herein granted to the said James Weed and his associates shall expire, the said road shall thereafter be deemed a public highway, and under the immediate control of the Boards of Commissioners of the several counties through which the same may pass; and the said Boards of Commissioners, in their discretion, may thereafter levy a tax to keep said road in repair. Road declared a public highway.

SEC. 11. This act shall take effect from and after its publication in the Bloomington papers—the expenses of publication to be paid by the said James Weed and his associates. Take effect.

Approved, Jan. 8, 1849.

Chapter 34.

STATE ROAD.

AN ACT to establish a State Road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That William Bonnifield, of Jefferson county, Hoagland McMiller, of Henry county, and Elisha D. Skinner, of Van Buren county, are hereby appointed Commissioners to lay out and establish a State Road, from the south east corner of section thirty-four, township seventy, range nine west, in the county of Van Buren, by the way of Sigler's mill, on Big Cedar, to Rome, in Henry county. Commissioners

SEC. 2. That said Commissioners shall meet at the point of commencement 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 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 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. When to meet. Proceed to establish and lay out said road.

SEC. 3. That Hoagland McMiller, one of the commissioners aforesaid, be and hereby is appointed the surveyor to survey said road: *Provided*, That said McMiller shall receive the compensation to which Surveyor. Proviso.

a county surveyor would be entitled for said services, which shall be in full for his duties as commissioner and surveyor.

Compensation. SEC. 4. Said commissioners, except as herein provided, shall receive such compensation as is provided by law.

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

Approved, Jan. 9, 1849.

Chapter 35.

SECRETARY OF STATE.

AN ACT to authorize the Secretary of State to collect and arrange certain papers in his office.

Secretary to collect and arrange papers. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it be and hereby is made the duty of the Secretary of State, to collect, arrange, and have bound, all the original copies of the laws, resolutions, memorials and ordinances, now or hereafter to be filed in his office. Said copies of the laws, resolutions, memorials and ordinances, to be bound in manuscript in a cheap and substantial manner.

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

Approved, Jan. 9, 1849.

Chapter 36.

AUDITOR.

AN ACT to authorize the Auditor of State to audit and allow expenses of the Supreme Court of this State.

Expenses of Supreme Court to be certified by said court. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That none of the expenses of the Supreme Courts of this State shall be audited or allowed by the Auditor of State, until said claim or demand shall be certified by a majority of said Court to be correct, and that the person or persons claiming the same are justly entitled to payment for the same out of the State Treasury, and the amount thus certified shall be specified in said certificate.

SEC. 2. No claim shall be allowed or certified by the said Court, except in open court, and in the District for which said expenses were incurred, or services rendered. Claim examined in open court

SEC. 3. Whenever a claim or demand, certified as above, shall be presented to the Auditor of State, he shall audit and allow the same, and issue his warrant upon the Treasurer of State for the same. Auditor to allow.

SEC. 4. This act shall take effect and be in force from and after its publication, by one insertion, in the Iowa Capital Reporter and Iowa Republican, printed in Iowa City. Take effect.

Approved, Jan. 9, 1849.

Published in Reporter and Republican, January 17th, 1849.

Chapter 37.

SUPREME COURT.

AN ACT to authorize the Supreme Court to hold special terms.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Judges of the Supreme Court, or a majority of them, may whenever the public good or convenience requires it, appoint a special term of the Supreme Court of this State, in any District for the trial of any criminal cause heretofore taken, or hereafter to be taken to the Supreme Court, by writ of error or otherwise. Supreme Court may hold special sessions.

SEC. 2. Whenever any special term of the Supreme Court may be ordered as aforesaid, said Judges shall notify the clerk of the Supreme Court of the proper District of the fact, and the time when said Court shall be held, whereupon it shall be the duty of said clerk to give notice of the same, by publication in some newspaper published in said District, at least three weeks before the commencement of said term, by at least two insertions in said newspaper. Judges to notify clerk. Clerk to give notice.

SEC. 3. All causes as aforesaid heretofore taken, or hereafter to be taken, to any regular term of the Supreme Court, shall be considered returnable and triable at said special term or terms, but may for good cause, be continued from term to term of any regular or special term. Causes taken to regular term to be triable at special term.

SEC. 4. The said Supreme Court shall have power, and it is hereby made their duty, to pronounce sentence in cases where the judgment of the Court below in criminal cases is affirmed. Power and duty of Supreme Court.

SEC. 5. That this act shall take effect and be in force from and af- Take effect.

ter its publication, by one insertion, in the Iowa Capital Reporter and Iowa Republican, printed in Iowa city.

Approved, January 9, 1849.

Published in Reporter and Republican, Jan. 17th, 1849.

Chapter 38.

SWINE.

AN ACT to restrain swine from running at large in Clinton county.

Poll to be opened in Clinton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That at the next general election in Clinton county, a poll shall be opened in each township in said county, to determine whether swine shall run at large in said county. Notice shall be given of said election, by the clerk of the board of commissioners of said county, in the same manner and at the same time of notices of the general election. The electors in said county may vote at said election, "swine at large" or "swine not at large."

Clerk of Commissioners to give notice.

Return of votes to be made.

SEC. 2. The judges of election shall make returns of said votes so polled, to the clerk of the board of commissioners of said county at the same time that they make returns of the other votes polled at said election, which said votes shall be canvassed by the clerk of the board of commissioners and justices of the peace, at the same time that the other votes cast at said election are canvassed.

Votes to be canvassed.

Majority of votes being "swine not at large," clerk to give notice.

SEC. 3. If a majority of the votes so cast upon said question, shall be "swine not at large," the said clerk shall immediately cause public notice thereof to be given, by posting up three written or printed notices in each township of said county, and from and after the posting of such notices, every owner of swine in said county shall restrain them from running at large; and in the event of a failure to do so, shall be liable for any damages done by his swine, to be recovered by action of tresspass, by the party injured.

Owner to restrain swine.

Liable for damages.

Swine running at large to be sold.

SEC. 4. After the publication of such notice, any person may take possession of any swine found running at large in said county, and give notice thereof to any constable of said county, who shall have power to sell the same upon giving ten day's notice of the time and place and sale, the proceeds of which sale, after payment of costs and charges of keeping, shall be paid into the county treasury, to be applied

Proceeds of sale to be paid to county treasurer.

to the use of common schools. *Provided*, The owner or any person for him, shall, on or before the day of such sale, pay the costs and charges, the constable is hereby required to release said swine to the person making such application. Proviso.

Approved, January 12, 1849.

Chapter 39.

SHERIFFS.

AN ACT supplemental and amendatory of an act, entitled "An act for the appointment and duties of Sheriffs.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That so much of the eleventh section of the act to which this is amendatory, as requires the Sheriffs of each county to attend on Probate Courts and Boards of County Commissioners, at the terms and sessions of such Courts and Boards, be, and the same is hereby, repealed. Sheriffs not to attend on Probate and County Commissioners courts.

SEC. 2. This act to take effect from and after its passage. Take effect.

Approved January 12, 1849.

Chapter 40.

CANAL.

AN ACT to authorize William F. Brackenridge to take water from the Wabesipinicon river, and to create a water power.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That William F. Brackenridge, his heirs and assigns, be, and hereby are, authorized to take water from the Wabesipinicon river, on or near section seventeen, (17,) in township No. eighty, north of range five east of the fifth principal meridian, and convey the same by canal, not exceeding in width forty feet and in depth four feet, through said section, and section twenty, twenty-one, twenty-eight, twenty-seven, thirty-four, and thirty-five, in said township, and sections No. two and eleven, in township seventy-nine, north of range five east, or within one-half mile of said sections, to the Mississippi river, for the purpose Authority to take water from the Wabesipinicon. Width of canal.

of rendering the water power available for milling and manufacturing purposes.

Exclusive right

SEC. 2. The said William F. Brackenridge, his heirs and assigns, shall have the sole and exclusive right to the use and control of the water power thus created or rendered available: *Provided*, He or they shall begin and complete said work within ten years from the passage of this act: *And provided further*, That he or they shall procure the consent of the owners of the land through which said canal shall pass, or shall pay the damages assessed in the manner hereinafter provided.

Proviso.

Owners consent to be procured.

Select disinterested persons to assess damage.

SEC. 3. If the route of said proposed canal shall pass through any land owned by any other person or persons than said William F. Brackenridge, his heirs or assigns, and such owner shall not give his, her or their consent thereto, it shall be lawful for the said Wm. F. Brackenridge, his heirs or assigns, to select one disinterested person to appraise the damages sustained by such owner or owners by the passage of such canal through his, her, or their land, and give notice thereof to such owner or owners, who may select another disinterested person for the same purpose. The said persons so selected shall proceed to assess the damages that would be sustained by such owner or owners by the passage of such canal through his, her, or their land; and if the persons so selected cannot agree, they may select a third person, the agreement of a majority of whom shall be final.

Owner failing to select a person to asses damage it may be assessed by the individual selected by the corporators.

SEC. 4. If the said owner or owners shall fail or neglect, within a reasonable time after being notified as aforesaid, to select a person who will act with the person so selected by said William F. Brackenridge, his heirs or assigns, then it shall be lawful for the said person so selected by said William F. Brackenridge, his heirs or assigns, to proceed and assess the damages as aforesaid.

Upon payment of damage the corporators authorized to make canal.

SEC. 5. Upon the payment of damages assessed as aforesaid, to the owner or owners of any such land, the said William F. Brackenridge, his heirs or assigns, shall be authorized to make such canal through such land in the same manner he or they might do if the owner or owners of said land had given their consent thereto.

Take effect.

SEC. 6. This act to take effect and be in full force from and after its publication according to law.

Approved January 12, 1849.

Chapter 41.

FERRY.

AN ACT to authorize Israel Atherton to establish and keep a ferry across the Mississippi river, at a point in Scott county opposite Cordovia, in the State of Illinois.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Israel Atherton, his heirs and assigns, are hereby authorized to establish and keep a ferry across the Mississippi river, at a point in Scott county, opposite Cordovia, in Illinois, for the term of fifteen years, with the exclusive privilege to the same, extending one mile each way, up and down said river along the west bank thereof, from the usual landing point. *Provided*, That said Atherton, his heirs and assigns be subject to all laws now in force, or which hereafter may be in force, regulating ferries. *Provided further*, That said Atherton, his heirs and assigns keep, or cause to be kept at said ferry, at all times, a good and sufficent boat or boats for the safe conveyance of passengers, horses, teams, cattle and hogs across said river without delay.

Ferry across the Mississippi

Proviso.

SEC. 2. This act may be altered or repealed at any time by the General Assembly of Iowa, and shall take effect from and after its publication.

Repealing sec.

This bill having remained with the Governor three days (Sundays excepted) the Legislative Assembly being in session it has become a law this 12th day of January, 1849.

JOSIAH H. BONNEY, Secretary of State.

Chapter 42.

COMMISSIONERS OF DES MOINES COUNTY.

AN ACT legalizing the acts of the county commissioners of Des Moines county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That each and every act performed by the county commissioners of Des Moines county at their session held on the first Monday of October, 1848, be, and the same are hereby declared to be as legal and valid in law, as if the said commissioners had met agreeably to the

Session of the board, Oct. 1848, legalized.

fifth section of an act organizing a board of commissioners in each county.

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

Approved, January 12, 1849.

Chapter 43.

REPEAL.

AN ACT to repeal an act, entitled "an act for the relief of the poor."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That an act, entitled "an act for the relief of the poor," approved February 25, 1847, be, and the same is hereby repealed.

Repealing sec.

Take effect. SEC. 2. This act shall take effect and be in force from and after its publication according to law.

Approved, Jauuary 12, 1849.

Chapter 44.

STATE ROAD.

AN ACT to locate a State road leading from Burlington, in Des Moines county, to Fort Madison, in Lee county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That John W. Webber (surveyor) and Henry Walker, both of Des Moines County, and Abraham Hyter and Jacob Hunor, of Lee county, be, and they are hereby appointed commissioners to survey and locate a State road, commencing at the city of Burlington, in Des Moines county, and leading to the city of Fort Madison, in Lee county.

Commissioners

When to discharge their duties.

SEC. 2. Said commissioners shall proceed to the discharge of their duties as required by this act, on or before the first day of May next, at Burlington, having severally taken and subscribed an oath, administered by any justice of the peace for the city of Burlington, faithfully and impartially to discharge the duties of commissioners as mentioned in the first section of this act.

SEC. 3. It shall be the duty of said commissioners, or a majority

of them, to make a full and correct plat of the survey and location of said road, a copy of which shall be filed in the office of the clerk of the Board of Commissioners in each of the counties of Lee and Des Moines. Make plat of survey.

SEC. 4. That said commissioners shall each receive for their services as aforesaid, the sum of two dollars for every day which they may be actively engaged, to be paid out of any money in the Treasury of the counties of Des Moines and Lee, not otherwise appropriated. Compensation.

SEC. 5. That it is understood by this act that the commissioners are to be paid by the counties in which they reside. Where to be paid.

SEC. 6. This act to take effect from and after its passage. Take effect.

Approved, January 12, 1849.

Chapter 45.

STATE ROAD.

AN ACT to locate a State road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Isaac Havens, Zedekiah Taylor, and ——— Downie, of the county of Clayton, be, and are hereby, appointed commissioners to locate a State road from Sage, Thompson, and Davis' landing, on the Mississippi river, to Elcador, thence to Quasqueton, in Buchanan county. Commissioners

SEC. 2. Said commissioners, or a majority of them, shall meet at said landing on or before the first Monday of June next, and shall take to themselves a competent surveyor and all necessary hands, and shall proceed to lay out and establish said road, and make return thereof according to the requirements of law. When to discharge their duties.

SEC. 3. Said commissioners, surveyors, and necessary hands, shall receive for their services such compensation, and in such manner, as is now provided by law. Compensation.

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

Approved January 12, 1849.

Chapter 46.

STATE ROAD.

AN ACT vacating a certain road herein named.

Road declared vacated.

SECTION 1. *Be it enacted by General Assembly of the State of Iowa,* That so much of the Territorial Road as lies between Rockingham, in Scott county, and the west line of township seventy-eight, range one east, be, and the same is hereby vacated.

Take effect.

SEC. 2. This act to take effect from and after its passage.

Approved, January 12, 1849.

Chapter 47.

STATE ROAD.

AN ACT to establish a State road therein named.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That John Wykoff, of the county of Iowa, Jesse Rickman, of the county of Jasper, and John Wright, of the county of Dallas, be, and they are hereby appointed commissioners to locate and establish a State road, commencing at a point where the west line of Johnson county crosses Old Man's Creek on section 31, township 79, north range, 6 west, thence on the nearest and best route to the county seat of Powesheik, thence to the county seat of Jasper, thence to the county seat of Polk, 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.

When to meet.

SEC. 2. That said commissioners, or a majority of them, shall meet at the house of John Wykoff, in Iowa county, on the first day of April next, or within three months thereafter, and proceed to locate and establish said road according to the provisions of an act, entitled "an act for laying out and opening Territorial roads," approved, December 27, 1847.

Surveyor.

SEC. 2. That said commissioners shall take to their assistance a

surveyor and other necessary hands, who, together with the commissioners, shall receive such compensation and in such manner and as provided by law. Compensation.

Approved, January 12, 1849.

Chapter 48.

STATE ROAD.

AN ACT to relocate a part of a Territorial road from Fairfield to the Indian Boundary, and to extend the same to Fort Des Moines.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Newton Wright, of Jasper county, William Welsh, of Marion county and Creth Renfro, of Polk county, are appointed commissioners to re-locate 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 Racoon Fork of the Des Moines river, approved 29th of January, 1844, and also to extend the said road to Fort Des Moines, in Polk county, to wit: commencing at the town of Pella, in Marion county, thence on the most practicable route to Toolspoint, in Jasper county, thence on the nearest and best route to Fort Des Moines, in Polk county. Commissioners

SEC. 2. That said commissioners, or a majority of them shall meet at Pella, on the first day of June next, or within sixty days thereafter, and proceed to establish said road according to the laws now in force, regulating the laying out and establishing Territorial roads, approved December the 29th, 1838, doing as little damage to private property as the public convenience will admit. Where to meet.

SEC. 3. This act shall be in force from and after its passage. Take effect.

Approved January 12, 1848.

Chapter 49

GUTTENBERG.

AN ACT to provide for the incorporation of the town of Guttenberg, in Clayton county.

County Commissioners authorized to incorporate town of Guttenberg.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the County Commissioners of Clayton county be, and they are hereby, authorized to incorporate the town of Guttenberg, of said county, according to the provisions of an act, entitled an act incorporating towns.

Take effect.

SEC. 2. This act shall take effect and be in force from and after its publication.

Approved, Jan. 12, 1849.

Chapter 50.

FERRY.

AN ACT to authorize William P. Wilson, his heirs and assigns, to establish and keep a ferry across the Des Moines river at Monterey, in Lee county.

Ferry established across Des Moines.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That William P. Wilson, his heirs and assigns, are hereby authorized to establish and keep a ferry across the Des Moines river at the town of Monterey, Lee county, opposite St. Francisville, Mo., for the term of fifteen years, with the exclusive privilege, commencing at the middle of section four, in township sixty-six, (66,) extending one mile up said river: *Provided*, Said William P. Wilson, his heirs and assigns, shall be subject to all laws now in force, or which may be in force, during the term of fifteen years from the passage of this act, regulating ferries.

Subject to laws in force.

Take effect. Proviso.

SEC. 2. This act to take effect from and after its passage: *Provided*, Said William P. Wilson, his heirs and assigns, keep, or cause to be kept, at said ferry, a good and sufficient boat or boats, together with such small crafts as may be necessary for the public convenience, with a sufficient number of hands to propel and manage said boat or boats without delay.

SEC. 3. This act may be altered or repealed at any time by the General Assembly of the State of Iowa. Repealing sec.

This bill having remained with the Governor three days (Sundays excepted,) and the Legislative Assembly being in session, it has become a law this 12th day of January, 1849.

JOSIAH H. BONNEY, Secretary of State.

Chapter 51.

TAX.

AN ACT authorizing additional tax for State purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the board of county commissioners of Des Moines county be, and they are hereby authorized to levy a tax not to exceed three mills on the dollar at their regular term in July next, for State purposes for the year 1849. Des Moines county authorized to levy additional tax.

SEC. 2. This act to take effect from and after its passage. Take effect.

Approved, Jan. 12, 1849.

Chapter 52.

IOWA CITY MANUFACTURING COMPANY.

AN ACT to extend the time for putting a lock in the Iowa City Manufacturing Company's mill dam.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Ezekiel Clark, Elijah W. Lake, John Clark, Christian Hershe, and Martin Montgomery, their heirs and assigns, be, and they are hereby authorized to continue the present dam across the Iowa river in Johnson county, and State aforesaid, known as the Iowa City Manufacturing Company's mill dam, and keep the same in repair at its present heighth: *Provided*, That the persons aforesaid, their heirs or assigns, shall, within one year from and after the passage of this act, commence, and as soon as practicable thereafter complete, a custom flouring mill at said dam, and at all times when there is a sufficiency Authorized to continue dam. Proviso.

To grind for tolls.

of water, grind for customers for toll at the rates fixed by the law regulating mills and millers.

Repealing sec.

SEC. 2. This act may be altered or repealed at any time by the General Assembly of the State of Iowa, and shall take effect and be in force from and after its passage.

Take effect.

Approved, January 12, 1849.

Chapter 53.

BLOOMINGTON.

AN ACT to amend an act, entitled "An act for the incorporation of the town of Bloomington," approved Jan. 23, 1839.

Former act repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of the said act of incorporation as limits the amount of tax to be levied upon property at one half of one per cent. be hereby repealed, and the maximum tax to be raised upon real and personal property in said town, for corporation purposes, shall be two per cent. upon the assessed valuation of such property.

Assessor to assess property irrespective of improvements.

SEC. 2. That the assessors, in making out an assessment of real estate within said town, for corporation purposes, shall return the assessed value of the same irrespective of improvements thereon.

Repealing sec.

SEC. 3. That so much of said act of incorporation as conflicts with the provisions of this act, be, and the same are hereby repealed.

Approved, Jan. 12, 1849.

Chapter 54.

HALF BREED TRACT.

AN ACT concerning claimants on the Half Breed Tract, in Lee county.

Persons in possession of real estate upon the half breed tract entitled to pay for improvements.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all persons, their heirs and assigns respectively, being possessed of any lands, town lots, or tenements, upon the half breed tract, in Lee county, and upon which there are improvements, shall be entitled to the full and appraised value of said improvements.

SEC. 2. That in any action of right or ejectment, for the recovery of any such lands, town lots, or tenements, the jury before whom such suit is tried, shall, if they find a verdict for the plaintiff, also find and return in such verdict, whether the defendant was possessed of any valuable improvements upon such lands, town lots, or tenements, which shall be entered on record as part of said verdict.

In actions of right jury to find value of improvements.

SEC. 3. That in case the jury shall render a verdict that the defendant is possessed of valuable improvements upon said land, tenements and town lots, the clerk of the court before whom such action of right or ejectment shall have been tried, shall, within twenty days after the term of said court at which any such judgment was rendered, issue a precipie to the sheriff of said county, commanding him, the said sheriff, to cause said improvements to be appraised, whose duty it shall be to call an inquest of five disinterested householders, having the qualifications of jurors, who shall be residents within the county where the improvements are situated, and administer to them an oath or affirmation as follows, to wit: "Do you and each of you solemnly swear, or affirm, that you will impartially appraise said improvements at a fair and reasonable valuation." And said appraisers, after appraising said improvements as aforesaid, shall return to said officer, under their hands and seals, an estimate of the real value of said improvements forthwith after such view, and the officer receiving such return shall deposite a copy thereof, with a particular description of the lands, town lots, and tenements upon which said improvements are situated, with the clerk of the court from which said writ issued, within thirty days after the date of said writ. The clerk of said court from which said writ was issued shall file said copy as a paper in the said cause, and it shall be taken and considered as part of the record.

When defendant possessed of valuable improvements, the duty of clerk.

Duty of sheriff.

Oath.

Duty of appraisers.

Copy of appraisement to be deposited with the clerk.

SEC. 4. The sheriff and appraisers shall receive the same fees for their services rendered in appraising said improvements, that they would be entitled to in case of appraisment of lands levied upon by virtue of an execution, including traveling fees; which fees shall be equally paid by the plaintiff and defendant in said suit, and shall be taxed by the clerk of said court in his bill of costs.

Compensation.

Whom to pay fees.

SEC. 5. That in all such cases, no writ of possession shall issue until the expiration of ten days after the amount of the appraised value of such improvements, as aforesaid, shall be deposited with the clerk of said court, for the use and benefit of the defendant, his heirs and assigns, whose duty it shall be to pay the same over to the defendant or his legal representatives on demand, taking a receipt therefor.

Writ of possession not to issue until ten days after the val. of improvements shall have been paid.

SEC. 6. That the benefits and provisions of this act shall apply to all actions of right or ejectment pending and undetermined in said

Benefit of this act to apply in

all cases pending. county, at the taking effect of this act, as well as all others hereafter brought.

Repealing sec. SEC. 7. That all acts and parts of acts which contravene the provisions of this act, be and the same are hereby repealed.

Take effect. SEC. 8. This act to take effect and be in force from and after its passage.

Approved, Jan. 12, 1849.

Chapter 55.

HALF BREED TRACT.

AN ACT relative to the Record of the Decree of Partition of the Half Breed Tract of land in Lee county.

In actions of ejectment or right relative to half breed tract in Sup. Court, a record of the decree of partition of said land to be taken as sufficient evidence in all cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all actions of right or ejectment or other case relative to the Half Breed tract of land, situated in the county of Lee, which may be taken to the Supreme Court of this State by writ of error, appeal or otherwise, if a full and complete transcript of the record of the decree of partition of the said Half Breed tract of land shall be, or may heretofore have been filed in any one case in the office of the clerk of the Supreme Court, it shall be considered and taken by said Court as sufficient evidence of said decree, and shall be received for all purposes for which said decree can be legally used in the trial of every other case in said Supreme Court.

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

Approved, January 12, 1849.

Chapter 56.

STATE DEBT.

AN ACT to fund the debt of the State.

Warrants to the amount of $100 presented to

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That from and after the passage of this act, when Auditor's warrants

to the amount of one hundred dollars, or upwards, are presented at the State Treasury for redemption, and there are no funds in the Treasury to redeem the same, it shall be the duty of the Auditor of State, if required by the person or persons presenting said warrants, to redeem and cancel said warrants by issuing a State bond for the amount thus redeemed, bearing interest at the rate of eight per cent per annum from the date of said bond, said interest to be paid semi-annually at the Treasury of the State; on the first day of January and July in each year, until said bonds are respectively redeemed: *Provided*, That the interest shall cease at the expiration of forty day's notice, to be given at any time by the Treasurer of State, in one of the principal papers published at the seat of Government, of a readiness to redeem the same, and, *provided further*, that unredeemed Auditor's warrants shall have over said bonds the precedence of redemption at the Treasury, for the period of four years from and after the passage of this act. *Provided*, That no individual shall be entitled to more than one bond for any amount he may wish to have funded, or that he may be the owner of, or have in possession at the time he presents warrants to the Treasury.

Treasurer to be redeemed and State Bond to issue.

Interest.

Time when interest to be paid.

Proviso.

Auditor's warrants to have precedence.

Proviso.

SEC. 2. The State doth hereby irrevocably pledge its faith to provide adequate means to pay the interest as it becomes due on said bonds, and to reimburse the principal at the expiration of four years, unless they are sooner redeemed under the provisions of this act, and for this purpose it is hereby made the duty of the State Treasurer to reserve and set apart, out of the revenue coming into his hands, a sufficient amount of funds to meet the provisions of this act.

Faith of State pledged.

Duty of State Treasurer.

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

Take effect.

Aprroved, January 12, 1849,

Published in Republican, Jan. 17, 1849, and Reporter, January 31st 1849.

Chapter 57.

JUDICIAL DISTRICT.

AN ACT to create a fifth Judicial District.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the counties of Appanoose, Wayne, Decatur, Ringgold, Taylor, Page, Fremont, Monroe, Lucas, Clarke, Marion, Warren, Madison,

Counties composing 5th dist.

Jasper, Polk, Dallas, Marshall, Story, and Boone, shall constitute the fifth Judicial District.

Elect a Judge.

SEC. 2. A District Judge of the fifth Judicial District shall be elected on the first Monday of April next, according to the provisions of the act, entitled an act regulating the elections of District Judges, approved February 16th, 1847. The abstracts of the votes of the several organized counties shall be returned to the county of Polk, according to the provisions of the third section of that act, and the Judge elect shall be qualified to act on receiving a certificate and taking the official oath, as provided in the fourth section thereof.

Abstracts of votes, where returned.

Judge qualified to act.

Washington county.

SEC. 3. The county of Washington is hereby added to, and made part of, the fourth Jndicial District.

Take effect.

SEC. 4. This act shall take effect on the first day of February next, and shall be published, as soon as passed, in the Iowa Capital Reporter, Iowa Sentinel, and Des Moines Courier.

Approved, Jan. 12, 1848.

Published in the Reporter, January 17th, 1849.

Chapter 58.

STATE LOAN.

AN ACT to provide for a loan of the school fund arising from the sale of the public lands.

State authorized to borrow school fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there shall be borrowed for the purpose of paying the current expenses of the State government, the five per cent fund arising from the sales of the public lands within the State, in the year 1847, amounting to the sum of sixteen thousand four hundred and twenty dollars, for a term not exceeding five years, at a rate of interest not exceeding ten per cent per annum, payable semi-annually.

Auditor to issue State Bond.

SEC. 2. The Auditor of State is authorized and required to issue a bond, for, and in behalf of the State for the said sum of $16,420, to the Superintendent of Public Instruction on behalf of the school fund, stipulating for the payment of the principal and interest in accordance with the first section of this act.

Faith of State pledged.

SEC. 3. The State doth hereby irrevocably pledge its faith to provide adequate means to pay the interest due on said bond as the same becomes due, and to reimburse the principal at the end of five years; and for

this purpose so much of the revenue arising from all the taxable lands and other taxable property in this State as may be necessary, shall be and the same is hereby set apart and pledged for that purpose. Revenue set apart.

SEC. 4. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican, newspapers printed in Iowa City. Take effect.

Approved, January 12, 1849.

Published in Republican, January 24, 1849, and Reporter, January 31, 1849.

Chapter 59.

SCHOOLS.

AN ACT supplemental to the act of Feb. 25th, 1847, entitled, "an act supplemental and amendatory to an act to establish common schools, approved January 16, 1840.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all organized school districts which reported the number of persons in accordance with the sixth section of the act to which this is supplemental, or by special reports as required by the Superintendent of Public Instsuction prior to the first day of December, 1848, are hereby recognized as entitled to their apportionment of the school money in March next. What districts entitled to school money.

SEC. 2. That the School Fund Commissioners shall apportion the county school tax, the interest of the permanent fund as apportioned by the Superintendent of Public Instruction, money received from the county Treasurer, and all funds then in their hands, appropriated annually for the support of schools as required by the fortieth section of the aforesaid act. Duty of School Fund Commissioners.

SEC. 3. That all money now in the hands of School Inspectors apportioned to townships under an act concerning the distribution of school monies, approved January 19, 1847, shall be apportioned to the districts then organized in the manner prescribed in said act. But in those townships where districts were not organized at the time of said apportionment, it shall be disposed of as directed in the next succeeding section. Money in the hands of inspectors under certain acts to be apportioned.

SEC. 4. That the School Inspectors shall apportion in accordance with the tenth section of the act to which this is supplemental, among the districts specified in the first section of this act, and shall pay over to each district the amount to which it may be entitled by said apportion- Duty of school inspectors.

ment, at any time when applied for by the directors, prior to the first day of April 1849: *Provided*, The eleventh section of the act to which this is supplemental, shall have been complied with, and *provided further*, that the above fund, if not applied for within the time and manner designated in this act, shall be retained in the hands of the Inspector or his successor in office, to be apportioned in March then next ensuing.

Proviso.

Districts to make divisions in accordance with a vote of

SEC. 5. The aforesaid districts are hereby authorized to make such divisions of said fund between the years 1847 and 1848, and between the several schools taught in each district, as may be determined by the vote of a majority of the electors at a meeting convened for that purpose by order of the directors.

Acts of school officers ratified.

SEC. 6. The acts of school officers in the payment and distribution of school money, when the same has been done in accordance with the provisions of the several school laws now in force, are hereby ratified and confirmed.

Compensation to persons employed in appraising and alloting school lands.

SEC. 7. All who may have been employed in allotting and appraising school lands, shall be allowed compensation for their services as follows: surveyors two dollars per day, township trustees and all others employed, seventy cents per day, to be paid by the School Fund Commissioners out of the school fund: *Provided*, That their accounts shall previously be examined and approved by the county commissioners of the county in which the service has been rendered. And, *provided further*, that in any county where any or all of the expenses of appraising and surveying as aforesaid has been borne by the county, the School Fund Commissioner of such county shall refund to the treasurer thereof, from the interest of the school fund, the amount so paid, according to the rates prescribed in the foregoing part of this section.

Proviso.

Superintendent to apportion the interest of the permanent fund

SEC. 8. The Superintendent of Public Instruction shall, on the 20th day of January, 1849, apportion the interest of the permanent fund which shall have accrued on the 1st day of January aforesaid, among the several counties of the State, taking the number of persons between the ages of five and twenty-one years, as shown by the last annual report of the Fund Commissioners, as the basis of said apportionment, and shall transmit to each Fund Commissioner a statement of the amount to which his county may be entitled.

Transmit statement to Fund Commissioners

SEC. 9. In the event the county school tax has been loaned in either of the several counties as part of the permanent fund, it shall be refunded from said fund as may be directed by the Superintendent of Public Instruction.

SEC. 10. The Secretary of State shall forward a newspaper con-

taining this act, to each Fund Commissioner and to each county commissioner's clerk, so soon as the same shall have been published. Duty of Secretary of State.

SEC. 11. All acts and parts of acts contravening the provisions of this act, are hereby repealed. Repealing sec.

SEC. 12. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican. Take effect.

Approved, January 12, 1849.

Published in the Reporter and Republican, January 17th, 1849.

Chapter 60.

FERRY.

AN ACT authorizing Robert Gower, his heirs and assigns to keep a ferry across Cedar river at Washington Ferry.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Robert Gower, his heirs and assigns, are hereby authorized to establish and keep a ferry across Cedar river, at Washington Ferry, in Cedar county, for the term of twelve years, with the exclusive privilege to the same for one mile up and one mile down said river from the point where said ferry is now established: *Provided*, said Gower, his heirs and assigns be subject to all laws now in force, or which may be in force during said term, regulating ferries. Ferry across Cedar river.

SEC. 2. That said Robert Gower, his heirs and assigns shall keep at said ferry, a good flat-boat and such other small craft as may be necessary for the safe and expeditious conveyance of persons and property across said river. To keep good flat boat, &c.

SEC. 2. This act shall take effect from and after its passage. Take effect.

This bill having remained with the Governor three days, (Sundays excepted,) and the Legislative Assembly being in session, it has become a law this 13th day of January, 1849.

JOSIAH H. BONNEY, Secretary of State.

Chapter 61.

STATE ROAD.

AN ACT to amend an act, entitled an act to re-locate a part of a Territorial road from Fairfield to the Indian boundary.

Road leading from Fairfield to Racoon forks located.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That so much of the State road leading from the town of Fairfield, in Jefferson county, to the Racoon Fork of Des Moines river, be located in accordance with an act, entitled an act, approved Jan. 29th, 1844, and Feb. 15th, 1847, to re-locate a part of a Territorial road from Fairfield to the Indian boundary, as lies between Fairfield, in Jefferson county, and Oskaloosa, in Mahaska county, be, and the same is hereby located; that the county commissioners of Jefferson county shall not have power to change the same from the present location of said road.

Commissioners of Jefferson co. not to have power to change said location.

Repealing sec.

SEC. 2. That all acts and parts of acts contravening the provisions of this act, be, and the same are hereby, repealed.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, Jan. 13, 1848.

Chapter 62.

JURORS.

AN ACT to provide for the payment of the jurors in the District Courts of Lee county.

In civil cases a fee of $3 to be paid.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in all civil cases tried in the District Courts in the county of Lee, there shall be paid by the party in whose favor a verdict may be rendered, and in case of a nonsuit, by the party calling said jury, and taxed in the bill of costs, the sum of three dollars; which sum shall be paid on the rendition of the verdict or judgment of nonsuit as aforesaid, and before the same is recorded, into the hands of the Sheriff of the said county of Lee, and by him paid over to the county Treasurer of said county under the direction of the court.

Money paid to county treasurer.

SEC. 2. That in any action at law, sounding in contract, which may

be pending in the District Court of Lee county, when the parties to such action shall agree to waive the intervention of a jury, and to submit the case to the court, it shall be the duty of said court to try and determine the facts without calling a jury, any thing in any law to the contrary notwithstanding. And in all actions on written contracts, for sums of money certain, where the plaintiff offers to submit the case to the said courts and the defendant shall call a jury, such defendant shall pay all expenses incurred by calling such jury, unless by plea or notice he set up and sustain on the trial a defence of payment, set off, release, fraud, failure, or want of consideration.

When jury waived, duty of the court to try and determine the facts.

When plaintiff offers to submit the case to court, defendant to pay expenses of jury.

SEC. 3. That each talisman, serving as a petit juror in the District Courts of Lee county, shall be entitled to the sum of fifty cents for each jury trial on which he may serve, provided the trial does not detain such talisman more than one day; but in case he is detained more than one day on such trial, he shall receive the same amount per day as regular summoned jurors are entitled to receive; whose accounts shall be paid in the same manner as other jurors.

Compensation of jurors.

SEC. 4. That all acts and parts of acts coming in conflict with this act be, and the same are hereby, repealed.

Repealing sec.

SEC. 5. That this act take effect and be in force from and after the first day of May A. D. 1849.

Take effect.

Approved, Jan. 13, 1849.

Chapter 63.

WEST POINT.

AN ACT to amend an act entitled "an act to vacate the public square in the town of West Point, in Lee county," approved February 17, 1847.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That that portion of the town of West Point, in the county of Lee, as embraced in the public square in said town, is hereby vacated for the use of the Des Moines College: *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.

Public square in West Point vacated.

Proviso.

SEC. 2. 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

The square to be used for college only.

purposes, upon, or dispose of by sale or lease, any portion of said public square, or the building or buildings thereupon.

Repealing sec. SEC. 3. That the first and fourth sections of the act to which this act is amendatory, be, and the same are hereby repealed.

Take effect. SEC. 4. This act shall take effect from and after its publication according to law.

Approved, January 13, 1849.

Chapter 64.

STATE ROAD.

AN ACT to establish a State road herein named.

Commissioners SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Hiram D. Gibson, John J. Stout and Samuel Whitmore be, and they are hereby appointed commissioners to locate a State road running from the south east corner of the public square of the town of Fairfield, in Jefferson county, and from thence south of east till it intersects the section line one fourth of a mile west of A. Bridgman's field, thence on or near said section line to or near Joseph Higginbottom's house, thence easterly to Elias Weyart, thence in nearly the same direction to the south west corner of Eli Smith's field, thence easterly on the route formerly surveyed, to the Henry county line where it intersects a road leading from Mount Pleasant.

Surveyor. SEC. 2. That the said Samuel Whitmore shall act as surveyor and viewer, and on the first Monday of June, or within sixty days thereafter, together with the other two commissioners, shall take to their assistance such necessary hands as may be required, and after taking the necessary oath, shall proceed to establish said road according to law now in force on that subject.

When to meet.

Take effect. SEC. 3. This act to take effect from and after its publication according to law.

Approved, January 13, 1849.

Chapter 65.

UNIVERSITY LAND.

AN ACT allowing additional compensation to the agent employed to select the University land for this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the agent employed by the Treasury Department of the United States for the selection of the University land, be, and is hereby, allowed one dollar per day in addition to the amount allowed in the act of Jan. 24th, 1848, to be verified, audited, and allowed as is provided for in said act. Additional compensation allowed to the agent appointed to select University lands.

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

Approved, Jan. 13, 1849.

Chapter 66.

GENERAL ELECTIONS.

AN ACT to amend an act entitled an act providing for and regulating general elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of the act to which this is amendatory as requires the clerks of the board of county commissioners to make out notices and the sheriff to post up the same, at general elections, and that further makes it the duty of the said clerk to furnish a copy of the several duties to be performed by the judges and clerks of elections, be, and the same is hereby repealed. Repealing sec.

SEC. 2. This act to take effect from and after its publication. Take effect.

This bill having remained with the Governor three days (Sundays excepted) and the Legislative Assembly being in session, it has become a law this 13th day of January, 1849. Authentication

JOSIAH H. BONNEY, Secretary of State.

Chapter 67.

GROCERY LICENSE.

An ACT regulating grocery license.

Board of Commissioners to grant license for selling liquor in less quantities than one gallon.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any person, wishing to obtain a license to keep a grocery or wishing to sell any spirituous or vinous liquors in any quantity less than one gallon, shall apply to the board of county commissioners of the propper county, who shall issue their warrant, directing the person so applying to pay into the county treasury a sum not exceeding one hundred and twenty-five, nor less than fifty dollars, as the case may be, in the discretion of the board, and obtain the treasurer's receipt for the same, and upon the presentation of such receipt the board shall grant to such applicant a license to keep a grocery in said county for the term of one year, by the siad applicant executing a bond to the said board in the penalty of one hundred and fifty dollars, with one or more sufficient securities, conditioned that he will keep a good orderly house and that he will not permit any unlawful gaming or riotous conduct in or about his house, neither will he permit any habitual drunkenness, or those that are daily in the habit of becoming intoxicated to be and remain about his house, and upon a violation of the requisitions herein contained, the persons offending shall pay a fine of not less than twenty, nor more than fifty dollars for the use of the county in which the offence was committed, to be recovered by law as other debts are recovered: *Provided*, That the commissioners in each and every county in this State, may, in their discretion refuse to grant license to any person.

Execute a bond

Condition of bond.

Proviso.

License authorises a person to sell in but one place.

SEC. 2. License granted to keep a grocery shall not authorize the person obtaining such license, to vend or sell spirituous or vinious liquors in more than one place or house in the county in which such license was obtained.

SEC. 3. A grocery shall be deemed to include any house or place where spirituous or vinous liquors are retailed by quantities (less) than one gallon.

SEC. 4. If any person shall sell or retail any spirituous or vinous liquors in less quantity or quantities than one gallon, without first having obtained a license agreeably to this act and he shall upon conviction thereof be fined in any sum not exceeding one hundred and fifty

Person selling liquor without license liable to fine and imprisonment.

nor less than fifty dollars, for the use of the county where the offence shall have been committed, to be recovered by indictment in any District Court in this State having cognizance thereof, and be imprisoned in the jail of the proper county not less than ten nor more than thirty days, to be fixed by the jury trying the cause.

SEC. 5. And it is hereby made the duty of all county or township officers, knowing of any violations of the foregoing regulations of this act, to make complaint thereof to the grand jury at the next session of the District Court after such violation; and any other person who may know of any violation of the foregoing act, may make complaint before the grand jury as aforesaid, and the Clerk of the Board of County Commissioners to sue on the bond for any violation of its conditions: *Provided, however*, That no provisions of this act shall be so construed as to interfere [with] or in any way to abridge the powers and privileges granted to cities or incorporated towns within this State.

Township officers to make complaint to grand jury.

Any other person may make complaint.

Proviso.

SEC. 6. All acts and parts of acts now in force upon the subject of grocery or grocery license, are hereby repealed.

Repealing sec.

SEC. 7. This act to take effect and be in force from and after the first day of June next.

Take effect.

Approved January 13, 1849.

Chapter 68.

FERRY.

AN ACT to authorize Chancey C. Dibble to establish and keep a ferry across the Des Moines river, at Farmington, Van Buren county, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Chancey G. Dibble, his associates, heirs, and assigns, are hereby authorized to establish and keep a ferry across the Des Moines river, at the town of Farmington, Van Buren county, for the term of twelve years. And the said Chancey G. Dibble, his associates, heirs, and assigns, shall have the exclusive privilege to the same for one mile up said river from the point where the ferry is kept, and from said point one mile down the river: *Provided*, They shall be subject to all laws now in force regulating ferries, or which may be in force during said term.

Ferry across the Des Moines

Proviso.

SEC. 2. The boat or boats necessary for the conducting of the said ferry, may be so constructed as to be propelled by steam, horse, or

Boats propelled by steam, horse &c.

such other power or means as the said proprietors may deem expedient.

Take effect.

SEC. 3. This act to take effect and be in force from and after its passage, and may be altered or repealed by any future legislature.

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

Authentication

This bill having remained with the Governor three days (Sundays excepted) the Legislative Assembly being in session it has become a law this 13th day of January, 1849.

JOSIAH H. BONNEY, Secretary of State.

Chapter 69.

PITTSBURGH.

AN ACT to vacate a part of the town of Pittsburg, in Van Buren county.

Part of Pittsburgh declared vacated.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of the town of Pittsburgh, in Van Buren county, as is known and designated upon the recorded plat of said town, as blocks eighty-five, eighty-six, eighty-seven, one hundred and four, and one hundred and five; and also so much of Madison, Jefferson, and Seventh streets, in said town, as lie north of Chequest creek, be and the same is hereby declared vacated.

SEC. 2. This act to take effect from and after its passage.

Approved, January 13, 1849.

Chapter 70.

PENITENTIARY.

AN ACT relative to the Penitentiary.

A. H. Haskell appointed superintendant.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That A. H. Haskel, of the county of Keokuk, is hereby appointed Superintendent of the Penitentiary, to hold his office from the 16th day of March, 1849, until his successor is elected and qualified as herein provided.

Give bond.

SEC. 2. Before entering upon the duties of his office, the said Superintendent shall enter into bond, made payable to the State of Iowa, in the sum of ten thousand dollars, conditioned for the faithful discharge of his duties, and the accounting for all monies that may come to his

hands; and he shall further take an oath to honestly, faithfully and impartially discharge the duties of such Superintendent; which bond shall be approved by the Secretary of State, and together with the oath aforesaid, filed in his office. Take an oath.

SEC. 3. The said Superintendent shall receive from the present lessee of the Penitentiary, all property of every description pertaining to said institution which belongs to the State, upon the day of entering upon the duties of his office, or as soon thereafter as delivery can be made; and shall at the time of receiving said property take an inventory or schedule of the same, and in case the said lessee shall refuse to deliver any such property to said Superintendent, then the latter shall institute legal proceedings therefor in his own name for the use of the Penitentiary, for the recovery of the same; a copy of which inventory or schedule he shall return to the Governor, with his first report herein provided for. Receive property of lessee. Institute legal proceedings.

SEC. 4. That for the purpose of rendering the Penitentiary efficient, the said Superintendent shall immediately after entering upon the duties of his office, make arrangements for completing the walls of the building, placing a roof over that part intended to be under cover, and finishing such additional cells as the means at his disposal will justify, and the public interest demands. Make arrangements for the completion of said Penitentiary.

SEC. 5. That in the prosecution of said work, said Superintendent shall let all contracts to the lowest responsible bidder; said letting to be conducted in such manner as he may adopt, provided that good and sufficient bonds shall be required of contractors, conditioned for the faithful and prompt fulfilment of their contracts. Let contracts to lowest bidder.

SEC. 6. To meet the necessary expenditures thus incurred, the Governor is hereby authorized to issue State bonds not exceeding six thousand dollars in amount, made payable to the Common School Fund in ten years, bearing an interest of not more than ten per centum per annum, payable on the first day of February annually. Governor to issue State bonds payable to sch'l fund.

SEC. 7. Whenever there shall be monies in the School Fund sufficient to meet the bonds or any portion thereof, the Governor shall proceed to execute the same and file them in the office of the Superintendent of Public Instruction, who shall at any time thereafter when requested by the Superintendent of the Penitentiary, pay over to him the monies hereby appropriated, which may then be in his hands; but not more than two thousand dollars shall be placed in the hands of said Superintendent of the Penitentiary at any one time, over and above the amount for which satisfactory receipts and vouchers shall have been by him previously filed with the Superintendent of Public Instruction. Duty of Governor and Superintendent of P. Instruction.

SEC. 8. The interest on the loan hereby authorized shall always be

Interest on loan have preference

paid in preference to any other charge against the State Treasury, except that for the interest on the loan already made.

Work prosecuted with despatch.

SEC. 9. The work above shall be prosecuted with all possible dispatch and 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 the least important, having reference to the security of the convicts and the best interest of the State.

Prisoners under control of Superintendent

SEC. 10. Prisoners in the Penitentiary shall be under the control and supervision of the Superintendent, who shall have power if necessary 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, provided that said rules are in accordance with law and the principles of humanity.

Have control of all matters.

SEC. 11. The Superintendent shall have full and entire control of all matters connected with said Penitentiary, the work in progress, and the convicts, and shall receive for his services the sum of four hundred dollars, per annum, to be paid out of any funds in the Treasury not otherwise appropriated.

Compensation.

SEC. 12. The funds necessary for paying a keeper and furnishing necessaries for the convicts may be taken from the amount appropriated for the work herein authorized.

Superintendent to hold office.

SEC. 13. The Superintendent hereby appointed shall hold his office from the time of entering upon his duties aforesaid, until the first day of December, 1850, and until his successor is elected and qualified.

Hereafter selected by joint resolution.

SEC. 14. *And be it further enacted*, That the General Assembly shall, at its next regular session at and every session thereafter, by joint resolution, select a Superintendent of the Penitentiary, who shall qualify in the manner provided.

Superintendent to report.

SEC. 15. It shall be the duty of the Superintendent to report under oath his actings and doings in full, to the Governor, semi-annually, on the first days of May and November of each year, to be laid before the General Assembly at the commencement of every regular session; *Provided*, That the Superintendent herein created, shall, as above, report in full to the Governor every three months; *and provided further*, that before any Superintendent shall be finally released from his obligations under his bond, his accounts and report shall undergo the investigation of any person or persons that may at any time be appointed by the General Assembly.

Proviso.

Vacancy, Governor to appoint.

SEC. 16. In case a vacancy shall happen in the office of the Superintendent, from death, resignation or other cause, the Governor may

appoint a person to fill such vacancy, and the person so appointed shall qualify in manner herein before provided and shall hold his office for the unexpired term for which he was appointed.

SEC. 17. That all acts and parts of acts that conflict with the provisions of this act be, and the same are hereby repealed. Repealing sec.

SEC. 18. This act to take effect from and after its publication in the Keokuk Dispatch and Iowa State Gazette. Take effect.

Approved, January 13, 1849.

Published in Gazette Jan. 31st and Dispatch Feb. 8th, 1849.

Chapter 71.

TAX TO BUILD A COURT HOUSE.

AN ACT authorizing the County Commissioner's Court of the county of Des Moines to have a vote taken in relation to building a Court House in said county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the County Commissioners of the county of Des Moines may, at any regular or special term of said Court after the taking effect of this act, order a vote to be taken in said county for the purpose of determining whether or not a special tax shall be levied by said Commissioners for the purpose of building a court house in said county. County Commissioners may order a vote.

SEC. 2. Should said commissioners decide to have a vote taken as above, the same shall be entered on record in said court, and also the time when said election shall be held. To be entered of record.

SEC. 3. It shall thereupon, after said order, be the duty of the clerk of said board to give at least four weeks' notice of the same, by publication in each of the newspapers printed in the City of Burlington, of the time of said election. Clerk to give notice.

SEC. 4. If an election shall be ordered, a poll shall be opened at each of the election precincts in said county. The vote shall be taken *viva voce*, and the question shall be put to said voter in this or an equivalent form:—'Are you in favor of or against a tax for building a Court House?' and the vote shall be put down in the column corresponding to the vote. For this purpose a separate book shall be opened at each election precinct; and after said election said poll book shall be returned, sealed in a separate envelope, by itself, to the clerk of said board of commissioners, certified as other election returns, within the time prescribed for other election returns. Poll to be opened--to vote *viva voce*. Separate poll book to be opened. Returns made to Clerk Com.

Commissioners Court to assess tax.

SEC. 5. If a majority of the votes cast shall be in favor of a tax, said commissioners shall thereupon, at the first regular or special term of said board thereafter, proceed to assess a tax for the purpose above mentioned on all taxable property in said county, which amount shall not exceed that assessed or allowed to be assessed for county purposes which said assessment may be continued from year to year until said court house is entirely completed.

Clerk to make out list.

SEC. 6. When the assessment shall be made, the clerk of the board shall make out a list of the same, and deliver it to the collector of said county, who shall thereupon proceed without delay to collect the same; and for this purpose there shall be conferred upon him all the power conferred for the purpose of collecting State and county revenue.

Collector to collect; powers

Collector to account and pay over.

SEC. 7. Said collector shall account for and pay over to said board, or to the clerk thereof, on the first Monday of each and every month, all moneys collected by him for the purpose above mentioned.

Assessment to be made from last State and county assessment.

SEC. 8. In making said assessment the commissioners shall make the same from the last State and county assessment which shall or may be made next previous to each assessment, for the purpose contemplated in this act.

To purchase a lot.

SEC. 9. The purchase of a lot or lots upon which to erect a court house shall also be embraced within the powers conferred upon the county commissioners by this act.

Collector execute special bond.

SEC. 10. Before the collector shall be authorized to collect the tax levied under the provisions of this act, he shall execute a special bond to the board of said commissioners, faithfully to discharge the duties enjoined on him by this act; which bond may be put in suit for any and every breach of the same. Said bond shall be such an amount as said board may direct.

Powers of commissioners.

SEC. 11. All power conferred on the board of commissioners by the thirty-fifth section of an act entitled "An act to provide for levying and collecting revenue for State and county purposes, approved February 25th, 1847," are also conferred upon the board of commissioners of Des Moines county for the purpose contained in this act; and they shall also have the same power, should said assessor fail to qualify as above, within two weeks after said assessment; he being notified of the same.

Compensation of collector.

SEC. 12. The collector shall receive the same compensation for his duties under this act as is allowed by the forty-second section of the above named revenue act, "approved February 25th, 1847.

Collector to report to Dist. Court.

SEC. 13. When the tax assessed for the purpose of this act, or any portion thereof, shall remain due and unpaid for twelve months after said assessment, it shall be the duty of the county treasurer to make

report thereof to the District (court) of said county at the first term thereafter, which report shall conform as nearly as may be to that prescribed for State and county revenue.

SEC. 14. Before making the application to the District court, as is above provided, the collector shall give notice, as is prescribed in similar cases for State and county revenue, except that the first advertisement shall be four instead of six weeks, and all further proceedings shall be as provided by law for the sale of lands, for the collection of State and county revenue, and conveyances shall be made under the same regulations and with the same effect. Collector give notice.

SEC. 15. This act shall take effect and be in force from and after one insertion each in the Iowa State Gazette and Burlington Hawk-Eye published in the city of Burlington. Take effect.

Approved January 12, 1849.

Published in the Gazette of the 24th, and Hawk-Eye of the 25th January, 1849.

Chapter 72.

FERRIES.

AN ACT to authorize Robert Bunker, his heirs and assigns, to establish and keep a ferry across the Mississippi river, at Bunker's landing, in Clayton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Robert Bunker, his heirs and assigns, are hereby authorized to establish a ferry across the Mississippi river at Bunker's landing, in Clayton county, for the term of fifteen years: *Provided,* Said Robert Bunker, his heirs and assigns, shall keep, or cause to be kept at said ferry a good and sufficient flat boat or boats, for the safe conveyance of wagons, teams, cattle, horses, hogs, and passengers, across said river without delay. Ferry across the Mississippi. Proviso.

SEC. 2. The said Robert Bunker shall be allowed one year to establish good and sufficient boats, and if the said Robert Bunker, his heirs and assigns, fail to comply with the requirements of this act, within the prescribed time, he shall forfeit all right to any privileges contained in this act. One year allowed to establish, &c.

Approved, January 15, 1849.

Chapter 73.

TOWNSHIP OFFICERS.

AN ACT to legalize the acts of certain officers therein named.

Preamble. WHEREAS, the original file of papers relative to the organization of the township of Montpelier, in the county of Muscatine, have been lost: Therefore,

Records, &c. made valid. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the certified manuscript copy of the record of the organization of the township of Montpelier, in Muscatine county, and now in the possession of the clerk of said township, and all subsequent township records which have been kept by the proper officers of said township, are hereby legalized and made valid, to all intents and purposes.

Acts of officers legalized. SEC. 2. *And be it further enacted*, That the official acts of all township officers who have heretofore been elected, as shown by such record, are hereby legalized and made valid. *And further*, that all persons now in office in said township are held amenable to all laws relating to townships.

Amenable to laws in force.

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

Approved, Jan. 15, 1849.

Chapter 74.

LUCAS COUNTY.

AN ACT for the organization of Lucas county.

Lucas organized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the county of Lucas be, and it is hereby organized, from and after the fourth day of July 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.

Election to be held. SEC. 2. That there shall be an election held on the first Monday of August 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.

Duties of Sheriff.

SEC. 3. That it shall be the duty of the sheriff of said county to give at least fifteen days previous notice of the time and place of holding such 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 board of county 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 election.

Proviso.

Term of office.

SEC. 4. That the county officers, elected under the provisions of this act, shall hold their respective offices until the first Monday in August, 1850, and until their successors may be elected and qualified.

Justices, &c. to hold office.

SEC. 5. That the justices of the peace, and constables, elected under the provisions of this act, shall hold their offices until the first Monday of April, 1850, and until their successors may be elected and qualified, and their jurisdiction shall be co-extensive with the said county.

Jurisdiction.

Sheriff appointed to file bond and oath and when.

SEC. 6. That James Rowland be, and he is hereby, appointed sheriff of said county of Lucas, and shall continue in office until the first Monday of August, 1850, 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 Monroe county, which oath of office may be administered by said clerk.

Who may administer oath.

In the event of vacancy Sheriff of Monroe to perform duties.

SEC. 7. In case of the death, resignation, or other disqualification of said sheriff, it is hereby made the duty of the sheriff of Monroe county to perform the duties required by this act, so far as they relate to the organization of Lucas county.

Actions in District Court of Monroe to be prosecuted to final judgment.

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

Duties of justice.

SEC. 9. That it shall be the duty of all justices of the peace, residing within said county of Lucas, to return all books and papers in their possession, 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 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.

Commissioners

Sec. 10. That Wareham G. Clark, of the county of Monroe, Pardon M. Dodge of the county of Appanoose, and Richard Fisher, of the county of Wapello, be, and they are hereby appointed, commissioners to locate and establish the seat of justice of said county of Lucas.

When and where to meet.

Sec. 11. That said commissioners, or a majority of them, shall meet at Charitan Point, in said county, on the first Monday in September next, or within thirty days thereafter, as a majority of said commissioners may agree.

Oath.

Sec. 12. The said commissioners shall first take and subscribe the following oath or affirmation, 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 Lucas 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." Which oath or affirmation may be administered by any officer authorized by law to administer oaths within said county, and the officer administering the said oath or affirmation shall certify and file the same in the office of the clerk of the district court of said county of Lucas; which oath or affimation shall be recorded by said clerk.

Who may administer.

Where oath to be filed.

Duty of commissioners.

Sec. 13. 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 the place thus designated shall be the seat of justice for said county.

Duty of Clerk of Dist. Court.

Compensation.

Sec. 14. Said commissioners shall each be entitled to receive the sum of two dollars per day, while necessarily employed in the discharge of the duties required of them by this act, and two dollars for every twenty miles travel, in going to and returning from said seat of justice, which shall be paid by said county out of the first money arising from the sale of town lots in such seat of justice.

Where District Court to be held

Sec. 15. That the district court for said county shall be held at Chariton Point in said county, or at such other 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.

Approved, January 15, 1849.

Chapter 75.

RAIL ROAD.

AN ACT to provide for the making of a Rail Road from Dubuque to Keokuk.

WHEREAS, the General Assembly of the State of Iowa did, on the twenty-second day of January, A. D. 1848, pass a memorial to the Congress of the United States, in which was asked an appropriation of lands for the construction of a rail road from Dubuque to Keokuk, through the interior of the State aforesaid, equal to five sections for each mile of said road, to be located in alternate sections five miles on each side of said road, or lands adjacent thereto, as the same may be conveniently obtained. AND WHEREAS, is reasonable to be expected that the public lands prayed for may be granted to the State of Iowa by the Congress of the United States, for the aforesaid purposes, previous to the next regular session of the Legislative Assembly. Now therefore, in order to provide for such a contingency, and that the construction of a work so important to the interests of the population in the interior of this State, and the general prosperity, should not be unnecessarily delayed: Therefore, Preamble.

Be it enacted by the General Assembly of the State of Iowa, That L. H. Langworthy, of Dubuque county, John C. Berry, of Linn county, and William Patterson, of Lee county, be and are hereby appointed commissioners to proceed as soon as practicable to select and make location of such lands as the Congress of the United States may appropriate for the purposes aforesaid, according to the conditions and requirements of the act making said grant; and the said commissioners after having selected the said lands, shall make a full and complete description of the same, which shall be recorded in the office of Secretary of State. The said commissioners, or one of them, shall personally inspect and examine each section or subdivision of land selected, and shall receive such compensation as may be allowed by the General Assembly of this State. Commissioners. Commissioners to inspect each section.

Approved January 15, 1849.

Chapter 76.

FERRY.

AN ACT to authorize Augustus Phelps to keep a ferry across the Mississippi river at the town of Lyons, in Clinton county.

Ferry to be kept at Lyons.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Augustus Phelps, his heirs and assigns, are hereby authorized to keep a ferry across the Mississippi river, at the town of Lyons, in Clinton county, within the following limits: beginning one half mile above said town of Lyons, and extending down said river to the southern line of said town; and that the said Augustus Phelps, his heirs and assigns, have the exclusive privilege of ferrying within the above named limits for the term of five years from and after the passage of this act: *Provided*, That the said ferry shall be subject to the same regulations and restrictions as other ferries are, or may be hereafter, by law, in this State, fixing the rates of toll, and prescribing the manner in which licensed ferries shall be kept.

Exclusive privilege.

Proviso.

Horse boat to be kept.

SEC. 2. That the said Augustus Phelps, his heirs and assigns, shall keep, or cause to be kept, at the place aforesaid, a good horse ferry boat, with a sufficient number of hands and horses to work the same, for the transportation of all persons and their property across said river, when passable, without delay.

Proviso.

SEC. 3. *Provided also*, That nothing in this act shall be so construed as to interfere with the right that any individual may have to the lands on either side of said river.

Repealing sec.

SEC. 4. That any future General Assembly may have the right to alter, amend, or repeal this act.

This bill having remained with the Governor three days, (Sundays excepted,) and the Legislative Assembly being in session, it has become a law this 15th day of January, 1849.

JOSIAH H. BONNEY, Secretary of State.

Chapter 77.

JONES COUNTY.

AN ACT to preserve the records of Jones county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Board of Commissioners of the county of Jones, be and they are hereby required to have all the manuscript records, in the office of the recorder of Jones county, bound in a substantial manner.

Manuscript records to be bound.

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

Approved, Jan. 15, 1848.

Chapter 78.

NORMAL SCHOOLS.

AN ACT to establish Normal Schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the State be divided into three districts, in each of which there shall be established a Normal School for the education of common school teachers and others. Each school shall educate eight teachers, free of charge of tuition, who shall teach, for the term of three years, common schools within the State: said schools shall be established at Andrew, Oskaloosa, and Mount Pleasant: *Provided always*, That religious sectarianism shall, under no circumstances, be incorporated into the system of instruction contemplated in this act. The Superintendent of Public Instruction shall proceed, as soon after the passage of this act as practicable, to divide the State into three districts.

State divided into 3 districts.

Each district to educate eight teachers.

Proviso.

Duties of Superintendent.

SEC. 2. That each Normal School shall be governed by a board of seven trustees, to be appointed by the Board of Trustees of the University, two of whom shall hold their office two years, two for three years, one for four years, one for five years, and one for six years, and until their successors are appointed and qualified: their respective terms of service to be determined by lot at the first regular meeting of the board after their organization.

Trustees, and the term for which appointed

When trustees to meet.

SEC. 3. The Board of Trustees shall meet on the first Wednesday of April next, and appoint a president, vice president, secretary, who shall also be librarian and treasurer, and prepare a code of by-laws for the government of their body, and rules and regulations for the government of the school.

$500 appropriated.

SEC. 4. That the sum of five hundred dollars is hereby appropriated, annually, to each school, to be drawn quarterly out of the University fund by the several treasurers, to be expended in payment of teacher's wages, purchasing books, maps, charts, globes, chemical and philosophical apparatus, and mathematical instruments: *Provided always*, That the friends of education shall furnish funds to the amount of not less than five hundred dollars to erect such buildings for the use of said Normal Schools as the Board of Trustees may deem necessary.

Proviso.

Report to Superintendent.

SEC. 5. The Board of Trustees shall, annually, or oftener if required, report to the Superintendent of Public Instruction the condition of their school, progress of improvement of pupils, and state of the finannances, in such a manner as prescribed by the aforesaid officers.

Annual meeting

SEC. 6. The annual meeting of the board shall be on the first Wednesday of October, in each year, at which time they shall report the names of pupils qualified to teach common schools.

Take effect.

SEC. 7. This act to take effect and be in force from and after its passage.

Approved, January 15, 1849.

Chapter 79.

SUPREME COURT.

AN ACT to amend "An act to re-organize the Supreme Court," approved January 22, 1848.

Appeals, &c. from 5th Dist. taken to Ottumwa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all cases of appeals, or writs of error, from the fifth judicial district, shall be taken to the Supreme Court at Ottumwa, in the third judicial distaict.

Approved, January 15, 1849.

Chapter 80.

COMMON SCHOOLS.

AN ACT to establish a system of Common Schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That at the township election on the first Monday in April, A. D., 1851, and triennially thereafter, there shall be elected a Superintendent of Public Instruction, who shall hold his office for three years, and until his successor is duly elected and qualified.

Superintendent of Public Instruction to be elected.

SEC. 2. Before entering upon his duties he shall take and subscribe the usual oath of office, and shall also execute a bond in the penalty of twenty-five thousand dollars, payable to the State of Iowa, with securities to be approved by the Governor, conditioned for the prompt discharge of his duties as Superintendent of Public Instruction, and for the faithful application and disposition, according to law, of all school moneys which may come into his hands by virtue of his office. Said bond and oath shall be deposited with the Secretary of State, and an action may be maintained thereon by the State, at any time, for a breach of the conditions thereof.

Take oath and give bond.

Bond where filed and may be sued on.

SEC. 3. It shall be his duty to keep an office at the seat of government, and to file all papers, reports, and public documents transmitted to him by the school officers of the several counties, each year seperately, and hold the same in readiness to be exhibited to the Governor or to any committees of either house of the General Assembly, and shall keep a fair record of all matters pertaining to the business of his office.

Duty of Superintendent.

SEC. 4. He shall, without delay, pay over all sums of money which may come into his hands, by virtue of his office, to the officer or officers authorized to receive the same, in such manner as may be prescribed by law.

Pay over moneys.

SEC. 5. On the twenty-fifth day of January of each year he shall apportion among the several counties of the State, the interest of the permanent school fund which shall have accrued up to the first day of January aforesaid, and shall immediately transmit to the School Fund Commissioner a statement of the amount thus apportioned to their respective counties, accompanied with his warrant for the same on the officer in whose hands it may be deposited.

Apportion interest of permanent fund, and duties relative thereto.

SEC. 6. He shall have a general supervision of all the district schools

Supervision of district schools

Visit each county.

of the State, and shall see that the school system is as early as practicable put into uniform operation; shall visit every county at least once during his term of office, confer freely with the several school officers, and give such advice relative to schools as he may deem necessary; he shall deliver a public lecture to the teachers and people of each school district, on the subject of education, if deemed practicable, and perform generally such duties as may tend to advance the interest of education.

Deliver public lectures.

Examine and recommend text books.

SEC. 7. He shall examine and recommend to the several school districts a uniform series of text books, to be used in the schools thereof.

Prepare suitable forms.

Give instructions, &c.

SEC. 8. He shall prepare and have printed suitable forms for all reports required by this act, and shall transmit the same with such instructions as he may deem proper for the organization and government of the public schools, and with such directions in reference to the course of studies as he may judge advisable, to the several officers entrusted with their management and care.

Make rules and regulations.

SEC. 9. He shall make all further rules and regulations that may be necessary to carry the law into full effect according to its spirit and intent, which shall have the same force and effect as though contained herein.

Cause copies of this act to be printed and distributed.

SEC. 10. He shall cause so many copies of this act, with the forms, regulations, and instructions herein contemplated, thereto annexed, to be from time to time printed and distributed among the several school districts of the State, as he shall deem expedient.

Report to General Assembly.

SEC. 11. He shall make a report to the General Assembly at each regular session thereof, exhibiting the condition of the State University and public schools, and of the funds appropriated to each, and all such other matters relating to the affairs of his office as he may think proper to communicate.

Compensation.

SEC. 12. He shall receive annually the sum of twelve hundred dollars as a salary for the services required under the provisions of this act, and also all necessary contingent expenses for postage, books and stationary pertaining to his office, to be audited and paid as the salaries and contingent expenses of other State officers are.

Election and duties of School Fund Commissioner.

School Fund Commissioner to be elected.

SEC. 13. At the annual township election on the first Monday in April, A. D. 1850, and biennially thereafter, in each organized county in this State, there shall be elected one School Fund Commissioner for the county, who shall hold his office for two years and until his successor is elected and qualified.

Sec. 14. Within twenty days after his election he shall take and subscribe an oath that he will faithfully discharge the duties of his office, and shall also execute a bond to the State of Iowa, in the penalty of ten thousand dollars, with securities to be approved by the Clerk of the District Court and the Sheriff of the county, conditioned for the faithful application of all school money that shall come into his hands. Said bond and oath shall be deposited with the Clerk of the District Court and suit shall be brought thereon at any time, in case of mal-practice in office, by the Prosecuting Attorney.

Take oath and execute bond.

By whom approved.

Where filed and who to bring suit.

Sec. 15. Should he fail to qualify as above required, or if for any other reason there be a vacancy in the office, the Clerk of the District Court, Prosecuting Attorney, and Sheriff of the county shall appoint a substitute, who shall qualify in like manner.

Vacancy, how filled.

Sec. 16. He shall on the fifteenth day of October of each year, transmit to the Superintendent of Public Instruction a report containing an abstract of the several particulars set forth in the reports of the district secretaries, together with a statement of the financial affairs of his office, and such suggestions as he may think proper to make relative to the schools of his county.

Report to Superintendent of Public Instruction on the 15th Oct.

Sec. 17. Should he fail to make his report, as required in the foregoing section, he shall forfeit the sum of twenty dollars, and suit shall be brought on his official bond for the collection of the same with damages, by the Prosecuting Attorney.

Failure to report, to forfeit $20.

Sec. 18. He shall keep an accurate account of the receipts and expenditures of his office, and shall render an account current thereof at any time when required by the Superintendent of Public Instruction.

Keep an accurate account of receipts and expenditures.

Sec. 19. He shall take receipts for all monies paid out, in a book provided for the purpose, file all warrants and orders drawn on him by the respective presidents of the district boards, and all other papers transmitted to him pertaining to the business of his office, and shall hold the same subject to the inspection of the Superintendent of Public Instruction or any of the school officers of his county.

Take receipts for moneys p'd, file warants, &c.

Sec. 20. He shall keep a correct account of all monies received from the township and county officers, specifying the particular source from which the same accrued.

Keep accounts.

Sec. 21. He shall distribute to the district officers within his county such blank forms, circulars, and other communications as may be transmitted to him for that purpose by the Superintendent of Public Instruction.

Distribute forms, circulars &c.

Sec. 22. On the first day of March annually he shall apportion the interest of the permanent school fund to which his county is entitled, the county school tax, and all money in his hands appropriated for the

Apportion interest on permanent fund, and

the co. school tax.

support of schools, among the several school districts of his county, in proportion to the number of persons reported to him by the respective district secretaries, and shall record a statement thereof in his office.

Notify school districts.

Sec. 23. He shall immediately notify the president of each school district of the amount to which his district may be entitled by said apportionment, and shall pay the same over to the district treasurer, upon the warrant of the president countersigned by the secretary.

Loan school fund.

Sec. 24. He shall loan out the principal of the permanent school fund, as the same may come into his hands, at the rate of ten per cent. interest per annum; said interest made payable at his office on the first day of January of each year.

Money secured by note with security and mortgage.

Sec. 25. The payment of the money thus loaned, and the interest thereon, shall be secured by a promissory note, to be executed by the loanee, with two good securities, and by mortgage on real estate of the clear unincumbered value of double the amount of money loaned.

Real estate upon which money is to be obtained to be appraised.

Sec. 26. The value of real estate proposed to be given in security for money loaned as herein provided, shall be fixed by three appraisers under oath, to be appointed by the Fund Commissioner, who shall be allowed therefor the sum of fifty cents each, to be paid by the loanee.

Loan not exceed $500, nor for less time than one year.

Sec. 27. No loan to any one person or company shall exceed the sum of five hundred dollars, nor shall any loan be made for a less term than one year or more than five years.

School Fund Commissioner authorized to administer oaths.

Sec. 28. In all cases where it shall be necessary to administer any oath or affirmation under the provisions of this act, or any other act pertaining to the duties of the School Fund Commissioner, he is hereby authorized to administer the same.

Divide districts and number the same.

Sec. 29. He shall divide into school districts, and number the same, each township or election precinct in his county, or any part thereof, where the same has not heretofore been districted, and may alter and change the boundaries of districts thus formed, or those formed under other acts, from time to time, as the convenience of the inhabitants of the aforesaid townships and election precincts may require; and shall proceed to make such change at any time when petitioned by two-thirds of the legal voters of any district.

Form districts of parts of two or more townships—or parts of two or more counties.

Sec. 30. He may form a district from parts of two or more adjoining townships, and shall number said district as belonging to one of the several townships from which it is formed; a district may also be formed from parts of two or more adjoining counties, by the concurrence of the respective Fund Commissioners: *Provided*, That the persons in said district between the ages of five and twenty-one years shall be reported by the Secretary of the district to the Fund Com-

Proviso.

missioner of the county within which they reside, and that the school money to which they may be entitled by virtue of said reports shall be paid to the treasurer of said district.

Sec. 31. He shall receive such sum per annum for his service as may be allowed by the county commissioners, to be paid out of the county treasury. Compensation.

Organization and powers of School Districts.

Sec. 32. Each school district formed and organized under any former law, or under the provisions of this act, is hereby declared to be a body corporate by the name and style of School District No. —, of the township of —, in the county of —, and State of Iowa, and in that name it may hold property and be a party to suits and contracts. School districts a body corporate. May hold property and be a party to suits.

Sec. 33. Upon the formation of a new school district, the Fund Commissioner shall notify some qualified voter thereof, by written notice, describing the boundaries of the district, and also the time and place of the first meeting. Formation of new district some qualified voter to be notified.

Sec. 34. Such qualified voter shall notify each elector in the district of the same, by personal service, as far as convenient, and shall post a notice at the place of meeting, and also in three other public places in the district, stating the boundaries of the district and the time and place of meeting, at least six days before the time of said meeting. Duty of such voter.

Sec. 35. The qualified electors of the district, when assembled in accordance with the notice required in the foregoing section, shall organize by appointing a president and secretary who shall act as judges of the election, and the name of each elector shall be recorded by the secretary. The electors to organize and to appoint Prest. and Secretary.

Sec. 36. They shall then elect by ballot one president, one secretary, and one treasurer, who together shall constitute a board of directors for the district, and shall hold their offices until the next succeeding annual district election, and until their successors are elected and qualified. To elect a Pres. Sec. and Treas. by ballot.

Sec. 37. Said directors shall, within ten days after their election, appear before some justice of the peace and take an oath for the faithful performance of their duties; and in case they fail so to do, they shall each forfeit the sum of five dollars for the use of the district. Directors to take oath. Forfeiture.

Sec. 38. The regular meetings of each school district shall be held on the first Monday in May and October of each year. Time of holding district meetings.

Sec. 39. The qualified electors of the district, when assembled, shall have power, Powers of electors.

1st. to appoint a chairman and secretary, in the absence of the regular officers.

2nd. To adjourn from time to time as occasion may require.

Determine the number of schools to be established.

3rd. To determine the number of schools which shall be established in the district, and the length of time that each shall be taught.

Fix site for school house.

4th. To fix the site for each school house, taking into consideration in doing so the wants and necessities of the people of each portion of the district.

Lay tax, &c.

5th. To lay such tax on the taxable property of the district as the meeting shall deem sufficient to purchase or lease a suitable site for a school house or school houses, and to build, rent, or purchase a school house or school houses, and to keep in repair and furnish the same with the necessary fuel and appendages, and for procuring libraries for the schools, books and stationery for the use of the board and the district meetings, and to defray all other contingent expenses of the district: *Provided, however*, That said tax shall not exceed one and one-half per cent. on the taxable property aforesaid in any one year.

Proviso.

Sell school house, &c.

6th. To direct the sale or other disposition to be made of any school house or the site thereof, and of such other property, real or personal, as may belong to the district, and to direct the manner in which the proceeds arising therefrom shall be applied.

Determine what branches shall be taught.

7th. To determine what branches of learning shall be taught in the schools of their districts.

8th. To delegate any or all of the powers contained in the foregoing specifications to the district board.

Fix compensation of officers.

9th. To fix the compensation of the secretary and treasurer of the district, and to transact generally such business as may tend to promote the cause of education in accordance with the provisions of this act.

Objects for which tax is raised to be specified—Secretary to assess and collect.

SEC. 40. In levying a tax the district meeting shall designate the respective objects for which the same is raised, and the amount to be raised for each object; and the aggregate amount shall be assessed and collected by the secretary as herein provided.

To determine whether a sch'l of higher grade.

SEC. 41. They may determine whether a school of a higher grade shall be established in the district, the number of teachers to be employed, and the course of instruction to be pursued therein; and may erect for the purpose one or more permanent school houses, and shall cause the district board to make such classification of the pupils thereof as they may deem necessary: *Provided*, That in selecting the site for such school house or school houses the permanent interest and future welfare of the people of the entire district shall be consulted: *And provided further*, That the extra compensation required for teacher's sala-

Proviso.

Extra compensation to teachers of school of higher grade to

ries in such school or schools shall be paid by private subscription, in such proportionate parts as the board of directors may determine. be paid by private subscription.

SEC. 42. They may adopt such rules of order, not incompatible with the provisions of this act and instructions of the Superintendent of Public Instruction, for the government of district meetings, and may alter and change the same, from time to time, as occasion may require, and may prescribe the manner of taking the sense of the meeting upon any question: *Provided*, That the last specification shall not apply to the election of officers. Adopt rules of order. Proviso.

Election, powers, and duties of district officers.

SEC. 43. There shall be elected in each organized school district, at the regular district meeting, on the first Monday in May of each year, one president, one secretary, and one treasurer, of the district, who together shall constitute a board of directors for the district, and shall hold their offices for one year and until their successors are elected and qualified. Pres., Sec., and Treas. to be elected and constitute a board of directors.

SEC. 44. Said directors shall qualify in the manner herein prescribed for directors elected upon the formation of a new school district, and in case they neglect or refuse so to do they shall be subject to the same penalty. Directors to qualify.

SEC. 44. The board of directors may hold such regular, special, or adjourned meetings as they may from time to time determine. Board may hold meetings.

SEC. 46. The president, when present, shall preside at all meetings of the board and of the district, sign all warrants for the collection of taxes, all orders on the treasurer for the payment of money, and shall draw all drafts upon the School Fund Commissioner for money apportioned to his district. Duties of President.

SEC. 47. All drafts and orders drawn on the district treasurer, as required in the foregoing section, shall specify the fund on which they are drawn, and the use for which the money is designed. Drafts and orders must specified the fund on which drawn

SEC. 48. The district board shall employ all teachers necessary for the schools of the district, and pay them by draft on the treasurer: *Provided*, They do not overdraw the amount due from the teacher's fund, and when there shall not be sufficient funds in the hands of the treasurer for the payment of such teachers, the balance shall be paid by the persons sending pupils, in such manner as may be agreed upon by the teachers and the district board. Board to employ and pay teachers. Proviso.

SEC. 49. The president shall appear in behalf of his district in all suits brought by or against the same: *Provided*, That where he is individually a party this duty shall be performed by the Secretary. President appear in suits. Proviso.

Duties of secretary.

SEC. 50. The secretary shall record all the proceedings of the board and of the district meeting, in separate books to be kept for that purpose, and shall preserve copies of all reports made to the School Fund Commissioner, and shall file all papers transmitted to him by other school officers pertaining to the business of the district, and shall countersign all drafts, warrants, and orders drawn by the president.

Take census of persons between 5 and 21 years.

SEC. 51. He shall, between the first and fifteenth day of September of each year, take and keep on record a list of the names of all the white persons in the district between the ages of five and twenty-one years, and shall deliver a copy of the same to the principal teacher of each school in the district.

Keep account of expenses of district.

SEC. 52. He shall keep an accurate account of all the expenses incurred by the district, and shall present the same to the district board to be audited and paid as herein provided out of the school house fund.

Give ten days notice of meetings.

SEC. 53. He shall give ten days previous notice of all regular and special meetings of the district, as herein authorized, by posting up a written notice in five different places therein, and shall furnish a copy of the same to the teacher of each school in the district, to be read once in the presence of the pupils thereof.

Assess property.

SEC. 54. Whenever a tax has been voted by the district, the secretary shall obtain a transcript of the last assessment roll of the county, and shall add thereto any taxable property therein omitted, having himself assessed the value thereof, and shall post up a list of the names of the persons taxed, at three or more places in the district, with the amount due from each, set opposite their respective names, so far as their names may be known, at least thirty days previous to his proceeding to collect the tax.

Post a list of the names of persons taxed and amount due from each.

Call meeting of board to correct assessment.

SEC. 55. During the said thirty days should any person file a complaint of being taxed beyond his due portion, with the secretary, he shall call a meeting of the district board, who shall correct said assessment if they deem it erroneous.

President issue warrant--secretary to collect tax.

SEC. 56. At the expiration of the said thirty days the president of the board shall issue his warrant to the secretary, who shall proceed to collect the tax and to pay it over on the order of the president to the treasurer.

Persons refusing to pay tax, to proceed by distress.

SEC. 57. Should any one when called on neglect or refuse to pay such tax, the secretary shall proceed to collect the same by distress and sale of goods and chattels found within the district, having first posted up, at least ten days previous notice of such sale, in three of the most public places in the district.

Owner of lands failing to pay

SEC. 58. When the owner of lands fails to pay the tax thereon, such failure shall be reported by the secretary to the county collector of

taxes, in time for the same steps to be taken by such collector as are prescribed for the sale of lands for delinquent county taxes for the same year; the lands shall be sold in like manner and with the same consequenses as though sold for delinquent county taxes. And if for any cause they shall not be thus sold at the proper time, they may be sold the following or any subsequent year in the same manner and with the same consequences as is above contemplated.

tax, secretary to report to county collector.

Failing to sell lands at the proper time to be subsequently sold.

Sec. 59. The amount of tax collected by the county collector, in accordance with the provisions of the foregoing section, shall be held by him subject to the order of the president of the proper district, and shall be paid over accordingly.

Collector to hold tax subject to order of Pr's

Sec. 60. On the first day of October of each year, he shall make out and file in the office of the School-Fund Commissioner, a report of the affairs of the district, containing,

Secretary to make report to School Fund Commissioner.

1st. The number of white persons between the age of five and twenty-one years.

2nd. The number of schools and the branches taught in each.

3rd. The number of pupils in each school.

4th. The number of teachers employed in each school, and the average compensation of each per month.

5th. The number of days each school has been taught, and by whom.

6th. The average cost of tuition for a pupil per month in each school.

7th. The books used in each school.

8th. The number of volumes in the library of each school.

9th. The aggregate amount paid teachers during the year, the source from which the same was received, and the amount of the teachers' fund in the hands of the treasurer.

10th. The number of district school houses, and the cost of each.

11th. The amount raised in the district by tax for the erection of school houses, and for all other purposes authorized in this act, and such other information as he may deem useful.

Sec. 61. Should the secretary fail to file his report as above directed, he shall forfeit the sum of ten dollars, and shall be liable to make good all loss resulting to the district from such failure; suit to be brought in both cases by the president in the name of the district on his official bond.

Secretary failing to file report forfeit $10.

Sec. 62. The treasurer shall have the custody of all monies belonging to the district and shall pay out the same upon the order of the president, and shall keep an account of the receipts and expenditures thereof in a book provided for the purpose.

Treasurer to have custody of money, and pay the same on the order of the President.

Duty of Treasurer as to funds.

Sec. 63. The moneys for the payment of teachers, shall be called the "teaches' fund," and those for school houses and district expenses, the "school house fund," and the treasurer shall keep the same distinct, and keep separate accounts with them, and no warrant for money shall be paid by the treasurer, which does not specify the fund on which it is drawn, and the specific use to which it is to be applied; the school house fund shall consist only of taxes collected in the district, and all other school moneys belonging to the district, shall go to the teachers fund, and shall be applied to no other use except to pay the wages of school teachers in the district.

Apply to Fund Commissioner for funds.

Sec. 64. The treasurer shall apply for and receive all money apportioned to the district, by the School Fund Commissioner, when notified of said apportionment.

To render a statement.

Sec. 65. He shall render a statement of the finances of the district, as shown by the records of his office, at ary time when required by the district board.

Board to make contracts, &c.

Sec. 66. The district board shall make all contracts, purchases, payments and sales, necessary to carry out any vote of the district for procuring any site for a school house, renting, repairing, or furnishing the same, or disposing thereof, or for keeping a school therein, and perform such other duties as may be delegated to them by the district meeting.

Admit pupils from other district.

Sec. 67. They may with the concurrence of the board of directors of an adjoining district or districts, admit pupils from either of said districts, to a school within their own district: *Provided*, That said pupils shall be enumerated in their respective districts, and that the portion of the school money to which they may be entitled by said enumeration, shall be applied to the support of said school: *Provided further*, That the parents or guardians of said pupils shall pay such portion of the contingent expenses and of the amount to be contributed by voluntary subscription for the support of said school, as the respective boards may deem equitable.

Proviso.

Sec. and Treas. to give bond.

Sec. 68. The district board shall require the secretary and treasurer each to give bond to the district, in such penalty and with such securities, as in their opinion will secure the district against any loss, conditioned for the faithful application of all moneys that may come into their hands by virtue of their respective offices. Said penalty may be increased from time to time, as the interest of the district may require; the bond shall be filed with the president of the board, and in case of a breach of the conditions thereof, he shall bring suit thereon in the name of the district.

Bond may be increased.

Bond, where filed.

Sec. 69. In each organized district, they shall act as judges of all district elections. Board act as judges.

Sec. 70. They shall from time to time examine the books and accounts of the treasurer, and make settlement with him; and shall at each regular meeting of the district, present to the same a full statement of the receipts and expenditures of the district, and such other matters as may be deemed important. Examine books and make settlement with Treasurer. Statement of receipts and expenditures.

Sec. 71. They shall appoint a committee from their own body, to visit the respective schools of the district monthly, and to aid the teachers in establishing and enforcing rules for the government of schools, and to see that the taachers keep a correct list of the pupils, the time during which they attend school, the branches of learning which each pupil is studying, and such other matters as may in the opinion of the board tend to promote the welfare of the school. Committee to visit schools.

Sec. 72. Before employing any person to act as teacher, the board of directers shall examine or cause to be examined all such applicants, in the following branches of an English education: To-wit; spelling, reading, writing, arithmetic, geography, history of the United States and English grammar; and if the applicant is found qualified, the board may employ such applicant. Examine teachers.

Sec. 73. They shall audit and allow all just claims against the district, and the president shall draw an order for all demands thus audited on the district treasurer. Audit and allow claims.

Sec. 74. They shall, upon the written request of five legal voters of the district, or whenever they deem it expedient, call special meetings thereof; but in all such cases, the notice for such meeting, shall clearly state the precise object for which it is called, and the time and place at which it is to be held. Call special meetings. Notices of special meetings to state object, &c.

Sec. 75. Should a vacancy occur in the board, they may fill the same by appointment, unless it is deemed expedient to call a special meeting of the district for the purpose. Vacancy in b'rd to be filled by appointment.

County School Tax.

Sec. 76. The county commissioners of each county shall at the time of levying the tax for county purposes, levy a tax for the support of schools within the county, of 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, which shall be collected by the county collector at the same time, and in the same manner, as state and county taxes are collected, except that it shall be receivable only in cash. County Com'rs to levy tax. Collected by co. collector.

Collector to pay over.

Render statement.

Sec. 77. The collector shall, on the tenth day of February of each year, pay over the amount of said tax, which shall have been collected, to the School Fund Commissioner, and shall render him a statement of the amount uncollected; the amount unpaid shall be collected at any subsequent time, as delinquent county taxes are collected, and shall be paid over when collected, to the School Fund Commissioner aforesaid.

Fees for collecting.

Forfeiture.

Sec. 78. The collector shall be allowed one per cent. by the Fund Commissioners for collecting said tax, and should he fail at any time, to pay over the same, as herein provided, he shall forfeit the sum of fifty dollars, and double damages, to be collected on his official bond.

Miscellaneous Provisions.

Collection made under laws heretofore enacted.

Sec. 79. The collection and distribution of school moneys, until the first day of April next, shall be made under the laws heretofore enacted, as if this act had not been passed.

Sec. 80. The Superintendent of Public Instruction and School Fund Commissioners, shall continue in office until their successors shall be be elected and qualified, under the provisions of this act.

Terms of office of school inspectors.

Basis of apportionment.

Sec. 81. The school inspectors, under the laws heretofore in force, shall continue in office until the first day of April *next*, and then shall pay over all school moneys in their hands to the School Fund Commissioner of their respective counties, who shall apportion the amount received from each township, among the organized school districts thereof, on the first day of March then *next* ensuing, taking as the basis of said apportionment, the number of persons between the ages of five and twenty one years, as shown by the last annual reports of the respective secretaries of said districts, then in the possession of said Fund Commissioner.

School directors

Pay over to successors.

Sec. 82. The school directors, under former laws, shall continue in office until the regular district election, to be held on the first Monday in May next, and shall be superceded by the district officers, to be then elected under this act; and they shall, on being so superceded, pay over and deliver to their said substitutes and successors, all funds, property, evidences of rights and other matters held or controlled by them, in their official capacity, to be by their said successors held and disposed of, according to the provisions made by this act, for similar funds thereafter to be collected.

Cases of controversy settled by arbitrators.

Sec. 83. In all cases where the alteration of school districts, as provided in this act, shall give rise to controversy respecting the adjustment of the rights and liabilities of the district or districts effected, upon which they cannot amicably agree, the matter shall be settled by arbi-

trators, appointed by the School Fund Commissioner, as justice and equity may require. All awards made under this act, shall be returned to the said Fund Commissioner, who shall at the request of either party, who may wish to except thereto, file the same in the district court, to be dealt with as other awards under the Statute on that subject.

Awards to be returned to Fund Com'r.

Sec. 84. In all cases where suits may be instituted by or against any of the school officers, contemplated or created by this act, to enforce any of the provisions herein contained, counsel may be employed, if necessary, by the officer instituting the suit, and the expense of suit, shall be borne by the district, county, or State, in whose name or against whom the same may be instituted.

In suits, counsel may be employed.

Expense of suit

Sec. 85. All forfeitures, provided for in this act, shall. when they accrue, belong to the respective districts or connties, in which the same may be incurred, and the district treasurers for their districts, and the School Fund Commissioners for their counties, are hereby authorized to receive and apply the proceeds of such forfeitures, as the interest of the permanent fund is now or may hereafter be applied.

Forfeitures belong to district.

Application of forfeitures.

Sec. 86. The clear proceeds of all fines collected within the several counties of this State for breaches of the penal laws, and all fines paid for exemption from, or as an equivalent for military duty, and all funds arising from the sale of water crafts, lost goods and estrays, shall be paid over in cash, by the persons collecting the same, within twenty days after collection, to the School Fund Commissioner of the county in which the same have accrued, and shall be by him apportioned to school districts as provided in this act:

Fines, moneys arising from sale of lost goods, water crafts, and estrays, belong to school fund.

Sec. 87. *Provided, however*, That all funds arising from a breach of the penal laws, and paid for exemption from, or as an equivalent for military duty, shall be kept and apportioned separate and apart from all other school funds.

To be kept separate from other funds.

Sec. 88. All real and personal property of blacks and mulattoes in this State, shall be exempt from taxation for school purposes.

Property of blacks and mulattoes exempt.

Sec. 89. Each and every officer, created by the provisions of this act, who shall receive, by virtue of his office, any books or papers, and shall refuse to deliver the same to his successor in office, or shall wilfully mutilate or destroy the same, or any part thereof, shall be liable to a fine of not less than fifty nor more than one hundred dollars, to be recovered with damages on their respective official bonds.

Punishment for carelessness or neglect of duty.

Sec. 90. All acts and parts of acts for the establishment of schools, heretofore in force in this State, are hereby repealed.

Repealing sec.

Sec. 91. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican, news-

Take effect.

Superintendent to forward papers.

papers published in this State, and the Superintendent of Public Instruction shall send a copy of the aforesaid papers, containing this act, to the School Fund Commissioner and clerk of the board of county commissioners of each county.

Approved, January 15, 1849.

Published in Reporter Jan. 24, and Republican Jan. 31st, 1849.

Chapter 81.

DISTRICT COURTS.

AN ACT fixing the terms of the District Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the District Courts shall be held as follows:

In the First District.

Lee. In the county of Lee, at Keokuk, on the last Monday in January, and fourth Monday in September: At Fort Madison, on the first Monday in April, and second Monday in November.

Des Moines. In Des Moines, on the fourth Monday in April and October.

Louisa. In Louisa, on the first Monday in March and September.

Henry. In Henry, on the third Monday in March and September.

SEC. 2. *In the Second District.*

Cedar. In the county of Cedar, on the third Mondays in April and September.

Jones. In the county of Jones, on the fourth Mondays in April and September.

Buchanan. In the county of Buchanan, on Friday after the fourth Monday in April.

Delaware. In the county of Delaware, on the first Monday after the fourth Monday in April.

Clayton. In the county of Clayton, on Thursday following the Spring court in Delaware, and on the first Monday after the fourth Monday in September.

In the county of Dubuque, on the second Monday after the fourth Monday in April and September. Dubuque.

In the county of Jackson, on the third Monday after the fourth Monday in April and September. Jackson.

In the county of Clinton, on the fourth Monday after the fourth Monday in April and September. Clinton.

In the county of Scott, on the fifth Monday after the fourth Monday in April and September. Scott.

In the county of Muscatine, on the sixth Monday after the fourth Monday in April and September. Muscatine.

In the county of Fayette, Winnesheik, and Alamakee, at such times as may be appointed by the Judge of said district. Fayette, Winnesheik, and Alamakee.

SEC. 3. *In the Third District.*

In Van Buren, on the Monday next before the last Monday in February, and on the first Monday in September. Van Buren.

In Davis, on the first Monday in March, and third Monday in September. Davis.

In Jefferson, on the second Monday in March, and third Monday after the fourth Monday in September. Jefferson.

In Mahaska, on the third Monday in March, and first Monday after the fourth Monday in September. Mahaska.

In Keokuk, on the fourth Monday in March, and second Monday after the fourth Monday in September. Keokuk.

In Wapello, on the first Monday after the fourth Monday in March, and on the fourth Monday in September. Wapello.

The hour for opening court, on the first day of each term, in the third district, shall be two o'clock in the afternoon. Hour of opening court.

SEC. 4. *In the Fourth District.*

In Washington, on the second Monday in March, and fourth Monday in September. Washington.

In Johnson, on the third Monday in March, and first Monday in September. Johnson.

In Linn, on the first Monday after the fourth Monday in March, and on the second Monday in September. Linn.

In Benton, on the second Monday after the fourth Monday in March. Benton.

In Iowa, on the third Monday after the fourth Monday in March. Iowa.

In Powesheik, on the first Monday after the fourth Monday in September. Powesheik.

SEC. 5. *In the Fifth District.*

Polk. In Polk, on the first Monday in May and September.

Appanoose. In Appanoose, on the second Monday in May and September.

Monroe. In Monroe, on the Thursday next after the second Monday in May and September.

Marion. In Marion, on the third Monday in May and September.

Warren. In Warren, on the fourth Monday in May and September.

Madison. In Madison, on the Thursday next after the fourth Monday in May and September.

Dallas. In Dallas, on the first Monday after the fourth Monday in May and September.

Jasper. In Jasper, on the second Monday after the fourth Monday in May and September.

New counties Judge to appoint. In any new county, organized, or to be organized, in said District; at such times and places as the Judge of the District shall appoint, until further provided for.

Return of writs and pending suits. SEC. 6. All matters pending in or returnable to the terms heretofore fixed by law, shall be deemed pending in and returnable to the terms hereby appointed.

Judge power to change the day of commencement and hold special terms. SEC. 7. The Judges shall have power to change the regular terms, from the days appointed by law, to other days; to appoint and hold special terms of court; to order *venires* for grand and petit juries for said adjourned and special terms; and to try civil, criminal, and chancery business thereat.

Take effect. SEC. 8. This act to take effect from and after its passage, and shall be published immediately in the Iowa Capital Reporter, Miners' Express, and Des Moines Courier.

Approved January 15, 1849.

Published in the Iowa Capital Reporter, Jan. 17, 1849, Miners' Express, ——— Moines Courier, ———.

Chapter 82.

COUNTY SEAT.

AN ACT to provide for the location of the county seat of Benton county.

Election to be held. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the legal voters of Benton county shall vote, at the next April

election, 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 the point receiving such majority shall be and remain the permanent seat of justice of said Benton county; but if no point shall receive such majority, then and in that case the said legal voters of said county shall vote for the two points receiving the highest number of votes, at the said April election, at the next August election, and the point receiving the highest number of votes, at said August election shall be and remain the permanent seat of justice of said Benton county.

2nd election to be held in Aug.

Sec. 2. The elections herein provided for shall be conducted according to the laws regulating general elections, and the board of canvassers shall make out a list of the number of votes polled for each point, and certify the same to the clerk of the board of county commissioners of said county, and said clerk shall record the same at length in the records of said board.

Elections to be conducted as other elections are.

Sec. 3. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Take effect.

Approved, January 15, 1849.

Published in the Reporter and Republican of Jan. 31st, 1849.

Chapter 83.

JUSTICE OF PEACE.

AN ACT providing for the election of an additional Justice of the Peace in Montrose township, in Lee county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the qualified electors of Montrose township, in Lee county, be and they are hereby authorized to elect one additional justice of the peace in said township.

Authorized to elect justice of the peace.

Sec. 2. That it shall be the duty of the officers conducting the election on the first Monday of April 1849, to open a poll at said election for the purpose aforesaid.

Officers to open polls.

Sec. 3. The person elected at said election shall proceed to qualify, and give bond in the manner now provided by law, and shall hold his office until the regular term for electing justices of the peace in

Officers elect to qualify & term of office.

said township, at which time and regularly thereafter there shall be elected for said township three justices of the peace.

Take effect.

Sec. 4. This act to take effect from and after its publication in the Keokuk Dispatch, and Keokuk Register in Lee county.

Approved, January 15, 1849.

Chapter 84.

PRINTERS.

AN ACT to provide for the compensation of printers of the laws in newspapers.

Auditor authorized to allow costs.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Auditor of State be and he is hereby authorized to audit and allow the accounts of newspaper publishers for printing the laws in their papers, and the said accounts shall be paid out of any money in the treasury not otherwise appropriated: *Provided*, That the Secretary of State shall certify to the Auditor that the laws have been published as required by law.

Approved January 15, 1849.

Chapter 85.

BOARD OF PUBLIC WORKS.

AN ACT providing for the re-organization of the Board of Public Works, and repealing so much of the several acts relating thereto as conflicts with the provisions of this act.

Election of board & terms of office.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That for the better organization of the Board of Public Works, there shall be elected by the qualified voters of said State, on the first Monday of August next a Board consisting of three members, one of whom shall be designated as President, and shall hold his office for and during the term of three years, from and after said day of election, and until his successor is elected and qualified; one of whom shall be designated as Secretary, who shall hold his office for the period of two years, and until his successor is elected and qualified; and the

other shall be designated the Treasurer, who shall hold his office for the term of one year, and until his successor is elected and qualified; and thereafter one member of said Board shall be elected annually as their respective terms of office expire, and shall hold their offices for the period of three years, from and after said election, and in case of any vacancy in said Board by death, or resignation, the Governor of the State shall be and is hereby authorized to fill said vacancy for the unexpired portion of the time.

Salary.

SEC. 2. Said officers shall receive the salaries, and qualify in the manner and under all the restrictions of the laws now in force on this subject, except as herein otherwise provided: *Provided*, That for the purpose of securing order and harmony, said Board shall meet at their office on the first Wednesday of each month, at which meeting each member shall make report in writing, in a clear and plain manner, setting forth all his acts and doings in the discharge of his official duties for the then preceding month, which reports shall be placed on file in the office, and the same, with all other official acts of said Board, shall be plainly and fully recorded in a book kept for that purpose: *Provided*, That the salary, when specified, shall be the only compensation said officers shall receive for their services.

Monthly meetings & reports.

Engineer to report probable amount of money required for ensuing month.

SEC. 3. That the Board at their monthly meeting shall require of the principal engineer, who may be employed on said improvement, a statement in writing over his proper signature, of the probable amount of money which will be required for the prosecution of the work for the month then next following; and after first deducting the balance, if any, which may appear to be in the hands of the Treasurer, from an examination of his vouchers for payments during the month then next preceding, the Board shall, by a proper order to be entered of record, authorize the President to make his draft, which shall be signed by him and countersigned by the Secretary, for the amount so required, upon the Treasurer, for said improvement; and said draft, with the duly certified copy of said order, shall be filed in the office of the Treasurer, or person holding said funds, as the proper and only voucher for the amount so paid.

Board to give order in favor of President.

Sell land as fast as necessities require.

SEC. 4. That it shall be the duty of said Board to proceed as fast as the necessities of said work demand, and the conditions of the grant will permit, to offer at public sale the lands appropriated for said improvement, in such parcels as they may select, giving at least two months notice to pre-emptors.

Secretary to make out deeds

SEC. 5. That it shall be the duty of the Secretary of the Board of Public Works to make out deeds in fee simple to all lands entered under the provisions of this act and forward the same to the Governor,

who shall sign the same and affix the State Seal thereto and return said deeds to the Secretary, who shall record the same in a book to be kept for that purpose, and shall attach a certificate to such deed, stating therein the day on which such deed was received from the Governor, the day on which the same was recorded, and the book and page on which such deed is recorded, and the Secetary shall deliver such deed to the person entitled therete on demand, at his office for which service he shall receive a fee of one dollar, to be paid by the person receiving the deed.

Secretary to record deeds—fee therefor.

Lands placed under the control of co. com.

SEC. 6. That for the better protection and security of the lands appropriated to aid in said improvement, as well as any lands which may be hereafter acquired by this State, the same shall be and hereby are placed under the care of the county commissioners of the respective counties in which they may be situated, and any and every person who shall commit waste or trespass on any of said lands, shall be liable and subject to the same penalties and punishments as are now provided against trespass or waste upon the sixteenth section and other school lands in this State by law, approved January, 1840; and it is hereby made the duty of all township and county officers to take notice of and report any and all violations of this act in their respective townships and counties.

Punishment for waste or trespass.

Duty of township and county officers.

Persons injuring said works liable for damages and subject to punishment.

SEC. 7. That any person or persons who shall be guilty of injuring or removing any portion or parcel of work, material, or property, on or belonging to said improvement, shall be liable to treble the amount of damages caused by the same, to be recovered in the name of the President, for the use of the work, before any court of competent jurisdiction, and shall be indictable in the county in which the offence shall be committed, and on conviction thereof, be punished by fine of not more than five thousand dollars, or imprisonment for not more than one year.

Pre-emptors.

SEC. 8. Every head of a family, or single man over the age of twenty-one years, who, on the first day of January, 1849, had a claim thereon, made and improved according to the claim laws now in force in this State, shall have the right to pre-empt said claim, not exceeding three hundred and twenty acres, at any time before said claim is offered at public sale, at one dollar and twenty-five cents per acre: *Provided*, That any person who has pre-empted a part of his or her claim, may pre-empt the residue thereof in such legal sub-divisions as may suit his or her convenience, not exceeding three hundred and twenty acres in all of said pre-emptions.

Board may withhold lands from sale.

SEC. 9. After said public sale, the said Board shall have power, and they are hereby authorized, if in their opinion the best interest of said work demands it, to withhold the balance of said lands from sale

or pre-emption until such time as in their opinion it would be good policy to again offer said lands for sale, the notice for which shall be given for the time herein provided for the first sales.

SEC. 10. That all after the word "improvements," in the eighth line of the fourth section of an act entitled "an act supplemental to an act creating a Board of Public Works, and providing for the improvement of the Des Moines River," approved January 24th, 1848, and all other acts and parts of acts now in force in this State conflicting with the provisions of this act, be and the same are hereby repealed. Repealing sec.

SEC. 11. This act shall be in force from and after its publication in the Iowa Democrat, and Des Moines Valley Whig. Take effect.

Approved January 15, 1849.

Published in Democrat and Whig, March 9, 1849.

Chapter 86.

COLLEGE SQUARE.

AN ACT to donate the College square, in Iowa City, to the Medical Department of the Iowa University.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the block of land embraced in the survey and plat of Iowa City, and known as College square, be, and the same is hereby donated to the faculty of the Medical Department of the University of Iowa, for the use and benefit of said institution: *Provided,* The faculty and officers of the institution erect, or cause to be erected, upon said block of land, within two years from the passage of this act, a substantial college edifice at a cost of not less than one thousand dollars. College square in Iowa City donated.

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

Approved, Jan. 15, 1848.

Chapter 87.

CEDAR RAPIDS.

AN ACT to incorporate the town of Cedar Rapids, in Linn county.

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all that part of the State of Iowa included within the boundaries of the town of Cedar Rapids, in Linn county, as surveyed and recorded in the recorder's office in the said county of Linn, be, and the same is hereby, constituted a town corporate, and shall hereafter be known by the name of the town of Cedar Rapids.

Election of town officers.

SEC. 2. It shall be lawful for the free male inhabitants of said town, having the qualifications of electors, to meet at the usual place of holding elections in said town, on the first Wednesday of April next, and on the first Wednesday 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 councilmen, who shall have the qualifications of electors, and reside within the corporate limits of said town; and said mayor, recorder, and councilmen shall hold their offices 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 until a quorum shall assemble.

Judges and clerks chosen by electors.

SEC. 3. That at the first election under this act judges and clerks shall be chosen by the electors present, who shall each take an oath faithfully to discharge the duties required by this act; and at all subsequent elections the mayor and any two of the councilmen shall sit as judges, and the recorder, or in his absence some one of the council *pro tempore* shall act as clerk; and at all such elections the polls shall be opened at one o'clock P. M., and close at five o'clock P. M., of the same day, and at the close of the polls the votes shall be counted and a statement of the result proclaimed at the door by the clerk; the clerk of said election shall thereupon make out a certificate to each of the persons so elected, and the persons receiving such certificate shall, within ten days thereafter, take an oath to support the constitution and laws of the United States, and of this State, and faithfully discharge his duties according to the best of his abilities, which oath shall be endorsed on the back of said certificate and filed with the recorder of said town.

Hours for opening and closing polls.

Officers to take oath.

Mayor, &c. to

SEC. 4. The mayor, recorder, and councilmen of said town shall be

a body politic and corporate, with perpetual succession, to be known by the [name] of the "Mayor and Council of the town of Cedar Rapids," and shall be capable in law to acquire property, real, personal, and mixed, 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 and equity in this State; and when any suit shall be commenced against said corporation a certified copy of any writ issued against said corporation shall be left with the recorder of said town, at least ten days before the return day thereof.

Be a body politic

Use a seal.

May be sued.

SEC. 5. That the mayor, recorder, and councilmen, or a majority of them, 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 land, as they may deem proper for the promotion of morality, 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 of their board herein named. They shall have power to appoint a treasurer, marshall, and such other subordinate officers as a majority of said council may deem necessary; to prescribe their duties, and require surety for their performance; to remove them at pleasure, and to establish the fees of all officers not otherwise provided for 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 said 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.

Ordain and publish ordinances

Power to appoint officers.

Power to impose fines, &c.

SEC. 6. 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 perform such other duties as the council may from time to time require; said recorder may, under his hand and seal, appoint a deputy to perform his duties when absent, for whose acts the said recorder shall be responsible.

Mayor to preside, &c.

SEC. 7. 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

To assess tax.

shall have power to equalize any injudicious assessment then made on the complaint of the person aggrieved.

Marshal to be collector, his powers and duties.

SEC. 8. That the town marshal shall be the collector of any tax assessed by said council, 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, (if to be found,) 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, shall give notice in the nearest newspaper, stating the amount of such tax, and the number and description of the lots on which it is due, and that the same will be sold to discharge such tax, 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 day's 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.

Redemption of land sold for tax

SEC. 9. That if the owner of any lot sold for taxes as aforesaid, 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; if however, the owner, or his agent shall neglect to redeem any real estate sold for taxes under the provisions of this act within the time herein specified, it shall be the duty of the mayor, to make out and execute a deed to the purchaser, countersigned by the recorder under the seal of the incorporation, said deed shall also be acknowledged before a justice of the peace, and when so executed, and recorded in the office of recorder of deeds of Linn county, shall be deemed and taken as valid in law.

Receipts and Expenditures.

SEC. 10. Twenty days before each annual election, the town council 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.

Power as to streets and alleys.

SEC. 11. 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 make such other

needful regulations, not incompatible with the laws of the State as shall conduce to the general interest and welfare of the inhabitants of said town. To provide for licensing, taxing and regulating auctions, retailers and taverns, theatrical and other shows of amusement, to prohibit tippling houses, gaming houses, and other disorderly houses. Regulate auctions, &c.

SEC 12. 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 certificates 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. By-laws and ordinances to be published.

SEC. 13. 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. Road district.

SEC. 14. 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 councilmen shall receive such compensation as shall be voted them by the inhabitants of said town in legal meeting assembled. Call meetings.

SEC. 15. This act shall take effect from and after its publication. Take effect.

Approved, Jan. 15, 1849.

Chapter 88.

COSTS AND FEES.

AN ACT amendatory to an act concerning costs and fees, approved Feb. 11, 1843.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where persons are compelled within the county of Lee to appear before the Grand Jury of said county as witnesses in behalf of the State, they shall be entitled to the same fees and mileage in all cases as is now allowed to witnesses in cases where indictment is found and trial had before the court. *Provided, however,* That this act shall not interfere with the right of the Judge of the District Court to determine upon the number of witnesses necessary to prove a particular fact in any case. Witnesses before grand jury entitled to fees

SEC. 2. That in all cases where witnesses are required to testify

When to be paid.

in the District Court where the State of Iowa is plaintiff, and such case or cases may be continued or taken to the Supreme Court by writ of error or otherwise; such witnesses shall be entitled to their fees for such services at the next succeeding county commissioners court of said county.

Take effect.

SEC. 3. This act to take effect from and after its publication.

Approved, January 15, 1849.

Chapter 89.

GENERAL INCORPORATIONS.

AN ACT to amend an act to authorize general incorporations, approved Feb. 22, 1847.

Authority to acquire the right of way.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That whereas a company has been organized under the act of general incorporations, under the name and style of the Navigation and Hydraulic Company of the Mississippi Rapids, for the purpose of constructing a canal around the lower rapids of the Mississippi river—Therefore, said company and their associates are hereby authorized to acquire the right of way for such canal, in the same manner and are vested with the same power now vested in the Boards of Public Works in obtaining lands adjacent to dams upon the Des Moines river, and in the assessment and payment of damages for such right of way: *Provided*, That this act shall not extend to the said company the right to appropriate to or use the land or other property of any individual excepting only for the right of way.

Proviso.

Private property liable for debts.

SEC. 2. The private property of the directors and stock holders shall be liable on debts of the company in all cases where such directors or stockholders have authorized the creation of the debt or liability.

Take effect.

SEC. 3. This act to take effect from and after its publication according to law.

Approved, Jan. 15, 1849.

Chapter 90.

STATE ROAD.

AN ACT to establish a State road from Drakesville in Davis county to Albia in Monroe county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Willis Faught and George L. Moots, of the county of Davis and Michael Lower, of the county of Monroe, be and they are hereby appointed commissioners to lay out and establish a State Road from Drakesville, in Davis county, to Albia, in Monroe county. Viewers.

SEC. 2. Said commissioners or a majority of them, shall meet at Drakesville on the first day of October next, or within thirty days thereafter, and proceed to lay out and establish said road according to law. Where to meet.

SEC. 3. *Provided, however*, That it shall be lawful for said commissioners to take to their assistance a competent surveyor, and other necessary hands, as the case may require, who shall receive such compensation as is provided by law. Employ surveyor.

Approved, January 15, 1849.

Chapter 91.

ACCEPTING PROPOSITIONS OF CONGRESS.

AN ACT AND ORDINANCE accepting the propositions made by Congress on the admission of Iowa into the Union as a State.

SEC. 1. *Be it enacted and ordained by the General Assembly of the State of Iowa*, That the propositions to the State of Iowa on her admission into the Union, made by the act of Congress, entitled "An act supplemental to the act for the admission of the States of Iowa and Florida into the Union," approved March 3, 1845, and which are contained in the sixth section of that act, are hereby accepted in lieu of the propositions submitted to Congress by an ordinance, passed on the first day of November, eighteen hundred and forty-four, by the Convention of delegates which assembled at Iowa City on the first Monday of October, eighteen Propositions of Congress accepted.

hundred and forty-four, for the purpose of forming a constitution for said State, and which were rejected by Congress: *Provided*, The General Assembly shall have the right, in accordance with the provisions of the second section of the tenth article of the constitution of Iowa, to appropriate the five per cent. of the net proceeds of sales of all public lands lying within the State, which have been or shall be sold by Congress from and after the admission of said State, after deducting all expenses incident to the same, to the support of common schools.

Proviso.

State not to interfere with the primary disposal of soil.

SEC. 2. And be it further enacted and ordained, as conditions of the grants specified in the propositions first mentioned in the foregoing section, irrevocable and unalterable without the consent of the United States, that the State of Iowa will never interfere with the primary disposal of the soil within the same by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers thereof; and that no tax shall be imposed on lands, the property of the United States; and that in no case shall non-resident proprietors be taxed higher than residents; and that the bounty lands granted, or hereafter to be granted, for military services during the late war with Great Britain, shall, while they continue to be held by the patentees or their heirs, remain exempt from any tax laid by order or under the authority of the State, whether for State, county, other purposes, for the term of three years from and after township, or the dates of the patents respectively.

Duty of Secretary.

SEC. 3. It is hereby made the duty of the Secretary of State, after the taking effect of this act, to forward one copy of the same to each of our Senators and Representatives in Congress, who are hereby required to procure the consent of Congress to the diversion of the five per cent. fund indicated in the proviso to the first section of this act.

Take effect.

SEC. 4. This act shall take effect from and after its publication in the weekly newspapers printed in Iowa City.

Approved, January 15, 1849.

Published in the Reporter, January, 24th, and in the Republican, January 31st, 1849.

Chapter 92.

REVENUE.

AN ACT to amend an act entitled "An act to provide for levying and collecting revenue for State and county purposes," approved Feb. 25, 1847.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the board of Commissioners of the different counties of this State, be and they are hereby authorized to withhold from sale any lot, tract or parcel of land, upon which the taxes remain due and unpaid according to the provisions of the act to which this is amendatory, whenever in their opinion the sale thereof would be prejudicial to the best interest of the county or State.

Commissioners to withhold land from sale.

SEC. 2. The said boards of commissioners shall at lest five days before the commencement of the advertisement provided for in the 46th section of the act to which this is amendatory; give notice under their hands to the county treasurer, what lots, tract or parcels of land he shall omit in the [sale] aforesaid, and it shall thereupon be and is hereby made the duty of the county treasurer to omit said parcels of land from sale aforesaid.

To give notice to Treasurer.

SEC. 3. That if after such withholding from sale the taxes shall still continue unpaid on said lands so withheld, the said board of commissioners may at any subsequent tax sale, order said parcels of land to be sold in the same manner as other lands [are], or may hereafter be sold for taxes.

May order sale subsequently.

SEC. 4. That when any parcels of land are so as aforesaid withheld from sale, it shall be the duty of the treasurer to omit them in his advertisement—in his report to the district court, and in all his proceedings touching the delinquent list for the year that they are so withheld: *Provided, however*, That nothing in this act shall be so construed as to prevent the treasurer from receiving the taxes and interest due upon such withheld lands, at any time previous to their being finally sold.

Treasurer to omit lands in advertisement.

SEC. 5. The notice provided for in the first section of this act, may be given under the hands of the whole or a majority of the board, and the board shall enter a copy of such notice on their records at their next meeting after such notice, provided they are not in session at the time of giving said notice.

Notice given under the hands of a majority of the board.

SEC. 6. If after such advertisement is made, the said board should deem it for the best interest of the county and State to withhold any

To withhold lands after advertised.

parcels of land so advertised they may do so in the same manner as is above provided for withholding from sale, before advertisement.

Take effect. SEC. 7. This act to take effect from and after its publication.

Approved, Jan. 15, 1849.

Chapter 93.

STATE ROAD.

AN ACT to establish a State road from the west line of Johnson county, to the west line of Dallas county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Jesse Rickman of the county of Jasper, and John Wright, of the county of Dallas, be and they are hereby appointed commissioners to locate and establish a State road commencing at a point where the west line of Dallas [Johnson] county crosses Old Man's creek, section 31, township, 79, north range 6 west, thence on the nearest and best route to Montezuma, in Poweshick county, thence to Newton, in Jasper county, thence to Fort Des Moines, in Polk county, thence to Penoach, in Dallas county, and thence to the west line of Dallas county, in the direction of Council Bluffs, on the Missouri river.

Commissioners

To meet. SEC. 2. That said commissioners or a majority of them shall meet at the town of Montezuma, on the first day of April next, or within three months thereafter and proceed to locate and establish said road according to law.

Employ surveyor. SEC. 3. Said commissioners shall take to their assistance a competent surveyor, and other necessary hands who together with the commissioners shall receive such compensation and in such manner as is provided by law.

Approved, Jan. 15, 1848.

Chapter 94.

STATE ROAD.

AN ACT to locate a State road from Eddyville, in Wapello county, to Haymaker's mill, in Marion county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That John B. Grey, of Monroe county, Daniel Hoover, of Wapello county, and Henry Haymaker, of Marion county, be, and are hereby appointed commissioners to lay out and establish a State road, commencing on the west side of the Des Moines river, opposite Eddyville, thence, by the nearest and best route, to intersect the State road leading from Clarksville, in Monroe county, to Racoon Fork, at or near Haymaker's mill. Commissioners

SEC. 2. That said commissioners shall meet at Eddyville, in Wapello county, on the first Monday of April, or within three months thereafter, and upon taking to their assistance the necessary help, shall proceed to lay out and establish said road according to law. Where to meet.

SEC. 3. That said commissioners and assistants shall be entitled to such compensation as is allowed by law. Compensation.

SEC. 4. That this act shall be in force from and after its publication according to law. Take effect.

Approved, Jan. 15, 1849.

Chapter 95.

STATE ROAD.

AN ACT to establish a State road from Oskaloosa to Montezuma.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That John White and Gideon Wilson, of Mahaska county, and James Wilson, of Powesheik county, be, and they are hereby, appointed commissioners to locate and establish a State road commencing at the town of Oskaloosa, thence, on the nearest and best route, to the town of Montezuma, in Powesheik county. Commissioners

SEC. 2. Said commissioners, or a majority of them, shall meet at When to meet.

Oskaloosa on the first day of May next, or within three months thereafter, and proceed to locate and establish said road according to law.

Surveyor.

SEC. 3. Said commissioners shall take to their assistance a competent surveyor, and other necessary hands, who, together with the commissioners, shall receive such compensation and in such manner as is provided by law.

Compensation.

Appoved, January 15, 1849.

Chapter 96.

PLANK ROAD.

AN ACT relative to the construction of a plank road from the town of Montrose to Keokuk, in Lee county.

Authorized to construct plank road.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, And it is hereby enacted, that William Brownell and his associates be authorized to construct a "graded and plank" road, and use the same, between the towns of Montrose and Keokuk, in Lee county, following the present line of road so far as may be practicable, to be selected by survey, for twenty-five years: *Provided*, the grade of said road shall not be less than forty feet wide, and the plank or track not less than eight feet: *And, provided further*, That said William Brownell and his associates keep the same in good repair during the time they shall use the same, and that they have the construction of said road completed within two years from and after this act shall take effect.

Grade of said road.

Time for the completion.

Right of way.

SEC. 2. If the proprietor of any land or lands, through which said road is to pass, shall refuse their consent to the construction of the same over their lands, such refusal shall not prevent the construction of said road; *Provided*, the said Brownell and associates shall pay the damages occasioned thereby, to be determined by three disinterested free-holders of said county of Lee, who shall be agreed upon by the contending parties, which adjudication shall be final.

Rates of toll.

SEC. 3. That the said William Brownell and his associates may erect toll houses, and toll gates, upon said road, and exact toll upon the same as follows: for each carriage, wagon, cart or sleigh, drawn by two horses, oxen or mules, two and a half cents per mile, and one cent per mile for each additional horse, ox or mule, attached to the same vehicle; for every vehicle drawn by one horse, ox or mule, two cents per mile; for each horse and rider, one cent per mile; for every head of

horses, oxen, mules or cattle, led or driven one cent per mile; for every head of sheep, goats, or hogs, one half cent per mile; for merchandize (not including the furniture of emigrants) two cents per ton for each mile.

SEC. 4. That any person or persons refusing or neglecting to comply with the requirements of the foregoing act, may be prosecuted before any justice of the peace, or any court having jurisdiction of the same, in an action of debt, and the toll, or debts, with the costs of suit collected according to law in such cases. May prosecute for non-compliance with this act.

SEC. 5. That any person or persons, obstructing, injuring or defacing the said road, gates, or toll houses, or any of the property belonging to the same, in any manner, or shall aid or abet the same, shall be prosecuted in any court of competent jurisdiction within the proper county, and upon conviction shall be liable for such damage or injury, and shall be subject to a fine and imprisonment at the discretion of the Court. Punishment for obstructing, &c.

SEC. 6. Whenever a connected one third of the line of said road is completed, a gate, or gates, may be erected thereon, and the toll collected pro-rata: *Provided*, that toll shall not be exacted in any case, except, such as is expressed in this act.

SEC. 7. This act shall take effect and be in force from and after its publication. Take effect.

Approved, January 15, 1849.

Chapter 97.

STATE ROAD.

AN ACT to lay out and establish a State road from Dubuque City, in Dubuque county, to Bunker's landing, in Clayton county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Isaac N. Higbee and John Wharton, of Dubuque county, and Robert Bunker, of Clayton county, be, and they are hereby, appointed commissioners to lay out and establish a State road from Dubuque city, in Dubuque county, to Bunker's landing, in Clayton county. Commissioners

SEC. 2. Said commissioners, or a majority of them, shall meet at Dubuque city on the first Monday of May next, or within three months thereafter, and proceed to lay out and establish said road according to law. When to meet.

Approved, January 15, 1849.

Chapter 98.

STATE ROAD.

AN ACT to locate and establish a road therein named.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Robert Stuart and Asa Gregg, of Muscatine county, and Elisha Henry, of Cedar county, be and they are hereby appointed commissioners to locate and establish a State road, commencing where the north State road from Iowa City to Bloomington intersects the corners of sections one, (1) and two, (2) in township seventy-eight, (78) north of range four, (4) west of the fifth, (5) principal meridian, on the north line of Muscatine county; thence east on said county line to some point near the east fork of Wapsenonoc creek; thence on the nearest and best route to the main road leading from Iowa City to Bloomington, in Muscatine county, west of the town of Hudson.

To meet.

SEC. 2. Said commissioners or a majority of them, shall meet at the house of Nehemiah Chase, in Muscatine county, on the first Monday of April next, or within sixty days thereafter, and, taking to their assistance the necessary hands, together with a surveyor, proceed to locate and establish said road according to law.

Take effect.

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

Approved, Jan. 15, 1849.

Chapter 99.

ROADS.

AN ACT to change the location of certain roads therein named.

Certain roads changed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the location of the military road, together with the location of a State road and county road which passes diagonally through section 16, in township 79 N., R. 6 west, be and the same is hereby so changed as to leave the present location where the same strikes the said 16th sec-

tion at or near its north-east corner, passing thence south along the east side of said section, until it intersects a sixty feet road laid out and established upon said section, thence with said road until the same intersects the present location of said roads.

SEC. 2. All acts or parts of acts contravening the provisions of this act be and the same are hereby repealed. Repealing sec.

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

Approved, Jan. 15, 1849.

Chapter 100.

STATE ROAD.

AN ACT to lay out and establish a State road from Grandview, in Louisa county, to Bloomington, Muscatine county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa.* That Alexander Ross and Elias Thornton, of Louisa county, and Henry Q. Jenison, of Muscatine county, be and they are hereby appointed commissioners to lay out and establish a State road from Grandview, in Louisa county, to Bloomington, in Muscatine county, on the nearest and best route. Commissioners

SEC. 2. Said commissioners or a majority of them, shall meet at such time and place as they may agree upon, within three months after the passage of this act, and taking to their assistance the necessary hands, shall proceed to perform the duties required of them by this act, being governed in all respects by the general laws in relation to the establishment of State roads. To meet.

SEC. 3. The commissioners, surveyor and other hands employed in laying out said road, shall receive such reasonable compensation for their services as the board of commissioners of the respective counties of Louisa and Muscatine shall determine, to be paid out of the treasury of said counties in proportion to the length of said road in each county. Compensation.

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

Approved, January 15, 1849.

Chapter 101.

STATE ROADS.

AN ACT to amend an act entitled "an act for laying out and establishing certain roads therein named," approved Feb. 18th, 1849.

Time for establishing certain roads extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That an act for laying out and establishing certain roads therein named approved Feb. 18th, 1847, be so amended as to give the commissioner appointed by the third section of said act, until the first day of September, 1849, to complete the laying out and establishing road in said section.

Repealing sec.

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

Take effect.

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

Approved Jan. 15th 1849.

Published in Reporter, April 4th, 1849, and Republican, April ——

Chapter 102.

STATE ROAD.

AN ACT requiring the Secretary of State to record State roads.

Secretary to record State roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Secretary of State shall procure at the expense of the State, suitable books in which he shall record all the Territorial and State roads that may be now on file, or shall hereafter be filed in his office.

Compensation.

SEC. 2. For the services aforesaid the Secretary of State shall receive twelve and a half cents per hundred words, and such reasonable compensation for the plats and diagrams as the Auditor of State shall allow: *Provided*, That roads that have been vacated by law shall not be recorded.

Auditor to allow accounts.

SEC. 3. The Auditor shall audit and allow the account of the Secretary of State for such services from time to time as the same shall be performed.

Approved Jan. 15, 1849.

Chapter 103.

COUNTY OF DUBUQUE.

A SPECIAL ACT for the benefit of the county of Dubuque.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That for the purpose of assessing the mineral lands in the county of Dubuque, the county commissioners of said county are hereby authorized, and required, to cause a map, or plat, of the mineral lands owned in said county of Dubuque, in less quantities than any legal subdivision, to be made out, and to have designated thereon the name or names of the owners thereof, and the number of acres, or fractions of acres, owned by each, or by two or more owners jointly or severally, and shall number each tract or parcel of said land, beginning with lot No. one, and continuing such enumeration on said plat or map until all the lots are numbered; such plat, or map, or a certified copy thereof, shall be filed in the office of the clerk of the board of county commissioners for the use of the board, and for reference, by any person who may be interested therein.

Co. Com'rs to cause a map of mineral lands to be made out.

SEC. 2. By the first Monday in March in each year, the clerk of the board of county commissioners shall furnish the assessor with the numbers of the lots so plated, together with blank forms for the assessment of the same.

Clerk to furnish assessor with number of lots.

SEC. 3. Said assessor shall assess such lots according to the true value thereof, and shall in all respects comply with the provisions of an act entitled "an act to provide for levying and collecting revenue for State and county purposes," approved, Feb. 25, 1847.

Assessor to assess according to the value.

SEC. 4. All acts and parts of acts, that come in conflict with the provisions of this act, be, and the same are hereby repealed.

Repealing sec.

SEC. 5. This act to take effect and be in force from and after its publication in the Miner's Express.

Take effect.

Approved, January 15th, 1849.

Published in Express March 6th, 1849.

Chapter 104.

ELECTION OF STATE OFFICERS.

AN ACT in relation to the election of State officers.

Time of notice in contested elections extended.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa.* That if any candidate for the office of Governor, Secretary, Auditor or Treasurer of State, of any member of the Board of Public Works, Superintendent of Public Instruction, or for any other State office, shall desire to contest the validity of any election, such candidate shall proceed in the matter of giving notice and taking testimony in the manner prescribed in the 20th section of an act entitled "an act providing for and regulating general elections," approved, Feb. 16th 1843, except that the time for giving notice to the person whose election it is intended to contest is hereby extended to ninety days.

Depositions, &c forwarded to Supreme Judge.

SEC. 2. Depositions and all other documents or evidence concerning contested elections for State officers, shall be transmitted to one of the Judges 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 shall hear and determine the matter upon the principles of equity and justice, and the decision of the said Judges of the Supreme Court whether the same be in favor of one of the parties, or to refer the matter back to the people shall be final and conclusive: *Provided*, That any other legal evidence than that in this section mentioned which either party may offer on the hearing of the case shall be received.

Supreme Judges to hear and determine cases of contested elections.

Approved, Jan. 15, 1849.

Chapter 105.

ELECTIONS.

AN ACT to preserve the purity of elections.

Qualifications of electors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no person shall be entitled to vote at any general or township election who is insane or an idiot, or has been convicted of an infa-

mous crime, nor unless he is a white male citizen of the United States, of the age of twenty one years or upwards, and shall have been a resident of the State for six months, and of the county in which he claims his vote, for twenty days next preceding such election.

Persons employed on board of boats.

SEC. 2. Persons employed on board of steamboats or other water crafts, are subject to the same rules, and can only vote in the township which respectively contain their fixed and permanent home.

Punishment of illegal votes.

SEC. 2. Any person who shall vote more than once at the same election, or who shall vote at any election, knowing himself not qualified thus to vote, shall, upon conviction, be fined not less than one hundred nor more than one thousand dollars, and be imprisoned in the county jail not less than one month, nor more than six months.

Persons advising illegal voting to be punished.

SEC. 4. Any person who shall advise, assist, or induce another to vote twice at the same election, or to give his vote knowing him not entitled to do so, shall receive the same punishment as above provided for the principal offender.

Persons guilty of bribery or deception how punished.

SEC. 5. Any person who by bribery shall attempt to influence any elector in giving his vote, or who shall use any threat, to compel such elector to vote contrary to his inclination, or to deter him from giving his vote, or who shall furnish an elector who cannot read, with a ticket informing him that it contains a name or names different from those which are written or printed thereon, with an intent to induce him to vote contrary to his inclination, or who shall fraudulently or deceitfully change the ballot of any elector by which he shall be caused to vote for a person different from the one intended by such elector, shall, on conviction thereof, be punished in the same manner as is above provided for persons who vote twice at the same election.

Judges not to mark ballots.

SEC. 4. Any judge of election who shall mark the ballot of an elector for the purpose of ascertaining for whom the elector voted, or open and read the ballot of any elector after it has been given in, and before it shall have been deposited in the ballot box, shall, on conviction thereof, be fined not less than one hundred, nor more than one thousand dollars.

Oath as to right to vote.

SEC. 7. Except in the cases hereinafter provided, if any person offering to vote is challenged as unqualified, one of the judges of the election shall tender to him the following oath or affirmation: "You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your qualifications as an elector at this election.

SEC. 8. Such person may then be interrogated by either of the judges of the election or by any elector, touching his qualifications.

SEC. 9. If, after such examination, the challenge be not withdrawn

Judges the right to interrogate.

one of the judges of election shall tender to the elector the following oath: You do solemnly swear (or affirm) that you are a citizen of the United States, of the age of twenty-one years, that you have been an inhabitant of this State for six months next preceding this election, and that you have been for the last twenty days a resident of this county, that you are now an actual resident of this township, and that you have not voted at this election.

Persons refusing the oath vote to be rejected.

SEC. 10. If any person shall refuse to take the oath or affirmation so tendered, his vote shall be rejected.

Additional words to oath of persons suspected of infamous crime.

SEC. 11. If the vote be challenged on the ground that the person offering to vote has been convicted of an infamous crime, he may be sworn and examined as above provided for, and to the final oath above prescribed in section nine, the following words shall be added, "and that you have never been convicted of an infamous crime:" *Provided*, That a conviction for political offences under the laws of foreign States shall not be deemed a conviction within the meaning of this act.

Clerk to note the names of persons sworn.

SEC. 12. Whenever any person's vote shall be received after he shall have taken the oath above prescribed in section nine, the clerks of the election shall write on the poll books at the end of such person's name, the word "sworn."

Judges to advise persons relative to voting.

SEC. 13. If, after a person shall be sworn and examined as above provided, the judges of election shall believe him not qualified to vote, they shall so advise him, but if after such advice he shall still determine to vote, and will take the final oath as provided in this act, his vote shall be received.

False swearing to be deemed perjury.

SEC. 14. Wilful and corrupt false swearing, in taking either of the oaths above prescribed shall be perjury.

Persons fraudulently putting tickets in ballot box to be punished.

SEC. 15. Any person who, before or after the proclamation is made for opening the polls, shall fraudulently put a ticket or ballot into the ballot box, shall be punished in the same manner as is above provided for voting twice at the same election.

Judges to decide for whom mis-spelled votes are given

SEC. 16. That at all elections, when the names of the respective candidates are mis-spelled either by votes or otherwise, the judges of election shall have power, and it is hereby made their duty, to decide for whom the vote is given: *Provided*, said names have the same sound.

Judge wilfully violating his duty to be fined

SEC. 17. Any judge of election who shall wilfully and corruptly violate his duty as herein before prescribed, shall be fined not less than one hundred, nor more than one thousand dollars, and shall be imprisoned in the county jail, not less than one month nor more than six months.

Prosecutions to be by indictment.

SEC. 18. All prosecutions under this act shall be by indictment in the District Court of the proper county.

SEC. 17. This act is only intended to repeal such provisions of former statutes as are inconsistent with those herein contained. Repealing sec.

SEC. 20. This act shall be in force from and after the first day of July next. Take effect.

Approved, January 15, 1849.

Chapter 106.

PRACTICE.

AN ACT to amend an act, entitled "an act regulating practice in the District Courts in the Territory of Iowa," approved Feb. 10, 1843.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter no Judge of the District Court shall instruct the petit jury in any case, civil or criminal, unless such instructions are reduced to writing. Judge of Dist. Court to instruct in writing.

SEC. 2. And when instructions are asked by either party which the judge cannot give, he shall write on the margin thereof the word "refused;" and such as he approves, he shall write on the margin thereof the word "given;" and he shall in no case, before or after instructions are given, orally qualify, modify, or in any manner explain the same to the jury. Judge not to qualify or modify.

SEC. 3. And such instructions, so given, shall be taken by the jury in their retirement, and returned by them with their verdict into Court.

SEC. 4. The instructions so given, or refused, shall be taken as a bill of exceptions, upon which the plaintiff in error, or appellant, shall assign errors, under the rules that assignments of errors are made under the laws now in force on this subject. Instructions to be a bill of exceptions.

SEC. 5. In all chancery cases tried in any of the District Courts of this State, where any question of fact is submitted to a jury, the same manner of instructing the jury shall be followed as is above provided for, and an appeal shall be taken as is now provided for, taking the written instructions so given as a bill of exceptions.

SEC. 6. This act to take effect from and after its publication in the Capital Reporter and Iowa Republican.

Approved January 15, 1849.

Published in Republican Jan. 24th, and Reporter Jan. 31st.

Chapter 107.

SCOTT COUNTY.

AN ACT to repeal the Township organization in Scott county.

Former acts repealed so far as relates to Scott county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the several laws now in force authorizing the Board of Commissioners of the counties in this State to organize counties into townships be and the same are hereby, repealed, so far as the same are applicable to the county of Scott: *Provided,* That at the next April election the legal voters of said county of Scott shall determine, by a vote of the county, whether they will repeal the organization of their townships or not.

Proviso.

Poll to be opened.

SEC. 2. At the said April election a poll shall be opened, at which those in favor of doing away with said organization shall vote no organization, and those in favor of the present organization shall vote organization. The returns of said election shall be made to the clerk of the board of commissioners of said county, who shall take to his assistance a justice of the peace, and canvass said votes; and if it shall appear that there is a majority of the votes cast in the several election districts in said county in favor of repealing the township organization, then and in that case the said organization shall, from and after the canvassing of said votes and recording the result on the records of said board of commissioners, become void, and the offices created by said organization become vacant: *Provided,* That the boundaries of said township shall remain as the boundaries of election precincts, which are hereby established: *And provided further,* That any office created, or hereafter to be created, pertaining to the organization of common schools in the counties of this State, the organization of precincts hereby contemplated shall be considered to take the place of townships.

Return of election to be made to clerk.

Township organization to become void.

Offices become vacant.

Commissioners to become vacant.

SEC. 3. The commissioners of said county of Scott shall, at their first session after the people of said county shall decide to do away with said township organization, appoint three suitable persons in each precinct in said county, to act as judges of elections in said precincts, and the judges so appointed shall appoint their several clerks.

Take effect.

SEC. 4. This act to take effect after its publication in the Davenport Gazette and Democratic Banner, newspapers printed in Davenport, at the expense of Scott county.

Approved, January 15, 1849.

Chapter 108.

FORT MADISON.

AN ACT to amend an act concerning the incorporation of the town of Fort Madison, approved January 25, 1848.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the mayor of the town of Fort Madison is authorized to issue a summons if he may think proper, in any case of a breach of the town ordinance, and to issue subpœnas for witnesses; he shall also have the same power in all matters of contempt as justices of the peace have, The mayor, marshal, and prosecuting attorney, shall be allowed the same fees as justices of the peace, constables, and prosecuting attorneys for the counties are allowed for similar services, to be taxed in no case when the mayor and aldermen are plaintiffs against the corporation.

Mayor to issue summons.

Approved, January 15, 1849.

Chapter 109.

APPANOOSE COUNTY.

AN ACT for the relief of Appanoose county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Board of County Commissioners of Appanoose county are hereby authorized to make out and certify the amount of costs and expenses in the case wherein the State of Iowa was plaintiff and John Gheen defendant, in an indictment for murder, determined at Centreville, Appanoose county, at the Spring Term of District Court in and for said county, A. D. 1848.

Duty of Board of Commissioners of Appanoose county.

SEC. 2. That the Treasurer of this State shall, upon the presentation of a regular certified copy of said amount of costs, by the Board of Commissioners or their attorney, pay the same out of any money not otherwise appropriated to said commissioners or their attorney.

Treasurer of State.

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

Take effect.

Approved, Jan. 15, 1849.

Chapter 110.

EXECUTIONS.

AN ACT requiring all notices of sales by order of courts of record to be advertised in some newspaper.

Real estate sold by order of c'rt to be advertised in newspapers.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all sales of real estate made in pursuance of any judgment, decree, or decision of a court of record, shall be advertised by the sheriff or other officer authorized by law to offer the same for sale, in some newspaper published in the county where the said real estate is situated, if there be one, if, not, the same shall be advertised in the manner now required by law.

To be advertised not less than 3 times.

SEC. 2. Such advertisement shall be made at least three times in a weekly, and not less than three times in a semi-weekly newspaper, if one is published in the county: *Provided*, That the last publication shall in all cases be made two weeks previous to the time of sale.

Advertisement to describe property.

SEC. 3. The advertisement shall briefly set forth a description of the property intended to be sold, the authority by which the said property is offered for sale, and such other matters as the court ordering sale may deem proper to direct.

To post up written notices.

SEC. 4. *And be it further enacted*, That three written or printed notices be posted up in the town or township in which the estate to be sold is situated, at least three weeks previous to the time of sale.

Fees how paid.

SEC. 5. The fees for advertising shall be paid out of the proceeds of the sale of the property advertised: *Provided*, That the officers or individuals offering the said property for sale, shall be allowed such fees only as they are now allowed by law.

Take effect.

SEC. 6. This act shall take effect and be in force from and after its publication in the Iowa City newspapers, and the Secretary of State is hereby authorized and required to have this act published immediately after its passage.

Approved, Jan. 15, 1848.

Published in the Republican, Jan. 24th, and Reporter, Jan. 31st, 1848.

Chapter 111.

ALLEMAKEE.

AN ACT to organize the county of Allemakee.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county of Allemakee be, and it is hereby organized, from and after the first day of March next, and the inhabitants of said county be entitled to all the rights and privileges to which, by law, the other inhabitants of other counties in this State are entitled. Allemakee organized.

SEC. 2. That there shall be a special election held on the first 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. Special election

SEC. 3. That it shall be the duty of the sheriff of said county to give at least ten days' notice of the time and place 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 the 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 qualied: *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. Duty of sheriff.

SEC. 4. That the county officers elected under the provisions of this act, shall hold their offices until the first Monday of August next, and until their successors are elected and qualified. Term of office.

SEC. 5. That the justices of the peace and constables elected under the provisions of this act shall hold their offices until the first Monday of April, A. D. 1851, and until their successors may be elected and qualified. Term of office of justices of the peace.

SEC. 6. That Thomas C. Linton be and he is hereby appointed sheriff of said county, and shall continue in office until the first Monday of 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 Clayton, which oath of office may be administered by said clerk. Linton appointed sheriff.

SEC. 7. That all actions at law or equity in the District Court of Clayton county, commenced prior to the organization of Allemakee Suits commenced in Clayton to be prosecu-

ted to final judgment, &c. county, where the parties or either of them reside in said county of Allemakee, shall be prosecuted to final judgment, order or decree as fully and effectually as if this act had not passed.

Commissioners. SEC. 8. That William C. Linton, John Francis and James Jones, of the county of Clayton, be and they are hereby appointed commissioners to locate and establish the seat of justice of said county of Allemakee.

When to meet. SEC. 9. That said commissioners or a majority of them shall meet at the house of Thomas C. Linton, in Allemakee county, on the fifteenth day of June next, or within three months thereafter and proceed to locate and establish the seat of justice of said county.

Oath. SEC. 10. Said commissioners shall first take and subscribe the following oath, to wit: "We do solemnly swear (or affirm) that we have no personal interest in the location of the seat of justice of the county of Allemakee, and that we will faithfully and impartially locate the same according to the best interests of said county, taking into consideration the future as well as the present population of said county, which oath or affirmation may be administered by any person authorized to administer oaths, and the officer administering said oath shall certify and file the same in the office of the clerk of the District Court of the county of Allemakee within three months after a clerk of the District Court shall have been elected for said county whose duty it shall be to record the same.

Make report in writing. SEC. 11. That as soon as said commissioners shall have come to a determination where said seat of justice shall be located, they shall commit the same to writing, giving a particular description of the place so selected and located upon, and shall file the same in the office of the clerk of the board of commissioners of Allemakee county, whose duty it shall be to record the same, and to keep the same on file in his office, and the place thus designated shall be the seat of justice of said county.

Compensation. SEC. 12. 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 going to and from said seat of justice, which sum shall be paid out of the first moneys arising from the sale of town lots in such seat of justice.

Take effect. SEC. 13. This act shall take effect and be in force from and after its publication in the Miner's Express and Jackson county Democrat.

Approved, Jan. 15, 1849.

Published in Democrat Feb. 20th and Miner's Express March 6th, 1849.

Chapter 112.

DEEDS.

AN ACT in relation to deeds of collectors of revenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That where any lands or town lots have been or shall hereafter be struck off to any county of this State, upon the sale of lands or town lots for the non-payment of taxes, under or by virtue of any of the revenue laws of this State, now or heretofore in force, it shall be and is hereby made the duty of the collector (or the person whose duty it is by law to make deeds for the same) to include all of said lands and town lots in one deed, instead of executing a separate deed for each piece of land or town lot as is now provided by law, for which said deed he shall receive not to exceed the sum of ten dollars, to be paid out of the county treasury after the same shall have been audited and allowed by the county court for the proper county, and no further fee shall be allowed for making a conveyance of the lands or town lots mentioned in said deed.

All lands, &c. sold for taxes to one person to be included in one deed.

SEC. 2. This act shall take effect and be in force from and after its publication.

Approved, January 15, 1849.

Chapter 113.

APPROPRIATION.

AN ACT to provide for the payment of expenses in the arrest of Allen Cammeron, a fugitive from justice from the State of Pennsylvania.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the sum of one hundred and six dollars and seventy-five cents be and the same is hereby appropriated, to be paid out of any moneys in the treasury not otherwise appropriated, to be placed under the direction of the Governor, for the purpose of paying the expenses in the case of the arrest and trial, under *habeas corpus*, of Allen Cammeron, a fugitive from justice.

Appropriation.

Duty of Secretary of State.

SEC. 2. After the auditing and payment of said sum to the proper persons, the Secretary of State is hereby requested to make out, under the great seal of the State, the necessary vouchers showing the appropriation and payment of said sum, and forward the same to the Auditor General of the State of Pennsylvania, with a request that the said sum may be refunded to the State of Iowa by the proper authority of the said State of Pennsylvania.

Approved, Jan. 15, 1849.

Chapter 114.

UNIVERSITY.

AN ACT to establish at Fairfield a branch of the State University.

Branch of State University established at Fairfield.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there shall be and hereby is established at Fairfield, in the county of Jefferson, a branch of the State University, to be placed upon the same footing, in respect to funds and all other matters, as the University located by the act of Febuary 25th 1847, at Iowa City.

Under the control of board of trustees.

When to meet.

SEC. 2. The said branch shall be under the control of the Board of Trustees appointed by the aforesaid act, who shall on the first Monday of May next hold a meeting at Fairfield and select a site for buildings and grounds in or adjoining said town and secure the title by deeds of gift or otherwise, and take the necessary measures for the speedy erection of buildings with a view to their future enlargement,

Duties of.

and appoint professors and tutors when their services shall be required and remove the same at pleasure, and provide such books and apparatus and such other facilities as may be proper, and as the funds for that purpose will admit; and it shall be their duty to put the said branch into operation as soon as practicable, not later than one year from the passage of this act if the means at their disposal will admit.

Trustees appointed.

SEC. 3. John A. Pitzer, Samuel J. Bayard, Robert Brown, John W. Culbertson, Ebenezer S. Gage are hereby appointed members of the board of Trustees to fill the vacancies occasioned by the expiration of the terms of such members of the board as have drawn or shall draw the shortest term under the fifth section of the aforesaid act. And the Governor of the State for the time being shall be a member of said board.

Approved January 15, 1849.

Chapter 115.

UNIVERSITY.

AN ACT supplemental to an act establishing a branch of the State University at Fairfield.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Barnet Ristine, Christian W. Slagle, Daniel Rider, Horace Gaylord, Bernhart Henn, and Samuel S. Bayard, of the county of Jefferson, are hereby constituted and appointed a board of directors, whose duty it shall be to manage and direct the entire business and affairs of the branch of the State University directed to be located by the act to which this is supplemental in said county of Jefferson. Trustees and their duties.

SEC. 2. The above named directors shall meet in the town of Fairfield, on the first Monday of May next, and organize by taking the necessary oaths of office, and shall proceed to elect one of their number as president, also a secretary and treasurer, who shall hold their offices for two years and until their successors are elected and qualified. When to meet, oath, &c.

SEC. 3. The treasurer thus elected shall give bond in such sum as a majority of the board may direct, payable to the Superintendent of Public Instruction of this State, and filed with him in his office. Treasurer to give bond.

SEC. 4. The president shall preside at all meetings of the board, and shall cause the secretary to keep and preserve a regular record of all their proceedings, and shall, at least once in each year, at such time as the State Superintendent shall direct, a full and complete statement of the entire condition of the institution. President to preside & make statement of the condition.

SEC. 5. The above named directors shall continue in office as follows, to wit: two shall continue in office for the term of two years, two for four years, and two for six years; which shall be determined by lot at the first regular Session, and the vacancies occassioned by the expirations of the officers shall be filled by Joint Resolution of the General Assembly of the State, and the persons thus chosen by the General Assembly shall continue in office for six years. Term of office.

SEC. 7. The board of directors and their successors in office are hereby clothed with the same power and authority to make and enforce contracts, that school districts now have, under the general laws of the State. Powers of board.

SEC. 7. The board of directors as soon as practicable after they are organized shall proceed to select a site of sufficient size in or near the Board to select site for buildings.

town of Fairfield, in Jefferson county, upon which to erect suitable buildings for said university, and shall procure a valid title to the same for the special benefit of the said institution.

Authorized to receive donations.

SEC. 8. The board of directors are hereby authorized to receive any gifts, grants, or donations of money, lands, or other property, and sell and convey the same, and apply the proceeds thereof to the erection of suitable buildings for said University, or furnishing the same with books, maps, charts, and other necessary apparatus.

Authorized to use proceeds of public lands.

SEC. 9. The board of directors are hereby authorized to use any or all of the funds that accrue from the proceeds of the sale of the public lands granted or that may hereafter be granted by the General Government to this State for a university and are set apart by the Superintendent of Public Instruction as the rightful share of the Branch University in Jefferson county in the erection of the buildings, the payment of professors or teachers of said institution.

Majority of directors to be a quorum.

SEC. 10. At all meetings of the board a majority of the directors shall be a quorum for transacting business, and no money shall be drawn from the treasury but by order of the board, signed by the President and countersigned by the Secretary.

Repealing sec.

SEC. 11. All acts and parts of acts conflicting with provisions of this act be and the same are hereby repealed.

Approved, January 15, 1849.

Chapter 116.

STATE UNIVERSITY.

AN ACT supplemental to an act approved Feb. 25, 1847, to locate and establish a State University.

Trustees of University.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Robert Lucas, A. H. Palmer, Curtis Bates, Dexter P. Smith, Charles Burnham and Silas Foster be and they are hereby appointed Trustees to fill the vacancies occurred in the Board of Trustees of the State University.

Governor.

SEC. 2. That the Governor of the State of Iowa be and is hereby appointed *ex officio* trustee of said University.

Take effect.

SEC. 3. That this act shall be in force from and after its passage.

Approved January 15, 1849.

Chapter 117.

STATE UNIVERSITY.

AN ACT to establish a branch of the State University at Dubuque.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be and hereby is established a branch of the State University in or near the city of Dubuque, to be placed upon the same footing in respect to funds and all other matters as the University located by the act of the General Assembly of the State of Iowa, approved February 25th, 1847.

University established at Dubuque.

SEC. 2. The said branch shall be under the control of the Superintendent of Public Instruction and the board of trustees hereinafter provided for, who shall on the first Monday of May next hold a meeting in the city of Dubuque, and select a site for buildings and grounds in or adjoining the said city of Dubuque, and secure the title for the same by deed of gift, or otherwise, and take the necessary measures for the speedy erection of buildings with a view to their future enlargement, and appoint professors and tutors when their services shall be required, and remove the same at pleasure, and provide such books and such other facilities as may be proper, and as the funds for that purpose will admit; and it shall be their duty to put the said branch into operation as soon as practicable, not later than fifteen months from the passage of this act, if the means at their disposal will admit.

Under control of Sup. of Pub. Instruction and board of trustees.

Powers and duties of said board.

SEC. 3. That John King, Caleb H. Booth, James M. Emmerson, M. J. Sullivan and Richard Banson, be and they are hereby appointed members of the board of trustees, and further that the Governor of the State for the time being shall be a member of said board: *Provided,* no moneys shall be appropriated to the support of any branch of the University until the revenues to the parent institution shall exceed three thousand dollars per annum from the grant made by Congress.

Board of trustees.

SEC. 4. This act to take effect and be in force from and after its publication.

Take effect.

Approved, January 16, 1849.

Chapter 118.

BURLINGTON.

AN ACT to amend the Burlington City charter.

Time of holding elections for city officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all elections for city officers in said city of Burlington, hereafter, shall be held on the first Monday of April of each year, and that the present mayor and aldermen and other officers of said city shall continue over until the first Monday of April next.

Repealing sec.

SEC. 2. That all acts and parts of acts contravening the provisions of this, be, and the same are hereby repealed.

Take effect.

SEC. 3. This act shall take effect and be in force from and after its publication in the papers published in the city of Burlington at the expense of said city.

Approved, January 15, 1849.

Published in Gazette of 24th and Hawkeye of 25th Feb. 1849.

Chapter 119.

UNIVERSITY LANDS.

AN ACT allowing additional compensation to the agent employed to select the University lands for this State.

Additional compensation allowed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the agent employed by the Treasury Department of the United States for the selection of the University lands, be, and he is hereby allowed one dollar per day, in addition to the amount allowed in the act of Jan. 24, 1848, to be verified, audited and allowed as is provided for in said act.

Take effect.

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

Approved, January 15, 1849.

Chapter 120.

MONROE CITY.

AN ACT to provide for the refunding of the purchase money paid by purchasers of lots in Monroe City and vacating said city.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Secretary of State is hereby required to make out a statement setting forth the names of persons who purchased lots in Monroe City, the amount paid by them, and the time said lots were sold, and file the same in the Auditor's office on or before the first day of March next. Secretary to make statement

SEC. 2. It shall be the duty of the Auditor of State to audit and allow said purchasers of lots in said city, the amount paid by them for lots together with interest at the rate of six per cent per annum. Duty of Auditor

SEC. 3. The Treasurer of State is hereby authorized to redeem said sums of money audited and allowed to said purchasers as specified in the 2nd section of this act, out of any monies in the treasury not otherwise appropriated. Treasurer.

SEC. 4. That Monroe City be and the same is hereby vacated. Vacated.

SEC. 5. That so much of "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," approved, Feb. 22d, 1847, as relates to the re-location of the seat of government of this State, and declaring the point selected by the commissioners named in said act to "be the permanent seat of government," and all other parts of said act conflicting with the provisions of this act, be and the same are hereby repealed: *Provided*, That this act shall not be construed to apply to the commissioners who appear as purchasers of lots in Monroe City. Repealing sec. Proviso.

Approved Jan. 15, 1849.

Chapter 121.

DEAF, DUMB, AND BLIND.

AN ACT to provide for the instruction of the Deaf, Dumb, and Blind.

Board of Co. Coms. to certify no. of deaf and dumb, &c.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That upon satisfactory evidence being adduced to the Board of Commissioners of any county in this State, that there is a deaf, dumb or blind person or persons, between the ages of ten and twenty-five years, residing in said county, it shall be the duty of said board to cause the clerk thereof to certify that fact, together with the names and ages of such deaf and dumb or blind persons, and the names of their parents or guardians, to the Superintendent of Public Instruction.

Superintendent to certify to Auditor.

SEC. 2. The Superintendent of Public Instruction is hereby authorized upon the receipt of such certificate, and the application of such person, parent, or guardian of any deaf and dumb or blind person, to certify that fact to the Auditor of State, who shall draw his warrant upon the treasury for the sum of fifty dollars each year, in favor of such person or guardian, to be applied to the education of said deaf and dumb or blind person.

Auditor to draw warrant.

Not to receive more than $100.

SEC. 3. No one of the beneficiaries provided for in this act shall be entitled to draw from the State treasury more than the sum of one hundred dollars.

Amount may be drawn.

SEC. 4. A sum not exceeding five hundred dollars may be annually drawn from the State treasury for the education of the deaf and dumb, and a sum not exceeding two hundred and fifty dollars may be annually drawn from the State treasury for the education of the blind, to be appropriated agreeably to the provisions of this act.

Sup. of Pub. Inst. to report to legislature.

SEC. 5. The Superintendent of Public Instruction shall report to the General Assembly, at every regular session thereof, the number of deaf and dumb and blind persons in whose favor money has been drawn from the treasury, under the provisions of this act, and the amount which has been drawn.

SEC. 6. This act shall take effect after its publication by authority.

Approved January 15, 1849.

Chapter 122.

ATTACHMENT.

AN ACT to amend "an act allowing and regulating writs of attachment."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all suits now pending, or that may hereafter be commenced in any of the courts of this State, where a writ of attachment has been or may hereafter be issued upon which property is seized by the officer sueing the same, the defendent or defendants in said suit whose property is taken on said writ may give a written notice to the officer who has sued said writ, or who is in possession of the same, that he denies the causes set forth in the affidavit upon which said writ issued, and desires that the same may be tried by a jury; it shall be the duty of the officer upon receiving such notice to deliver the same to some justice of the peace in said county, together with a copy of the cause set forth in the affidavit of the plaintiff upon which said writ issued, upon the delivery of said notice and copy of the affidavit as aforesaid, the justice shall proceed to notify the parties and summon a jury, and proceed to try said issue in the same manner as the trial of the right of property is now had. Proceedings when property taken by attachment is claimed by a third party

SEC. 2. That for good cause the justice may continue said cause in the same manner as other causes. Cause may be continued.

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

Approved Jan. 15, 1849.

Chapter 123.

SCHOOL FUND.

AN ACT supplemental to the act of February 25th, 1847, entitled "An act to provide for the management and disposition of the School Fund."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That John M. Whitaker, of the county of Van Buren, William H. Morrison, of the county of Dubuque, and Robert Brown, of the county of Commissioners appointed to select lands granted

of Jefferson, are hereby appointed agents to select the remainder of the five hundred thousand acres of land granted to the State of Iowa, upon the admission of said State into the Union, under the 8th section of the act of Congress of September 4th, 1841, entitled "An act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights:" *Provided*, The said Whitaker shall confine the selections made by him to the Fairfield land district, said Morrison to the Dubuque land district, and the said Brown to the Iowa City land district.

Agents to take oath.

SEC. 2. Said agents shall take and subscribe an oath before some Clerk of the District Court in this State, for the faithful discharge of the duties required of them by this act, and shall file an authenticated copy of the same with the Register of each Land Office in this State.

Agents to select land in accordance with instructions of Com'r of Land Office.

SEC. 3. They shall then proceed to select the land in accordance with the instructions of the Commissioner of the General Land Office of August 6th, 1847, and to report the same to the Register of the Land Office in whose land district the selection is made.

Compensation.

SEC. 4. They shall each be allowed the sum of three dollars for every day they may be necessarily employed in the discharge of their duties, and shall present their respective accounts, verified by oath, to the Auditor of State, who shall audit and allow the same, and shall draw a warrant in their favor for the amount thus verified, on the Treasurer of State, to be paid out of any money in the treasury not otherwise appropriated.

Duty of agents.

SEC. 5. It shall be the duty of each of the aforesaid agents to keep a correct record of the selections of land made by himself as herein provided, to estimate the value per acre of each quarter section, and to make a a full report of the same on the first day of December next.

Of Sec. of State.

SEC. 6. The Secretary of State shall file a duly authenticated copy of this act as soon as the same shall have been published, with the Register of each Land Office in the State.

Sup. of Public Inst. to prepare blank forms.

SEC. 7. The Superintendent of Public Instruction shall prepare, and have printed, suitable blank forms for reporting the selections of land as herein contemplated, and shall transmit the same, together with a copy of the instructions of the Commissioner of the General Land Office aforesaid, to each of the aforesaid agents.

Authorize sale of lands.

SEC. 8. The Superintendent of Public Instruction may authorize the sale of any lands selected under the provisions of this act, in any organized county, by the School Fund Commissioner, at any rate per acre which the said Superintendent of Public Instruction may determine, not less than the minimum fixed thereon by the selecting agent, upon the terms prescribed in the act to which this is supplemental.

SEC. 9. When it shall appear to the Fund Commissioners

that the school fund is liable to be injured by bringing into market any portion of the 16th section, they may reserve the same from sale: *Provided*, That this shall not be applicable to pre-emptions granted under former laws.

Fund Commissioners may reserve lands from sale.

SEC. 10. The Superintendent of Public Instruction shall visit the several counties of the State, and examine the books and accounts of the Fund Commissioners, and shall make such adjustment of the funds under their control as may be necessary to carry into effect any of the provisions of the General Assembly relative to the same, according to their spirit and intent: *Provided*, That the said Superintendent shall not have control of the funds in the hands of any School Fund Commissioner, unless by express enactment of the General Assembly.

Sup. of Public Inst. to visit counties.

SEC. 11. When in the opinion of the School Fund Commissioner, it may be necessary to have any portion of the school lands within his county surveyed, he may employ a surveyor for the purpose, who shall be paid out of the interest of the school fund, and the commissioner aforesaid shall render an account of the expense thus incurred, together with all other contingent expenses of his office, in his annual report to the Superintendent of Public Instruction: *Provided*, That in all cases where a survey is not actually necessary, the allotment shall be made by the township trustees, as provided in the act to which this is supplemental.

Fund Commissioner to have lands surveyed.

SEC. 12. No person who may avail himself of the right of pre-emption, under the provisions of the act of January 24th, 1848, entitled "An act to amend an act entitled 'An act to provide for the management and disposition of the school fund,'" approved Feb. 25th, 1847, shall be permitted to pre-empt more than one hundred and sixty acres.

Person allowed to pre-empt only 160 acres.

SEC. 13. When any person to whom a portion of the school fund has been loaned, shall fail to pay the interest thereon as prescribed in the 9th section of the act to which this is supplemental, it shall be the duty of the School Fund Commissioner to report the name of said delinquent to the Prosecuting Attorney of the county, within five days thereafter, who shall immediately commence suit against said delinquent for the collection of said interest.

Fund Commissioner to report to Prosecuting Attorney.

SEC. 14. All acts and parts of acts contravening the provisions of this act, are hereby repealed.

Repealing sec.

SEC. 15. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Take effect.

Approved, Jan. 15, 1849.

Published in the Reporter the 24th, and Republican the 31st January, 1849.

Chapter 124.

HOMESTEAD.

AN ACT to exempt a homestead from forced sale.

Real estate exempt from sale by execution.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That a homestead consisting of any quantity of land not exceeding forty acres used for agricultural purposes, and the dwelling house thereon and its appurtenances to be selected by the owner thereof, and not included in any recorded town plat, or city, or village, or instead thereof at the option of the owner, a quantity of land not exceeding in amount one fourth of an acre, being within a recorded town plat, or city, or village, and the dwelling house thereon, and its appurtenances owned and occupied by any resident of the State, shall not be subject to forced sale on execution or any other final process from a court, for any debt or liability, contracted after the fourth day of July in the year 1849: *Provided*, That the value of such exempted homestead, or town lot and dwelling thereon shall in no case exceed the sum of five hundred dollars.

Proviso.

Exemption not affect mechanic's liens, or extend to mortgages, &c.

SEC. 2. Such exemption shall not affect any laborer's or mechanic's lien, or extend to any mortgage thereon lawfully obtained; but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

Execution defendants to notify officer what he regards as his homestead.

SEC. 3. Whenever a levy shall be made upon the lands or tenements of a householder whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer at the time of making such levy, of what he regards as his homestead with a description thereof within the limits above prescribed; and the remainder alone shall be subject to sale under such levy.

Officer to have property surveyed.

SEC. 4. If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making such levy shall cause the same to be surveyed, beginning at a point to be designated by the owner and set off in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this act, and the expenses of said survey shall be chargable on the execution and collected thereupon, if it shall appear after such survey that the owner of said land did not correctly

state his metes and bounds; otherwise the expenses of survey shall be borne by the person directing the same.

Officer to sell balance of said real estate.

SEC. 5. After the survey shall have been made, the officer making the levy may sell the property levied upon, and not included in the set off, in the same manner as provided in other cases for the sale of real estate on execution; and in giving a deed of the same, he may describe it according to his original levy, excepting therefrom by metes and bounds according to the certificates of survey, the quantity set off as aforesaid.

Persons owning house on land not his own such house exempt from sale.

SEC. 6. Any person ow[n]ing and occupying any dwelling house on land not his own, which land he shall be rightfully in possession of, by lease or otherwise, and claiming such house as his homestead, shall be entitled to the exemption of such house.

Not exempt lands from sale for taxes.

SEC. 7. Nothing in this act shall be considered as exempting any real estate from taxation or sale for taxes.

Approved Jan. 15, 1849.

Chapter 125.

APPORTIONMENT.

AN ACT to re-apportion the State and define the boundaries of Senatorial and Representative districts therein.

Lee.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county of Lee shall have two (2) senators and five (5) representatives.

Van Buren.

SEC. 2. That the county of Van Buren shall have two (2) senators and three (3) representatives.

Davis, &c.

SEC. 3. That the counties of Davis, Appanoose and Wayne shall have one (1) senator and two representatives.

Wapello, &c.

SEC. 4. That the counties of Wapello, Monroe and Lucas shall have one (1) senator and the county of Wapello two (2) representatives and the counties of Monroe and Lucas one (1) representative jointly.

Marion, &c.

SEC. 5. That the counties of Marion, Polk, Dallas, Jasper, Marshall, Story, Boone, Warren and Madison shall have one (1) senator and two (2) representatives jointly.

Des Moines.

SEC. 6. That the county of Des Moines shall have two (2) senators and three (3) representatives.

Henry. SEC. 7. That the county of Henry shall have one (1) senator and two (2) representatives.

Jefferson. SEC. 8. That the county of Jefferson shall have one (1) senator and three (3) representatives.

Louisa, &c. SEC. 9. That the counties of Louisa and Washington shall have one (1) senator jointly, and one (1) representative each.

Mahaska, &c. SEC. 10. That the counties of Mahaska, Keokuk and Powesheik shall have one (1) senator and two representatives.

Muscatine, &c. SEC. 11. That the counties of Muscatine, Johnson and Iowa shall have one senator and the county of Muscatine one representative and the counties of Johnson and Iowa one representative jointly.

Scott, &c. SEC. 12. That the counties of Scott and Clinton shall have one senator jointly, and one representative each.

Cedar, &c. SEC. 13. That the counties of Cedar, Linn, Benton and Tama shall have one senator jointly, and the county of Cedar shall have one representative and the counties of Linn, Benton and Tama one representative jointly.

Jackson, &c. SEC. 14. That the counties of Jackson and Jones shall have one senator and two reoresentatives jointly.

Dubuque, &c. SEC. 15. That the counties of Dubuque, Clayton, Delaware, Buchanan, Blackhawk, Winnesheik and Allemakee shall have two senators and the counties of Dubuque, Delaware, Buchanan and Blackhawk shall have three representatives jointly, and the counties of Clayton, Fayette, Winnesheik and Allemakee shall have one representative jointly.

Attached counties. SEC. 16. Any country attached to any county for judicial purposes shall be considered as forming part of such county for election purposes unless otherwise provided for by this act.

Take effect. SEC. 17. This act to take effect and be in force from and after its publication according to law.

Approved Jan 15, 1849.

Chapter 126.

TOLL BRIDGE.

AN ACT to authorize R. R. Jenks to erect a toll bridge across the Wabesipenicon river.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,*

Jenks and others authorized That R. R. Jenks, his heirs and assigns, be and they are hereby author-

ized to erect a toll bridge across the Wabesipenicon river at a point where the road from Camanche, in Clinton county, to Tipton, in Cedar county crosses said river, with the exclusive privilege of bridging said river two miles above and below said road, for the term of twenty years from and after the taking effect of this act: *Provided*, said bridge is completed in two years and kept in repair thereafter.

to erect a toll bridge.

Proviso.

SEC. 2. That the rate of toll to be exacted shall be as follows, for each horse and rider ten cents, for each two wheeled vehicle twenty cents, for all four wheeled vehicles twenty-five cents, for foot passengers five cents, toll on hogs or sheep, two cents each, on horses, mules and neat cattle four cents each: *Provided*, That nothing in this act shall authorize the said Jenks, his heirs or assigns to exact toll from any person who has subscribed and paid, or shall hereafter pay upon any such subscription any sum of money or any other valuable thing towards the erection of said bridge, and all such persons are hereby permitted to cross such bridge with their families, teams, horses, cattle, hogs, sheep, or with any thing that they may be necessarily compelled to cross in the transaction of their daily vocation or other business, forever free of charge or toll.

Rates of toll.

Persons exempt from toll.

SEC. 3. Nothing in this act shall be so construed as to interfere with the right that any individual may have to the land on the banks of said river.

Not to interfere with right to land on either side of river.

SEC. 4. The counties of Scott and Clinton to have the privilege to purchase said bridge at any time they may think proper, for the purpose of making it a free bridge, by paying the owner or owners thereof the cost of building the same with six per cent added to the amount.

Counties of Scott and Clinton to have the right to purchase bridge.

SEC. 5. That any future General Assembly may have the right to alter or amend this act.

SEC. 6. This act to take effect from and after its passage.

Take effect.

Approved Jan. 15, 1849.

Chapter 127.

STATE ROAD.

AN ACT to establish a State road from Fairfield, in Jefferson county, to Keokuk in Lee county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Barnet Ristine, of the county of Jefferson, and R. B. Willoughby,

Commissioners

of Van Buren county, and Josiah Kent, of Lee county, be and they are hereby appointed commissioners to locate and establish a State road, commencing at Fairfield, in Jefferson county, and running from thence on the nearest and best route to Keokuk, in Lee county.

When to meet. SEC. 2. That said commissioners or a majority of them, shall meet at the town of Fairfield, in Jefferson county, on the first Monday in the month of June next, or within sixty days thereafter, and after being quaiified shall proceed to locate and establish said road according to law.

Surveyor. SEC. 3. That George Berry, of the county of Lee, be and he is hereby appointed surveyor to survey said road: *Provided*, that in case said Berry cannot survey said road from any cause whatever, it shall be lawful for said commissioners to appoint a surveyor to survey said road.

SEC. 4. That said commissioners and surveyor, and all persons necessarily employed by them in the location of said road shall be allowed the compensation, and be paid in the manner now provided by law.

Take effect. SEC. 5. This act shall take effect and be in force from and after its publication according to law.

Approved Jan. 15, 1849.

Chapter 128.

STATE ROAD.

AN ACT to establish a State road therein named.

Commissioners SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Solomon Jackson, of the county of Lee, Jesse Hughes, of the county of Van Buren, and Benjamin D. Workman, of the county of Jefferson, be and they are hereby appointed commissioners to locate a State road, leading from Keokuk, in the county of Lee, by the way of Charleston, in said county, thence to Washington, in Henry county, thence to Sigler's mill on Big Cedar, and from thence on the nearest and best ground to intersect the State road leading from Glasgow to Fairfield, in the county of Jefferson.

When to meet. SEC. 2. The said commissioners or a majority of them, shall meet at the city of Keokuk, in Lee county, on the first day of May next, or within sixty days [illegible]

...ully and impartially to discharge the duties of their appointments, they shall take to their assistance a skillful surveyor, and other necessary hands, who shall likewise take an oath or affirmation for the faithful discharge of their duties. They shall 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. Said commissioners shall be governed by and be paid in accordance with the existing laws on the subject of laying out State roads. Compensation.

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

Approved Jan. 15, 1849.

Chapter 129

CEDAR RIVER.

AN ACT to authorize James H. Gower, Charles W. Gower and Robert Gower or their heirs or assigns to improve Cedar river by the erection of a dam and lock.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That James H. Gower, Charles W. Gower and Robert Gower, of Linn township, Cedar county, their heirs and assigns be and they are hereby authorized to erect a dam across Cedar river, in Cedar county within the limits of section number twenty-eight, (28) in township eighty-one, (81) north of range number four, (4) west of the fifth (5) principal meridian. Authority to erect dam.

SEC. 2. Said dam shall not exceed in heighth five feet above low water mark, and shall contain a lock not less than one hundred and thirty feet in length and thirty feet in width, and so constructed as to allow the passage of all boats and water crafts navigating said river. Dimension of lock and dam.

SEC. 3. *Be it further enacted,* That in case the said river shall hereafter be improved by the authority of law, the General Assembly shall provide for a compensation to said James H. Gower, Charles W. Gower and Robert Gower, their heirs and assigns to be paid by the State, or any company that may have the benefit of any improvement of the navigation of said river; *Provided,* that said compensation shall only be to the extent of the benefit derived from said dam and lock. In event of improvement of river corporators to be compensated.

Liability of persons injuring dam or lock.

SEC. 4. Any person, or persons, who shall injure said dam or lock, or any part thereof, in navigating said river, or otherwise, shall be liable to any sum not exceeding double the amount of damages assessed.

Not to impede navigation.

SEC. 5. Nothing in this act shall allow the said James H. Gower, Charles W. Gower, and Robert Gower, their heirs or assigns, to impede the navigation of said river, or otherwise interfere with the rights and privileges of any person, without the consent of such person.

Take effect.

SEC. 5. That this act shall take effect from and after its passage, and may be altered or repealed by any future Legislature.

Approved, Jan. 15, 1849.

Chapter 130.

CLAYTON COUNTY.

AN ACT for the re-location of the county seat in Clayton county.

Voters of Clayton county to vote for county seat.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That, the legal voters of Clayton county shall vote, at the April election of 1849, for three points, to wit: Garnavillo, Guthenburg, and Elkador, and if upon canvassing the votes, it is ascertained that any one point has received a majority of votes over all others, then that shall be and remain the permanent seat of justice of said Clayton county; but, if no one point shall receive such majority, then the legal voters of said county shall vote, on the first Monday in May thereafter, for the two points which received the highest number of votes at the April election, and the point receiving the highest number of votes shall be and remain the permanent seat of justice of said county of Clayton.

Election to be conducted in accordance with law.

SEC. 2. Said election shall be conducted as other elections under the laws of this State. All acts and parts of acts, coming in conflict with this act, be and the same are hereby repealed.

Take effect.

SEC. 3. This act to take effect from and after its publication in the Miner's Express,

Approved, Jan. 15, 1849.

Published in Miner's Express, Feb. 6th, 1849.

Chapter 131.

PLANK ROAD.

AN ACT granting to Wm. F. Coolbaugh and his associates, the right of way and the privilege of constructing a road from Burlington, Des Moines county, to Mt. Pleasant, in Henry county.

SECTION 1. *Be it enacted by General Assembly of the State of Iowa*, That Wm. F. Coolbaugh, of Des Moines county, and Alvin Sanders, of Henry county, and their associates, be, and they are hereby, authorized to construct a graded road from Burlington, in Des Moines county, to Mt. Pleasant, in Henry county, by the way of Middletown, in Des Moines county, and New London, in Henry county, on the present road leading from Burlington to Mt. Pleasant, or as near as practicable, to be ascertained by survey: *Provided*, The width of the grade of said road shall not be less than thirty feet: *And provided further*, That said Wm. F. Coolbaugh and his associates shall commence the construction of said road within two years from the taking effect of this act.

Coolbugh and others authorized to construct plank road.

Grade of road.

SEC. 2. That if the owner or proprietor of any land on which the said road may be laid out, shall refuse his or her consent to the location of said road through his or her premises, such refusal shall not prevent the construction of said road through said land; and if the owner of said land shall consider himself or herself aggrieved he or she may notify the said W. F. Coolbaugh or any of his associates, that he or she claims damages in consequence of the construction of said road through his or her premises, and thereupon, each party may choose a disinterested freeholder, resident of the county where said land is situated, and the two thus chosen shall choose a third, who, or a majority of whom, shall proceed to view the premises, by personal inspection, and after taking into consideration the benefit and disadvantage of said road to the said land, shall assess the damage (if any) sustained by the owner of said land, and report the same in writing to the clerk of the district court of the county wherein said land may be situated, and the said clerk shall receive and file said report in his office; and if the said Wm. F. Coolbaugh and his associates shall, within thirty days thereafter, pay the amount of the said damages, so assessed, into the hands of said clerk, or to the owner of said land, then and in that case the said Wm. F. Coolbaugh and his associates shall have the right to construct said road through said land, and the report made by the said

Refusal of right of way not to prevent the construction of the road.

Freeholders to assess damages

Report to clerk district court.

freeholders as aforesaid shall be considered as a final adjudication between the parties, from which there shall be no appeal.

Proceedings when road runs through lands of non-resident

SEC. 3. That if after the survey of a route for said road, the same shall be found to run through the lands of any non-resident proprietor, the said Wm. F. Coolbaugh and his associates shall give thirty days notice, in some newspaper printed at Burlington notifying the owners thereof by name if they be known, if not, by a description of said land, that the said road is located through his or her land, and unless they shall apply within twenty days after the termination of the publication of said notice to have the damages occasioned by the construction of said road assessed according to the provisions of the second section of this act, the right of way through his or her land will be considered as granted, and the said William F. Coolbaugh and his associates shall be authorized to construct said road through said land.

Erect toll gates, houses, &c.

SEC. 4. That as soon as said road shall be constructed, the said Wm. F. Coolbaugh and his associates may erect toll houses and gates upon said road, and shall be authorized to exact such tolls as the county commissioners of each county through which said road may run may determine for the length of said road in each county respectively: *Provided*, that the said commissioners shall establish reasonable rates of toll, and such as will render to the said Wm. F. Coolbaugh and his associates a reasonable interest on the amount of funds invested in said road and protect mutually the said Wm. F. Coolbaugh and his associates and the public from imposition.

To be a graded road.

SEC. 5. It is hereby declared to be the intention of this act to establish a graded road between the points mentioned in the first section of this act for the convenience and interest of the public, and at the same time to protect the said Wm. F. Coolbaugh and his associates in the construction of said road, and for that purpose the right of way is hereby granted to the said Wm. F. Coolbaugh and his associates for the term of twenty years, and if at the expiration of that time a joint convention of the board of commissioners of the several counties through which the said road may pass shall be made satisfied that the tolls received on said road have not amounted to a sum sufficient to cover the expense of building and keeping said road in repair and the incidental expenses thereto pertaining and a reasonable interest on the amount invested, then the board of commissioners may grant to the said Wm. F. Coolbaugh and his associates the right to exact toll upon said road for such further and longer time as they may deem proper.

Board of Commissioners to extend charter.

Rates of toll to be posted up.

SEC. 6. That the said Wm. F. Coolbaugh or his associates shall post up in a conspicuous place at each toll house or gate the rates of toll established by the board of commissioners as herein before provi-

ded, and any person travelling upon said road who shall refuse to pay the rates of toll thus established may be prosecuted before any justice of the peace of any county through which said road may pass, in an action of debt, and shall pay double the amount of toll required in the first instance, and all costs of suit.

Persons refusing to pay toll may be prosecuted.

SEC. 7. That any person or persons obstructing, injuring or defacing said road, gates, toll houses, or any of the property belonging to the same in any manner, or shall aid or abet the same, shall be prosecuted in any court of competent jurisdiction within the proper county by indictment, and upon conviction shall be liable for such damages or injuries, and shall be subject to a fine and imprisonment at the discretion of the court.

Persons injuring property liable to fine and imprisonment.

SEC. 8. The said Wm. F. Coolbaugh and his associates shall form themselves into a company under the provisions of an act to authorize general incorporations, approved February 22nd, 1847, and may establish all needful rules and regulations not inconsistent with said act, or the constitution of this State, for the transaction of business and the government of said association.

To incorporate themselves.

SEC. 9. The right of way hereby granted shall not be less than sixty feet in width, and if the said Wm. F. Coolbaugh and his associates shall at any time deem it necessary for the interest of the public, they may construct on said grade a plank track not less than eight feet in width, in which case they shall receive such additional toll to be established as herein before provided, as the boards of commissioners of the proper counties may direct.

Right of way 60 feet wide.

Plank road 8 feet wide.

SEC. 10. That when the term of right of way herein granted to the said Wm. F. Coolbaugh and his associates shall expire, the said road shall thereafter be deemed a public highway, and under the immediate control of the board of commissioners, who in their discretion may thereafter levy a tax to keep said road in repair.

Said road to be a public highway.

SEC. 11. This act shall take effect from and after its publication according to law.

Take effect.

Approved, Jan. 15, 1849.

Chapter 132.

APPROPRIATION.

AN ACT making an appropriation for the Public Buildings at Iowa City.

Appropriation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be and is hereby appropriated towards the completion of the Public Buildings at Iowa City, the sum of three thousand dollars, to be expended in the course of the ensuing two years, out of any money in the treasury not otherwise appropriated.

J. T. Fales superintendent.

SEC. 2. That said appropriation shall be expended under the superintendence of Joseph T. Fales, who is hereby allowed the sum of two hundred dollars as a compensation for said services.

Duty of superintendent.

SEC. 3. It is hereby made the duty of said superintendent to complete, in a plain and substantial manner, the cupola, the four rooms on the first floor occupied by the State officers and Supreme Court, and the room occupied by the library; also, to complete and fit up for committees, four rooms in the basement of said building; also to complete the halls leading to the several rooms, with the stairway to the second floor, according to the original plan of the building, with such other work as said superintendent may deem proper to be done upon said building.

Take effect.

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

Approved, January 15th, 1849.

Published in Republican, Jan. 24th, and Reporter Jan. 31st, 1849.

Chapter 133.

APPROPRIATIONS.

AN ACT making appropriations for the support of the State government for the fiscal years of 1849 and 1850.

Appropriation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the following sums of money be and the same are appropriated to

defray the expenses of the State government for the fiscal years of 1849 and 1850, to be paid out of any moneys not otherwise appropriated, viz:

SEC. 2. Compensation as salary to the Governor of the State, two thousand dollars; Governor.

For contingent expenses of the Governor's office, three hundred dollars;

For compensation as salary to the Secretary of State, one thousand dollars; Secretary.

For contingent expenses of the Secretary's office, three hundred dollars;

For compensation as salary to the Auditor, twelve hundred dollars; Auditor.

For contingent expenses of the Auditor's office, three hundred dollars;

For compensation as salary to the Treasurer of State, eight hundred dollars; Treasurer.

For contingent expenses of the Treasurer of State's office, three hundred dollars;

For compensation as salary to the Judges of the Supreme Court, six thousand dollars; Supreme Court.

For contingent expenses of the Supreme Court, eight hundred dollars;

For compensation as salary to the Judges of the District Court, ten thousand dollars; District Judges.

For compensation as salary to the Superintendant of Public Instruction, including the present year, three thousand six hundred dollars; Superintendent of Public Instruction.

For contingent expenses of the Superintendant of Public Instruction, three hundred dollars;

For compensation as salary of the Commissioners to revise the laws, three thousand dollars; Commissioners to revise laws.

For contingent expenses of said Commissioners, three hundred dollars;

For compensation as salary to the Librarian, three hundred dollars; Librarian.

For contingent expenses of the Librarian's office, one hundred dollars;

For general contingent fund, five hundred dollars. General contingent fund.

SEC. 3. That the Governor, Secretary, Auditor, and Treasurer of State, are hereby required to report each the several items of expenditures they may pay out of the contingent fund, to the General Assembly within ten days after the session thereof commences. Reports.

Approved January 15, 1849.

Chapter 134.

APPROPRIATION.

AN ACT to provide for the compensation of members, officers and printers of the General Assembly, and for other purposes.

Moneys appropriated. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the following sums are hereby appropriated out of any moneys in the hands of the Treasurer of State, for the following purposes, viz:

House of Reps. SEC. 2. For pay and mileage of members of the House of Representatives, three thousand eight hundred and sixty-four dollars.

Palmer & Paul. SEC. 3. To Palmer & Paul, bill printing circular &c. by order of Superintendent of Public Instruction, three hundred and twenty-seven dollars and twenty-eight cents.

Curtis & Wait. To Curtis and Wait, bill for paper for do. eight dollars and forty-seven cents.

Spaulding. To Rufus Spaulding, bill do. thirty-four dollars and fifty cents.

Fletcher. SEC. 4. To J. C. Fletcher, for room and light for Supreme Court, May term, 1848, eight dollars.

Ebersol. To D. S. Ebersol, for one seal press twelve dollars.

Ward. To Henry Ward, for mending and plastering round four stove pipes in State House, one dollar and fifty cents.

Hodges. To L. J. Hodges, upon certificate No. 48, issued by Amos Ladd, for work on penitentiary, sixty nine dollars.

Brown. To Hiram Brown, for expenses incurred and services rendered as agent of the State of Iowa, one hundred dollars.

Hart. To Anson Hart, for sundry repairs and fitting up stoves, &c., in State House, fifty-seven dollars and seventy-seven cents.

Morris. To Easton Morris, for thirty-nine copies of Morris' Iowa Reports, one hundred and ninety-five dollars.

Atley. To Isaac A. Atley, for services in taking an inventory of the goods belonging to the penitentiary of the State of Iowa, eighteen dollars.

Donald. To Charles M'Donald, for same, eighteen dollars.

Moyes. To John Moyes, for one day do. three dollars.

Nichols. To Wm. Nichols, for one day do. three dollars.

Spaulding & Phelps. To Spaulding and Phelps, for publishing bill incorporating the town of Fort Madison, sixty one dollars.

Richmond. To J. Scott Richmond for services as clerk pro. tem. of the House at this session, eight dollars.

To Wm. P. Doty, for work on the stoves in the State House, five dollars. Doty.

To Wm. E. Leffingwell, for collecting delinquent taxes in Clinton county, for 1847, twenty-five dollars. Leffingwell.

To Peter Kessler, for services as sergeant-at-arms pro. tem., four dollars. Kessler.

To S. H. Bonham, for extra pay as Speaker of the H. R., eighty-six dollars. Bonham.

To Palmer and Paul, for printing, nine hundred and sixty-four dollars and eighty-seven cents. Palmer & Paul.

To Gower and Holt, for bill of sundries, forty-three dollars and sixty-four cents. Gower & Holt.

To Clark, Shepherd and Clark, for sundries, three dollars and eighty cents. Clark, Shepherd & Clark.

To E. Redhead, for work in State House, nine dollars. Redhead.

To Thomas M. Banberry, for fitting up rooms in State House, five dollars and twenty-five cents. Banbury.

To Workman and Berryhill, for sundries per bill, twenty-seven dollars and thirteen cents. Workman & Berryhill.

To Charles Gaymon, for chairs and work on State House, one hundred and three dollars and fifty cents. Gaymon.

To F. Sanxay, for merchandize, sixty-six dollars and eighty-six cents. Sanxay.

To F. M. Irish, for revised statutes of Iowa, ten dollars. Irish.

To J. C. Irwin, for pine lumber, thirteen dollars. Irwin.

To J. F. Abrahams, for stationary, six hundred and sixty-eight dollars and eighty-nine cents. Abrahams.

To Peter Conboy, for fixing carpets, &c., thirty dollars. Conboy.

To Wm. E. Leffingwell, for superintending the printing, indexing and distributing the journals of the House of Representatives, three hundred dollars. Leffingwell.

To John J. E. Norman, for clerk pro. tem., eight dollars. Norman.

To James M. Bell, for services as messenger of the House of Representatives, eighty-six dollars. Bell.

To Mr. S. Goodrell, for Speaker pro. tem. four dollars. Goodrell.

To George Williams, for services as fireman in the H. R. eighty-six dollars. Williams.

To E. G. Lampson, for forty-three days as sergeant-at-arms eighty-six dollars. Lampson.

To J. W. Walker, for services as chief clerk for two days, eight dollars. Walker.

To Henry Kampfer, for cutting wood for the officers of State, forty-three dollars. Kampfer.

Williams. To George Williams, do. cutting during term, forty-three days, forty-three dollars.

Ballard & Moriarty. To Ballard and Moriarty for newspapers furnished during term, two hundred and eighteen dollars.

Leffingwell. To Wm. E. Leffingwell for services as chief clerk, one hundred and seventy-two dollars.

Saunders. To Wm. Saunders, for services as assistant clerk forty-three days, one hundred and twenty-nine dollars.

Foley. To John P. Foley, for services as assistant clerk, one hundred and twenty-nine dollars.

Bonney. To Josiah H. Bonney, for superintending the printing, indexing and distributing the laws of the present session, three hundred dollars.

Johnson. To Sylvanus Johnson, for wood, one hundred dollars.

Irish. To F. M. Irish, for wood, fifty cord, one hundred dollars.

Salmon. To H. M. Salmon, for services in taking an inventory of goods of penitentiary, eighteen dollars.

Senate. For pay and mileage of the members of the Senate, nineteen hundred and sixty-six dollars.

Officers. For pay of officers of the Senate, six hundred and two dollars.

Selman. To Jno. J. Selman, for extra services as President of the Senate, eighty-six dollars.

Rockwell. To C. C. Rockwell, for superintending the printing, indexing and distributing the journals of the Senate, three hundred dollars.

Palmer & Paul. To Palmer and Paul, for newspapers, incidental printing of bills and reports for the Senate, six hundred and sixty-seven dollars.

Kister. To Israel Kister, as sergeant-at-arms pro. tem., four dollars.

Evans. To Charles Evans, as fireman pro. tem., four dollars.

Hampton. To Mrs. A. F. Hampton, for making curtains for two Houses, fifteen dollars.

Walker. To Isaac Walker, for carpeting, one hundred and sixty-four dollars and ninety cents.

Mrs. A L Fales. To Mrs. A. L. Fales, for making carpets and covering for desks, twenty dollars.

Kinnersly. To James Kinersly for curtain stuff, and velvet for covering desks, fifty-one dollars and nineteen cents.

Greene. To George Greene, for advertising sale of lots in Monroe City, ten dollars.

Parvin. To T. S. Parvin, assignee of Parish and Welsh, for hardware for State House, twenty dollars and seventy-five cents.

J T Fales. To J. T. Fales, for benches for the lobbys, sattinett for covering desks, and brooms, fifty one dollars and eighty-two cents.

J T Fales. To Joseph T. Fales, for procuring, copying and forwarding abstracts

of lands sold within the State in 1847, in compliance with law, three hundred dollars.

To Henry Springmyre, for hauling carpets, &c., from Bloomington, two dollars. Springmyre.

To Peter Jackson, for freight, forwarding, commission, &c., two dollars. Jackson.

To Wm. F. Coolbaugh, for candles, forty nine dollars. Coolbaugh.

To Elisha Cutler, Jr., for expenses in going to St. Louis, to make purchases for the General Assembly, fitting up Halls, distributing the School laws, &c., eighty-six dollars and forty-nine cents. Cutler.

To John Taylor, as per resolution for balance of per diem as commissioner for locating the seat of government the sum of two hundred and four dollars and forty cents. Taylor.

To John B. Russel, for two days services as Secretary of the Senate, eight dollars. Russell.

To John J. Selman, twenty-four dollars, for mileage and per diem, as presidential elector of the United States for the State of Iowa. Selman.

To Gower and Holt, for sand, two dollars and twenty-five cents. Gower & Holt.

To W. P. Lyon, for one pound of gum tragicanth, seventy-five cents. Lyon.

To Curtis Bates, one hundred dollars, for assisting to manage suit of the State of Iowa vs. Asa Calkin, and the suit of the State of Iowa vs. James Harlan. Bates.

To the Clerk of the District Court of Dubuque county, to be appropriated by him for the payment of costs of the following suits instituted by Chauncey Swan, acting Commissioner to locate and establish the permanent seat of government of the Territory of Iowa, to wit: Clerk of Dubuque county.

Chauncey Swan, Com., &c. vs. Lyman Dillon;

Chauncey Swan, Com., &c. vs. James V. Lampton;

And Chauncey Swan, Com., &c. vs. John R. Ewing and James G. Chattian, in which Judgment was rendered in favor of the defendants the sum of eighty-two dollars and eighty-eight cents.

That the Auditor of State, be and is hereby authorized to audit and allow the accounts for printing and binding the laws and journals of the present session of the General Assembly, also the accounts for publishing laws in newspapers where such publication is provided for by law, and that the same shall be paid out of any money in the Treasury not otherwise appropriated. Auditor authorized to allow accounts.

That Thomas H. Benton, Jr. be, and he is hereby allowed interest on salary for six months, from July 1st to January 1st, twelve dollars, also interest on three month's salary, from September 1st to Jan. 1st, six dollars. Benton.

Trowbridge. That S. C. Trowbridge, be, and he is hereby allowed the sum of nine hundred and seventy-seven dollars and thirty-three cents for postage on letters, papers, reports, bills and documents sent and received by the members of the General Assembly, from Dec. 4th, 1848, to Jan. 15th 1849.

Patterson. That the sum of eight dollars be, and is hereby allowed to E. B. Patterson for two days services as enrolling clerk.

Conboy. To Peter Conboy, fifty dollars for services as assistant fireman during the present session of the General Assembly.

Turner. Wm. H. Turner, one hundred dollars, for services as enrolling clerk.

Woodward, Mason, and Hempstead. To Wm. G. Woodward, Stephen Hempstead, and Charles Mason, each the sum of five hundred dollars as compensation in part for their services as members of the committee to revise the laws.

Case of contested election. Officers and witnesses in the contested election case of James Nosler before justices, fifteen dollars and forty-nine cents.

Approved, Jan. 15, 1849.

Chapter 135.

APPROPRIATION.

AN ACT supplemental to the act making appropriations for the payment of members, officers, and printers of the General Assembly, and for other purposes.

Moneys appropriated. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the following sums are hereby appropriated out of any moneys in the hands of the Treasurer of State, for the following purposes, viz:

Hampton. SEC. 2. To Geo. S. Hampton, the sum of one hundred dollars, for services as Prosecuting Attorney for the State in certain cases.

Garner. SEC. 3. To Wesley W. Garner, the sum of nine dollars, for three days services as enrolling clerk.

Downey. SEC. 4. That Hugh D. Downey be allowed the sum of fifty dollars, for services as Prosecuting Attorney in the case of United States vs. James Harlan.

Approved, January 15, 1849.

JOINT RESOLUTIONS.

Resolution No. 1.

NORTH AND WESTERN LINE OF THIS STATE.

JOINT RESOLUTION requesting our Senators and Representatives in Congress to procure an appropriation to defray the expenses of running the north and western bounries of the State of Iowa.

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to use their influence to procure an appropriation to defray the expenses of running the north and western boundary lines of the State of Iowa. Instructions to members of Congress.

Resolved, That his Excellency the Governor be requested to forward a copy of this resolution to our Senators and Representatives in Congress. Copies to be forwarded.

Approved December 9, 1848.

Resolution No. 2.

APPROPRIATION FOR BRIDGE.

JOINT RESOLUTION for an appropriation from Congress for the purpose of erecting a bridge across the Des Moines river at the point where the military road crosses the same.

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives be requested, to use their best exertions to procure an appropriation of the sum of twenty thousand dollars, for the purpose of erecting a bridge across Instructions to members of Congress.

the Des Moines river at the point where the military road leading from Dubuque to our southern boundary crosses the same.

Copies to be forwarded.

Resolved, That the Secretary of State be instructed to send a copy of this resolution to our Senators and Representatives in Congress.

Approved, December 16, 1849.

Resolution No. 3.

JOHN BROPHY.

JOINT RESOLUTION to allow John Brophy an additional compensation for the selection of Salt Springs.

Treas. of State authorized to pay

Resolved by the General Assembly of the State of Iowa, That the Treasurer of the State be authorized to pay John Brophy, out of any money in the treasury not otherwise appropriated, the sum of two hundred dollars for services as Commissioner to locate Salt Springs.

Approved December 23, 1848.

Resolution No. 4.

MAIL ROUTE.

JOINT RESOLUTION for a mail route from Fort Des Moines, to the east or Boone fork of Des Moines river.

Instructions

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress are hereby requested to use their influence for the establishment of a mail route from Fort Des Moines, Polk county, via the rapids on the Des Moines river, in Boone county, to the east or Boone fork of the Des Moines river, in the State of Iowa.

Copies to be forwarded

Resolved, That the Secretary of State is hereby instructed to forward a copy of these resolutions to our Senators and Representatives in Congress.

Approved, Dec. 23, 1848.

Resolution No. 5.

DUBUQUE AND KEOKUK RAIL ROAD.

JOINT RESOLUTION to accept of a reconnoisance and preliminary survey.

Resolved by the General Assembly of the State of Iowa, That the subjoined reconnoisance and preliminary survey of a route for a rail road from Dubuque, in Dubuque county, to Keokuk, in Lee county, in the State of Iowa, be and the same are hereby accepted and adopted. And that our Senators be instructed and our Representatives in Congress be requested to procure from the government of the United States a grant of land to aid in the construction of said rail road in accordance with the memoriol of the General Assembly of the State of Iowa, approved Jan. 25th, 1848: *Provided, however*, That in the permanent location of said road, Jefferson county, may, if found practicable, be substituted for Henry county. Preliminary survey accepted

Resolved, That the Governor be requested to forward one copy of this resolution to the Senate of the United States, one copy to the Speaker of the House of Representatives, and one copy to each of our Representatives and Senators in Congress. Copies to be forwarded

Approved January 15, 1849.

REPORT OF THE ENGINEER.

IOWA CITY, Dec. 4, 1848.

The board of directors for the Dubuque and Keokuk Rail Road, met at Iowa City, and a quorum being present, proceeded to organize, by electing Maj. L. H. LANGWORTHY, of Dubuque, President, P. R. SKINNER, Esq., of Anamosa, Jones county, Secretary, and J. H. FISHER, Esq., of Iowa City, Treasurer.

The following report of the surveyor and engineer appointed for that purpose, was submitted and accepted:

DECEMBER 4, 1848.

To Lucius H. Langworthy, President of the board of directors for the Dubuque and Keokuk Railroad.

SIR:—Having in compliance with my instructions made a reconnoisance of the route from Dubuque to Keokuk, through certain inter-

mediate points, with a view to ascertain the practicability of constsucting a rail road thereon, I have the honor to offer the following report as the result of my examinations:

General description of the route.

This railroad is designed to connect Dubuque on the north, with Keokuk, on the south. The former the centre of a great mineral and agricultural district. The latter situated at the foot of the "Des Moines Rapids," on the Mississippi, the head of certain navigation on that river.

In this route, the road will pass through the heart of several of the most populous and fertile interior counties of the State of Iowa, now laboring under serious inconvenience, in common with the entire district, west of the proposed improvement, for want of some outlet for their abundant agricultural products.

The work is therefore very naturally regarded as an object of interest to nearly all the eastern slope of the State, and besides accommodating the business in this district, as well as the increased amount and extended area of traffic, which such improvements never fail to produce—it will constitute an important link in the great chain of communication between the eastern and southwestern markets—taken in connection with either of the railroads, in contemplation, from Lake Michigan to points on the Mississippi, near to and opposite Dubuque. One from Milwaukie, the other from Chicago, (the latter now in course of construction) it will complete the chain of rapid communication from the eastern cities to a point on the Mississippi, within about 180 miles of St. Louis, where the navigation is seldom interrupted by the severity of winter weather.

The length of the route, is a fraction less than one hundred and ninety-six miles.

Particular description of the route.

For the sake of convenient reference, the route will be considered in several divisions:

1st. Division, extending from Dubuque to the White Water creek, a distance of sixteen miles and 4320 feet; commencing at the foot of Clay street, in Dubuque, the route extends westwardly along said street about 3300 feet; then running to the left, enters brick-yard hollow, and following the course of this ravine, attains the summit of the ridge between the city and Cat-fish creek, at a depression indicated

by the heads of this and another ravine leading to the creek, at a distance of about 2¾ miles. To surmount this ridge, a grade, of sixty feet per mile, on a portion of the route, and also, a short but deep cut at the summit will be necessary. Descending from the summit, a short distance by an easier grade, the route strikes an elevated table land, through which are channelled out the deep but narrow valleys of three branches of the Cat-fish creek, all encountered within a space of about two miles,—these, together with the numerous lateral ravines, present a broken surface, but with care in adjusting the line of location, and by crossing these at considerable elevation, the cuttings and fillings, though numerous, will be short; for crossing these branches, one bridge of 25 feet and two of 40 feet each, will be necessary; stone for the abutments will be found near the crossings. Crossing the last branch at a distance of about 4 miles from the commencement, the route is then along the general course of this valley, gradually gaining by its slope sufficient elevation to command the dividing ridge between the Cat-fish and White Water creeks; passing over more favorable ground, with moderate grades and no abrupt curvature.

After crossing the ridge, at a distance of about twelve miles, the general course, without serious obstacle, is along the White Water slopes until striking the stream, at a distance of sixteen miles and 4290 feet, where a bridge of thirty feet, at only a slight elevation, will be required.

The most difficult part of the line embraced in this division, and the most expensive of any equal portion of the entire route, will be in the first seven or eight miles.

The topography of the country indicates another route for this division of the road, which on account of the very limited time allowed for my operations, I was unable to examine particularly, but which should not be overlooked in making the surveys preliminary to a definite location of the line. This route leads from Dubuque along the river bluffs by side cuttings to the mouth of Catfish, and then following the general course of this valley to its source, crosses the dividing ridge, and striking the White Water at the termination of the other route.

Second division, extending from the White-Water to the south fork of the Maquoketa, a distance of 17 miles and 2,955 feet.

From the White-Water, the route continues on favorable ground, requiring but moderate grades and gentle curves, without any heavy work, crossing Curran's Branch and John's Fork, where bridges of twenty-five feet each will be required, then ascending, crosses the dividing ridge, between White Water and Maquoketa, at the heads of two opposite ravines, where a slight cut will be necessary, it contin-

ties on with an easy grade to the North Fork of the Maquoketa, and crosses at Cascade, requiring a bridge of one hundred feet at a small elevation. The distance from the White Water to the Maquoketa, is about seven and one-half miles.

After crossing the river the line curves to the left in order to pass by a low summit into the valley of Farm Creek, then passing up this valley it gains the elevation of the dividing ridge between the two forks of the Maquoketa, traversing in its course, Bowen's Prairie, on very favorable ground, and crossing this ridge, with a slight cutting, it descends the course of a long ravine, without heavy grade or sharp curve, to the South fork of the Maquoketa, where a bridge of one hundred feet will be required. This division extends almost entirely over prairie. The grades can be kept within thirty feet per mile, without unnecessary expense.

Third division, extending from the South Fork of the Maquoketa, to to a point near the summit between the Wapsipinicon river and the Cedar river, a distance of seventeen miles and two thousand five hundred and eighty-one feet. From the Maquoketa the line continues on very favorable ground, crossing successively Story and Kiddey's creeks with bridges of twenty-five feet each, then running along the general course of the last named creek, it crosses the dividing ridge between the Maquoketa and Wapsipinicon rivers, by the heads of two opposite ravines with a moderate grade, but a sharp cut at a distance of about eight miles, descending with about the same grade, over fair ground, the route strikes Walworth's creek, and continues down its valley to the valley of the Buffalo Fork, passing about a mile of rough ground, and crossing the creek twice with quite small bridges, continuing on the left bank of the Buffalo and passing through Anamosa, (county seat of Jones county,) it crosses the Wapsipinicon immediately below the mouth of the Buffalo Fork, at a distance of thirteen miles from the commencement. A bridge of two hundred and ninety feet will be required here at a considerable elevation. A short but high embankment will be necessary, extending from the river to the bluffs, on the south side. Materials for the bridge can be found almost at hand. The line after striking the bluff, follows for a short distance the course of the river, then ascending the course of a long ravine, it passes, after encountering some rough ground, by the head of Roton creek, to the summit between Wapsipinicon and Cedar rivers, and terminates this division on very favorable ground. In ascending from the Wapsipinicon a grade of fifty feet per mile will probably be necessary on a short portion of the route. An easier grade could possibly be admitted by substituting a different route from the summit north of the Wapsipini-

ion by passing into the head of Fawn Creek, and descending by its valley, crossing the Wapsipinicon so as to strike the valley of Reed's creek, and following its course on the south until attaining the necessary elevation to surmount the ridge. The distance would be, however, greatly increased, and the ground still be broken. This route would leave Anamosa half a mile to the west of the line, and under my instructions I did not consider myself at liberty to consider any route which should not make that place a point.

Fourth division, extending from the termination of third division to Cedar river, a distance of eighteen miles, and one thousand five hundred and twenty feet.

This division embraces a very favorable portion of the route, extend- over level or gently rolling prairie, through nearly the whole distance. Three small branches of Big Creek, and Squaw Creek are crossed, requiring small bridges, within twelve miles of the commencement, after which Indian creek, the largest on this division, is encountered, passing this with a bridge of thirty feet, requiring no heavy work, high grades, or sharp curves. The route continues in a southwesterly direction until the ravines and bluffs of the creek are passed, the route then turns to the south and passing over quite favorable ground, strikes the Cedar river at the Rapids, where a bridge of five hundred and thirty feet will required. The facilities for crossing here are not surpassed at any other point on the whole route or on this river.

Fifth division, extending from the Cedar to the Iowa river, a distance of eighteen miles and four hundred and sixty-two feet.

From the Cedar the route takes a southwestern direction across a wide bottom, and ascending the bluff by a ravine, crosses a low summit without difficulty, and strikes Prairie creek at a distance of about two and one-half miles, where a bridge of thirty feet will be necessary, continuing on about the same course, it gradually ascends the dividing ridge between the two rivers, and passes the summit at the distance of about six miles from the commencement. The ground up to this point being highly favorable, continuing on, in nearly the same direction, over equally fair ground, a further distance of about twelve miles, crossing in this distance four small creeks, requiring an aggregate amount of bridging of fifty feet, when the route curves to the right, (having gained sufficient space to avoid a great number of deep ravines leading to the Iowa river,) and passing over ground somewhat broken, crosses Rapid creek with a bridge of twenty feet, then ascending passes the summit and strikes the head of Ralston's creek, at a distance of about four miles from the Iowa river, following the valley of this creek, the line continues on through Iowa City, and strikes the river about one

mile below the town. A bridge of three hundred feet will be necessary to cross this stream. The ground is very favorable on this division until arising within a few miles of Rapid creek, when it assumes comparatively a more unfavorable aspect, and continues so to the termination of the division. The grades can probably be kept below thirty-five feet per mile, without incurring heavy work.

Sixth division, extending from the Iowa river to Mount Pleasant, a distance of forty-eight and one-half miles. After crossing the Iowa river, the route continues on the river bottom two miles, then ascends by moderate grade the side of the bluff, crosses the summit and descends to the valley of Old Man's creek, crossing which with a bridge of forty feet, and another low summit, it strikes the south branch of Old Man's creek, all within a distance of about six and one-half miles.

There will be no difficulty in keeping the grades on this part of the route below the maximum assumed on the first division. Up to this point there will be no heavy work or sharp curvature on this division, and from this point the route assumes a very favorable character, crossing English river at a distance of about ten miles, with a bridge of about one hundred and fifty feet, and ascending without difficulty from its valley, the route is nearly direct to Washington, and for a considerable part of the distance over nearly level prairie, crossing Davis creek with a trifling bridge in this distance, and leaving the town of Washington. the route continues on equally favorable ground until reaching the west fork of Crooked creek, a distance of about three and one-half miles. which is crossed with a bridge of sixty feet, and without any difficulty as to grade or curvature. At a further distance of about two and one-half miles the main branch of Crooked creek is encountered, requiring a bridge of one hundred feet and some extra work near the crossing. thence after ascending from this creek, the route continues over very fair ground to Mount Pleasant. The only interruption to grades or alignment, worthy of notice, occurs at Big creek, about three and three-fourths miles from the town, and here nothing of a serious nature; a bridge of sixty feet will be required here. This entire division may be considered favorable.

Seventh division, extending from Mt. Pleasant to Keokuk, a distance of forty-eight and one-half miles. On leaving Mt. Pleasant the route inclines to the left, striking the Skunk river below the mouth of Big creek, the descent to the river being facilitated by the valley of this creek; a bridge of three hundred feet will be necessary here. After ascending from the river, the route continues over favorable ground, passing through or near West Point, and strikes the valley of Devil creek near the Mississippi Bluffs, and descending by this valley to the

bottom, takes nearly a direct course to Montrose, thence down the Mississippi, eleven and one-fourth miles, to Keokuk, without difficulty.

The grades on this division can be kept below the maximum admitted on the northern end of the route, without requiring expensive work.

Another route not differing materially in distance from the one here adopted, presents itself for consideration on this division, viz: from Mt. Pleasant, inclining to the right to meet a feasible descent to the valley of Big creek; crossing this stream and surmounting, by extended curvature, the dividing ridge between the creek and Skunk river; crossing the river and ascending from its valley, by a long ravine, to the general level of the highlands between this and the Des Moines river; thence on very fair ground through or near Salem, and crossing the heads of Sugar or Devil creek; then following the main trace of the dividing ridge between this creek and the Half-breed creeks, and finally passing down by the western slope of this ridge.

This route would undoubtedly accommodate a greater range of business in the interior, whilst on the other hand, the greater facility of approaching Keokuk on the first route, together with the consideration that the part of the line between Keokuk and Montrose (around the rapids) could soon be made available, even during the progress of the work on the remainder of the line, would perhaps entitle it to the preference. These are considerations, however, to apply in the definite location of the line, and it will be for the Board of Directors, after complete surveys, to decide between different routes offering conflicting pretensions for the location.

In concluding this description of the route, it might perhaps suffice for all the purposes for which this report is required, to state the entire practicability of constructing a rail-road of sufficient capacity for all the objects for which it is designed; but as a matter of interest, the cost of construction will be considered.

"*Grading.*"

The estimates are based upon a graduated road bed of sixteen feet in width, for a single track of rail-way.

"*Mechanical Structures.*"

These are supposed to be constructed of the best materials, and on the most approved plan. The bridges of wooden frames, on stone abutments and piers; for large spans, the frames to be of "Longs improved

patent," and for moderate spans, "Town's Lattice." The culverts are calculated for stone, except in a few instances, where the hauling would be great and the embankment but light; in these cases wooden drains are contemplated, with a view of transporting stone upon road to replace them when necessary.

The Track.

The superstructure contemplated in the estimates is of the kind most generally used on rail roads in this country, consisting of "Longitudinal Sills, Cross Sills," and rails, all of timber, the rails surmounted with an iron plate.

The "ESTIMATED COST" of the road, completed ready for cars, is $2,071,788 00.

"General Remarks."

The total distance of the route, as examined, is one hundred and ninety-five miles and five thousand two hundred and forty-eight feet.

There is no doubt that the route can be essentially shortened by future examinations, and perhaps be improved in many places; all of which will tend to reduce the estimated cost.

Like all estimates made in this stage of the work, the one here presented must be regarded as only an approximation towards accuracy, though I have endeavored not to fall into the too common error of making it too low.

It should not be forgotten that although the face of the country along the route is generally favorable for a rail road, the *direction* of this route is unfavorable, in as much as it crosses the principal drainings of the country.

Notwithstanding all this, it will be seen from the estimates, that the work is not only practicable but quite feasible.

All of which is respectfully submitted,

THOS J. McKEAN,

Engineer, Dubuque and Keokuk Rail Road.

Resolution No. 6.

MAIL ROUTE.

JOINT RESOLUTION for the conveying of the mail.

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives be requested, to procure the carriage of the mail on route No. 4554, from Dubuque to Iowa City in this State, three times a week, in two horse carriages. Instructions.

Resolved, That the Secretary of State be required to forward one copy of the above resolution to each of our Senators and Representatives in Congress, and one copy to Hon. Cave Johnson, Post Master General. Copies forwarded.

Approved Dec. 23, 1848.

Resolution No. 7.

MISSOURI WAR.

PREAMBLE AND RESOLUTIONS on the subject of procuring from Congress a compensation to the citizens of the United States residing in Iowa, for their services and expenses in defending the southern boundary of the Territory of Iowa.

Whereas in the fall and winter of 1839 an unjust claim was made by the Governor of Missouri to a portion of the Territory of the United States lying within the limits of Iowa. Preamble.

And whereas the Marshal of Iowa acting under the authority of the United States, and in pursuance of advice by the Governor and District Attorney of Iowa, and governed by a high sense of duty to the government of the United States, called out an armed posse to preserve the peace and to resist the unlawful exercise of authority by the officers and citizens of an adjoining State within the well known limits of Iowa.

And whereas an armed posse to the number of several hundred of the citizens of the United States residing within this State being prompted to obey, by a high sense of patriotic duty and of their allegi-

ance to the government of the United States, and in obedience to a call of the Marshal of Iowa, marched in an inclement season, surmounting many difficulties and at much personal inconvenience to a distant border.

And whereas, as an account of this service and of some of those expenses were taken in the summer of 1840 by Lieut. Ruggles, an officer of the United States and by authority of the government thereof.

And whereas, the Congress of the United States have hitherto made no appropriation for the payment of said services and expenses,

Instructions. *Therefore Resolved, by the General Assembly of the State of Iowa*, That the Hon. A. C. Dodge and G. W. Jones, Senators, and the Hon. Shepherd Leffler and Wm. Thompson, Representatives in Congress from this State, be respectfully requested earnestly to press upon the consideration of Congress the justice of the claims of citizens of the United States residing in this State for said services and expenses, and to ask an appropriation in money from the treasury for the payment thereof with interest.

Copies forwarded. *Resolved*, That his Excellency, Gov. Briggs be requested to forward to each of our Senators and Representatives in Congress a copy of this preamble and joint resolution.

Approved Dec. 27, 1848.

Resolution No. 8.

LAND OFFICE.

JOINT RESOLUTION for the establishing of a Land Office at Fort Desmoines.

Resolved by the General Assembly of the State of Iowa, That the Hon. A. C. Dodge and G. W. Jones, our Senators, and Shepherd Leffler and Wm. Thompson, our Representatives in Congress, be requested to use their influence to obtain the establishment of a Land office at Fort Desmoines, in Polk county, Iowa.

Resolved, That the Secretary of State be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Approved Dec. 27, 1848.

No. 9.

MUSCATINE ISLAND.

JOINT RESOLUTION asking a donation of land for the improvement of the Muscatine Island.

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 portion of the year, thereby wholly obstructing the sale of said lands by the government of the United States; and Preamble.

Whereas, it is confidently believed that said lands are capable of being reclaimed and rendered saleable, by the construction of a levee along the bank of 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, That our Senators and Representatives in Congress be requested to use their endeavors to obtain the desired grant. Instructions.

Resolved, That the Secretary of State be requested to forward a copy of this preamble and resolution to each of our Senators and Representatives in Congress. Copies forwarded.

Approved Dec. 27, 1848.

No. 10.

MAIL ROUTE.

JOINT RESOLUTION asking a mail route from Prairie du Chien to Fort Atkinson.

Resolved by the General Assembly of the State of Iowa, That whereas Iowa and Wisconsin lying contiguous to each other are not connected by mail route at any point, in consequence of which a large tract of

settled country in the counties of Clayton and Winneshiek is deprived of mail facilities, therefore,

Resolved, That A. C. Dodge and G. W. Jones, our Senators, and S. Leffler and W. Thompson, our Representatives in Congress, be and they are hereby instructed to use their best endeavors for the establishment of a mail route from Prairie du Chien to Fort Atkinson, in Winneshiek county.

Resolved, That the Secretary of State be and is hereby requested to forward a copy of the above resolution, at the earliest practicable period, to our Senators and Representatives in Congress.

Approved, Dec. 27, 1848.

No. 11.

MAQUOKETA RIVER.

JOINT RESOLUTION for an appropriation of money or land for the improvement of the navigation of the Maquoketa river.

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure an appropriation, in money or public lands, from the federal government, for the improvement of the navigation of the Maquoketa river.

Resolved, That the Secretary of State be requested to forward copies of the above resolution to our Senators and Representatives.

Approved, Dec. 29, 1848.

No. 12.

AGENT TO PAY INTEREST.

JOINT RESOLUTION appointing an agent to pay the interest on the Iowa State Stock.

Morgan Reno appointed agent

Resolved by the General Assembly of the State of Iowa, That Morgan Reno, Treasurer of State, be and he is hereby appointed an agent on the part of the State to pay the interest, as the same falls due, on the "Iowa State Stock," issued under an act of the General Assembly entitled "An act to provide for a loan for the purpose of defraying the

expenses and paying the creditors of the State," approved Feb. 9, 1847.

And be it further resolved, That it shall be the duty of the Auditor, as said interest falls due, to draw his warrant upon the State Treasury in favor of said agent for the amount of interest so due; also a warrant for the necessary expenses said agent may incur in paying said interest.

Approved Dec. 29th, 1848.

No. 13.

FURNISH LAWS.

JOINT RESOLUTION requiring the Secretary of State to furnish the counties of Warren and Madison with copies of the revised statutes and other laws of this State.

Resolved by the General Assembly of the State of Iowa, That the Secretary of State is hereby authorized and required to furnish the counties of Warren and Madison, each, with eight copies of the revised statutes and other laws of this State.

Approved Dec. 29, 1848.

No. 14.

DUBUQUE HARBOR.

JOINT RESOLUTION relative to the improvement of the harbor at Dubuque.

Resolved by the General Assembly of the State of Iowa, That our Representatives be requested and our Senators be instructed to use their influence to procure an appropriation from Congress sufficient to complete the improvement of the harbor at Dubuque, which has been commenced by the general government and remains unfinished.

Resolved, That the Secretary of State be instructed to forward one copy of this resolution to the President of the Senate, one to the Speaker of the House of Representatives, and one to each of our Senators and Representatives in Congress.

Approved Dec. 29, 1848.

No. 15.

DAVENPORT AND COUNCIL BLUFF RAILROAD.

JOINT RESOLUTION for a grant of land from Congress.

Resolved by the General Assembly of the State of Iowa, That the Hon. A. C. Dedge and G. W. Jones, our Senators, and the Hon. Shepherd Leffler and William Thompson, our Represestatives in Congress be requested to use their influence to procure from the government of the United States, a grant of land to aid in the construction of a railroad from Davenport via Bloomington, Iowa City, Fort Desmoines to some suitable point near the Council Bluffs, on the Missouri river.

Resolved, That the Secretary of State be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Approved Dec. 29, 1848.

No. 16.

DES MOINES RIVER LANDS.

JOINT RESOLUTION providing compensation for the commissioners appointed to select Desmoines river lands.

Resolved, That the treasurer of the Board of Public Works be, and he is hereby instructed to pay the commissioners, who selected the lands donated by Congress for the improvement of the Desmoines river, one hundred dollars in payment for their services: *Provided*, Said commissioners shall receive said amount as full compensation for said services.

Approved Jan. 5, 1849.

No. 17.

DESMOINES AND ROCK RIVER RAPIDS.

JOINT RESOLUTION for an appropriation to improve the Desmoines and Rock river rapids, in the Mississippi river.

Resolved by the General Assembly of the State of Iowa, That Congress be memorialized to appropriate out of any monies in the National Treasury not otherwise appropriated a sum sufficient to improve and render navigable for steam boats without danger or difficulty the channel of the Desmoines and Rock river rapids in the Mississippi river, and that our Senators be instructed and our Representatives in Congress be requested to aid by their votes and influence in procuring the passage of such appropriation.

Resolved, That the Secretary of State be authorized to forward one copy of the aforesaid resolution to the President of the United States Senate, one copy to the Speaker of the House of Representatives in Congress, and one copy to each of our Senators and Representatives in Congress.

Approved Jan. 5, 1849.

No. 18.

MAIL ROUTE.

A JOINT RESOLUTION for the establishment of a mail route.

Revolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be, and they are hereby requested to use their influence to procure the establishment of a mail route from Bloomington, in Muscatine county, by the way of Tipton, in Cedar county, Rome, Anamosa, and James Peeks, in Jones county, Delhi, Ead's Grove, in Delaware county, Garnavillo, the county seat of Clayton county, to Prairie du Chien, Wisconsin, and that the Secretary of State be instructed to forward a copy of the forgoing resolution to each of our Senators and Representatives in Congress and to the Post Master General.

Approved Jan. 11, 1849.

No. 19.

MAIL CONVEYANCE.

JOINT RESOLUTION in relation to a change of mail conveyance.

Resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to have the mail on route No. 4556 from Bloomington to Dubuque in this State, carried weekly in a two-horse hack, instead of the present mode of carrying it on horse back.

Resolved, That the Secretary of State be requested to forward a copy of the above resolution to our Senators and Representatives in Congress and to the Hon. Cave Johnson, Post Master General.

Approved Jan. 12, 1849.

No. 20.

MAIL ROUTE.

JOINT RESOLUTION for a mail route from Bellview, in Jackson county, to Independence, in Buchanan county.

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress are hereby requested to use their influence in procuring the establishment of a mail route from the town of Bellview via Kiester's, Andrew, Hazen's mill, Nicholas Potter's, Canton, Edinburg and Anamosa, the county seat of Jones county to Independence, the county seat of Buchanan county.

And, that his Excellency, the Governor be and is hereby requested to forward a copy of this Resolution to each of our Senators and Representatives in Congress and to the Post Master General.

Approved Jan. 12, 1849.

No. 21.

MAIL ROUTE.

JOINT RESOLUTION for a mail route.

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested to use their influence to procure a mail route from West Point, in Lee county, to Salem, in Henry county, with semi-weekly service on said route, when established.

Resolved, That the Secretary of State be required to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress, and also one copy to the Post Master General.

Approved, January 12, 1849.

No. 22.

MAIL ROUTE.

A JOINT RESOLUTION for a mail route.

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a mail route from Sabula, in Jackson county, to Cascade, in Dubuque county, taking by the route the following towns and points, to wit: by Van Buren, Amoy, Andrew, Hasan's Mill, Otter Creek, and Garry Owen, in Jackson county; by the house of Thos. McAnally, in Jones county, and thence to Cascade, in Dubuque county.

Resolved, That the Governor be requested to transmit a copy of the above resolution to each of our Senators and Representatives in Congress.

Approved, January 12, 1849.

No. 23.

MAIL ROUTE.

JOINT RESOLUTION in relation to a mail route.

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to use their influence to obtain the establishment of a mail route from Ottumwa, in Wapello county, by way of the county seat of Monroe county, to Chariton Point, in Lucas county.

Resolved, That the Secretary of State be requested to furnish each of our Senators and Representatives in Congress with a copy of the above resolution.

Approved, Jan. 13, 1849.

No. 24.

LIBRARIAN.

JOINT RESOLUTION.

Resolved by the General Assembly of the State of Iowa, That Lemuel B. Patterson be and is hereby appointed Librarian, who shall hold his office for the term of two years, and until his successor is appointed and qualified.

Approved, January 13, 1849.

No. 25.

DANIEL JUDSON.

JOINT RESOLUTION exhonerating Daniel Judson, Treasurer of Monroe county, from the payment of certain penalties and the interest on certain money.

Resolved by the General Assembly of the State of Iowa, That the Auditor of State be and is hereby authorized to exhonorate Daniel Judson, Treasurer of Monroe county, from the payment of the penalty and interest accruing to this State, on account of his failure to pay over to the State the taxes collected for State purposes for the year 1847.

Approved, January 13, 1849.

No. 26.

PRINTING AND DISTRIBUTING LAWS.

JOINT RESOLUTION for superintending the printing and distributing the laws of the present session.

Resolved by the General Assembly of the State of Iowa, That Josiah H. Bonney, 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 January 13, 1849.

No. 27.

MAIL ROUTE.

A JOINT RESOLUTION for a mail route from Bloomfield, in Davis county, to Centreville, in Appanoose county.

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to use their influ-

ence in procuring the establishment of a weekly mail route from Bloomfield, in Davis county, to Centreville, in Appanoose county.

Resolved, That the Secretary of State be required to furnish each of our Senators and Representatives in Congress with a copy of this resolution.

Approved January 15, 1849.

No. 28.

CAPTAIN BENJAMIN S. ROBERTS.

RESOLUTION of thanks to Captain B. S. Roberts.

Whereas, Capt. Benjamin S. Roberts, of the United States Army has presented to the State of Iowa, a suit of armour, taken as a prize of war; and a sword captured from General Torrejon, in the late war with Mexico, designed to commemorate the part borne in the late struggle by the officers of this State. Therefore

Resolution of thanks.

Resolved by the General Assembly of the State of Iowa, That Capt. Benj. S. Roberts of the United States Rifles, for his gallantry and heroism during the late war with Mexico, has won for himself a brilliant distinction, which reflects a lustre upon the character of the American soldier, and an honor upon this State. And for this evidence of his patriotism and attachment to his adopted State, he deserves and is hereby tendered the cordial thanks of the Representatives of the people.

Copy forwarded

Resolved, That the Secretary of State be requested to forward a copy of this resolution to Captain B. S. Roberts of the U. S. Rifles.

Approved Jan. 15, 1848.

No. 29.

MAIL ROUTE.

JOINT RESOLUTION for a mail route.

Resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our represensatives requested to use their in-

fluence to procure a mail route from the City of Keokuk, in Lee county, by way of Lampson's on String Prairie, in said county, thence to Croton, in Lee county, thence to Farmington, in Van Buren county, Iowa.

Resolved, That the Secretary of State be required to forward a copy of this resolution to our Senators and Representatives in Congress and a copy to the Post Master General.

Approved Jan. 15, 1849.

No. 30.

WABESIPINICON RIVER.

JOINT RESOLUTION asking a donation of land for the improvement of the Wabesipinicon river.

Resolved by the Genelal Assembly of the State of Iowa, That our Senators and Representatives in Congress be and they are hereby requested to use their influence in procuring an appropriation of land for the improvement of the Wabesipinicon river, and that the Secretary of State be instructed to forward a copy of this resolution to our Senators and Representatives in Congress.

Approved Jan. 15, 1849.

No. 31.

MAIL ROUTE.

JOINT RESOLUTION asking a change of mail conveyance and extension of mail route.

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be and are hereby requested to exert their influence to procure the conveyance of the mail on route No. 4551 by two horse coaches at least once a week on said reute, and also the extension of said route to Monona, in Clayton county.

Resolved, That the Secretary of State is required to forward a copy

of the above resolution to each of our Senators and Representatives in Congress.

Approved Jan. 15, 1849.

No. 32.

MAIL ROUTE.

JOINT RESOLUTION for a mail route.

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to use their influence to have the mail route from Fort Madison, in Lee county, via West Point, to Farmington, in Van Buren county, carried daily in two horse hacks.

Resolaed That the Secretary of State be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress and one copy to the Hon. Cave Johnson, Postmaster General

Approved January 15, 1849.

No. 33.

MAIL ROUTE.

JOINT RESOLUTION for a mail route from New London, Henry county, via Crawfordsville, Washington county, to Iowa City.

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be requested to use their influence to procure a mail route from New London, Henry county, directly to Crawfordsville, Washington county, thence to Iowa City; and that the Secretary of State forward a copy of this resolution to our Senators and Representatives in Congress.

Approved January 15, 1849.

No. 34.

JOHN TAYLOR.

JOINT RESOLUTION relative to the claim of John Taylor, as commissioner to locate a permanent seat of government.

Resolved by the General Assembly of the State of Iowa, That John Taylor be allowed the sum of two hundred and four dollars and forty cents as balance on per diem pay as commissioner appointed to locate a permanent seat of government of the State of Iowa, under an act approved Feb. 22nd, 1847.

Approved, January 15, 1849.

No. 35.

PRINTING.

JOINT RESOLUTION in relation to printing the acts and joint resolutions of the present session of the General Assembly.

Resolved by the General Assembly of the State of Iowa, That Palmer & Paul, publishers of the Iowa Capital Reporter, be employed to print and bind four thousand copies of the acts, memorials, and joint resolutions of the General Assembly, passed at the present session thereof; and that they be allowed therefor the prices fixed in an act entitled "An act to create the office of State Printer, to provide for his election, to define his duties, and to establish the prices of public printing," approved December 29, 1848.

Approved, Jan. 15, 1849.

No. 36.

STATE UNIVERSITY.

JOINT RESOLUTION asking a donation of lands to aid in the construction of buildings for a branch of the State University at Fairfield.

Whereas, a law has been passed by the General Assembly of Iowa, during its present session, establishing a branch of the State University in Jefferson county; *And whereas*, the public interests imperiously demand that such branch shall be put in operation with the least practicable delay; *And whereas*, there is no public fund that can be used to accomplish that important object for a long time to come: Therefore,

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions to procure from that body a grant of twenty-five sections of the public lands, to be selected in legal subdivisions within said State, *to aid* the citizens of Jefferson and the surrounding counties in the construction of the necessary buildings for such institution, to which object the proceeds of the sales of such lands shall be exclusively applied.

Resolved, That the Secretary of State be requested to forward a copy of this preamble and resolution to each of our Senators and Representatives in Congress.

Approved January 15, 1849.

No. 37.

MAIL ROUTE.

JOINT RESOLUTION for a mail route from Tipton, in Cedar county, to the county seat of Benton county.

Resolved by the General Assembly of the State of Iowa, That our Representatives in Congress be requested, and our Senators instructed, to procure, if possible, the establishment of a mail route from Tipton, in Cedar county, via St. Marys and Marion, in Linn county, to the county

seat of Benton county, so as to establish a direct route from Bloomington, in Muscatine county, to the county seat of Benton county.

Resolved, That the Secretary of State is hereby requested to forward a copy of these resolutions to our Representatives and a copy to our Senators in Congress.

Approved January 15, 1849.

No. 38.

FIVE PER CENT. FUND.

Resolved by the General Assembly of the State of Iowa, That our delegation in Congress be requested to call on the proper department at Washington City, to ascertain upon what basis the computation of the five per cent. of the sale of public lands is made, due the State of Iowa, and to ascertain whether five per cent. on the value of lands taken up by military land warrants enters into the computation; if not, that they be, and hereby are, requested to procure the passage of such an act of Congress as to enable the proper department to make the computation upon such a basis as to include, not only five per cent. of the moneys received from the sale of lands in this State, but also upon the value of the lands that may be taken by land warrants.

Resolved, That the Secretary of State be requested to send a copy of this joint resolution to each of our delegates in Congress.

Approved January 15, 1849,

No. 39.

CAPTAIN B. S. ROBERTS.

JOINT RESOLUTION presenting a sword to Captain B. S. Roberts.

Resolved by the General Assembly of the State of Iowa, That the Treasurer of State be authorized to procure a finely wrought sword and scabbard, not to exceed in cost the sum of one hundred dollars, with the proper inscriptions, to be presented by the Governor to Captain Benjamin S. Roberts, of the Rifle Regiment, as a memento of the pride

of his fellow citizens of this State in the soldier-like patriotism and deeds of valor performed by him in the late war with Mexico.

Approved January 15, 1849.

No. 40.

MILITARY ROAD.

PREAMBLE AND JOINT RESOLUTION asking Congress for a donation of land to construct a Military Road from the Mississippi to the Missouri river.

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 general government a donation of one hundred thousand acres of land for the purpose of constructing a great western thoroughfare and mail route from Keokuk, on the Mississippi river, to Council Bluffs, on the Missouri river, leading through the Des Moines valley until it reaches Keosauqua, thence taking the nearest and most direct route through the southern counties of this State to the Missouri 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 blockhouse forts along the valley of Platte river to Oregon Territory.

The improvement of such a road is not within the ability of this 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.

A glance over the map of the country through which this road will pass, must satisfy any person that it will at no distant day be the great avenue upon which a large majority of the emigrants to Oregon and California are destined to travel, and upon which the mail to the Pacific Ocean must and will be conveyed. In addition to this it will pass nearly central through the late purchase of land from the Pottawattamie Indians in the western part of Iowa, a country that will soon fill

up with an enterprising population that will be greatly benefitted by such an improvement.

Resolved, That the Secretary of State be requested to forward one copy of this preamble and joint resolution to each of our Senators and Representatives in Congress.

Approved January 15, 1849.

Memorial No. 1.

DESMOINES RIVER GRANT.

MEMORIAL to Congress for their construction of the Act appropriating lands for the improvement of the Desmoines River, and to grant additional lands.

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 by your act past in August, A. D. 1846, every alternate section of land not otherwise appropriated within five miles of the Desmoines river was donated to the State (*then Ter.*) of Iowa, for the improvement of said river from its mouth to the forks. Said lands to be selected within said Territory of Iowa.

In accordance with, and for the purpose of carrying out the spirit and design of said act of appropriation, We the General Assembly of of the State of Iowa, proceeded to enact laws providing for the election and organization of a Board of Public Works whose duty it was made to dispose of said lands and apply the proceeds in the construction of the improvement of said Desmoines river in accordance with the grant.

After the organization of the Board there arose some doubts as to the limits of the grant, to wit: Whether it entends to the boundary of the Territory of Iowa as it existed at the time of the passage of the act of appropriation, or was confined within the limits of the State, the line of which crosses said river many miles below the point where the Territorial line crossed.

It was therefore deemed proper to get the construction of the proper department at Washington upon that subject—application being made through the Hon. Wm. Thompson to his Honor Richard M. Young, Commissioner of the General Land Office for his opinion and construction, it was given by letter to the Board bearing date Feb. 23,

1848, in which he confines the appropriation within the limits of the present State boundaries.

The Board of Public Works presuming that construction to be decisive and unalterable, proceeded accordingly—by putting under contract a large amount of said improvement, to wit: near one hundred miles which is now in active and successful progress of construction. The cost of which will not exceed the amount of the appropriation under the construction of his Honor Mr. Young. But lo! a short time time since we find that a large portion of the lands embraced in that construction and said grant, has been ordered to be, and sold at the Land Office of the United States, in the district of Iowa City contrary to the spirit and language of said act of appropriation, and the decision of the Commissioner of the General Land Office, which if not rectified, will defeat the design of said act of appropriation—and leave insufficient available means to complete that portion of said improvement now under contract, and hereby render useless a large expenditure already made. Therefore,

Resolved, That our Senators and Representatives in the Congress o the United States be instructed to use their best exertion to procure the passage of an act giving to the said act of appropriation such construction as the language therein contained warrants—and as has been given it by the Commissioner of the General Land Office, and also authority to the Board of Public Works of the State of Iowa to cause to be selected other public lands within said State in lieu of such portions of odd sections within five miles of said river as has been disposed of by the United States, prior and since the passage of said act of appropriation.

Resolved, That the Secretary of State be instructed to forward to each of our Senators and members of the House of Representatives in the Congress of the United States, a copy of this Memorial and Resolution.

Approved Dec. 16, 1848.

Memorial No. 2.

IOWA RIVER.

To the Hon. the Senate and House of Representatives of the United States:

Your memorialists, the General Assembly of the State of Iowa, beg

leave to ask the attention of Congress to the improvement of the navigation of the Iowa river, and to represent that, in their opinion, the appropriation of a portion of the vacant public lands in the valley of the river, to the construction of a canal from the seat of government of the State to the mouth of the Iowa, would be of incalculable benefit to the State as well as to the general government. The construction of such a work would bring to a speedy sale the entire public domain along the route, and secure to the interior of the State what its exigencies most seriously require, facilities for transporting to market its annually increasing surplus produce. The length of the proposed route is fifty-five miles, and it is believed that a similar appropriation to that made a year or two since for the improvement of the navigation of the Des Moines river, would be nearly, if not quite, sufficient to construct it.

Your memorialists therefore respectfully ask an appropriation of lands to aid in the construction of a canal from Iowa City to the mouth of the Iowa river, equal to five sections for each mile of said river, to be located in alternate sections five miles an each side of said river, or lands adjacent thereto as the same may be conveniently obtained.

Resolved, That the Secretary of State be requested to forward one copy of this memorial to each of our Senators and Representatives in Congress.

Approved December 16, 1848.

Memorial No. 3.

INCREASE OF PENSION.

To the Hon. the Senate and House of Representatives of the United States in Congress assembled.

Your memorialists the General Assembly of the State of Iowa, would respectfully represent to your honorable body that one of our respectable and worthy citizens, Isaac W. Griffith, while in the service of his conntry, in Mexico, at the battle of Churubusco, lost his right arm, thereby rendering him incompetent of procuring a living for himself and family, his being in low circumstances in life, and without the aid and assistance of the general government, he and his family must inevitably suffer.

We, your memorialists, would therefore ask your honorable body to pass a law raising his pension to such an amount as will give him and

his family a comfortable living. And your memorialists, will ever pray, &c.

Resolved, That the Secretary of State be requested to forward a copy of the foregoing Memorial to the President of the Senate, also one copy to the Speaker of the House of Representatives, also one copy to each of our Senators and Representatives in Congress.

Approved Dec. 28, 1848.

Memorial No. 4.

MARINE HOSPITAL.

To the Senate and House of Representatives of the United States of America in Congress assembled.

Your memorialists, the General Assembly of the State of Iowa, represent that they regard the legislation of Congress as indicating an intention to establish Marine Hospitals for sick seamen, at such points on the Sea and Lake coasts, and along the principal rivers, as the wants of our commerce shall require, several of these have been already put in operation, others are in progress of preparation and locations have been made, and sites purchased for others at considerable expense to the nation, but no provision has yet been made for the upper valley of the Mississippi. The basin drained by that river and its tributaries above the Missouri is of immense extent and of great fertility and salubrity, and is already occupied by one entire State and parts of two others, whilst still additional States are contemplated, and so rapid is the increase of population and commerce, that the want of such an institution is already felt and is becoming more necessary every day.

Your memorialists represent that Rock Island in the Mississippi river is believed to be the most eligible location for such institution. It is a central point in the upper valley, being about midway between St. Louis, the highest point on the river at which a hospital has been located and the head of navigation in that river, and will accommodate the commerce of the main stream, and all its navigable tributaries—it lies at the foot of the upper rapids and is the resort of boats and boatmen for the purpose of lying by during the winter season. It is also on account of its salubrity and scenery the resort of invalids and others during the summer months—it is the terminus of the Railroad

which is to connect the Lakes with the Mississippi, and the point from which the great western road will probably be continued, these causes will render it in future more than it is at present the focus and radiating point of the commerce of the north-west.

Your memorialists further represents that the Island which now belongs to the United States contains several hundred acres of exceedingly valuable land, from the sale of which it is confidently believed a sufficient sum can be realized to erect the necessary buildings, and put the institution in complete readiness for the reception of patients without any appropriation of money from the Treasury.

Your memorialists, therefore, pray the passage of an act directing the Secretary of War to select a suitable tract of land upon the Island for the site of the neceesary buildings and for appurtenant ground, and appropriating the proceeds of the remaining lands to the establishment and support of such hospital.

Resolved, By the General Assembly of Iowa, that our Senators in Congress be instructed, and our Representatives be requested to use their influence in obtaining the grant contemplated in the above Memorial for the purposes therein set forth.

Resolved, That the Secretary of State be requested to forward forthwith to our Senators and Representatives in Congress, and to the Governor of the State of Illinois a copy of this Memorial and these Resolutions.

Approved Dec. 27, 1848.

Memorial No. 5.

INCREASE OF MAIL SERVICE.

MEMORIAL for an increase of mail facilities.

Whereas, the citizens of the southern and western portion of this State have long suffered great inconvenience for want of direct mail from the seat of government, which could be very materially alleviated by a slight alteration and addition in the mail service over the distance of but seventy miles, to wit: from Iowa City to Keosauqua, which would connect tri-weekly lines of mail coaches running north, south, east and west. Therefore,

Resolved by the General Assembly of the State of Iowa, That our Senators and Representatives in the Congress of the United States be re-

quested to use their best exertions to procure the establishment of a direct tri-weekly mail route from Iowa City, via Washington, Brighton, and Fairfield, to Keosauqua, the mail to be carried in two horse coaches.

Resolved, That the Secretary of State be instructed to forward one copy of this memorial and resolution to the Hon. the Postmaster General and to each of our Senators and Representatives in Congress.

Approved December 29, 1848.

Memorial No. 6.

SKUNK RIVER.

MEMORIAL to Congress for an appropriation of land to improve Skunk river.

To the Hon. the Senate and House of Representatives of the United States:

Your memorialists, the General Assembly of the State of Iowa, respectfully ask leave to draw the attention of Congress to the importance of an early improvement of the navigation of the Skunk river; and to represent that, in their opinion, an appropriation of the vacant public lands in the valley of, and contiguous to, said river, to the construction of a slackwater navigation, with canal at such portions of said river, if any shall be deemed necessary or expedient, upon a proper examination or survey of said river to be made. The improvement of this river, in the mode suggested, your memorialists cannot hesitate to represent as of incalculable benefit to a large portion of the State. A speedy sale of the government domain in the interior western and northern portions of the State would necessarily result from the consummation of such improvement. The exigencies and interests of the agricultural population of a large portion of the State, traversed by said river, imperiously demand such improvement.

Your memorialists would therefore urge upon the Congress of the United States the passage of a law granting to the State of Iowa, for the purpose of constructing the improvement of said Skunk river, each alternate section of the unappropriated lands belonging to the general government, for the distance of five miles on each side of said river, from the mouth of the same to its source, or to the boundary of the State where said river crosses the same.

Resolved, That our Senators be instructed, and our Representatives in Congress be requested, to exert their influence, by their action and

votes, to secure the appropriation or grant of lands asked for from the general government.

Resolved, That the Secretary of State be directed to forward a copy of the foregoing memorial and these resolutions to each one of our Senators and Representatives in Congress, and one copy to the President of the Senate, and one copy to the Speaker of the House of Representatives.

Approved December 29, 1848.

Memorial. No. 7.

MILITARY POSTS.

To the Senate and House of Representatives in Congress assembled.

Your memorialists the General Assembly of the State of Iowa, being desirous that the contemplated line of Military Posts between the Missouri river and Oregon should be commenced at some point on said Missouri river, north of the mouth of the Great Platte river, would respectfully represent that the western frontier of this State is at the present time utterly unprotected by any Fort or Military post whatever; that said frontier is thus left exposed to the depredations of several tribes of Indians, consisting of the Omahas, Sioux, Ottoes, Pawnees and others; that the interest of the western population, and emigrants to Oregon and California, would be much benefited by the establishment of said line of Forts on the route north of the Great Platte river, as by this route the distance is shortened some three hundred miles, and emigrants are saved the trouble and danger of crossing the two forks of the Kanzas, and the Platte river, and have better timber, water, &c., for their accommodation on the route.

An enterprise of this kind, ought not to be governed or influenced by any sectional motives. Your momorialists avail themselves of the present time to urge upon Congress the consideration of a subject of such vast interest, not only to the State of Iowa, but the Union at large. It is the opinion of your memorialists that the travel to Oregon and California is destined to be on the north side of the Platte river, although the contemplated military protection should take the southern route. The consequence would be the expenditure of a vast amount of money, and the object intended to be accomplished an entire failure. Your memorialists respeetfully ask only an impartial investigation of the advantages, herein briefly set forth.

Resolved, by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested to exert their influence to carry out the object of the foregoing memorial.

Resolved, That the Secretary of State be requested to forward a copy of these resolutions, together with the foregoing memorial to each of our Senators and Representatives in Congress.

Approved Jan. 13, 1849.

Memorial No. 8.

RAIL ROAD.

MEMORIAL to the Legislature of the State of Wisconsin.

Your memorialists, the Senate and House of Representatives of the State of Iowa, being desirous of having a direct and speedy and safe route, at all seasons of the year, by land, between Dubuque and Milwaukie, a continuation to lake Michigan of the proposed rail road from Keokuk to Dubuque, for which road we have asked of Congress a donation of land to aid in its construction, would respectfully represent that the construction of a rail road from a point opposite the city of Dubuque to Milwaukie will be a link in the chain of rail road, from not only Keokuk, but Fort Des Moines, Council Bluffs, and the intermediate points.

It is unnecessary for us to state the vast importance of such a road in a commercial point of view. The lead trade alone, it is believed, would be sufficient to justify the undertaking, without taking into consideration the fact, that this road would open to the lake trade the best portion of this State, and a direct communication with the upper Missouri. We therefore hope that your honorable body will, at your earliest convenience, take this subject under consideration, and adopt such measures as in your wisdom you may deem most conducive to the object desired, viz. to secure the speedy construction of the proposed road.

Resolved by the General Assembly of the State of Iowa, That the Secretary of State be requested to forward a copy of the foregoing memorial to the President of the Senate, and one copy to the Speaker of the House of Representatives of the Legislature of Wisconsin.

Approved January 15, 1849.

RECEIPTS AND EXPENDITURES.

Amount of Revenue received by M. Reno, Esq., *State Treasurer, from the Treasurers of the several Counties, since the publication of the laws in March,* 1848.

1848.					
April	5,	From Treasurer of Van Buren county,			$172 00
"	27,	"	"	Linn, do	78 44
"	29,	"	"	Washington, do	126 05
March	31,	"	"	Dubuque, do	200 00
"	"	"	"	Clinton, do	46 81
June	2,	"	"	Jackson, do	477 50
"	28,	"	"	Appanoose, do	21 42
Aug.	26,	"	"	Clinton, do	5 55
Oct.	23,	"	"	Dubuque, do	153 66
Nov'r	1,	"	"	Buchanan, do	20 18
"	18,	"	"	Lee, do	434 50
"	20,	"	"	Van Buren, do	100 00
Dec'r	1,	"	"	Washington, do	150 00
"	2,	"	"	Van Buren, do	103 00
"	4,	"	"	Davis, do	101 63
"	"	"	"	Cedar, do	294 90
"	"	"	"	Dubuque, do	550 00
"	"	"	"	Linn, do	86 88
"	"	"	"	Jones, do	55 00
"	"	"	"	Wapello, do	215 97
"	"	"	"	Des Moines, do	1,181 36
"	"	"	"	Louisa, do	391 04
"	"	"	"	Mahaska, do	203 35
"	"	"	"	Clayton, do	269 37
"	"	"	"	Marion, do	198 00
"	"	"	"	Muscatine, do	519 32
"	"	"	"	Scott, do	299 92
"	"	"	"	Jefferson, do	151 00
"	"	"	"	Monroe, do	75 00
"	"	"	"	Linn, do	10 50
"	"	"	"	Henry, do	333 64

Dec'r. 5,	From	Treasurer	Delaware	county,	$105 00
" "	"	"	Johnson.	do	300 00
" 6,	"	"	Van Buren,	do	26 00
" 11,	"	"	Jefferson,	do	50 00
" 12,	"	"	Jackson,	do	320 97
" 15,	"	"	Iowa,	do	24 67
1849.					
Jan'y 5,	"	"	Dubuque,	do	1,023 49
" 13,	"	"	Jefferson,	do	556 30
" "	"	"	Cedar,	do	16 45
" 15,	"	"	Clinton,	do	79 00
" 18,	"	U. S. Marshal for keeping prisoners,			34 05
" "	"	Treasurer of Desmoines		county,	981 50
" 22,	"	"	Henry,	do	1,652 27
" 24,	"	"	Keokuk,	do	300 00
Feb'y 8,	"	"	Washington,	do	889 27
" "	"	"	Van Buren,	do	1,968 41
" "	"	"	Cedar,	do	798 74
" 10,	"	"	Buchanan,	do	53 14
" "	"	"	Wapello,	do	604 48
" 12,	"	"	Louisa,	do	853 51
" "	"	"	Scott,	do	1,011 86
" 13,	"	"	Muscatine,	do	826 00
" 15,	"	"	Marion,	do	230 74
" "	"	"	Mahaska,	do	185 00
" "	"	"	Davis,	do	356 47
" "	"	"	Clinton,	do	366 70
" "	"	"	Johnson,	do	760 83
" 16,	"	"	Lee,	do	2,522 23
" 17,	"	"	Desmoines,	do	671 38
" 19,	"	"	Jones,	do	281 20
" "	"	"	Linn,	do	911 00
" 17,	"	"	Jefferson,	do	341 00
" 22,	"	"	Wapello,	do	69 19
	Total,				$26,195 94

The foregoing amounts were received for the taxes of the several years as hereinafter specified.

Counties.	1841.	1843.	1845.	1846.	1847.	1848.	Total.
Appanoose,					$21 42		$21 42
Benton,							
Buchanan,					42 67	$30 65	73 32
Cedar,		$16 45		$30 61	283 21	779 82	1,110 09

Counties.	1841.	1843.	1845.	1846.	1847.	1848.	Total.
Clayton,					$61 02	$208 35	$269 37
Clinton,		$2 37	$1 73	$6 27	49 70	437 99	498 06
Dallas,							
Davis,					76 60	381 50	458 10
Delaware,				5 00		100 00	105 00
Des Moines,			44 40		1,186 20	1,603 64	2,834 24
Dubuque,					406 66	1,520 49	1,927 15
Henry,				45 96	339 95	1,600 00	1,985 91
Iowa,					14 67	10 00	24 67
Jackson,					477 50	320 97	798 47
Jasper,							
Jefferson,						1,098 30	1,098 30
Johnson,			64 95		259 96	735 92	1,060 83
Jones,					55 00	281 20	336 20
Keokuk,					5 00	295 00	300 00
Lee,				10 93	530 10	2,415 70	2,956 73
Linn,					89 44	997 38	1,086 82
Louisa,				17 96	399 06	827 53	1,244 55
Mahaska,				6 65	48 80	332 90	388 35
Marion,					30 00	398 74	428 74
Monroe,					60 00	15 00	75 00
Muscatine,					223 00	1,122 32	1,345 32
Polk,							
Poweshiek,							
Scott,					92 15	1,219 63	1,311 78
Van Buren,	30 00				851 00	1,488 41	2,369 41
Wapello,				3 58	55 89	829 27	888 74
Washington,				12 51	186 05	966 76	1,165 32
	30 00	$18 82	$111 08	$139 47	$5,845 05	$20,017 47	$26,161 89

DR. M. Reno *in account current with the State of Iowa.* *CR.*

To amount of revenue rec'd from the several counties from the 5th day of April, 1848, to the 22d day of February, 1849,	$26,161 89	By this amount paid on Auditor's warrants redeemed and filed in this office,	$22,854 62
To amount rec'd for keeping U. S. prisoner,	34 05	By cash on hand reserved for interest on Iowa stock	3,341 32
	$26,195 94		$26,195 94

AUDITOR'S OFFICE, IOWA
IOWA CITY, March 1, 1849.

This is to certify that the foregoing is "An accurate statement of the receipts and expenditures of the public money," for the time therein specified, as appears from the books and vouchers on file in this office.

JOS. T. FALES,
Auditor of State.

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SECRETARY'S OFFICE, IOWA, }
IOWA CITY, May 1st, 1849. }

I HEREBY CERTIFY, that the Acts and Resolutions contained in this volume have been by me compared with the original rolls on file in this office, and that the same are true and correct copies.

JOSIAH H. BONNEY,
Secretary of State of Iowa.