

ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

NINTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA.

---

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# LAWS OF IOWA.

## CHAPTER 1.

### FEDERAL TAX.

**AN ACT** assuming the collection and payment of the quota apportioned to this State, of the direct tax annually laid upon the United States, by act of Congress approved August 5th, 1861, and authorizing notices thereof to the Secretary of the Treasury of the United States.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa:* This State hereby assumes the assessment, collection and payment into the Treasury of the United States, of the quota apportioned to this State, of the direct tax annually laid upon the United States by the Act of Congress approved August 5th, 1861, entitled an "Act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes."

**SEC. 2.** The Governor of this State shall, in the present year, on or before the second Tuesday of February next, and in each succeeding year thereafter, give notice to the Secretary of the Treasury of the United States of the assumption expressed in section No. one of this Act.

**SEC. 3.** This Act being deemed by the General Assembly of immediate importance, shall take effect upon its publication in the daily State Register and the Des Moines Daily Times, newspapers published in the City of Des Moines.

Approved January 31st, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register February 2nd, 1862, and in the Des Moines Daily Times February 4th, 1862.

ELIJAH BELLS, Secretary of State.

## CHAPTER 2.

## FIFTH JUDICIAL DISTRICT.

AN ACT fixing the times of holding Courts in the Fifth Judicial District of the State of Iowa.

**SECTION 1:** *Be it enacted by the General Assembly of the State of Iowa,* That the several Courts in the Fifth Judicial District, shall hereafter be holden as follows:

**Warren Co.** **WARREN**—In the County of Warren for the year 1862, on the second Monday of February and first Monday of November, and for each year thereafter on the fourth Monday of February and the fourth Monday after the fourth Monday in August.

**Dallas Co.** **DALLAS**—In the County of Dallas for the year 1862, on the third Monday after the fourth Monday in March, and on the second Monday of August, and for each year thereafter on the second Monday of March and second Monday of August.

**Greene Co.** **GREENE**—In the County of Greene on the third Monday of March and third Monday in August in each year.

**Guthrie Co.** **GUTHRIE**—In the County of Guthrie on the fourth Monday of March and third Monday in October in each year.

**Madison Co.** **MADISON**—In the County of Madison on the first Monday after the fourth Monday of March, and second Monday after the fourth Monday of August in each year.

**Adair Co.** **ADAIR**—In the County of Adair on the second Monday after the fourth Monday of March, and first Monday after the fourth Monday of August in each year.

**Carroll Co.** **CARROLL**—In the County of Carroll on the fourth Monday in August in each year.

**Audubon Co.** **AUDUBON**—In the County of Audubon on the Thursday next succeeding the fourth Monday in August of each year.

**Polk Co.** **POLK**—In the County of Polk on the first Monday of May and third Monday of November in each year, and each term in said County shall continue so long as may be deemed necessary by the Court to do the business on the docket.

**SEC. 2.** All writs, processes and proceedings pending in any of the said Courts, and returnable at the terms now fixed by law, shall be deemed pending and returnable at the terms as fixed by this Act, and no writ, recognizance, indictment or other proceeding, shall be quashed or held invalid by reason of the change of

Change not to effect writs processes and proceedings pending.

the time of holding Court in the several counties in said District.

All original notices, or notices of any kind, requiring the defendant or defendants or parties to any proceeding to appear at the terms as now fixed by law, and which shall have been served by the Sheriff, or whereof publication shall have been completed or begun, at the taking effect of this Act, shall be held good, and the defendant or defendants or parties thus notified shall be held to appear at the times herein fixed for the holding of the respective Courts herein named, *provided*, the said notice or notices would have been sufficient in law had not the time of holding Courts been changed by this Act, and *provided further*, that the necessary time required by law for such notices shall have elapsed prior to the times herein fixed for holding the said several Courts, and in all cases where such time shall have elapsed prior to the times herein fixed for holding the several Courts as aforesaid, and where the notice is regular in all other respects, the parties notified shall be held to appear. But all notices not served by the Sheriff, and all notices, publications hereof shall not have begun at the taking effect of this Act, shall notify the parties thereto to appear at the time herein fixed by this Act for holding the said several Courts according to the general law regulating original notices and the service thereof.

Notice to defendants not effected by change.

Notices not served.

SEC. 3. All Acts heretofore passed, fixing the times of holding Courts in said District, are hereby repealed.

Repealing.

SEC. 4. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa Daily State Register and the Des Moines Daily Times.

Take effect.

Approved February 1, 1862.

I hereby certify that the foregoing Act was published in the Iowa Daily State Register February 5th, and in the Des Moines Daily Times, February 6th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 3.

### EIGHTH JUDICIAL DISTRICT.

AN ACT to change the times of holding courts in the Eighth Judicial District of the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of*

Time holding *the State of Iowa*, That the terms of the District Court within and for the Eighth Judicial District shall be hereafter in each year held as follows :

Johnson Co. At Iowa City in Johnson county, on the first Monday in January, second Monday in May, and the third Monday in October.

Iowa Co. At Marengo in Iowa county, on the first Mondays in February and September.

Tama Co. At Toledo in Tama county, on the third Mondays in February and September.

Benton Co. At Vinton in Benton county, on the fourth Mondays in February and September.

Linn Co. At Marion in Linn county, on the fourth Monday in March, second Monday in July and second Monday in November, *Provided*, That for and during the year 1862 there shall be no term of said Court on the fourth Monday in March in said Linn county, but the only terms held in said county for the year 1862, shall be those commencing on the second Mondays in July and November.

Cedar Co. At Tipton in Cedar County, on the first Mondays in June and December.

Jones Co. At Anamosa in Jones County, on the third Mondays in June and December.

Change of time. SEC. 2. That no process, writ, notice, petition, indictment or other paper issued out of, returnable to, or to be tried in any of the Courts in said District, and made returnable or triable at any term as fixed by law therein by the act hereinafter repealed, shall be quashed, set aside or in any manner invalidated by reason of anything in this act, but the same shall be held to be returnable and triable at the times fixed by this act in the respective Counties of said district, and in any County wherein the time of holding any term of said Court is hereby changed, such process, writ, notice, petition, indictment or other paper shall be held to be returnable and triable at the first term of the said Court which shall be held in such County next after the taking effect of this Act.

Repealing act 8th General Assembly. SEC. 3. That Chapter five of the Acts passed at the regular session of the Eighth General Assembly, approved January 27th, 1860, be, and the same is hereby repealed, and as well all Acts and parts of Acts in conflict herewith.

Take effect. SEC. 4. That this Act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily Iowa State Register and Daily Des Moines Times, published at Des Moines, Iowa, and shall be in force from and after the date of such

Not to affect writs, processes and proceedings pending.

publication, the provisions of Section twenty-four of the Revision of 1860 to the contrary notwithstanding.

Approved February 4th, 1862.

I hereby certify that the foregoing Act was published in the Daily Iowa State Register and Daily Des Moines Times, February 6th, 1862.  
 ELIJAH SELLS, Secretary of State.

CHAPTER 4.

PRESERVING TROUT.

AN ACT to provide for the preservation of Trout in the waters of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be unlawful for any person to take any Trout in any of the waters of this State with any net, seine, weir, basket, spear grapple, trap or any other device, whatsoever, except a hook and line. Nor shall any person take or destroy any of the fish aforesaid in any of said waters by any means whatever, between the fifteenth day of September and the last day of December in each and every year.

Trout to be caught with hook & line. Taking trout prohibited between the 15th day of September and last day of December.

SEC. 2. The having in possession any of the above named fish recently ensnared or killed between the days above mentioned, shall be deemed and taken as *prima facie* evidence that the same was caught by the person or persons having the possession of the same in violation of the provision of this Act.

Possession prima facie evidence of violation of law.

SEC. 3. Any person violating any of the provisions of this Act, shall forfeit and pay a fine of three dollars for each Trout killed, bought or sold or held in possession in violation of this Act.

Penalty.

SEC. 4. Any person who shall go upon the premises of any person or corporation, whether inclosed or not, and shall be found seeking to take by any means whatever any of the fish aforesaid, within the said fifteenth day of September and the last day of December aforesaid, shall be deemed guilty of trespass and may be prosecuted by any person, in possession of said premises, before any Justice of the Peace of the county or other court of competent jurisdiction, and fined in any sum not less than three dollars nor more than fifty dollars to be paid one moiety to the complainant and one moiety

Penalty for trespass upon premises of any person or corporation.

to the Clerk of the District Court of the county for the use and benefit of the schools of said county; *Provided*, however, that a judgment against a person for a violation of this Act under the first Section of the same, shall be a bar to any suit under the fourth Section of this Act for the same offence.

Manner of commencing suit.

SEC. 5. A prosecution may be brought by any person in the name of the State of Iowa, against any person or persons violating the first Section of this Act, before any Justice of the Peace of the county in which such violation of this Act is alleged to have taken place, or before any court of competent jurisdiction thereof, and any sum or sums so recovered shall be paid to the Clerk of the District Court of the county, for the benefit of the common schools of said county.

Taking effect

SEC. 6. This Act shall be in force from and after its publication according to law.

Approved February 5th, 1862.

## CHAPTER 5.

### DEPUTY CLERK DISTRICT COURT.

AN ACT to authorize the Deputy Clerk of the District Court to act instead of his principal in certain cases, and to legalize certain acts heretofore done.

Deputy Clerk to discharge duties of principal.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in case the Clerk of the District Court of any County shall be absent or from any other cause shall be unable to discharge any of the duties required of him by virtue of the provisions of Chapter 115, of the Revision of 1860, including the drawing of Jurors, then and in that case the Deputy of such Clerk duly appointed, may act in his stead, and all Acts and parts of Acts coming in conflict with this Act are hereby repealed.

Acts legaliz'd

SEC. 2. In all cases where Deputy Clerks have heretofore in the absence or inability of their principals, acted under the provisions of said Chapter 115, in drawing the names of Jurors, such acts are hereby legalized and declared valid and binding.

Take effect.

SEC. 3. This Act being deemed by the General Assembly of immediate importance, shall take effect and be



in force from and after its publication in the Daily State Register and the Daily Des Moines Times.

Approved February 6, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register February 9th, 1862, and in the Daily Des Moines Times, February 18th, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 6.

### INSANE ASYLUM.

AN ACT to abolish the Board of Commissioners of the Insane Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That so much of section 1, Chapter 134, of the Acts of the 5th General Assembly as constitutes the Governor of the State, Edward Johnson, of Lee, and Charles S. Clark of Henry County, a Board of Commissioners to locate and superintend the erection of a building to be used as an Asylum for the Insane be and the same is hereby repealed. Board of Commissioners abolished.

SEC. 2. That Chapter 77 of the Acts of the 8th General Assembly, which constitutes William H. Postlewait of Burlington, a Commissioner for the erection of the Iowa Hospital for the Insane, be and the same is hereby repealed.

SEC. 3. That the duties heretofore devolving upon said Board of Commissioners shall be discharged by the Board of Trustees of said Iowa Hospital for the Insane. Duties to devolve upon the Board of Trustees.

SEC. 4. This Act to take effect and be in force from and after its publication according to law.

Approved February 11th, 1862.

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## CHAPTER 7.

### RELIEF OF SICK AND WOUNDED SOLDIERS.

AN ACT to appropriate money for the relief of sick and wounded soldiers among the Iowa Volunteers.

SECTION 1. *Be it enacted by the General Assembly of*

Gov. may ex-  
pend \$3,000.

*the State of Iowa*, That the Governor of this State is hereby authorized to pay out of the contingent fund now or hereafter in his hand such sum or sums as may in his judgment, be necessary from time to time to provide for supplying the wants of the sick and wounded soldiers belonging to the several regiments of Iowa Volunteers, now or hereafter engaged in the service of the United States, such sum or sums to be expended by the Governor in any manner which in his judgment may be best calculated to promote the object contemplated by this Act: *Provided, however*, that the whole amount so expended shall not exceed the sum of three thousand dollars in any one year.

SEC. 2. This Act being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Daily Times, newspapers published in the City of Des Moines.

Approved February 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register, February 13, 1862, and in the Des Moines Daily Times, February 15th, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 8.

### LEGALIZING ACTS OF LOUIS CASE.

AN ACT legalizing certain acts of Louis Case, Notary Public.

WHEREAS, Louis Case, of Bremer county, Iowa, was, on the 7th day of January, 1857, duly commissioned by the Governor of the State of Iowa, as a Notary Public, and whereas said Louis Case did use a seal upon which were inscribed the words "Notary Public," instead of the words "Notarial Seal," as is required by law, now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all acts performed by said Louis Case, be and the same are hereby declared as legal and binding as they would have been had the words "Notarial Seal" been inscribed upon the seal of said Louis Case.

SEC. 2. This Act being deemed of immediate impor-

tance shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Times, without expense to the State.

Approved February 12th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times February 15th and in the Iowa State Register, February 16th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 9.

### LEGALIZING THE ACTS OF JOHN W. THOMPSON.

AN ACT to confirm and legalize the acts of John W. Thompson as a Notary Public in and for Scott county.

WHEREAS, The commission of John W. Thompson, a Notary Public in and for Scott county, expired on the seventh day of December, 1861, and said Thompson, believing his commission in full force, did, after the said 7th December, 1861, do and perform official acts as a Notary Public," therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all acts of John W. Thompson as a Notary Public in and for Scott county, between the 6th day of December, A. D. 1861, and the 1st day of January 1862, are hereby declared, and shall be taken to be as legal and valid as if the commission of said Thompson had been in full force at the time such official acts were done. Legalize the acts of John W. Thompson as Notary Public.

SEC. 2. This Act shall take effect from and after its publication in the Iowa State Register and Davenport Gazette, as by law required, anything in the laws of this State to the contrary notwithstanding, *Provided,* The same be done without expense to the State.

Approved February 12th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register, February 16th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 10.

## LEGALIZING ACTS OF JOSEPH T. KNAPP.

AN ACT to legalize the acts of Joseph T. Knapp, a Notary Public.

WHEREAS, Joseph T. Knapp, of Black Hawk county, Iowa, was appointed a Notary Public in and for said County, by the Governor of Iowa, and whereas, after the expiration of said Commission, the said Joseph T. Knapp continued to act as a Notary Public from the 16th day of October, 1860, until the 1st day of July, 1861; Therefore,

Legalizing  
Joseph T.  
Knapp's acts  
as Notary  
Public.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all official acts of said Joseph T. Knapp, by him performed as a Notary Public, within and for the said County of Black Hawk, subsequent to the 16th day of October, 1860, and prior to the 1st day of July, 1861, be and the same are hereby declared legal and binding in law and equity as fully as though the said Commission had been in full force and effect at the time of such official acts as Notary Public.

Repealing.

SEC. 2. All Acts and parts of Acts coming in conflict with this are hereby repealed.

Take effect.

SEC. 3. This Act shall take effect and be in force from and after its publication according to law.

Approved February 14th, 1862.

## CHAPTER 11.

## COMMISSIONER OF IMMIGRATION.

AN ACT to repeal Chapter 81 of the laws of the 8th session of the General Assembly, passed March 30th, 1860, entitled an Act to provide for the establishment of a Commissioner in the City of New York to promote immigration to the State of Iowa.

Commission-  
er of Immi-  
gration abol-  
ished.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa,* That Chapter 81 of the Laws of the 8th General Assembly of the State of Iowa, entitled "an Act to provide for the establishment of a Commissioner in the City of New York to promote immigration to the State of Iowa," be and the same is hereby repealed.

SEC. 2. Nothing in this Act contained shall be so

construed as to limit the term of office of the present incumbent, which expires on the 1st day of May, A. D., 1862.

SEC. 3. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Weekly Iowa State Register and Des Moines Times.

Approved February 17th, 1862.

I hereby certify that the foregoing Act was published in the Weekly Iowa State Register and Des Moines Times, February 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 12.

### STATE ROAD.

AN ACT to legalize the acts of certain persons therein named in the establishing of a certain State Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the acts of Silas Toleman of Van Buren County, George Hobson of Henry County, and Boyd E. Pease, of Lee County, Commissioners to locate a certain State Road as surveyed and herein described, to-wit:

Commencing at the south-west corner of Section nineteen (19), Township sixty-nine (69), north, Range seven (7) west, on the line between Lee and Van Buren counties, running thence north on the line between said counties until it intersects the road running due west from Hillsboro, Henry county, the terminus of said road being on the county line between Lee and Henry counties—be and the same are hereby legalized and confirmed any informality to the contrary notwithstanding.

SEC. 2. And be it further enacted, that any informality in the acts or proceedings of the Board of Supervisors for the counties of Van Buren, Lee and Henry, in establishing said Road and confirming the acts of said Commissioners, be and the same are hereby legalized.

SEC. 3. Be it further enacted, that Manassus Farbour of Lee county, shall have until the first Monday in June 1862, to file his claims for damages before the Supervisors of Lee county, but said Farbour shall not be allowed damages by reason of any improvements he has made on his land through which said road is located since

the said road was located by the Commissioners of Lee, Van Buren and Henry counties.

Take effect.

Sec. 4. This Act being deemed of immediate importance to take effect from and after its publication in the Daily Gate City and Iowa Daily State Register, without expense to the State.

Approved February 17th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register, February 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 13.

### FAYETTE SEMINARY.

AN ACT relating to the incorporation of the Fayette Seminary, now known as Upper Iowa University.

Articles of incorporation and acts performed and rights acquired legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the articles of Incorporation under which the Fayette Seminary was organized, and all acts performed and rights and interests acquired by the said body corporate, be and the same are hereby declared legal and valid to the same extent as if the said articles of incorporation had been made in strict conformity to the Statute relating thereto.

Sec. 2. The amendments heretofore made to the said articles of Incorporation, enlarging the powers of the institution and changing its name from Fayette Seminary to Upper Iowa University are also hereby declared legal and valid to the same extent as if the said amendments had been made in strict conformity to the Statute in relation thereto; and all rights, titles and interests belonging to the said Fayette Seminary are hereby declared to be fully vested in the Incorporation known as the Upper Iowa University.

Sec. 3. No informality, irregularity, or illegality in the formation of said corporate body or in the proceedings thereof touching the said amendments made to the Articles of Incorporation shall in any manner invalidate any rights acquired, acts performed, or obligations assumed by the said Fayette Seminary or the said Upper Iowa University.

Approved February 17th, 1862.

## CHAPTER 14.

## BOARD OF EDUCATION.

AN ACT to amend an Act entitled "An Act to provide for the authentication, publication and distribution of the Acts, Rules and Regulations of the Board of Education, passed December 19th, 1861.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the time prescribed by the Act of which this is amendatory, for the taking effect of the laws passed by the Board of Education, at its third regular session, is hereby postponed to the 10th day of May A. D. 1862, and it shall be the duty of the Secretary of the Board of Education to cause said laws and all amendments made by the General Assembly at its present session, to any of the School Laws to be printed and distributed to the several school Districts by that time. School laws.  
Postponed to  
May, 1862.

SEC. 2. This Act shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Daily Times. Take effect.

Approved February 17, 1862.

I hereby certify that the foregoing Act was duly published in the Daily State Register and Des Moines Times, February 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 15.

## JURORS' FEES.

AN ACT in relation to Jurors' Fees.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of section 4154 of the Revision of 1860 as fixes the amount of fees for jurors, whether Grand or Petit Jurors in attendance upon the District Court, be and the same is hereby repealed. Repealing.

SEC. 2. Every person required to serve either as Grand or Petit Juror, in the District Court of this State, shall be allowed the sum of one dollar and fifty cents per day, and if not a talesman Juror the sum of ten cents per mile from his place of residence to the Jurors allowed \$1.50 per day, 10 cents per mile.

county seat, and such fees and mileage shall be paid out of the County Treasury as now provided by law.

Pay of Talesmen.

SEC. 3. That each talesmen serving as a Petit Juror in the District Court in this State, shall be entitled to receive the sum of fifty cents for each jury trial on which he may serve, provided the trial does not detain such talesman more than one day, but in case such talesman is detained more than one day, he shall be entitled to receive the same per diem compensation as the regular summoned Jurors.

Jurors' fees taxed and collected as other costs.

SEC. 4. There shall be taxed as a part of the costs in every judgment rendered in the District Courts in this State (where the same was tried by a jury) the sum of six dollars as jury fees, which sum shall be collected as other costs, and whenever collected, shall be paid into the County Treasury by the Clerk of the District Court who shall charge the same up to said Treasurer, and report the amount thereof at each regular meeting of the Board of Supervisors of said County, and the fees so collected shall be a part of the County funds.

Take effect.

SEC. 5. This Act being deemed by the Legislature of immediate importance shall take effect from and after its publication in the Daily Register and Daily Times, papers published in Des Moines City.

Approved February 17, 1862.

I hereby certify that the foregoing Act was published in the Daily Register February 19th, 1862, and in the Daily Times February 20th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 16.

### APPROPRIATIONS.

AN ACT making appropriations for the payment of the per diem of the members and officers of the Ninth General Assembly.

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 hereby appropriated for the purposes hereinafter designated :

Pay of Senators.

SEC. 2. For the payment of the per diem of the officers and members of the Senate, the sum of Six Thousand Dollars, or so much thereof as their certificates may entitle them to.



SEC. 3. For the payment of the per diem of the members and officers of the House of Representatives, the sum of Twelve Thousand Dollars, or so much thereof as their certificates may entitle them to. Pay of members and officers H. R.

SEC. 4. The money thus appropriated shall be paid by the Treasurer of State, upon warrants issued by the Auditor of State, which warrants shall be issued by the Auditor to any member or officer of the Senate or House of Representatives presenting a certificate signed by the presiding officer, and attested by the Secretary or Chief Clerk of the body to which he may belong, certifying that such person is a member or officer of the Senate or House as the case may be, and the amount to which he is entitled.

SEC. 5. This Act being deemed by the General Assembly of immediate importance shall take effect from and after its publication in the Daily State Register and the Des Moines Daily Times, newspapers published in Des Moines.

Approved February 17th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register February 19th, 1862, and in the Daily Times February 21, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 17.

### REVENUE.

AN ACT to provide for the payment of taxes and the interest and principal of the School Fund in Treasury Demand Notes issued by the authority of the Government of the United States, and the notes issued by the several branches of the State Bank of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the County Treasurers of several Counties in this State, be and they are hereby authorized and required to receive in payment of taxes by them collected, together with the principal of the School Fund, Treasury Demand Notes, now issued or that may be hereafter issued by authority of the Government of the United States. County Treasurers shall receive United States Demand Treasury Notes.

SEC. 2. The County Treasurers as above mentioned, shall also receive in payment of such taxes, and interest and principal of the School Fund, the notes issued by Receive State Bank paper.

Not receive  
State Bank  
paper after  
suspension.

the several Branches of the State Bank of Iowa, *provided*, that the Treasurers as aforesaid, shall not be allowed to receive the notes of the said Branches of the State Bank, or any one of them at any time, after any one of said Branches has suspended specie payment.

Treasurer to  
keep an ac-  
count of the  
amount recei-  
ved in specie.

SEC. 3. The Treasurers of the several Counties shall each keep an account showing the amount of taxes received by him in specie, the amount received in Treasury Notes, and the amount received in notes of the State Bank of Iowa, which shall be examined the same as other accounts of said Treasurers.

Treasurer  
prohibited  
from dispos-  
ing of specie.

SEC. 4. Nothing in this Act shall be so construed as in any way to allow the several County Treasurers in this State or State Treasurer to dispose of the specie now on hand or that may be hereafter collected by such Treasurers for any of the notes above mentioned; but the said Treasurers are hereby required to pay to the Treasurer of State such specie on hand or hereafter collected, except what is necessary in making change and any failure so to do shall make the County Treasurer violating the provisions of this Act liable for all damages sustained by the State in consequence of such exchange and such Treasurers shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than \$500 and imprisonment in the County jail not less than six months.

State Treas-  
urer shall re-  
ceive demand  
Treasury  
Notes and  
State Bank  
paper.

SEC. 5. The Treasurer of this State is hereby required to receive of the several County Treasurers in this State the above described notes in payment of any taxes due the State; and also in payment of any claims the State may now or hereafter have against any County in this State for any part of the permanent School Fund. And the said State Treasurer shall pay out the said notes in the redemption of outstanding Auditor's Warrants, *Provided*, That the Treasurer of State shall collect in specie so far as the several County Treasurers may be able to pay, *Provided further*, That the provisions of this Act shall not apply to Ex-Treasurers who have not settled with the proper authorities according to law.

Secretary of  
State to no-  
tify County  
Treasurers.

SEC. 6. It shall be the duty of the Secretary of State, upon the suspension of specie payment of any of the Branches of the State Bank, to notify by circular or otherwise all the County Treasurers of the State, and all the notes of said Branches said County Treasurers may have on hand on the receipt of said notice, shall be received by the State Treasurer in payment of all dues as provided in Section 5 of this Act.

SEC. 7. The provisions of this Act shall cease to operate on the last day of January, 1864. Limitation of act.

SEC. 8. This Act being deemed of immediate importance by the General Assembly, shall take effect from and after its publication in the Daily State Register, the Iowa Homestead and North-Western Farmer, and Des Moines Times, papers published in Des Moines City, or any two of them. Take effect.

Approved February 17, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register February 18, 1862, and in the Des Moines Times February 20th, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 18.

### SCHOOL HOUSE TAX IN DES MOINES COUNTY.

AN ACT to legalize the levy of certain taxes for School House purposes, in District No. 2, in the District Township of Huron, in Des Moines County.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the taxes hitherto levied in sub-district No. 2, in the District Township of Huron, Des Moines county, Iowa, for school house purposes, be and the same are hereby legalized and made as valid as though the same had been made in strict conformity to law. Tax levied in sub district No. 2 legalized.

This bill having remained with the Governor three days (Sundays excepted) the General Assembly being in session, has become a law this 21st day of February, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 19.

### FEDERAL TAX.

AN ACT for the assessment, levy and collection of the quota of this State, of the tax laid on the United States, by the act of Congress, approved August 5th, 1861, or any subsequent acts, and the payment of Auditors' warrants on the war and defense fund.

SECTION 1. *Be it enacted by the General Assembly of*

Levy of two mills on the assessment of 1861.

*the State of Iowa*, That for the purpose of meeting in part the payment of the quota apportioned to this State, of the annual tax laid upon the United States, by the Act of Congress, approved August 5th, 1861, entitled "An Act to provide increased revenue from imports to pay interest on the public debt, and for other purposes," there is by this Act levied and assessed upon all property in this State subject to taxation, a tax of two mills upon each dollar in value thereof, using therefor the valuation of the year 1861.

County Treasurer to enter Federal tax in separate columns and the tax thus entered shall be collected as other revenue.

SEC. 2. The County Treasurer of each county in this State, is required to immediately prepare upon the tax books for the year 1861, now in his hands, a separate column, which he shall head "Federal Tax," into which column he shall carry out the tax above assessed upon all the taxable property listed on the said tax books, as the same has been equalized by the State and County Board of Equalization for the year 1861, and also upon all such property which has been or may hereafter be placed legally on said tax books which was by the assessor omitted, and such tax so entered upon such tax books or lists, shall be to all intents and purposes, a tax within the meaning of Chapter 45, of the Revision of 1860, and all the provisions of said chapter not inconsistent with this Act, and all Acts which may be hereafter enacted shall apply to the tax hereby levied, in the same manner and with the same force and effect as if this tax had been levied by the Boards of Supervisors of their respective counties, in pursuance of law.

Co. Treasurer required to give notice.

SEC. 3. Each County Treasurer shall immediately cause a notice to be published for four weeks in each newspaper printed in his county, if there be any, and if not, then by posting either written or printed notices in three of the most public places in each township in his county, stating in substance that an additional tax of two mills on the dollar has been levied as a Federal tax, on all the taxable property of his county, as shown by the tax book of 1861, and that the same is required to be paid by the last day of May next; but no neglect of said Treasurer shall in any wise invalidate the said levy or tax, and any such Treasurer who shall willfully neglect to perform any of the duties prescribed by this act shall forfeit and pay the whole amount of such levy in his County not collected by him and paid over, and he and his sureties shall be liable therefor on his official bond, in an action in the name of the State.

Penalty for neglect of duty.

SEC. 4. And the Treasurer of each county in this State shall execute an additional bond, with sureties to

be approved by the Clerk of the District Court, County Treasurer required to give additional bond. Judge and Sheriff, in a sum equal to double the amount of State tax on his tax book for 1861, conditioned for the faithful performance of his duty hereby required of such Treasurer, said bond to be given on or before the 1st day of April next, and in case any Treasurer shall neglect to give such bond on or before the 1st day of April his office may be declared vacant by the Board of Supervisors at their June meeting, and they may appoint a successor who shall qualify by giving Bond and taking the oath in the same manner as the like officers elected.

SEC. 5. Any person may pay the tax imposed by this Act, without interest, at any time before the 1st day of June next; but if not so paid, then the tax shall draw interest at the same rate from that day that is imposed on other delinquent taxes. Interest on delinquent tax.

SEC. 6. In case all other taxes on any premises shall have been paid before any County Treasurer receives notice of the levy of this tax, then such premises shall not be offered for sale for this tax alone, at the tax sale for the year 1862, although the same may be delinquent. If this tax with any prior taxes shall be delinquent at the tax sales for the year 1862, and any premises shall be sold for such taxes, or in case the tax imposed by this Act shall remain delinquent until the tax sale for the year 1863, as above provided for, then in either case, the tax hereby imposed, shall have the same force and effect, and all the rights, remedies and provisions shall apply to such tax, as if the same had been levied in pursuance of Chapter 45 of the Revision of 1860. Regulating sale for taxes.

SEC. 7. The County Treasurer and the Clerks of the Board of Supervisors shall severally keep an account with the Fund hereby created, in the same manner as they keep it with the ordinary State fund, and the Boards of Supervisors shall make returns of the same to the State Auditor, the same as they are required to do with the ordinary State Fund. Separate accounts to be kept.

SEC. 8. The Auditor and State Treasurer shall each keep accounts with said fund in such a manner as at all times to show the state thereof, as with the ordinary State Fund. The Treasurer of State shall give an additional bond in the sum of fifty thousand dollars, to be approved and filed as provided in Sections 560 and 563, Chapter 36 of the Revision of 1860, on or before the 1st day of April, 1862. Auditor and State Treasurer to keep separate accounts.

SEC. 9. The Governor shall adjust with the Government of the United States, the claims which this State has upon said Government, and apply the amount thereof The Gov. to settle with U. S. Government.

towards the quota of the said Federal tax, apportioned to this State, as provided for by the said act of Congress.

**Pay War and Defense Fund Warrants.** SEC. 10. The amount of the fund created by this Act or so much thereof as may be necessary, is hereby appropriated to pay the amount of the Auditor's warrants not otherwise redeemed, issued on the War and Defense Fund, and any balance that may be due the Government of the United States after applying the amount of the said claims against said Government as above provided.

**Census Board determines the per centum for Federal tax and the Auditor shall give notice.** SEC. 11. The State Census Board shall at their annual meeting for determining the rate of the State tax for the several counties, determine the per cent. of taxation necessary to meet the quota of this State, of the annual tax levied on the United States by the aforesaid Act of Congress, or any subsequent Acts, and the Auditor shall give notice thereof to the several County Clerks at the same time he gives notice of the amount of annual State tax, and the Board of Supervisors or the Clerk of the Board of Supervisors of the several counties, shall at the time of levying other taxes, levy the per centum stated in such notice as a Federal tax for such year.

**Take effect.** SEC. 12. This Act being deemed by the General Assembly of immediate importance, shall take effect upon its publication in the Daily State Register and Daily Des Moines Times, newspapers printed in the City of Des Moines.

Approved March 10th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register, March 12th, 1862, and in the Daily Des Moines Times, March 13th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 20.

### CORNELL COLLEGE.

AN ACT relating to the incorporation of the Iowa Conference Seminary, now known as Cornell College.

**Articles of incorporation and rights and interest acquired legalized.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa:* That the articles of incorporation under which the Iowa Conference Seminary was organized, and all Acts performed and rights and interests acquired by the said body corporate be, and the same are

hereby declared legal and valid to the same extent as if the said articles of incorporation had been made in strict conformity to the statute relating thereto.

SEC. 2. The amendments heretofore made to said articles of incorporation, enlarging the powers of the institution and changing its name from Iowa Conference Seminary to Cornell College, are also hereby declared legal and valid to the same extent as if the said amendments had been made in strict conformity to the statute in relation thereto; and all rights, titles and interests belonging to the said Seminary are hereby declared to be fully vested in the said College.

Change of name legalized.  
Not to effect vested rights.

SEC. 3. No informality, irregularity or illegality in the formation of said corporate body or in the proceedings thereof, touching the said amendments made to the articles of incorporation, shall, in any manner, invalidate any rights acquired, acts performed, or obligations assumed by the said Iowa Conference Seminary, or the said Cornell College.

Approved March 10, 1862.

## CHAPTER 21.

### WAR AND DEFENSE FUND WARRANTS.

AN ACT to authorize the reception of Auditor's Warrants on the War and Defense Fund in payment of State and Federal taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the several County Treasurers and collectors of taxes, shall receive in payment of State and Federal taxes, Warrants issued or to be hereafter issued by the State Auditor on the War and Defense Fund, so called. Such Treasurers and collectors of taxes shall, upon the reception of any such warrants endorse any amount paid for interest thereon, and cause the endorsement to be signed by the person receiving such interest, and no interest shall be allowed by the State Treasurer unless the same is so receipted. The County Treasurers in the several Counties when they receive such warrants shall write across the face thereof the word "canceled," and shall transmit monthly statements of the same under oath giving the numbers, the several amounts distinguishing the principal from the interest,

War and Defense Fund Warrants to be received for State and Federal taxes

to the said Auditor, and shall also send such warrants receipted as aforesaid for the interest paid thereon, to the State Treasurer who shall cancel and file such warrants, and send to such County Treasurer receipts therefor, to apply on State and Federal taxes as aforesaid.

The Auditor may issue warrants for interest.

SEC. 2. Upon the issuing of Warrants on said War and Defense Fund hereafter, by said Auditor, or upon the return to him, for that purpose, of such warrants already issued, the warrants on the War and Defense Fund issued by the Auditor shall be for the amount of principal and interest, keeping an account of such interest separately in sums of two, three and five dollars each, as near as may be.

Re-issue of warrants.

SEC. 3. Upon the return to the Auditor of any such warrants heretofore issued, for the purpose of receiving in lieu thereof others of small denomination, the said Auditor shall cancel those so returned and file the same in his office, and issue others in lieu thereof, as provided in Section 2 of this Act, payable to the payee, naming him, or bearer, and shall mark the same on their face as re-issued, and they shall be known as "Re-issued War and Defense Fund Warrants," and shall not bear interest, and shall be numbered and registered separately from warrants of original issue; and the State Treasurer shall also, when received from County Treasurers, file and list such re-issues, separately from warrants of original issue.

State Treasurer shall file and list separately from original issue.

SEC. 4. This Act being deemed by the General Assembly of immediate importance shall take effect upon its publication in the Daily State Register, the Daily Des Moines Times, and the Iowa Homestead and Northwestern Farmer, or any two of them, newspapers published at Des Moines.

Approved March 10th, 1862.

I hereby certify that the foregoing Act was duly published in the Daily State Register and Daily Des Moines Times, March 13th, 1862.  
ELIJAH SELLS, Secretary of State.

## CHAPTER 22.

### WIDOWS AND MINOR CHILDREN OF DECEDENTS.

AN ACT to provide for the maintenance of the widows and minor children of decedents, and to amend Section 2403, of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of*



*the State of Iowa*, That the appraisers, appointed to appraise the personal property belonging to the estate of any decedent, shall set off and allow to the widow and children under the age of fifteen years of such decedent, if any there be, or if there be no widow, then to such children sufficient provisions, or other property, to support them for twelve months from the death of the decedent; and if the widow or such children have since the death of the deceased, and previous to such allowance consumed for their support any portion of the estate, the appraisers shall take the same into consideration in determining the amount of the allowance.

SEC. 2. When there is not sufficient personal property or property of a suitable kind to set off to the widow and children as provided in the preceding section, the appraisers shall certify what sum or further sum in money is necessary for the support of such widow or children.

SEC. 3. The appraisers shall not include in the appraisal the provisions, property or money set off and allowed by them to the widow or children, but the same shall be stated in a separate schedule, signed by them and returned to the office of the County Judge.

SEC. 4. The court may on petition of the widow, or other person interested, review the allowance made to the widow or children mentioned in the preceding Section, and increase or diminish the same, and make such order in the premises as it shall deem right and proper.

SEC. 5. All that part of Section twenty-four hundred and three (2403) of the Revision of 1860, in the following words, "previous to the time when a sufficient amount for such maintenance can be paid to them out of their share of the estate, which amount so advanced shall afterwards be deducted from their respective portions," be and the same is hereby repealed.

Approved March 10, 1862.

## CHAPTER 23.

### BOARD OF SUPERVISORS.

AN ACT to authorize Boards of Supervisors to divide townships into election precincts in certain cases.

SECTION 1. *Be it enacted by the General Assembly of*

Board of Supervisors may create two or more election precincts in any township containing 1000 votes.

Board of Supervisors shall number and name precincts and give notice.

Judges and Clerks of election.

Filling vacancies.

Manner of conducting election.

Manner of making returns.

*the State of Iowa*, That the Board of Supervisors of any county in this State, are authorized and empowered to create, if in their judgment deemed necessary, two or more election precincts in any township in their respective counties, if there had been cast at the general election last held in such township more than one thousand votes.

SEC. 2. When any such township shall be divided into election precincts, the Board of Supervisors shall number or name the same, and shall cause the boundaries of each precinct to be recorded in the record book of the Board. Notice of the establishment and boundaries of each precinct shall be published in some newspaper of general circulation in the county, for three consecutive weeks at least once in each week, the last publication to be made at least thirty days before the next election.

SEC. 3. There shall be three judges and two clerks of election in each of said precincts, who shall be appointed by the Board of Supervisors at their meeting next preceding the election, *Provided* that the township trustees and township clerks shall be judges and clerks of elections in those precincts in which they respectively reside.

SEC. 4. In case any of the judges or clerks of elections to be held in such precincts fail to attend in time or refuse to be sworn, the vacancy shall be filled in the same manner in all respects as is or shall be provided by law for filling like vacancies in other townships.

SEC. 5. The polls at such precinct elections shall be opened at the same time, the judges and clerks shall take and subscribe the like oath, which may be administered by any one of them to the others; order shall be preserved; ballot boxes and poll books shall be prepared and furnished; voting shall be conducted, and the poll books kept, and the votes canvassed, in the same manner and with like effect as in and for the other townships.

SEC. 6. It shall be the duty of the judges of election in each of said precincts, by one of their number, within one day after the election, to deliver to the township trustees of said township, the poll books and returns of the election, who shall canvass the votes therein certified as having been cast for township officers. The township trustees shall within two days after the election by one of their number deliver to the member of the county Board of Supervisors of their township, the poll books and returns of each of said precincts to be returned to the Board of county canvassers, who shall canvass and dis-

pose of the same as provided by law for the returns and poll books of other townships.

SEC. 7. When any township shall have been divided into election precincts, as authorized in this Act, no person shall be entitled to vote in such township at any other place than in the election precinct in which he resides at the time he offers his vote.

SEC. 8. This Act shall be in force from and after its publication according to law.

Approved March 10th, 1862.

## CHAPTER 24.

### FORT DODGE TAX.

AN ACT authorizing the County Treasurer of Webster County to apportion certain taxes assessed on certain lands and town lots in said county.

WHEREAS portions of Sections Nos. 17, 18, 19, 29 and 30, in Township 89, north of Range No. 28, west of the Principal Meridian, Iowa, in Webster County, containing not exceeding twelve hundred acres of land, have heretofore been owned by what is known as the "Fort Dodge Land Company," with title in the name of Jesse Williams, Trustee for John Lemp and others, and

WHEREAS, a question involving the taxation of certain portions of said lands has been decided in the Supreme Court of the State affecting the liability of said lots and lands for certain taxes thereon levied, and

WHEREAS, portions of said lands have been laid out, platted, and recorded as the Town Company's Addition to Fort Dodge, and the said lots and blocks so constituting said addition with the remaining portion of said lands have been divided among the different members of said Company, and have been conveyed to the different parties composing the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the County Treasurer of Webster County, as soon after the taking effect of this Act as possible, and by the first day of June next, be and he is hereby authorized and required to apportion the entire amount of taxes now assessed upon all of said

Co. Treasurer  
may apportion  
certain  
tax.

lots and lands, and to fix the proportionate amount for each part, tract or parcel of the same, for each year separately.

Shall charge delinquent when apportioned on the tax book of 1861.

SEC. 2. That said Treasurer shall make up in the tax book of said county for the year 1861, separate lists for each year, of all taxes now assessed and unpaid on each separate tract or parcel of land or lots as the same are now divided in the plat of the "Town Company's Addition to Fort Dodge," and the deeds of division of the aforesaid lands not platted in said addition; and the said taxes so apportioned shall, for each year, in the aggregate, amount to the full amount of taxes levied for that year on the lands so laid out and divided as aforesaid, and the said taxes so apportioned on each separate piece or parcel of lots or lands shall be as binding upon the same, and shall be a lien upon the same separately, the same as the original taxes levied were a lien upon the lands upon which said taxes were levied.

Cancel in old books.

SEC. 3. The said Treasurer shall mark canceled upon the tax books of said county upon which the taxes appear now levied and upon the apportionment of said taxes as aforesaid; the said lots and lands shall be released from the lien of said taxes, except as provided by Section two of this Act on the property to which the same are apportioned.

Compensation to Treasurer.

SEC. 4. The County Treasurer shall receive reasonable pay for his services out of the County Treasury, to be audited as other claims against said County.

SEC. 5. This Act shall take effect from and after its publication in the Daily Register, and in the Fort Dodge Democrat.

Approved March 10th, 1862.

I hereby certify that the foregoing Act was published in the Daily Register March 15, 1862, and in the Fort Dodge Democrat March 15th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 25.

### BONDS OF COUNTY OFFICERS.

AN ACT providing for the recording of the Bonds of County Officers.

SECTION 1. *Be it enacted by the General Assembly*

*of the State of Iowa*, That it shall be the duty of the **Record Book Clerk** of the District Court of each county in this State, to procure and keep in his office a book to be known as **Record Book of Officers' Bonds**.

SEC. 2. It shall be the duty of each clerk to record in said Book, the official bonds of all County officers including Justices of the Peace, and Constables, now on file in his county, executed since the 31st day of December, 1859, and the bonds of all county officers hereafter filed in his County. Clerk to record official bonds.

SEC. 3. The Clerk shall receive as a compensation Fees. for the duties herein prescribed the following fees: for the recording of bonds now on file, the sum of six cents for each one hundred words by him recorded, which shall be paid from the County Treasury of his County, and for the recording of the bonds of each officer hereafter filed, the sum of fifty cents, which shall be paid in advance, by the officer whose bond is so recorded.

SEC. 4. Each Clerk shall keep an index to the Book Index. herein provided for, in which under the title of each office, shall be entered the names of each principal and his sureties, and the date of the filing of the bond.

SEC. 5. Any County officer hereafter elected or appointed who shall enter upon the discharge of the duties of his office, without first having caused his official bond to be recorded, shall forfeit to the county of which he is an officer, the sum of five dollars for each official act by him performed prior to the recording of said bond, and the Chairman of the Board of Supervisors of each county, is hereby required to bring suit for, or collect such penalty, or penalties, in the name of his county. County officers must have bonds recorded.

SEC. 6. The books hereby required to be kept shall be open to inspection of all persons, in the same manner, and at the same time, as other county records and transcripts thereof shall be received in evidence, in all the courts of this State, in the same manner and with the same effect that transcripts of other records now kept by the Clerks of the District Courts of this State are now received. Books open to inspection.

SEC. 7. This Act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Times, papers published at Des Moines. Take effect.

Approved March 10th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register, March 26th, 1862, and in the Des Moines Daily Times March 15th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 26.

## APPEARANCE DOCKET.

AN ACT to require Clerks of the District Court to keep an Appearance Docket.

Clerk keep an appearance docket.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Clerks of the District Courts in this State are required to keep in addition to the books specified in section three hundred and forty-six, chapter twenty-three, page 58 of the Revision of 1860, a book to be known as an Appearance Docket.

Entry in appearance docket.

SEC. 2. The Clerk shall enter in said Appearance Docket each suit that shall be brought in the Court, numbering them consecutively in the order in which they shall have been commenced, which number shall not be changed during the farther progress of the suit. In entering the suits the Clerk shall set out the full name of all the parties, plaintiffs and defendants, as the same shall be contained in the petition of the plaintiff or plaintiffs, or as the same shall subsequently be made parties by any cross bill, or other proceeding or order, and shall give the date of the filing of the petition.

Clerk's entry upon return of original notice.

SEC. 3. When the original notice shall be returned to the office of the Clerk, he shall enter in said docket so much of the return thereon as to show who of the parties have been served therewith and the manner and time of service.

Date of filing.

SEC. 4. The Clerk shall immediately upon the filing thereof make a memorandum of the date of the filing of all pleas, demurrers, answers, motions, or paper of any other description in the cause and no pleading of any description shall be considered as filed in the cause, or be allowed to be taken from the Clerk's office, until the said memorandum is made.

Clerk shall enter the ruling of the Court.

SEC. 5. Immediately upon the sustaining or overruling of any demurrer or motion; the striking out or amendment of any pleading; trial of the cause; rendition of the verdict; entry of judgment; issuing of execution or any other act or thing done in the progress of the cause, the like memorandum thereof shall be made in said docket, giving the date thereof and the number of the book and page of the record where the entry thereof shall have been made, it being intended that the Appearance Docket shall be an index from the commencement to the end of a suit.

SEC. 6. The Clerk shall provide an index for the Appearance Docket in which, as actions shall be entered in the same, they shall be indexed *directly* in the name of each plaintiff, and *reversely* in the name of each defendant in the action.

SEC. 7. This Act being deemed of immediate importance shall be in force from and after its publication in the Daily State Register, and Iowa Homestead and Northwestern Farmer, and Des Moines Daily Times, newspapers published in the City of Des Moines, or any two of them.

Take effect.

Approved March 10th, 1862.

I hereby certify that the foregoing was published in the Daily State Register and Des Moines Daily Times, March 15th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 27.

### GUARDIAN OF MINOR CHILDREN.

AN ACT to amend Chapter 105, of the Revision of 1860, concerning guardians of the property of minors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when a guardian for the property of any minor child or children has been or shall hereafter be appointed by the County Court in any county of this State, the said County Court shall have the same power and authority over any lands and tenements of such minor child or children, situate in any other county in the State, that said County Court may by law exercise over the lands and tenements of such minor or minors, in the county where such guardian has been or shall be appointed.

Jurisdiction of Co. Court over lands & tenements in other counties.

SEC. 2. That where a guardian for the property of any minor child or children has heretofore been appointed by the county court in any county of this State, and such guardian has heretofore made application to said county court for and obtained an order of sale of any lands, tenements or hereditaments of such minor or minors, situate in any other county in this State, and a sale and conveyance of such lands, tenements or hereditaments has been made by said guardian in pursuance of such order, and approved by said County Judge, that

Sales in other counties by guardians under order of Courts legalized.

the said acts and proceedings of said county court and such sale and conveyance are hereby declared as valid and binding, as though such lands were situate in the county where such guardian was appointed or as though the same had been made under the provisions of Section 1st of this Act.

Transcript to be transmitted to the Co. Judges of other counties when lands are sold.

SEC. 3. That the county court shall order a transcript of any proceedings heretofore or hereafter had in said court affecting the title to lands in any other county, ordered to be sold by said court, to be transmitted to the County Judge of the County in which said lands are situated.

Repealing all acts inconsistent.

SEC. 4. That all Acts and parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed.

Approved March 10th, 1862.

## CHAPTER 28.

### PROOF OF WRITTEN INSTRUMENTS.

AN ACT relating to the proof of written instruments in actions and repealing section 2967 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 2967 of the Revision of 1860 is hereby repealed and the following is substituted therefor:

The signature to a written instrument filed with the pleadings shall be deemed genuine unless denied under oath.

SEC. 2967. When any action, defense, set-off, counter claim or cross demand is founded on a written instrument, which is referred to in any pleading, and the original or a copy thereof is annexed thereto (or copied therein) the signature thereto or to any indorsement thereon shall be deemed genuine and admitted, unless the party whose signature it purports to be, shall deny the same under oath, in his pleading, or in a writing to be filed at the same time, with or before his pleading, if there be one, and if not, then in the time allowed for a pleading, and when any other writing, purporting to have been signed by one of the parties is referred to in a pleading, and the original or copy thereof is filed with the pleading, the signature thereto shall be taken to be genuine, and the instrument may be read in evidence against such party, unless he denies the same in writing under



oath before the trial is commenced, *provided* that the person whose signature it purports to be, before filing his affidavit shall, on demand, be entitled to examine the original instrument.

SEC. 2. This Act shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Times.

Approved March 10th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register March 26th, 1862, and Des Moines Daily Times March 13th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 29.

### REPORTS OF CLERKS AND JUSTICES.

AN ACT in relation to the duties of Clerks and Justices.

SECTION 1. *Be it enacted by the General Assembly of* Clerks and Justices to  
*the State of Iowa,* That it shall be the duty of the Clerks of the several Courts of this State, (except of the Supreme Court) and all Justices of the Peace, on the first Monday of January of each year, to make a report in writing, to the Board of Supervisors of their respective counties, of all forfeited recognizances in their several offices; of all fines, penalties and forfeitures imposed in their respective Courts, in what cause or proceedings, when, for what purpose, against whom, and for what amount rendered; whether said fines, penalties, forfeitures and recognizances have been paid, remitted, canceled or otherwise satisfied; if so, when, how, and in what manner; if not paid, remitted, canceled or otherwise satisfied, what steps have been taken to enforce the collection thereof, and the prospect of such collection. Such report must be verified under oath, to the effect that the same is full, true and complete of the matters therein contained, and of all things required by this Act; and any officer failing to comply with any of the provisions this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be fined in any sum not less than one hundred dollars.

Approved March 14th, 1862.

## CHAPTER 30.

## UNINCORPORATED TOWNS.

AN ACT regulating additions to unincorporated towns.

Lands adjoining unincorporated towns may be platted and recorded as a part of said town.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any land lying in any county of this State adjoining or contiguous to any unincorporated town, may be platted by the owner thereof and recorded as an extension of, or an addition to such town, and for all legal and equitable purposes shall be deemed, taken and considered as a part of such town, by the township and county officers of the township and county in which such town is located in all matters pertaining to township or county organization, as fully as though it had been a part of the original plat thereof.

SEC. 2. All extensions of, or additions to any unincorporated town heretofore platted and recorded, shall be deemed and considered as a part of such town for all purposes as provided in Section one of this Act.

Approved March 14th, 1862.

## CHAPTER 31.

## AGRICULTURAL SOCIETIES.

AN ACT to amend Chapter forty-five of the Revision of 1860, so as to exempt grounds leased by Agricultural Societies from taxation during the term of such lease.

Exempting from taxation lands leased to Agricultural Societies

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of Section 711, Chapter forty-five of the Revision of 1860, as exempts from taxation all grounds and buildings of benevolent, agricultural and religious institutions and societies, devoted solely to the appropriate objects of these institutions be and the same is hereby amended, so as to include all property leased to agricultural societies during the term of such lease, *Provided* the same is devoted solely to the appropriate objects of said societies.

Approved March 14th, 1862.

## CHAPTER 32.

STATE AND COUNTIES MAY BUY PROPERTY SOLD UNDER  
EXECUTIONS.

AN ACT to enable the State or any county to acquire Real Estate under certain circumstances, and to hold control and dispose of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That if upon the sale upon execution in favor of the State or of any county, the proper officer shall bid off any real estate, or when it shall become necessary for the State or any county to take real estate to secure such State or county from loss on account of any debt due such State or county, the conveyance thereof may be made to such State or county as the case may be, which shall to all intents, vest the title in the grantee as completely as if such grantee were an adult person.

The State and Counties may bid off property sold under execution

SEC. 2. All conveyances heretofore made to the State or any county shall be deemed and taken in all places to be as valid and effectual as if made to an adult person.

Conveyances to State, or County valid.

SEC. 3. In any case where the State has held or may hereafter hold, any lands as above provided, the Governor may dispose of the same at not less than the sum such lands cost to the State, including interest and expenses, and the proceeds shall be disposed of to the credit of the fund to which the debt, on which said land was taken, belonged; provided, that in the unanimous opinion of the Census Board the interest of the State would be promoted by selling for a sum less than cost, and shall fix the sum at which such land should be sold, the Governor may sell the same for the sum so fixed: and on any such sale if the purchase money shall not be paid in hand, adequate security, to be determined by said Census Board, shall be given for the payment therefor.

The Govern'r may sell property belonging to the State—covering cost.

May sell for less than cost with consent of the Census Board.

SEC. 4. Whenever any county has taken, or shall hereafter take, any real estate as provided in the foregoing sections, it shall be competent for the Board of Supervisors to sell and dispose thereof; as in their judgment shall be for the best interest of their said county; provided that if the same is sold on time for any part of the purchase money, the said Board shall require adequate security for the payment thereof, besides the responsibility of the purchaser; and the proceeds of sales

The Board of Supervisors may sell property belonging to the County.

of all such lands shall belong to the fund to which the debt on which the land was taken, belonged.

Record shall be made of sale by the Board of Supervisors, upon the Minute Book of said Board.

SEC. 5. In case of any such sale and conveyance by such Board, the resolution making the sale, shall be entered on the minutes of such Board; the yeas and nays on the passage of such resolution shall be also there entered with the date thereof; such resolution shall express the consideration paid for said land, and such a description thereof as shall be necessary to make a deed therefor; and a transcript of such proceedings relating to said sale; the resolution and yeas and nays on its passage, made and certified under the hand of said Clerk and the seal of the said Board shall be a sufficient deed of conveyance by the said county and shall be entitled to be recorded or received in evidence without further proof.

The State or Counties may lease and control the use of any Lands owned by either.

SEC. 6. Whenever the State or any county holds any such lands undisposed of, it may by its proper agent, lease and control the use of the same as shall in the opinion of the Census Board, if belonging to the State, and the Board of Supervisors if belonging to the county, be for the best interest of such owner and the proceeds of such use shall belong to the fund to which the debt on which the land was taken, belongs.

Manner of executing contracts for lands sold.

SEC. 7. The said State or any county on selling such lands, may at the option of the officers making the sale, execute a contract of sale, or an absolute conveyance therefor; and they may take notes, mortgages, contracts or other securities, payable to the grantor, which shall be as valid as if made to an adult person.

Approved March 17th, 1862.

## CHAPTER 33.

### CHANGE OF VENUE.

AN ACT to amend section 5,066 of the Revision of A. D. 1860 of the laws of the State of Iowa in relation to taking change of venue in criminal proceedings before Justices of the Peace.

Change of venue may be taken from the justices of the peace in criminal proceedings.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 5066 of the Revision of A. D. 1860, of the laws of the State of Iowa, be and the same is hereby amended so that it shall read as follows: If such affidavit be filed the change of venue must be allowed, and the Justice must immediately transmit all

the original papers and a transcript of all his docket entries in the case to the next nearest Justice in the Township, unless said Justice be a party to the action, or is related to either party by consanguinity or affinity within the 4th degree, or where he has been Attorney for either party in the action or proceeding, and in such case the Justice before whom such action or proceeding is commenced shall transmit all the original papers, together with a transcript of all his docket entries, to the next nearest Justice in the County, against whom none of the above objections exist, who shall proceed to try the case, unless a Jury trial be demanded, but no more than one change of venue in the same case shall be allowed. No more than one change shall be allowed.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved March 17, 1862.

## CHAPTER 34.

### DRIVING AWAY STOCK.

AN ACT to prevent the unlawful driving away of Cattle and other stock by drovers and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any drover or other person or persons, engaged in driving horses, cattle, mules, hogs or sheep or any other stock through any part of the State of Iowa, and shall drive off, or shall knowingly and willingly suffer or permit to be driven off from the premises of any citizen of said State, or from the range in which the stock of any such citizen usually run, to any distance exceeding five miles from such premises or range, any horses, mules, neat cattle, hogs or sheep or any other stock belonging to such citizen, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days. Drovers prohibited from driving off Stock. Penalty.

SEC. 2. Any Justice of the Peace in any county through which such stock shall pass or in which it may be found, shall have jurisdiction of the offense: *Provided,* That a conviction before one Justice shall be a bar to any other prosecution for the same offense. Suit may be commenced before Justice of the Peace.

Civil action  
may be had  
against per-  
sons driving  
off Stock.

SEC. 3. The owner of said stock may in addition to the provisions of the preceding sections of this Act, commence civil action against the person or persons so driving off the stock, and if it is proved to have been maliciously or knowingly driven off, shall recover treble damages therefor.

SEC. 4. Any Justice of the Peace in any county where personal service can be had, shall have jurisdiction of the case, the same as though the defendant resided in said county.

SEC. 5. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 17th, 1862.

## CHAPTER 35.

### DISEASED SHEEP.

AN ACT to prevent the importation, running at large, and sale of diseased sheep.

Penalty for  
importing or  
driving into  
this State dis-  
eased Sheep.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall not be lawful for the owner of sheep, or any person having the same in charge, knowingly to import or drive into this State, sheep having any contagious disease, and any person so offending shall be deemed guilty of a misdemeanor, and shall be punished by fine in any sum not less than fifty dollars nor more than one hundred dollars.

Penalty for  
turning out or  
forselling dis-  
eased Sheep.

SEC. 2. That any person being the owner of sheep, or having the same in charge, who shall turn out, or suffer any sheep having any contagious disease, knowing the same to be so diseased, to run at large upon any common, highway, or uninclosed lands, or who shall sell or dispose of any sheep, knowing the same to be so diseased, shall be deemed guilty of a misdemeanor, and shall be punished by a fine in any sum not less than fifty dollars, nor more than one hundred dollars.

Fines go into  
School Fund.

SEC. 3. All fines recovered under the provisions of this Act shall be paid into the County Treasury, for the use of the Common School Fund.

Damages  
may be recov-  
ered.

SEC. 4. Nothing in this Act shall be so construed as to prevent the recovery of damages in civil actions against any person or persons, who shall import or drive such diseased sheep into this State, or who shall allow

such diseased sheep to run at large, or who shall sell such diseased sheep.

SEC. 5. This Act being deemed of immediate importance by the General Assembly, shall take effect from and after its publication in the Daily State Register and Daily Des Moines Times.

Approved March 17, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register and Daily Des Moines Times March 21st, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 36.

### CERTIFICATES OF ELECTION.

AN ACT to regulate the issuing of certificates of election in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where the County Judge was heretofore empowered by law to issue certificates of election, the same shall hereafter be issued by the Clerk of the Board of Canvassers, under his signature and signed by the President and attested by the Clerk of the Board of Canvassers, with the seal of the District Court thereto affixed.

Clerk of the Board of canvassers may issue Certificate of election.

SEC. 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 17th, 1862.

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## CHAPTER 37.

### PAY OF PENITENTIARY GUARDS.

AN ACT to amend Section 5192 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Section 5192 of the Revision of 1860, be and is hereby amended so as to read as follows: Each night Guard shall receive forty dollars per month,

for his services ; and each house or shop Guard shall receive thirty-five dollars per month for his services ; and each wall Guard shall receive thirty dollars per month for his services, to be audited by the Warden, and paid at the end of each month out of the funds especially designated for the payment of Guards' and Chaplain's salaries.

SEC. 2. This Act to take effect from and after its publication in the Daily Iowa State Register and Des Moines Daily Times, papers published in Des Moines City, Iowa.  
Approved March 17th, 1862.

I hereby certify that the foregoing was published in the Daily State Register and Daily Des Moines Times, March 21st, 1862.  
ELIJAH SELLS, Secretary of State.

## CHAPTER 38.

### SCHOOL LANDS IN TAMA COUNTY.

AN ACT to legalize the sale of certain School Lands in Tama County.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the sales of those parts of the 16th section of the School Land in Tama County, made by L. S. Fredrick, as School Fund Commissioner of said County, for the appraised value of the lands, and which were on the 16th day of December, 1858, declared null and void by the County Judge of said County, be and the same are hereby legalized and affirmed. *Provided,* that the holders of any contracts for any of said lands, who shall, within ninety days from the taking effect of this Act, deliver the same to the Clerk of the District Court of said County to be canceled, shall receive from said Clerk a full paid certificate for such portion of said land as shall, at said contract price, amount to the sums paid on said contracts before such cancelation, to be selected by said Clerk as hereinafter provided, upon which certificate a patent shall issue.

Sales made by  
L. S. Fredrick  
legalized.

Contracts  
may be can-  
celled and  
full paid cer-  
tificates issue  
for the am't.  
paid.

In making se-  
lections the  
Contract  
holder may  
be consulted.

SEC. 2. That in making such selections the Clerk shall consult the wishes of the contract holders as well as the interest of the School Fund, as to the size and location of the tracts to be selected, so far as the same can be equitably done ; *provided,* said selections of land shall be



approved by the Board of Supervisors of said County at its first regular meeting thereafter.

SEC. 3. That the holders of any of said contracts, who shall fail to present them for cancelation as above provided, within ninety days from the taking effect thereof, shall be deemed to acquiesce in said affirmation. Cancellation must be made within ninety days.

SEC. 4. This Act being deemed of immediate importance shall take effect from and after its publication in the Weekly Iowa State Register, and Iowa Transcript (Toledo.)

Approved March 17th, 1862.

I hereby certify that the foregoing Act was published in the Weekly Iowa State Register April 2, 1862, and in the Iowa Transcript (Toledo) April 8d, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 39.

### LIFE INSURANCE COMPANIES.

#### AN ACT in relation to Life Insurance Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be unlawful for any incorporated Company or Association, partnership, firm or individual, or any member or agent or agents thereof, or for any company or association incorporated by any other State than the State of Iowa, to transact any business of Life Insurance in this State, unless such company is possessed of an actual capital of \$100,000 in value in cash or real estate or in bonds, in stocks or State stocks or United States stocks, or bonds and mortgages secured upon real estate unincumbered, and worth double the amount for which the same is mortgaged. Foreign Life Insurance Companies must have \$100,000 capital.

SEC. 2. The Act entitled "An Act in relation to Insurance Companies," passed January 28th, A. D. 1857, so much thereof as has reference to Insurance Companies incorporated by any other State than the State of Iowa, and not inconsistent with this Act, is hereby extended so as to include all Life Insurance Companies incorporated by the laws of other States doing business within this State. Laws of 1857 amended, extending to Life Insurance Companies incorporated by other States, etc.

SEC. 3. The second section of the Act entitled "An Act to amend an Act entitled an Act in relation to In-

insurance Companies," approved January 28th, A. D. 1857, passed February 9th, A. D. 1858, shall not be so construed as to embrace Life Insurance Companies.

No Mutual Life Insurance Company, incorporated under the laws of other States, shall be allowed to transact business in this State until they have filed a copy of the Act of incorporation in the Auditor's office.

SEC. 4. The foregoing provisions of this Act shall not apply to Mutual Life Insurance Companies, but it is hereby enacted that no Mutual Life Insurance Company incorporated under the laws of any other State than the State of Iowa, shall be allowed to transact business within this State, until such Company shall have first filed with the Auditor of this State a copy of their articles of incorporation or of the act of incorporation, when incorporated by Statute under seal of said Company, signed by the President and Secretary thereof, and shall also have filed with said Auditor a written instrument signed by the President and Secretary thereof, duly sworn to and certifying that said Company is well worth in unincumbered assets over and above all its liabilities, and exemptions, the sum of One Hundred Thousand Dollars, and upon complying with the provisions of this Section, such companies shall be entitled to receive a certificate from the Auditor, with authority to transact business in this State.

Approved March 17, 1862.

## CHAPTER 40.

### RECORDER'S OFFICE, LEE COUNTY.

AN ACT to amend Section 1, Chapter 98 of the laws of the Sixth General Assembly, and to legalize the record of certain conveyances in the Recorder's Office, at Fort Madison, in the County of Lee, and making the same evidence in legal proceedings.

Amending law establishing Recorder's office at Keokuk.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section 1 of Chapter 98 of the Laws of the Sixth General Assembly, being an Act entitled an Act supplemental to an Act to establish a Recorder's Office in the city of Keokuk, approved January 23d, 1857, be and the same is hereby amended by inserting the words "sixty-seven" in place of the figures "75" in the 10th line of the printed copies thereof, so that said part of said section shall read: "Township 67 north Range 4 west.

SEC. 2. That the Records of all conveyances of

property situated in Township 67, North Range 4 west, in Lee county, heretofore made in the Recorder's Office, at Fort Madison, be and the same are hereby legalized and declared valid and shall be considered and deemed by all Courts of this State legal and effectual as though the same had been done in compliance with the provisions of law.

SEC. 3. That the transcripts of Records and property authenticated copies thereof made by virtue of said section 1 of said Chapter 98 of said laws of the Sixth General Assembly, and retained in the Recorder's Office at Fort Madison, shall be in all respects considered and used as the original records of conveyances of which they are copies, and shall be used as evidence in all proceedings in like manner as records of deeds and copies thereof are by law considered and used.

Legalizing records made at Fort Madison.  
Transcripts of records in the Recorder's office at Fort Madison may be used as evidence.

Approved March 17th, 1862.

## CHAPTER 41.

### M'GREGOR COURT.

AN ACT to establish a Court at McGregor.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* There shall be and is hereby established in the Town of McGregor a Court to be denominated the Court of McGregor, which Court shall be a Court of record and have a Seal. The officers of said Court shall be a Judge and the Marshal of the Town of McGregor. Said Court shall hold its sessions for Civil Actions on the second Monday of each month, in some place in said town, to be provided by and at the expense of the Town Council of McGregor.

SEC. 2. The Judge of said Court shall be elected at the first annual election in McGregor for town officers, and quadrennially thereafter, and shall hold his office for four years, and until his successor is elected and qualified. He shall be a qualified elector of McGregor, and shall subscribe in writing the same oath required of Judges of the District Court, and file the same with the Recorder of McGregor, and shall be commissioned by the Governor of the State of Iowa, and at each election of Judge, the Mayor of McGregor shall transmit to the

City Court in McGregor.  
Judge shall be elected every 4 years.

Commissioned by the Governor. Governor a Certificate of the election of said Judge, whereupon the Governor shall issue to him a Commission empowering him to act as said Judge.

Judge shall be his own Clerk and receive fees.

SEC. 3. The Judge of said Court shall be his own Clerk, and as such shall perform the same duties as are required of the Clerk of the District Court, and shall receive the same fees and compensation therefor.

Duties of Judge and Marshal.

SEC. 4. The powers, duties and responsibilities of the Judge and Marshal of said Court shall correspond with, and be governed by the same rules and practice, and have the same authority as those of the Judge, Clerk and Sheriff in the District Courts of this State; and the authority of the process of said Court shall have the same extent as that of the District Court, and may be executed by the Marshal of McGregor, or the Sheriff of the county, who shall in each case receive the same fees and compensation as for like services in the District Court.

Jurisdiction of said Court.

SEC. 5. Said Court shall have jurisdiction of all suits brought for violations of the ordinances of the Town of McGregor, and shall have general jurisdiction concurrent with that of the District Courts, in all Civil actions, either ordinary or equitable, in which the defendant resides in McGregor, or if a non-resident of the State, is found in McGregor; also in all cases of attachment and replevin when the defendant is not served with process, or in cases where suits are brought to recover possession of personal property, or to enforce a lien or mortgage, or when it relates to real property, such property or some part thereof must lie in McGregor, or some part of the personal property must be found therein. When by its terms a contract is to be performed in McGregor, suits may be brought in said Court if the plaintiff resides in McGregor; and appeals from Justices of the Peace of Mendon township may be taken to said Court. Said Court shall also have concurrent jurisdiction with Justices of the Peace in all Criminal and Civil cases, and for the trial of Criminal cases shall be always open as in Justices' courts. Appeals from said Court lie in Criminal cases to the District Court of Clayton county; and in all Civil actions appeals lie directly to the Supreme Court of the State of Iowa. Said Court shall be entitled to the same fees and compensation in Criminal cases as Justices of the Peace and paid in like manner.

Jury may be had.

SEC. 6. In order to provide Jurors for said Court in Civil actions, the Judge thereof may issue a special venire in any case where a Jury is demanded, but no venire shall issue until the person demanding the same shall

deposit with the Judge the fee said Jury shall be entitled to, to be paid said Jury and taxed with the costs; the Jury fee to be the same as in Justices Courts.

SEC. 7. In case of the vacancy in the office of said Judge by death, resignation or otherwise, the Town Council of McGregor shall order an election to fill said vacancy giving at least ten days' notice in some newspaper published in McGregor, of the time and place of holding said election, and the Mayor shall certify the election of such successor to the Governor, who shall commission the person elected as Judge to fill such vacancy during the unexpired term. Vacancies filled by election.

SEC. 8. Before said Judge enters upon the discharge of his duties, he shall give bond to the State of Iowa the sum of Two Thousand Dollars for the faithful performance of his duties, which bond must be approved by the Town Council of McGregor, and deposited with the Recorder of said town. Judge give bond.

SEC. 9. At the first election of Judge of said Court, and annually thereafter, the electors of McGregor shall elect a Prosecuting Attorney, whose duty it shall be to file complaints in Criminal cases and prosecute the case in the name of the State of Iowa; and also in behalf of the Town of McGregor, who shall receive for his services such fees as the Town Council of McGregor shall from time to time allow, and the Mayor and Council thereof shall make all needful allowance for fuel, stationery and lights for said Court. Prosecuting Attorney shall be elected and receive fees.

SEC. 10. Judgments in said Court shall be a lien on Real Estate in McGregor the same as in the District Court, and may be made liens in other counties in the same manner as judgments in the District Courts, and it shall be the duty of the Judge of said Court after each term thereof, to file in the office of the Clerk of the District Court of Clayton county, an abstract of the causes decided at said term, giving the names of the plaintiff and defendant, and the amount of the judgment in each case, and from the filing of said abstract, said judgment shall be a lien on any of the real property of defendant lying in Clayton county. Judgments shall be a lien

SEC. 11. This Act being deemed of immediate importance, shall be and remain in force from and [after] its publication in the Iowa Daily State Register and the Des Moines Daily Times, published at Des Moines, pro- Take effect.

vided such publication be without expense to the State of Iowa.

Approved March 18, 1862.

I hereby certify that the foregoing Act was published in the Iowa Daily State Register, and Daily Des Moines Times, March 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 42.

### CHARLES A. PERRY'S ACTS LEGALIZED.

AN ACT to legalize the Acts of Charles A. Perry *alias* Richard J. Thornton, as Notary Public, in and for Buchanan county, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That, whereas, on the 29th day of November, 1855, the Governor of the State of Iowa did commission one Richard J. Thornton as Notary Public, in and for Buchanan county, Iowa; and, whereas, said Richard J. Thornton has since proved to be a fictitious name, and the real name of the person so commissioned was Charles A. Perry. Therefore be it enacted that all Acts done by the said Charles A. Perry as Notary Public, under the name of Richard J. Thornton, be and the same are hereby legalized and declared as valid and binding as though the said Charles A. Perry had been acting under his real name, and not under an assumed name.

Legalizing acts performed by Charles A. Perry, under the assumed name of Richard J. Thornton, as Notary Public.

This bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 19th day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 43.

### BELIEF OF WILLIS CLEMENS AND OTHERS.

AN ACT for the relief of Willis Clemens, Aurora Clemens and A. C. Price.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Willis Clemens, Aurora Clem-

ens, and A. C. Price, be released from all liability on a Release upon certain recognizance entered into by them in July 1856, recognizance. before W. H. Keith, a justice of the Peace in and for Keokuk county, Iowa, for the appearance of Willis Clemens at the next term of the District Court of said county, and on which recognizance a judgment was rendered on the 27th day of November A. D. 1858, in said District Court; and the District Attorney of the 6th Judicial District of the State of Iowa, is hereby authorized to enter satisfaction in full of said judgment, provided the costs thereon shall first have been paid.

Sec. 2. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Times.

This Bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 19th day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Daily Register March 21st, 1862, and in the Des Moines Times, March 29th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 44.

### BROWN AND ALLENDER.

AN ACT to provide for a full settlement of all claims, rights and liabilities between the State of Iowa and James A. Brown and George C. Allender.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That from and after the acceptance of the warrants provided for under this Act, by Jas. A. Brown and George C. Allender, of Van Buren County, Iowa, the entire interest of the State in any lands on the north or Bentonsport side of the Des Moines river in said County, held or owned by the State for the purpose of keeping up a water power at that place, be and the same is hereby released unto the said James A. Brown, his heirs and assigns; and the entire interest of the State in any lands on the south or Vernon side of said river at the same place held or owned by the State for the purpose of  
 Release to Brown and Allender.

pose of keeping up a water power at that place, be and the same is hereby released unto the said George C. Allender and his heirs and assigns.

Sec. 2. That from and after the acceptance of the warrants provided for under this Act, the said State shall and does hereby release unto the said Brown and Allender the entire interest in the dam and water power now held by said State across said river at said point whether the same is now leased by said State to the said Brown and Allender, or any other person or persons, and all interest thereto not leased.

Locks and Dams to be kept in repair by Brown and Allender.

Sec. 3. The said Brown and Allender, their heirs and assigns, shall be and are hereby required to keep in repair the lock on the dam now built across said river at the point aforesaid, and keep the same in the same condition for the passage of boats as now provided for by law, or by any decree of court, or by any lease or leases now held by any person or persons from the State or any authorized agent thereof, and shall receive the same toll therefor as is now or may hereafter be provided for by law, from boats passing through said lock, and shall, after the first day of September next, be liable to any person injured by delay or damage caused to any boat by reason of their failure to comply with the provisions of this Act, and shall, in every respect, take the place of the State in keeping up the said dam and lock.

Reasonable time given for repairs.

Sec. 4. In case any serious breakage shall hereafter occur in said lock or dam, the said Brown and Allender, their heirs and assigns, shall not be held liable for any damage that may occur, until they shall have had a reasonable time for the replacing or repairing of the same, but they are required to keep the said lock and dam in as good condition as now required as aforesaid, and in case they shall fail to comply with any of the provisions or requirements of this Act to be by them performed, the General Assembly of the State of Iowa shall have the power by law to resume any interest herein released, and to provide for the removal of the said dam and lock, or keep the same in repair as may be deemed expedient without the intervention of a court, and without a claim against said State for damages.

Materials released to Brown and Allender.

Sec. 5. The said State of Iowa hereby releases to the said Brown and Allender any interest now held by said State in any materials now on hand at Farmington and Lowaville and undisposed of, prepared for the improvement of the navigation of said Des Moines river, so far as may be required to repair, and to keep in repair, said dam and locks.



SEC. 6. Upon the acceptance of the said warrants the lease to the said Brown is canceled, and the decree of the court in favor of said Allender is satisfied, and all claims of every kind, by lease, decree, deed, on account, or otherwise that the said Brown and Allender or either of them have had or may have had, or may have against said State are fully satisfied. They release all claims against the State.

SEC. 7. The said Brown and Allender shall have the right to sue for and recover rent under any lease now held by said State, and any portion of said water power, and shall be required to comply with all the requirements of any such lease now outstanding between said State and any third party, the same as if the lease was made between said party and the said Brown and Allender. May recover rent.

SEC. 8. There is hereby appropriated out of any moneys in the Treasury of the State, not otherwise appropriated, the sum of thirty thousand one hundred and forty-two dollars and sixty-three cents, and the Auditor of State is hereby required to draw warrants therefor upon the written application of the said Brown and Allender to the said Brown and Allender, one half to be payable in six months and the balance in equal parts in one and two years thereafter, with interest at the rate of six per cent.; and the taking and accepting of said warrants, or any part thereof, by the said Brown and Allender, shall be by them an assent to all the provisions of this bill in every particular, and shall bind them to perform all the requirements of the same, and shall authorize the General Assembly to resume the rights hereby granted or released, without reviving any of the rights of said Brown and Allender, as hereinbefore fully provided. \$80,142.68 appropriated to said Brown and Allender.

SEC. 9. The said Brown and Allender, before they or either of them shall be entitled to any warrant for any money appropriated by this Act, shall procure and file in the office of the Secretary of State, a release to the State of Iowa, by George Green, Willis N. Bragg, James Green, and Green, Bragg & Co., of all liabilities, demands or claims, which the said parties or either of them may hereafter have against the State of Iowa, under any contract or lease or sub-lease with the State of Iowa, or Brown and Allender, or other parties for the use of said water-power, and the said dam, hereinbefore referred to, at Bentonsport or Vernon on said Des Moines river; said release to be approved by the Attorney General of the State. Brown and Allender to file release of sundry persons.

SEC. 10. The written application for said warrants shall specify the amount of warrants that shall be issued

Written applications for Warrants.

50,000 acres of land not released.

in the name of Allender, and the amount of warrants in the name of Brown, and a copy thereof filed with the Secretary of State: and such application shall be made within thirty days from the time of the taking effect of this act, and any act conflicting herewith is hereby repealed.

SEC. 11. That nothing herein contained shall be construed as a release or relinquishment of any interest or claim of the State upon the fifty thousand acres of land above the Raccoon Fork of said River, which have heretofore been reserved and set apart for the payment of the debts of the Des Moines River improvement which were assumed by the State, and the State shall have the right to reimburse itself therefrom for the payment herein made, in the event of the State acquiring the title to such lands.

SEC. 12. This Act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Daily Times, papers published in the City of Des Moines Iowa, anything in the laws of Iowa to the contrary notwithstanding.

Approved March 20th, 1862.

I hereby certify that the foregoing Act was published in the Daily Iowa State Register and Des Moines Daily Times, March 22nd, 1862.  
 ELLJAH SELLS, Secretary of State.

## CHAPTER 45.

### BLIND ASYLUM AT VINTON.

AN ACT making further Appropriations for completing the Blind Asylum at Vinton.

Appropriating \$10,000 to complete building.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of ten thousand dollars, to complete the Blind Asylum at Vinton, in compliance with a contract entered into by the Commissioner of said Blind Asylum, approved by the Governor, with Messrs. Finkbine & Lovelace, of Iowa City, according to the provisions of section five, Chap. 144 of the laws of the 8th General Assembly.

SEC. 2. The Auditor of State shall issue a warrant <sup>Warrants to</sup> or warrants upon the State Treasurer for the payment of <sup>be issued.</sup> said appropriation in section one of this Act, upon the order of the Commissioner of said Blind Asylum, upon his estimate, approved by the Census Board; *provided* that warrants shall only be issued monthly as the work progresses, and in sums not to exceed two thousand dollars.

SEC. 2. This Act shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Daily Times.

Approved March 20, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Daily Times and Daily State Register, March 23d, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 46.

### SUPPLIES FOR CHARITABLE INSTITUTIONS.

AN ACT regulating the purchase of supplies for the use of Charitable Institutions belonging to the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Superintendent of the Iowa Hospital for the Insane; the Principal of the Asylum for the Blind, and the Principal of the Institution for the Education of the Deaf and Dumb, shall purchase all articles of food, clothing, fuel and other necessary supplies for the use of their respective Institutions, by contract, in the same manner, and with the same instructions and powers as now provided for purchasing such articles by the Warden of the Iowa Penitentiary, in sections 5145, 5146, 5147, 5148, 5149 and 5160 of the Revision of 1860, provided that the publication of bids shall be in any newspaper published at the place where such institution may be located, and *provided* that the Principal, Steward, and one Trustee, shall perform the duties of inspectors.

Approved March 20, 1862.

## CHAPTER 47.

## SUPPRESSION OF INTEMPERANCE.

AN ACT supplementary to an Act entitled an Act for the suppression of intemperance passed January 22d, 1855, and the Act entitled an Act supplementary and amendatory to an Act entitled an Act for the suppression of intemperance, passed January 28, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person or persons who shall by the manufacture or sale of intoxicating liquors, contrary to the provisions of the Act entitled an Act for the suppression of intemperance, passed January 22d, 1855, or under the Act entitled an Act supplementary and amendatory to an Act entitled an Act for the suppression of intemperance, passed January 28th, 1857, cause the intoxication of any other person, such person or persons shall be liable for and compelled to pay a reasonable compensation to any person or persons who may take charge of and provide for such intoxicated person or persons, and one dollar per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication, which sums may be recovered in a civil action before any court having jurisdiction thereof.

Persons injured by the effect of intoxication in others shall have a right of action against the drunkard maker.

SEC. 2. That every wife, child, parent, guardian, employer or other person who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, such wife, child, parent, guardian, or other person shall have a right of action, in his or her own name, against any person or persons who shall by selling intoxicating liquors as in this Act set forth, cause the intoxication of such person, for all damages actually sustained as well as exemplary damages; and a married woman shall have the same right to bring suits, prosecute and control the same and the amount recovered, the same as if a *feme sole*; and all damages recovered by a minor under this Act, shall be paid either to such minor, or his or her parent, guardian or next friend, as the court shall direct, and all suits for damages under this Act shall be by civil action in any of the courts of this State having jurisdiction thereof.

Property liable for damages.

SEC. 3. That for all fines and costs assessed, or judgments rendered of any kind against any person or persons for any violation of the provisions of this Act or the Acts to which this Act is supplementary, the personal and real property (except the homestead as now provided

by law) of such person or persons as well as the premises and property, personal or real, occupied and used for that purpose with the consent or knowledge of the owner thereof or his agent by the person or persons manufacturing or selling intoxicating liquors contrary to the provisions of this Act, or the Acts to which this Act is supplemental shall be liable for the payment thereof, and all such fines, costs or judgments shall be a lien on such real estate until paid; and where any person or persons who are required by Sections 1575 and 1576 of the Revision of 1860, to give a bond with sureties, the principal and sureties in the bond mentioned, shall be jointly and severally liable for all civil damages, costs and judgments that may be adjudged against the principal in any civil action, authorized to be brought against him for any violation of the provisions of this Act, or the Act to which this Act is supplemental; *Provided*, there shall be exempt such personal effects as may be necessary for the support of the family of defendant for six months to be determined by the Township Trustees.

Security on  
bonds liable  
for damages.

SEC. 4. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved, March 20th, 1862.

## CHAPTER 48.

### PENITENTIARY PHYSICIAN.

AN ACT to define the duties of the Physician of the Penitentiary, and to fix his salary.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of the physician of the Penitentiary to visit the prison once every day, and oftener if necessary; examine personally all sick or complaining prisoners reported to him, and prescribe such treatment as in his judgment their cases require.

Duty of Physician.

SEC. 2. He shall keep a book to be called the Hospital Record, in which he shall accurately record the name of the patient, the age, occupation, symptoms, disease and treatment.

Shall keep a hospital record.

SEC. 3. He shall examine every prisoner upon his reception, and make a record of his condition, as to age, constitution, habits, health, ability or disability.

Examine prisoner upon his reception.

SEC. 4. When a prisoner dies, the Physician may

Post mortem examination may be made upon deceased prisoners. have the privilege of a post mortem examination, unless objection be made by the relatives of such patient, and shall record the result of it making reference in the record of treatment.

Purchase medicine for the hospital—furnishing bills to the Clerk.

SEC. 5. He shall have power and authority to purchase by concurrence with and assent of the Warden, such medicines and other things, as in his judgment are necessary for the use of the Hospital, and furnish the Clerk immediately with the bills of purchase, who shall compare them with the articles received.

Conform to the rules of the Penitentiary.

SEC. 6. He shall, when visiting the prison, strictly conform to the Rules and Regulations thereof; he shall express no opinion of the ability or disability of a prisoner except in his record which shall be authority.

Physician must be a graduate.

SEC. 7. He shall be a graduate of some regularly established Medical College, and must be possessed of surgical instruments sufficient to perform any surgical operation liable to be required.

Appointed by the Warden.

SEC. 8. He shall receive his appointment from the Warden, with the concurrence of the Governor of the State.

Steward to be appointed, who shall dispense medicine and act as guard to the hospital.

SEC. 9. There shall be a Steward nominated by him, who shall receive his appointment from the Warden, and whose duty it shall be to dispense the medicine prescribed by the Physician, and to do all other things necessary to carry out the treatment as directed. He shall act as guard or keeper of the prisoners in the Hospital, and shall receive the same wages as other day guards or keepers, and be subject to the same Rules and Regulations.

Salary of Physician.

SEC. 10. The salary of the Physician and Surgeon shall be three hundred and sixty-five dollars per annum, *provided*, that after the number of prisoners exceeds one hundred and fifty, he shall receive an additional sum of fifty dollars for every additional fifty prisoners in the institution.

Approved March 20th, 1862.

## CHAPTER 49.

### COUNTY SEATS.

AN ACT to amend an Act entitled "An Act in relation to County Seats.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That whenever the citizens of any

organized County desire a re-location of their County Seat, they may petition their Board of Supervisors re-  
 specting the same. May petition for re-location.

SEC. 2. Such petition shall designate the place at which the petitioners desire to have the County Seat re-located, and shall be signed by none but legal voters of said County, provided that such vote for the said re-location shall not take place in any County oftener than once in every three years. Petition must designate the place to which it is proposed to be re-located.

SEC. 3. Such petition may be presented at any regular session of the Board of Supervisors, and shall be accompanied by the affidavits of credible witnesses sufficient to satisfy said Board that the signers are all legal voters of said County, and that the signatures on said petition are all genuine. Presentation and character of petition.

SEC. 4. Upon petitions certified as required in Section three of this Act being presented at any regular session of the Board of Supervisors, signed by at least one-half of all the legal voters in said County, as shown by the last preceding census, asking for a re-location of the County Seat at any one place therein named, said Board of Supervisors shall order that at the next general election holden thereafter, a vote shall be taken between said designated place and the existing County Seat, and shall require a constable of each township in the County to post notices of such order in three public places in such township at least fifty days before said election, and shall also publish a notice of such election in some newspaper, if there be one published in the County, four consecutive weeks, which last publication shall be at least twenty days before said election. Majority of the voters petitioning. The Board of Supervisors shall order that at the next general election the question shall be determined.

SEC. 5. Twenty days notice of the presentation of any petition provided by this Act, shall be made by one insertion in a weekly newspaper, if there be one printed in the County; if no paper be therein printed, by posting the same in every township in the County, one of which shall be on the door of the Court House in said County. Notice shall be given of the presentation of a petition.

SEC. 6. The ballot shall designate that it was cast for the County Seat and name the place voted for.

SEC. 7. Such elections shall be conducted as elections for County officers. Election how conducted.

SEC. 8. If the point designated in the petition obtain a majority of all the votes cast, the Board of Supervisors shall make a record thereof, and declare the same to be the County Seat of said County, and shall remove the records and documents thereto as early as practicable thereafter. County Seat removed to the place receiving the greatest vote.

People may  
remonstrate.

SEC. 9. Nothing in this Act shall be so construed as to prevent the people of a County who are opposed to a re-location of a County Seat remonstrating against it, and if a greater number of legal voters in the said County remonstrate against said re-location than petition for it, the election shall not be ordered by said Board of Supervisors, and if the same persons petition and remonstrate, they shall only be counted on the remonstrance, and such remonstrance shall only be signed by legal voters of the County, and be accompanied by affidavits in the same manner, and to the same effect as the petition for a re-location as required by Section three of this Act.

Conflicting  
acts repealed.

SEC. 10. That Article two of Section twenty-one of the Revision of 1860, and all Acts and parts of Acts heretofore enacted, and which are inconsistent with this Act are hereby repealed.

Approved March 20th, 1862.

## CHAPTER 50.

### RELIEF OF REUBEN H. WEBSTER.

AN ACT for the relief of Reuben H. Webster and others, and relating to the plat of the Town of Marshall.

WHEREAS, John Childs being the owner in fee of the south-east quarter of the south-west quarter, and the south-west quarter of the south-east quarter of section twenty-six in Township eighty-four north, in Range eighteen west, in Marshall County, Iowa, did on the 15th of August, A. D. 1853, survey and plat the south half of said lands, thus laying out and forming part of the original Town of Marshall in said county; and

WHEREAS the map containing the plat of said Town, included the north half of said tracts of land, which was erroneously marked on said map, and recorded as "Common," whilst it was not the intention of said Childs to dedicate said lands as a common to the public, but the same was subsequently sold by said Childs to Reuben H. Webster, and by him in part laid out as an addition to the Town of Marshall aforesaid, and is known as "North Marshall," and lots therein have been sold to divers persons, who have improved the same and now reside thereon, and



WHEREAS the title of said Webster and his assigns is by reason of the said error in the map and plat in some degree clouded and rendered liable to be called in question, now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Recorder of the County of Marshall is hereby authorized and required to write upon the map containing the plat of the town of Marshall, in the records of the County, the words following: "The entry of the word 'Common' on this map was an error," which shall be written near the word "common" on that part of the map representing the unsurveyed land on the north side of the town.

Webster's title to said land is not impaired by its having been recorded as "common."

SEC. 2. The plat of the said town of Marshall and of North Marshall shall hereafter be held and construed to mean the same as if the said word "Common" were not written on the said map. And the said Webster, his heirs and assigns shall hereafter hold their title to said land and any part thereof free and clear from any effect arising henceforth from the entry of the said word "Common" on the said map; and said title shall be held and considered as if said word had not been so written, securing any rights which may have hitherto arisen in consequence thereof.

SEC. 3. This Act shall take effect from its publication in the Marshall County Times and the Iowa State Register, provided the same be published without expense to the State.

This bill having remained with the Governor three days (Sundays excepted) the General Assembly being in session, has become a law this 21st day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing was published in the Iowa State Register March 22, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 51.

### HEDGING.

AN ACT to amend Section 906 of the Revision of 1860, and for the encouragement of hedging.

SECTION 1. *Be it enacted by the General Assembly*

Persons building hedge may remove their fence into the road or highway, five feet, for ten years.

*of the State of Iowa*, That where any owner or occupant of land adjoining and abutting upon any road or highway may desire to plant a hedge upon the line of any road, he shall be allowed to build or remove his fence upon such road or highway: *provided*, he shall not build or remove his fence more than five feet within the outer line of said road, and said fence may be removed and so built on both sides of all roads of fifty feet or more in width at the same time. Such owner or occupant shall not be allowed to occupy such highway as aforesaid for more than ten years, and not more than one year before such hedge shall be planted, and at the expiration of such time he shall remove such fence upon the order of the Supervisor of the District where such road is situated.

SEC. 2. Section 906 of the Revision of 1860 be and the same is hereby repealed.

Approved March 21st, 1862.

## CHAPTER 52.

### SHERIFF'S FEES.

AN ACT to regulate the fees of Sheriffs for taking convicts to the Penitentiary.

Sheriff to be allowed fees for taking convict to the Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That after this Act shall take effect, for conveying a convict to the Penitentiary of this State, the Sheriff shall be allowed as a full compensation for his services and the expenses attendant thereon, mileage at the rate of sixteen cents per mile, going to and returning from said Penitentiary, to be computed from the county seat in which the conviction took place, by the most direct route of travel, and in case more than one convict must be conducted to the Penitentiary, at the same time, he shall be allowed five cents per mile, to be computed as hereinbefore provided, for every additional convict, to be audited as other claims, and paid out of the County Treasury.

Approved March 21st, 1862.

## CHAPTER 53.

## PRAIRIE FIRES.

AN ACT to prevent the spreading of fires on the Prairies and in the timber in certain seasons of the year.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That if any person set fire to and burn, or cause to be burned, any prairie or timber land, allowing such fire to escape from his control, between the first day of September in any year, and the first day of May following, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the County Jail not more than thirty days, or by fine not exceeding one hundred dollars.

Penalty for suffering fire to get out between the 1st of September and the 1st of May.

SEC. 2. Nothing contained in this Act shall be construed to conflict with Section 4231 of the Revision of 1860.

Approved March 21st, 1862.

## CHAPTER 54.

## DISABILITY TO HOLD OFFICE.

AN ACT to amend Section six hundred and sixty-two (662) of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section six hundred and sixty-two (662) of the Revision of 1860, be amended by adding thereto the following, viz:

10. The acceptance of a commission to any military office, either in the Militia of this State, or in the volunteer service of the United States, which requires the incumbent in the civil office to exercise his military duties out of the State for a period not less than sixty days.

SEC. 2. This Act being deemed of immediate importance shall be in force and take effect from and after its publication in the State Register, and Des Moines Daily Times.

Approved March 22d, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Daily Times, March 25th, 1862, and in the State Register, April 2d, 1862.

ELLJAH SELLS, Secretary of State.

## CHAPTER 55.

## 500,000 ACRE GRANT.

AN ACT to authorize the Governor to settle the excess over 500,000 acres of land selected by the State of Iowa under the 8th section of the Act of Congress approved September 4th, 1841, entitled an Act to appropriate the proceeds of the sales of the public lands, and to grant pre-emption rights, and to re-convey the unsold excess of such lands to the United States.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the Governor of the State is hereby authorized and empowered to settle and adjust with the proper department of the General Government the quantity of land to which the State of Iowa is entitled under the provisions of the 8th section of the Act of Congress approved September 4th, 1841, entitled "An Act to appropriate the proceeds of the sales of the public lands and to grant pre-emption rights." And that he is further authorized and empowered, in the name of the State of Iowa, to execute and affix the seal of the State to proper Letters Patent, re-conveying to the United States the excess of land certified by the General Government to the State of Iowa, under the provisions of said Act of Congress, which have not been sold by the State of Iowa.

Authorizing the Governor to settle and adjust the excess of land with the general government, and to re-convey to the general government.

**SEC. 2.** That said Governor is further authorized and empowered to settle and adjust with the proper Department of the General Government for the conveyance by said General Government to this State of all the lands sold by this State that were certified to the State under the provisions of said Act of Congress, which were in excess of the quantity of land granted to the State by said act of Congress, and stipulate for the payment of the amount of money to which the General Government may be entitled for, the same.

Approved March 22d, 1862.

## CHAPTER 56.

## STATE LAND OFFICE.

AN ACT further defining the duties of the Register of the State Land Office.

**SECTION 1.** *Be it enacted by the General Assembly of*

*the State of Iowa*, That the Register of the State Land Office is hereby authorized, empowered and required to correct all errors and discrepancies in the descriptions of tracts of lands conveyed by the State to any parties found upon the records in said office, upon proper evidence that such errors exist. Register re- quired to cor- rect errors.

SEC. 2. That said Register be required to attach a marginal note to each conveyance, briefly setting forth the error to be corrected, and the reason for such correction, and record the same with the original deed attaching his name and the date of correction. Attach mar- ginal note to deed and re- cord the same

SEC. 3. That such correction when made in accordance with the foregoing provisions, shall have all the force and effect in law as a deed made out originally correct. Effect of cor- rection.

SEC. 4. All laws conflicting with this Act are hereby repealed.

Approved March 22, 1862.

## CHAPTER 57.

### LEGALIZING ACTS OF E. A. ALEXANDER.

AN ACT to legalize the acts of E. A. Alexander, Notary Public.

WHEREAS on the 15th day of April, A. D. 1861, E. A. Alexander, of Buchanan County, Iowa, was appointed by Samuel J. Kirkwood, Governor of the State of Iowa, Notary Public, in and for Buchanan County, and

WHEREAS Section 207, Chapter 16 of the Revision of 1860, requires that the Commission issued to the Notary shall be recorded by the Recorder of Deeds for his county, and

WHEREAS by accident the Commission of said Alexander was not recorded until the twenty-second day of February, A. D. 1862, while in all other respects the requirements of the law were fully complied with, and

WHEREAS the said Alexander has performed several official acts as Notary, prior to the record of his commission, now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That each and every act of the said E. A. Alexander, a Notary Public, shall have the same force and effect, in law and equity, as if the law in Sec. 1. Legalizing Notarial acts of E. H. Alexander.

207 of the Revision of 1860, had been fully complied with in all respects.

SEC. 2. That this Act shall be in force from and after its publication once in the Buchanan County Guardian and Daily State Register, without expense to the State.

This bill having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law, this 26th day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was duly published in the Daily State Register March 29th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 58.

### INDEX RECORDS OF APPANOOSE COUNTY.

AN ACT to authorize the Recorder of Appanoose County to re-index the Records of Real Estate Mortgages in said County.

Recorder shall index records of Appanoose county for which he shall be paid out of the County Treasury.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Recorder of Appanoose County be, and he is hereby authorized to index the real estate mortgages of said county.

SEC. 2. That the Board of Supervisors of said county shall furnish suitable blank books for the purpose contemplated in the first section of this Act.

SEC. 3. That the said Recorder shall receive a reasonable compensation for indexing said records, to be audited by the Board of Supervisors of said county, and paid out of the County Treasury of Appanoose county.

SEC. 4. This Act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Times and Appanoose Chieftain, *provided*, that such publication shall not be at the expense of the State.

This bill having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law, this 26th day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Des Moines Times, April 5th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 59.

## NOTARIAL ACTS OF G. C. WRIGHT LEGALIZED.

AN ACT to legalize the acts of G. C. Wright, a Notary Public of Bremer County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the official acts of G. C. Wright, a Notary Public appointed for Bremer County, Iowa, be and the same are hereby declared as legal and binding both in law and equity, as though said G. C. Wright had recorded his commission and filed his bond as required by law.

SEC. 2. This Act being deemed of immediate importance, by the General Assembly shall take effect and be in force from and after its publication in the Iowa State Register, and the Fayette County Pioneer, without expense to the State.

This bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 26th day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Iowa State Register, April 2d, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 60.

## ESCHEAT.

AN ACT for the removal of an Escheat.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all claims of the State of Iowa in and to the following described lands in Scott county, Iowa, to wit: The south-west quarter of Section number nine, (9) in Township number seventy-nine, (79) north of Range number four, east of the 5th Principal Meridian, by reason of any supposed escheat in consequence of the alienage of Theodore Effey, deceased, or of the person or persons who but for such alienage would be entitled to inherit said lands as the heir or heirs of said

State relinquishes all claims.

Theodore Effey, be and the same are hereby released and relinquished.

Estate shall descend to the heirs of said decedent the same as though they were citizens of the United States.

SEC. 2. *Be it further enacted*, That all the estate and interest of Theodore Effey in and to said lands, shall, subject to all lawful claims, descend to and be vested in the person or persons who would have taken said lands by inheritance, if both the said person or persons and said Theodore Effey were native born citizens of the United States and of this State; *Provided*, said Theodore Effey is deceased intestate.

Take effect.

SEC. 3. This Act being deemed of immediate importance, shall take effect from and after its publication in the Davenport Daily Gazette and the Des Moines Times, provided said publication be made without expense to the State.

This Bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 28th day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Des Moines Times April 12th, 1862, and in the Iowa State Register April 22d, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 61.

### PLANK ROADS.

AN ACT in relation to Plank Roads and conferring certain powers upon County Boards of Supervisors.

Board of Supervisors to have charge of Plank Roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the several County Boards of Supervisors of this State shall have the supervision of any and all Plank Roads, which have been, or may hereafter be constructed within their respective Counties under any license granted under the provisions of Chapter 54 of the Revision of 1860, and it is hereby made the duty of such Board of Supervisors at each meeting to inquire and ascertain the condition of any plank road within the County, and if the same is found not to be in good condition, to proceed to have it repaired or vacated as required in the next section.

SEC. 2. If it be ascertained by such Board of Super-



visors, that any such plank road is not in good condition and repair, it shall be the duty of the Board to notify the person, corporation or company, owning or having possession of such plank road by notice in writing, signed by the Chairman and Clerk of the Board, notifying such person, company or corporation to put such road in complete repair and in good condition within a certain time (which shall be a reasonable time) to be fixed by said Board and stated in said notice, and that on failure to make such repairs and put such road in good condition, the license therefor will be revoked, and such plank road vacated and opened for travel to the public free of charge.

When the Plank Roads are not kept in good repair by the corporation owning said Plank Roads the license therefor be revoked, and the road opened as a Public Road.

SEC. 3. If after receiving such notice, the owner or proprietor of any such plank road shall fail to make the necessary repairs and to place such plank road in good condition as required, the said Board of Supervisors may revoke the license under which such plank road has been established and constructed, and may order that such road be opened up to travel free of charge, and that it be kept in repair thereafter as other roads.

SEC. 4. When an order is made as provided in the preceding section, the Board of Supervisors shall cause the owner or proprietor of such road to be notified by written notice, of the fact that such order has been made.

The owner of a Road shall be certified written notice.

SEC. 5. In case such owner or proprietor shall fail or refuse to comply with such order, and shall continue to demand toll of persons traveling over such plank road, it shall be the duty of the Board of Supervisors to order suit to be brought, in the name of the County, in the District Court to enforce such order, and to require such owner or proprietor to open such road for travel free of charge, and the District Court upon being satisfied that such owner or proprietor has failed to keep the road in repair, and to comply with the orders of the Board of Supervisors, as hereinbefore provided, shall issue an order commanding the opening of such plank road to the public for travel free of charge, and shall enforce such order by the proper writ; and such Court may, if necessary, enjoin any or all persons from collecting any toll upon such road.

If the owner of such road shall attempt to collect toll after said road is vacated, suit may be brought in the District Court.

SEC. 6. No person shall be liable to pay any toll for traveling on such road, after an order of the Board of County Supervisors, revoking the license of such road and declaring it free of travel.

This bill having remained with the Governor three days, (Sunday excepted,) the General Assembly being in session, has become a law this 26th day of March, 1862.

ELLJAH SELLS, Secretary of State.

## CHAPTER 62.

## NOTARIAL ACTS OF WM. H. MANNING LEGALIZED.

AN ACT to legalize the acts of William H. Manning, a Notary Public of Van Buren County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa* : That the official acts of William H. Manning, a Notary Public of Van Buren County, be and the same are hereby declared as legal and binding, both in law and equity, as though said Wm. H. Manning had recorded his commission and filed his bond as required by law.

This bill having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law this 26th day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 63.

## NOTARIAL ACTS OF EDWARD T. EDGINGTON LEGALIZED.

AN ACT to legalize the official acts of Edward T. Edgington, a Notary Public, of Lucas County.

WHEREAS the commission of Edward T. Edgington, a Notary Public, of Lucas County, expired in July, 1861, and

WHEREAS the said Edward T. Edgington, performed official acts as Notary Public after the time his commission expired as aforesaid, in good faith, not knowing his commission had expired, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all of the official acts of the said Edward T. Edgington, by him performed as a Notary Public, after the expiration of his commission as aforesaid, be and the same are hereby legalized.

This bill having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law, this 26th day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 64.

## GROVE CITY LEGALIZED.

AN ACT to legalize the laying out of the Town of Grove City, in Cass County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the acts of David A. Barnett, Albert Wakefield, John R. Kirk, A. G. McQuinn, Addison P. Thayer, V. M. Conrad, John P. Wheeler, and E. W. Davenport in laying out the town of Grove City, in the County of Cass, in this State, be and the same are hereby legalized.

SEC. 2. That the plat of the said town on file in the Recorder's Office in Cass County, or a certified copy thereof, may be introduced as evidence, the same as if it had been laid out, acknowledged and recorded as provided in Chapter 50 of the Revision of 1860.

This bill having remained with the Governor three days (Sunday excepted), the General Assembly being in session, has become a law, this 26th day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 65.

## INDIANAPOLIS PUBLIC SQUARE APPROPRIATED FOR SCHOOL HOUSE PURPOSES.

AN ACT relative to the public square in the town of Indianapolis, in Mahaska county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the public square in the town of Indianapolis, in the County of Mahaska and State of Iowa, is hereby appropriated to the District Township of Monroe in said county, for school house purposes, for the use and benefit of sub-district number one, in said District Township.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in session, has become a law this 26th day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 66.

## COSTS AND FEES.

AN ACT to regulate the taxation and collection of costs in certain cases.

Costs and fees paid out of the County Treasury in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Sheriffs and other officers required by law to serve any writ, precept or process issued by any Court or Magistrate of this State, charging the commission of a public offense, or charging the violation of an injunction under Section 3,785 of the Revision of 1860, shall be paid in the first instance out of the County Treasury, where the writ, precept or process is made returnable.

County paying costs shall have recourse on the County where the offense was committed.

SEC. 2. Where costs are taxed, as required by the preceding Section, and paid by a County other than the one where the offense shall have been committed, the amount of such costs so paid, shall be a debt against the County where the offense was committed, and in favor of the County paying the same, and may be recovered by action in any Court of this State having jurisdiction: *Provided*, That nothing herein contained shall prevent the collection of the costs from the offender whenever the same can be so collected.

Offender liable for costs.

SEC. 3. That in all cases heretofore of the character provided for in this Act, in which the costs may have been or may be taxed agreeable to the provisions of this Act, the same may be collected by the process provided in this Act.

Costs may be collected by process.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law, this 26th day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 67.

## NOTARIAL ACTS OF JOHN H. BROWN LEGALIZED.

AN ACT to legalize the acts of John H. Brown, a Notary Public in Blackhawk County.

WHEREAS John H. Brown, of Blackhawk County,

Iowa, was commissioned a Notary Public, in and for such County, on the 27th day of September, A. D. 1861, which commission was not filed according to law until the 30th day of November, 1861, and

WHEREAS after the issuing, and prior to the recording, of said commission, the said John H. Brown performed certain official acts as Notary Public, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all official acts of said John H. Brown, by him performed as a Notary Public, within and for said county of Blackhawk, subsequent to the 27th day of September, 1861, and prior to the 30th day of November, 1861, be, and the same are, hereby declared legal and binding in law and equity.

This bill having remained with the Governor three days (Sundays excepted) the General Assembly being in session, has become a law, this 26th day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 68.

### APPROPRIATION.

AN ACT making appropriation for the payment of the mileage of the Members of the Ninth General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated for the purposes hereinafter designated.

SEC. 2. For the payment of the mileage of the Members of the Senate, including the Lieutenant Governor, the sum of two thousand one hundred and ninety-three dollars.

Pay mileage of Senators and members of the House of Representatives of the 9th General Assembly.

SEC. 3. For the payment of the mileage of the Members of the House of Representatives, the sum of four thousand five hundred and eighty-six dollars and ninety cents.

SEC. 4. The money thus appropriated by this Act, shall be paid by the Treasurer of the State upon warrants drawn by the Auditor of State, who shall issue his warrants to the Members of the Senate and House, including the Lieutenant Governor, for the amount due to

each, as shown by the report of the Committee on mileage of the branch of the General Assembly of which such person is a member; and it is hereby made the duty of the President and Secretary of the Senate, and of the Speaker and Clerk of the House, to furnish immediately to the Auditor of State copies of the report of the Committee on Mileage of their respective Houses, which copies shall be certified to be correct, by the officers herein required to furnish them.

SEC. 5. This Act being deemed by the General Assembly of immediate importance shall take effect from and after its publication in the Daily State Register and Des Moines Daily Times.

Approved March 27th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register, March 30th, 1862, and in the Des Moines Daily Times, April 1st, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 69.

### BOARD OF SUPERVISORS.

AN ACT to amend Section three hundred and seventeen, Chapter twenty-two, of the Revision of 1860, in relation to the Board of Supervisors.

Limiting pay  
of Supervi-  
sors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there be added to said section three hundred and seventeen, at the end thereof, and after the word "year," the following words: "in counties in which the population is less than twenty-five thousand and in all counties in which the population exceeds twenty-five thousand, no Supervisor shall receive pay for more than twenty-five days in one year.

SEC. 2. All Acts and parts of Acts in conflict with this Act be and the same are hereby repealed.

SEC. 3. This Act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Register and Davenport Gazette, anything in the laws of this State to the contrary notwithstanding.

Approved March 27th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register, April 2, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 70.

## DRAINING.

## AN ACT relating to draining.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person owning or possessing any land lying in any county within this State, who is desirous of draining such land, and who shall deem it necessary in order thereto, to cross the lands belonging to any other person, in case the owner of such land shall refuse to permit such crossing, may apply to any justice of the peace residing in the township where such lands shall lie, for such summons as is herein specified.

The right to drain across the land of another may be enforced by applying to a Justice of the Peace.

SEC. 2. The justice to whom such application shall be made, shall thereupon issue a summons directed to any constable of the said township, requiring the owner of the said land to appear before him, at the time named in the summons, not less than six nor more than fifteen days, to answer such application, defining the same, and designating the lands through which it is proposed to open said drain.

Justice shall issue a summons.

SEC. 3. On the appearance day a jury of six disinterested persons, possessing the qualifications of jurors of the District Court, shall be chosen by the parties in this manner: Two by each one of the parties, and two by the four thus chosen. The said justice shall administer to the said jurors, an oath or affirmation, well and truly to examine and certify to the damages which shall result from the crossing and opening of said drain.

A Jury shall be chosen by the parties, who shall assess damages.

SEC. 4. The jury thus qualified and chosen shall personally examine the premises, hear any reasons that may be offered in regard to the crossing and opening of said drain, and estimate the value of any improvement which may be destroyed by such crossing.

SEC. 5. If the jury be satisfied that the crossing of such drain is necessary and proper, they shall so certify by inquisition in writing, and shall also certify in like manner, the amount of damages which, in their judgment, would accrue from the crossing and opening of such drain.

SEC. 6. Either party may appeal from the decision of the jury to the District Court of the county in which the premises are situated, by filing with the justice, within ten days of their decision, a bond to be approved by the justice, in a sum double the amount assessed by the jury,

The right of appeal to the Dist. Court.

provided that the appellant will abide the judgment of said Court, and pay all costs and damages awarded against him therein; or if the appeal be dismissed, that he will pay all sums for which he would have been liable if no appeal had been taken. The proceedings in the District Court in the appeal, shall be the same as on an appeal in a civil action from a justice of the peace as nearly as practicable, and costs shall be awarded for or against either party upon the same rules and conditions as in such appeal of a civil action.

Upon payment of damages and cost a drain may be forced.

Damages to a public highway.

Drain may be kept open.

SEC. 7. Upon the payment of the damages assessed by the jury and of all the costs of the proceedings, allowing to the justice, constable and jurors the same fees as nearly as may be as are allowed to such persons for services in other civil cases, it shall be lawful for the person applying for such summons, to enter upon the lands which such drain shall cross, with all the necessary implements to open such drain; Provided that if such drain open upon a highway, such applicant shall be held responsible to the road supervisor for all damages done to such highway.

SEC. 8. After such drain shall have been opened, it shall be lawful for the said applicant to enter upon said lands for the purpose of cleaning out the same in such manner as to preserve the original dimensions thereof; and any person obstructing, or in any way injuring said drain, shall pay said applicant *treble* damages assessed by the jurors for such injury.

Approved, March 27th, 1862.

## CHAPTER 71.

### PROBATE RECORD.

#### AN ACT in relation to County Court Records.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter the County Judge of each County in this State shall keep an additional Probate Record Book, in which he shall keep a record as follows: showing

County judge shall keep a separate and complete probate record.

FIRST—The name of every deceased person whose estate is administered upon, and who dies seized of any real



estate situate within the County, and the date of his death;

**SECOND**—The names of all the heirs at law and widow of such deceased person, and the ages and places of residence of such heirs, so far as the same can be ascertained;

**THIRD**—When any of the Real Estate left by such deceased person, shall be sold under order of the County Court, such sale shall be noted in such book, together with a reference to the book, and the pages of the "Probate Record," where the complete record thereof required by the next section may be found.

**SEC. 2.** In all cases where sales of Real Estate are made under the order of the County Court, either by an executor, administrator or guardian, it shall be the duty of the County Judge to keep a complete record thereof in the "Probate Record," including complete copies of all papers filed, and all orders made, and including a copy of the deed, and of the approval thereof; and the said judge shall be entitled to charge and collect for keeping such record, ten cents for every one hundred words thereof.

**SEC. 3.** In order to ascertain the facts required to be stated in the record, mentioned in Section 1 of this Act, the County Judge may require the executor or administrator to furnish him with a list of the names, ages, and places of residence of the heirs, which list shall be sworn to by the executor or administrator, and shall be a guide to the judge in making such entry; but if such executor or administrator shall certify under oath that there are no heirs, or that after using due diligence he has been unable to ascertain the names, ages and residences of the heirs, the Judge shall make an entry on the Record accordingly. If necessary, in order to ascertain whether a deceased person died seized of real estate, the Judge may examine the Records, for which examination he may charge and collect from the estate the sum of one dollar.

**SEC. 4.** For keeping the Record required by Section 1 of this Act, the Judge may charge and collect the sum of fifty cents in each case.

Approved, March 27, 1862.

## CHAPTER 72.

## PASSES FOR SICK AND WOUNDED SOLDIERS.

AN ACT to authorize the Governor of this State to procure passes over Railroad and Steamboat routes, for such sick and wounded soldiers as may need the same in returning home from the army.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the Governor of this State is hereby authorized to procure from the proper persons such number of passes over the various Railroad and Steamboat routes between this State and the field of operations where the soldiers from this State are engaged in the service of the United States, as may in his judgment be sufficient to furnish all sick and wounded soldiers of this State, who may desire to return home, after being discharged, or on furlough.

**SEC. 2.** The Governor shall place such passes in the hands of such persons as he may select, to be furnished to such soldiers when required.

**SEC. 3.** The expense of procuring such passes shall be paid by the Governor out of the contingent fund, and the Governor shall, if possible, make such arrangements as that no passes shall be paid for, except such as are used.

**SEC. 4.** This Act being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Times and Iowa State Register.

Approved March 27th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register April 2d, 1862, and Des Moines Times April 5th, 1862.  
ELIJAH SELLS, Secretary of State.

## CHAPTER 73.

## TOWNSHIP ORGANIZATION.

AN ACT in relation to the organization of townships, and the number of Supervisors in any County.

**SECTION 1.** *Be it enacted by the General Assembly of*

*the State of Iowa*, That there shall not be organized in any County in this State, any township in which, at the time of organization, there shall not be at least ten legal voters, provided that each organized County shall have one civil township. No township shall be organized with less than ten legal voters.

SEC. 2. In each organized County, there shall be hereafter elected at least three Members of the Board of Supervisors, and in case there are only two organized townships in any County, in addition to a Supervisor for each township, there shall be a Supervisor elected at large in the County, and the votes for such Supervisor shall be canvassed as is now required for other County officers. Each County is entitled to three Supervisors.

SEC. 3. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved March 27th, 1862.

## CHAPTER 74.

### MILITARY SURGEONS.

AN ACT to provide for the appointment and pay of additional Surgeons, and for the employment of nurses in the Iowa Regiments of volunteers in the service of the United States.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Governor of this State be and is hereby authorized and empowered to appoint as provided in Chapter 17 of the laws passed at the Extra Session of the General Assembly A. D. 1861, entitled "An Act to amend the Militia Laws of the State of Iowa," one additional Assistant Surgeon for each Cavalry Regiment of Iowa Volunteers now or hereafter engaged in the service of the United States, who shall have the rank and pay of Assistant Surgeons of the army of the United States. Governor may appoint one additional Assistant Surgeon for each Regiment of Cavalry.

SEC. 2. He shall also appoint to each infantry regiment of Iowa volunteers now or hereafter engaged in the service of the United States, upon application from the field officers and medical staff of said regiments, and for such term only as in their judgment the wants of the regiment require, one additional assistant Surgeon, who shall have the rank and pay of Assistant Surgeon in the army of the United States. Said Assistant Surgeon Governor may appoint one additional Assistant Surgeon for each Infantry Regiment. Assistant Surgeon's rank.

Be appointed from the Regiment if possible. shall be appointed from such regiment making the application, *provided* the professional qualifications of the applicant upon examination by the Surgeon and Assistant Surgeon of said Regiment, shall be satisfactory. If not, the appointment shall be made as provided in Chapter 17 of the laws of the Extra Session of 1861, and referred to in the first section of this Act.

Appointee to proceed at once to the post assigned him. SEC. 3. It shall be the duty of such assistant surgeon to proceed at once to the regiment to which he may be assigned by the Governor, to conform to the army regulations, and to act in conjunction with and under the general direction of the principal surgeon of such regiment. It shall be the duty of said Assistant Surgeon to report the condition of such regiment to the Governor, Adjutant General and Surgeon General of the State, at the close of each and every month, under such regulations as the said Governor and Surgeon General shall prescribe.

Nurses may be employed. SEC. 4. The Governor of this State is hereby authorized to instruct any Surgeon having charge of any sick or wounded volunteers of this State, to employ a nurse or nurses, when such Surgeon deems the same necessary, under such regulations as the Governor may prescribe.

Governor shall notify Secretary of War, Commanders of Brigades, etc., of the appointments. SEC. 5. It shall be the duty of the Governor to inform the Secretary of War of the United States, and also the commanders of the several Divisions and of the several Brigades of the United States Army in which any of the Regiments from this State may be in service, of the passage of this Act, and requesting that such orders may be issued as will entitle the Assistant Surgeons and the nurses appointed under this Act, to be received within the lines of the army, to be protected in going to their several regiments, and to be allowed to discharge their several duties as herein provided.

Governor may revoke appointments. SEC. 6. The Governor of this State shall have power to remove and revoke the commission of any person appointed under this Act, whenever, in his judgment, the good of the Regiment no longer requires his services.

Tenure of office of Assistant Surgeons. SEC. 7. The Surgeons appointed as provided in the first section of this Act, shall hold their offices during the term of service of the regiment to which they may be assigned, unless sooner removed by the Governor.

SEC. 8. All expenses incurred by this Act shall be paid out of the War and Defense Fund.

Take effect by publication. SEC. 9. This Act being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Daily

State Register and Des Moines Times, papers published at Des Moines, Iowa.

Approved March 29th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 3d, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 75.

### NOTICE BOOKS.

AN ACT to repeal Section 2871 of the Revision of 1860, and enact a substitute therefor, and to repeal any law requiring Notice Books to be kept.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section two thousand eight hundred and seventy-one (2871) of the Revision of 1860, be <sup>Repealing</sup> and the same is hereby repealed, and the following sub- <sup>Section 2871</sup> <sup>of the Revis-</sup> <sup>ion of 1860.</sup> stituted therefor:

SEC. 2871. The filing of a pleading in the Clerk's <sup>Filing of</sup> Office, and memorandum of such filing made in the ap- <sup>pleading.</sup> pearance docket, within the time allowed, shall be equivalent to a filing in open Court.

SEC. 2. That any law now in force requiring the <sup>Notice book</sup> Clerks of District Courts to provide and keep "Notice <sup>not to be kept</sup> Books" for the entry, by parties to any suit, or their attorneys, of notices of filing any pleadings, be and the same is hereby repealed.

SEC. 3. This Act being deemed by the General Assembly of immediate importance, shall be in force from and after its publication in the Daily State Register and the Daily Des Moines Times, newspapers published in Des Moines.

Approved March 29, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register and Des Moines Daily Times, April 1st, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 76.

## DOGS.

AN ACT providing for the registry of dogs, and defining the duties of Township Officers in certain cases.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That every owner or keeper of a dog, shall on or before the 15th day of May, 1862, and each year thereafter, cause it to be registered, numbered and described in the office of the Clerk of the Township where said owner or keeper resides, and shall pay to said Clerk for said registry the sum of one dollar for every male dog, and three dollars for every female dog, and shall receive from said Clerk a certificate of registry, number and description of said dog, which certificate shall be *prima facie* evidence of the proper registry of said dog in any township of the State. The township clerk shall receive for every certificate so issued twenty cents, from the funds accruing under the provisions of this Section.

**SEC. 2.** The township clerk shall keep an account of the amount received and paid out under the provisions of this Act, which account shall always be open to the inspection of any citizen of the township, and shall annually on the first Monday of June, post in some conspicuous place in his township a list of all dogs registered for the current year, and shall also furnish a copy thereof to each constable in the township.

**SEC. 3.** There shall be a collar placed upon the neck of each dog registered under this Act by the owner thereof; said collar may be leathern or metallic, and shall not be less than one inch wide, with the number and year made plain upon the same, either by engraving or punching with holes, or sewing with thread of a color different from the collar. All dogs caught without a collar on, specified in this section, shall be considered a nuisance, and shall be destroyed as set forth in section 8th of this Act.

**SEC. 4.** Any person placing a collar on any dog not registered, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten dollars.

**SEC. 5.** The Township Clerk of each township shall be required to give bond in the sum of twice the amount of money that will be likely to come into his hands by

Dogs shall be registered.

Clerk shall keep an acc't. of amount received and disbursed, post a list of registered dogs.

Dog shall have a collar.

Penalty for collaring dog not registered

Clerk shall give bond.

the provisions of this act, which amount shall be fixed by the trustees; said bond shall be approved by the Township Trustees, and filed with them for the use of any one injured by the improper acts of said clerk.

SEC. 6. Any person owning, keeping or harboring a dog over the age of three months, not registered according to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined five dollars, to be collected as other fines. If before judgment the defendant cause his dog to be registered as required by the provisions of this act, and pay all costs up to the time of pleading such registry, it shall be a bar to any further prosecution for that offence. Penalty for keeping a dog not registered

SEC. 7. Any person who shall maliciously kill any registered dog, or shall steal or entice away such dog, shall upon conviction thereof be punished by a fine not exceeding fifty dollars, and shall also be liable to the owner for all damages. Penalty for killing or enticing away registered dog.

SEC. 8. Any person may, and every police officer, constable, or marshal shall, kill or cause to be destroyed all dogs going at large and not collared and registered according to the provisions of this Act. Officers shall receive twenty-five cents for each dog so destroyed, to be paid out of the funds accruing under the provisions of this Act. Dogs running at large not registered to be destroyed.

SEC. 9. It shall be lawful for any person to kill any dog caught in the act of worrying, maiming or killing any sheep or lambs, or other domestic animal, or any dog attacking or attempting to bite any person outside of the inclosure of the owner, and the owner shall be liable to the party injured for all damages done by his dog. Dogs disturbing sheep, etc. shall be destroyed.

SEC. 10. The township trustees of each township shall require all dogs over three months of age, not registered according to the provisions of this Act, to be destroyed, and shall enforce all penalties herein provided, and any officer who shall neglect or refuse to perform the duties imposed upon him by this Act, shall be punished by a fine not exceeding ten dollars for each conviction. Township Trustees shall enforce penalties.

SEC. 11. All funds received for the registry of dogs, except so much as is necessary to defray the expenses of registering and killing dogs as provided in sections one and eight of this Act, are hereby set apart as a school fund to be paid to the Township District Treasurer, and divided among the several sub-districts in each township as other school funds are apportioned: *Provided*, That in any township where there is a city organization or independent sub-district, the Township Clerk shall pay Dog Tax to go into the School Fund.

into the city school treasury or treasury of the independent district its share of such apportionment.

Violations of this Act shall be prosecuted

SEC. 12. All fines and forfeitures imposed as a penalty for the violation of any of the provisions of this Act, or neglect of any duty imposed by the same, shall be prosecuted for by complaint of any citizen before a Justice of the Peace having jurisdiction, and no mere technical objection to the form of the information shall be allowed to defeat a prosecution so commenced.

Take effect by publication.

SEC. 13. This Act being deemed of immediate importance, shall take effect from and after its publication in State Register, Des Moines Times and Iowa Homestead and Farmer, newspapers published in the City of Des Moines, or any two of them.

Approved March 29th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times April 12th, 1862, and in the Iowa State Register, April 18th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 77.

### SWAMP LANDS.

AN ACT to amend Section nine hundred and eighty-six [986] of the Revision of 1860, in relation to Swamp Lands.

Counties may dispose of their Swamp Lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Section nine hundred and eighty-six of the Revision of 1860, be so amended as to read as follows: That it shall be competent and lawful for the counties owning swamp and overflowed lands, to devote the same or the proceeds thereof, either in whole or in part to the erection of public buildings for the purpose of education, the building of bridges, roads and highways, for building institutions of learning, or for a permanent school fund for the use of the county to which such lands belong, or for building county buildings, or for making railroads through the county or counties to which such lands belong: *Provided,* That before any of said land or the proceeds thereof shall be so devoted to any of the purposes aforesaid, the question whether the same shall be so done shall be submitted at some general or special election to the people of the county: *Provided, always,*



That no county is hereby released from its obligations to make the necessary drains and levees contemplated by Act of Congress, passed Sept. 28th, 1850, and the Act of the General Assembly of this State, passed January 13, 1853.

SEC. 2. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Times.

This bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Daily Iowa State Register April 3rd, 1862, and in the Des Moines Daily Times, April 5th 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 78.

### TOWN PLATS.

#### AN ACT providing for the vacation of Town Plats.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases wherein any person or persons, body politic or corporate, have laid out or may hereafter lay out any lands into town plats, or any additions to a town plat, or sub-divisions of town lots, and the maps or plats have been recorded, they, their heirs, assigns, grantees or successors or executors under order of the proper Probate Court, may at any time before making sale of any lot or lots therein, by executing a writing duly acknowledged or proved as is or may be required in respect to deeds, and causing the same to be recorded in the office in which the plat or map was recorded, declare such plat to be vacated; and the execution and recording of such writing shall operate to destroy the force and effect of the recording of the map or plat so vacated, and to divest all public rights in the streets, alleys, commons and public grounds laid out or described in such plat or map. And in cases wherein any single lot or lots shall have been sold, the town-plat or addition or subdivision of town lots, in which said lot or lots so sold is situated, may be vacated as herein provided, by all the owners of lots in such town plat, or ad-

Town plats may be vacated before the sale of lots.

May be vacated after the sale of lots by consent of lot owners.

dition or sub-division of town lots, joining in the execution of the writing aforesaid.

No injury shall be done by vacating town plats.

SEC. 2. Any part of a town plat, or addition, or sub-division of town lots, may be vacated under the provisions and subject to the conditions of this Act, provided such vacating does not abridge or destroy any of the rights and privileges of any other proprietors in said town plat, or addition thereto, or subdivision of town lots, and provided further that nothing contained in this Act shall authorize the closing or obstructing of any public roads laid out according to law.

Rights of persons owning lots in a vacated town plat.

SEC. 3. When any part of a town plat, or addition or subdivision of town lots shall be vacated as aforesaid, the proprietors of the lots so vacated may enclose the streets, alleys and public grounds adjoining said lots, in equal proportions.

Recorder shall note up on the record book the vacation of the town plat.

SEC. 4. It shall be the duty of the county Recorder in whose office the maps or plats of the towns, additions or sub-divisions aforesaid, are recorded, to write in plain legible letters across that part of said map or plat so vacated, the word "vacated," and also make a reference on the same to the volume and page in which the said instrument of vacation is recorded.

Lots may be laid out and numbered in a vacated town, and may be assessed by said numbers.

SEC. 5. For the purpose of assessing or conveying any of the lots described in any map or plat so vacated, the owner or owners of said lots may cause the same to be platted and numbered in accordance with section 1022 of the Revision of 1860, said lots including the proportionate part of the adjacent streets, alleys and public grounds, all of which can be estimated and platted without re-survey by county surveyor.

Shall not be released from prior tax, nor from liability upon corporate debts.

SEC. 6. Nothing in this Act shall have the effect to discharge any lands or town lots, or improvements lying or being within the limits of any addition so vacated from any corporate tax legally levied upon the same before such vacation; but such addition and the property therein shall remain liable for such corporate taxes the same as if no vacation had taken place. And provided further that nothing herein contained, shall be held to impair the liability of such addition or sub-division from its proportion of any existing debts, which may have been incurred by such village or town.

SEC. 7. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

This Bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 79.

## CITY COURT OF DUBUQUE.

AN ACT to restrict and define the powers and duties of the City Court of the City of Dubuque, in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the City Court of the City of Dubuque shall have jurisdiction of offences and suits under City Ordinances, and shall have concurrent jurisdiction with Justices of the Peace in all criminal cases. Jurisdiction.

SEC. 2. That all proceedings and trials for offences before said City Court, the laws applicable to Justices of the Peace and to Justices' Courts, including the laws for change of venue and for summoning and empanelling juries, shall apply to and govern the said City Court. Laws applicable to said Court.

SEC. 3. Upon the filing of the affidavit for change of venue, as provided for in section 5065 of the Revision of 1860, the change of venue must be allowed, and the officers discharging the duties of said City Court, must immediately transmit all the original papers, and a transcript of all his docket entries in the case, to any Justice in the City in which said City Court is held, against whom no such objection as is contemplated in said section 5065 of said Revision exists, but no change of venue from such Justice shall be allowed. Change of venue.

SEC. 4. That in all cases of appeal from said City Court, the appeal shall be allowed in the same manner as appeals from Justices Courts, and shall be taken to the District Court in the county where the said City Court is held. Appeal.

SEC. 5. That said City Court shall have no other jurisdiction than that herein conferred on the same and all laws conferring any other or greater jurisdiction upon said Court than is herein provided, and all laws inconsistent with this Act, are hereby repealed. Jurisdiction-- limitation of.

SEC. 6. That the said City Court shall be called a Police Court, and the officer who shall discharge the duties of said Court, and hereafter to be elected for that purpose, shall be known and designated as Police Justice, who shall receive as compensation for his services the same fees as Justices of the Peace, to be charged and collected in the same manner, and shall make return of all fines collected by him or by such Police Court, in the same manner as required of Justices of the Peace. To be a police Court.

SEC. 7. That all judgments and decrees in civil cases

Judgment  
and decrees  
shall be trans-  
ferred to the  
District  
Court.

rendered in the said City Court shall be transferred to the District Court in the County where said City Court is held, and the Clerk of the District Court to which such judgments and decrees are transferred, is hereby authorized to issue execution on the same; and the said District Court shall in all things have jurisdiction of such judgments and decrees so transferred, as fully as though the same were originally rendered in said District Court, and all civil suits and proceedings now pending in said City Court, not finally adjudicated, shall be transferred to the District Court, in the manner aforesaid, and tried in said District Court, but such transfer shall not render invalid any subpoena, notice, execution, or other process issued by said City Court before the taking effect of this Act, but the same shall be returned to the said District Court in the same manner and within the same time as though it had been originally issued by the said District Court.

SEC. 8. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Daily State Register, Des Moines Daily Times, Iowa Homestead and Northwestern Farmer, newspapers published at Des Moines, or any two of them, without expense to the State.

This bill having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Des Moines Daily Times, April 4th, 1862, and in the Daily State Register, April 5th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 80.

### TOWNSHIPS AND VILLAGES.

AN ACT to change the names of Townships, Towns and Villages.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any Township, Town or Village desirous of changing its name, may petition the Board of Supervisors of the County where such Town-

The name of a township or village may be changed

ship, Town or Village is situated, and if it shall appear to said Board that a majority of the actual resident voters of such Township, Town or Village, are in favor of such change, said Board shall cause three notices to be posted up in three of the most public places of such Township, Town or Village for at least thirty days previous to the next session of said Board, which notice shall state the fact that a petition has been presented to said Board by the citizens of said township, Town or Village praying for a change of the name of the same, and the name prayed for in said petition, and that unless those interested in the change of such name shall appear at the next regular session of said Board, and show cause why said name shall not be changed, there will be an order made granting such change, which notice shall be attested by the Clerk of said Board.

SEC. 2. If at the time fixed for the hearing of said petition, said Board is satisfied that there is a majority in favor of such change of name, said Board shall make an order granting such change, which shall be attested by the Clerk of said Board and recorded in the office of the Recorder of the County where such Township, Town or Village is situated.

The costs of such change and recording shall be paid by the petitioners. But should it appear to said Board that a majority of the citizens of such Township, Town, or Village, are opposed to such change, such petition shall be dismissed and the costs of the proceeding taxed against the petitioners.

SEC. 3. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

This bill having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law, this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 81.

### BOARD OF EDUCATION.

AN ACT fixing the time for the meetings of the Board of Education.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Board of Education shall

Board of Education meet the first Monday of June, A. D. 1864, and every second year thereafter.

Repeal sec. 2108, R. 1860. SEC. 2. Section 2108 of the Revision of 1860, Chapter 89, page 373, is hereby repealed.

This bill having remained with the Governor three days (Sundays excepted) the General Assembly being in session, has become a law this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 82.

### STANDARD WEIGHTS AND MEASURES.

AN ACT providing a uniform standard of Weights and Measures, creating the office of State Superintendent of Weights and Measures, and providing the appointment of Sealers of Weights and Measures in the several counties, cities and incorporated towns of this State.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa*, That the standard weights and measures now in charge of the Secretary of State, being the same that were furnished to this State by the Government of the United States, shall be the standards of weight and measure throughout this State.

SECTION. 2. The unit or standard measure of length and surface, from which all other measures of extension, whether they be lineal, superficial or solid, shall be derived and ascertained, shall be the standard yard, now in possession of the Secretary of State, and furnished by the Government of the United States.

SECTION. 3. The yard shall be divided into three equal parts called feet, and each foot into twelve equal parts called inches. For the measures of cloths and other commodities commonly sold by the yard, it may be divided into halves, quarters, eighths and sixteenths.

SECTION. 4. The rod, pole or perch shall contain five and a half such yards, and the mile, one thousand seven hundred and sixty such yards; the chain for measuring land shall be twenty-two yards long, and shall be divided into one hundred equal parts called links.

SECTION. 5. The acre for land measure shall be measured horizontally, and contain ten square chains, and shall be equivalent in area to a rectangle sixteen rods in length

and ten in breadth, six hundred and forty such acres being contained in a square mile.

SEC. 6. The units or standards of weight from which all other weights shall be derived and ascertained, shall be the standard Avoirdupois and Troy weights as furnished this State by the United States. Standard weights--Avoirdupois and Troy.

SEC. 7. The Avoirdupois pound which bears to the Troy pound the ratio of seven thousand to five thousand seven hundred and sixty, shall be divided into sixteen equal parts called ounces; the hundred weight shall consist of one hundred Avoirdupois pounds and twenty hundred weight shall constitute a ton. The Troy ounce shall be equal to the twelfth part of a Troy pound.

SEC. 8. The unit or standard of measure of capacity for liquids from which all other measures of liquids shall be derived and ascertained, shall be the standard gallon, and its parts, as furnished this State by the Government of the United States. Standard measures for liquids.

SEC. 9. The barrel shall be equal to thirty-one and a half gallons, and two barrels shall constitute a hog-head. Standard barrel and hoghead.

SEC. 10. The unit or standard measure of capacity for substances not being liquids, from which all other measures of such substances shall be derived and ascertained, shall be the standard half-bushel furnished this State by the United States. Standard measures--not liquids, shall be furnished.

SEC. 11. The peck, half-peck, quarter-peck, quart and pint measures for measuring commodities which are not liquids, shall be derived from the half-bushel by successively dividing that measure by two. Small measures, from ½ bushel.

SEC. 12. All contracts hereafter made within this State for work to be done, or for anything to be sold or delivered by weight or measure, shall be taken and construed according to the standards of weight and measure hereby adopted as the standard of this State. Standard weights and measures to govern contracts.

SEC. 13. A Superintendent of weights and measures for this State, who shall be a scientific man, of sufficient learning and mechanical tact to perform the duties of his office, shall be appointed by the Governor, from the Board of Professors of the Iowa State University, and shall hold his office during the pleasure of the Governor, and who shall give a bond in the penal sum of five thousand dollars for the faithful discharge of his duties. Superintendent appointed by Governor, from Board of Professors of State University.

SEC. 14. It shall be the duty of the Superintendent to take charge of the standards adopted by this Act, as the standard of the State, to see that they are deposited in the building built for this purpose now belonging to Superintendent to take charge of weights and measures.

the State, from which they shall in no case be removed, and take all other necessary precautions for their safe keeping. It shall also be his duty to provide the several counties with such standards, balances, and other means of adjustment as may be ordered by them, and as often as once in ten years to compare the same with those in his possession. He shall, moreover, have a general supervision of the weights and measures of the State.

Salary of Superintendent.

SEC. 15. The Superintendent shall receive for his services a salary of fifty dollars a year.

Superintendent shall procure copy to test county standards.

SEC. 16. The State Superintendent of weights and measures shall procure for the State a complete set of copies of the original standards of weights and measures adopted by this Act, which shall be used for adjusting county standards, and in no case shall the original standards be used for any other purpose than the adjustment of this set of copies: *Provided*, the cost of the same shall not exceed three hundred and fifty dollars. He shall also procure such apparatus and fixtures as are necessary in the comparison and adjustment of county and town standards.

Board of Supervisors may procure county standards, appoint County sealer of weights and measures

SEC. 17. The Board of County Supervisors of any County may, at any regular meeting, provide for obtaining from the State Superintendent of weights and measures, such standards of weight and measure as they may deem necessary for their county, and in case they order such standards, they shall appoint a county sealer of weights and measures, who shall hold his office during the pleasure of the Board.

County sealers take charge of Co. standards, compare for cities and towns once in 5 years.

SEC. 18. It shall be the duty of the County Sealer to take charge of the county standards and standard balances, and provide for their safe keeping, to provide the cities and incorporated towns with such standard weights and measures, and standard balances as may be wanting, and to compare the cities and incorporated towns' standards with those in his possession as often as once in every five years.

City sealer of weights and measures.

SEC. 19. A sealer of weights and measures may be appointed in every city and incorporated town in this State, by the Council thereof, and shall hold his office during their pleasure, and said Council may obtain from the sealers of weights and measures of their respective counties such standards of weights and measures as they may deem necessary for their respective cities or incorporated towns; and in case the Board of Supervisors of any County in which any city or town may be situated shall not have obtained such standards,



then said Council may obtain them from the State Superintendent of weights and measures.

SEC. 20. It shall be the duty of each sealer in cities and incorporated towns to take charge and provide for the safe keeping of the town or city standards, and to see that the weights, measures and all apparatus used for determining the quantity of commodities used throughout the town or city which shall be brought to him for that purpose, agree with those standards in his possession.

SEC. 21. All expenses directly incurred in furnishing the several counties, cities and incorporated towns provided in this Act, with standards or in comparing those that may be in their possession, shall be borne by the respective counties, cities and incorporated towns for which such expenses shall have been incurred.

SEC. 22. The State Superintendent of weights and measures shall cause to be impressed upon all standards of weights and measures furnished by him in accordance with the provisions of this Act, the word "Iowa," and such other device as he shall direct for the particular county, city or incorporated town, and the county sealers shall see that in addition to the above device, there is impressed on the town and city standards, such other device as the Board of Supervisors shall direct for the several cities and incorporated towns.

SEC. 23. Each sealer shall be entitled to receive for his services at and after the following rates: For sealing and marking every beam, ten cents. For sealing and marking measures of extension at the rate of ten cents per yard, not to exceed fifty cents for any one measure. For sealing and marking every weight, five cents. For sealing and marking liquid and dry measures, five cents for each measure. He shall also be entitled to a reasonable compensation for making weights and measures conform to the standards in his possession.

SEC. 24. Whenever the State Superintendent of weights and measures shall resign, be removed from office, or remove from Iowa City, or whenever any city, county or incorporated town sealer shall resign, be removed from office or remove from the city, county or town in which he shall have been appointed or elected, it shall be the duty of the person so resigning, removed, or removing, to deliver to his successor in office all the standard beams, weights and measures in his possession.

SEC. 25. In case of the death of any such sealer of weights and measures, his representatives shall, in like

City sealer shall take charge of city standards.

Expense of procuring weights and measures for city.

The State Superintendent shall seal Co. and City standards.

Compensation of Co. and City sealers.

Removal or resignation, successor shall take charge of standards.

manner deliver to his successor in office such beams, weights and measures.

Refusal to deliver to successor, action may be maintained to recover.

SEC. 26. In case of refusal or neglect to deliver such standards entire and complete, the successor in office may maintain an action against the person or persons so refusing or neglecting, and recover for the use of such county, city or incorporated town, double the value of such standards as shall not have been delivered. And in every such action, in which judgment shall be rendered for the plaintiff, he shall recover double costs.

Penalty for selling by any weights or measures not agreeing with standard.

SEC. 27. If any person or persons shall hereafter use any weights, measures, beams, or other apparatus for determining quantity of commodities, which shall not be conformable to the standards of this State, in any counties whose standards have been obtained by the Board of Supervisors, or in any city or incorporated town after such standards have been obtained therein, whereby any person shall be injured or defrauded, he shall be subjected to a fine not exceeding five dollars for each offense, to be used for and collected by the city, county or town sealer. He shall also be subject to an action at law, in which the defrauded person shall recover treble damages and costs, and it shall be the duty of every person keeping any store, grocery or other place for the sale or purchase of such commodities as are usually sold by weight or measure, once in each year to procure the weights and measures used by him, to be compared with the standard in this Act provided, and shall be subject to a fine of five dollars for every neglect to comply with this provision, to be recovered by any one who shall prosecute therefor.

SEC. 28. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

This bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 83.

### SALINE LANDS.

AN ACT for extending the time for claimants to prove up and purchase certain saline lands.

SECTION 1. *Be it enacted by the General Assembly of*

*the State of Iowa*, That all persons who had claims as Extending provided for in Article 4, Chapter 84 of the Revision of the time six 1860, An act entitled an act to authorize the County months to Judge and County Treasurer to sell the saline lands upon prove up and section 36, township 70, north of range 17 west, and the purchase cer- north-west quarter of the north-east quarter, of section tain Saline 30, township 70, north of range 16 west, shall have six Lands. months from and after the taking effect of this Act to prove up and purchase the same; *Provided*, that the proving up of the claims and purchasing the same shall in all respects, (except the time) be governed by the provisions of said act above referred to.

This bill having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law, this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 84.

### FRAUD IN WAREHOUSEMEN.

AN ACT to prevent fraud in warehousemen and others.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That no warehouseman, wharfinger, or No receipt to other person, shall issue any receipt or other voucher for issue until any goods, wares, merchandize, grain, or other produce goods are ac- or commodity, to any person or persons, purporting to be tually deliv- the owner or owners thereof, unless such goods, wares, ered and in merchandize, grain, or other produce or commodity, store. shall have been bona fide received into store by such warehouseman, wharfinger or other person, and shall be in store and under his control at the time of issuing such receipt.

SEC. 2. All goods, wares, merchandize, grain, or Goods and other produce or commodity, shall so remain in store un- produce held til otherwise ordered by the holder of said receipt, sub- subject to the ject only to the condition of the receipt, and the contract holder of the between the parties as to the time of its remaining in receipt. store.

SEC. 3. That no warehouseman, wharfinger or other Second re- person, shall issue any second receipt for any goods, ceipt not to wares, merchandize, grain, or other produce or commod- issue until the ity, while any former receipt for any such goods or chat- first is can- celed.

tels as aforesaid, or any part thereof, shall be outstanding and uncanceled.

Goods and produce not to be removed, encumbered or transferred without consent of the holder of receipt.

SEC. 4. That no warehouseman, wharfinger or other person, shall sell or encumber, ship, transfer, or in any manner remove beyond his immediate control, any goods, wares, merchandize, grain, or other produce or commodity, for which a receipt shall have been given as aforesaid, without the written consent of the person or persons holding such receipt, except to enforce his lien thereon for storage and warehouse charges, nor then except as provided for in Chapter 81, in the Revision of 1860.

Penalty—fine and imprisonment in Penitentiary.

SEC. 5. Any warehouseman, wharfinger or other person, who shall violate any of the foregoing provisions of this Act, or shall sell, transfer or dispose of any receipt given by any person or persons for property in store, or shall draw a draft for money on any warehouseman, wharfinger, or other person, knowing that the said warehouseman, wharfinger or other person, has not in possession any goods, wares, merchandise, grain or other produce, subject to the order of the person or persons so drawing, shall be deemed guilty of felony, and subject to indictment, and upon conviction shall be fined in any sum not exceeding one thousand dollars and imprisonment in the Penitentiary of this State not less than one year, nor more than five years; and all and every person aggrieved by the violation of any of the provisions of this Act, may have and maintain an action at law against the person or persons violating any of the foregoing provisions of this Act, before any court of competent jurisdiction, and shall not only recover actual damages, but shall be entitled to exemplary damages, which he or they may have sustained by reason of any such violation as aforesaid, whether such person shall have been convicted under this Act or not.

SEC. 6. This Act being deemed by the General Assembly of immediate importance, shall take effect upon its publication in the Daily State Register and Daily Des Moines Times, newspapers printed in the City of Des Moines.

This bill having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law, this 31st day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Daily State Register, April 2d, 1862, and in the Daily Des Moines Times April 4th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 85.

AUDITING COMMISSIONERS.

AN ACT entitled an act to amend an act entitled an act providing for auditing all accounts and disbursements arising under the call for volunteers from Iowa, and also for all men organized as the State Militia of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Board of Commissioners, (created by said act of which this is amendatory) or any member thereof, shall have power to administer oaths to witnesses and claimants in matters pending before them. May administer oath in proof of account.

SEC. 2. That section three of the act of which this is amendatory is hereby repealed, and the Board of Commissioners are authorized and directed to audit all claims authorized to be audited by the act of which this is amendatory, without regard to the time of their presentation. Claims not based by limitation.

SEC. 3. This act being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Des Moines Times, any law in this State to the contrary notwithstanding.

Approved April 2d, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times April 5th, 1862, and in the Iowa State Register April 9, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 86.

MILLS COUNTY SWAMP LAND.

AN ACT authorizing the people of Mills County to cancel the indebtedness of said County to the Swamp Land Fund.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That as soon as the County Board of Supervisors of Mills county are unanimously satisfied that the Swamp Lands in said County have been reclaimed according to the spirit and intent of the law under which they were granted to the State, and all liabilities against said lands or fund are satisfied, it shall then Board of Supervisors may cancel Swamp Land Fund indebtedness—submit to a vote of the people.

be lawful for said Board to submit the question to the qualified electors of said County, (at some general election) whether they will cancel their indebtedness to the Swamp Land Fund.

Submission to a vote, notice to be given by publication, etc.

SEC. 2. The Board of Supervisors of said County shall give notice of the submission of the aforesaid question, to be published in the newspapers printed in said County, for four consecutive weeks next prior to said election, and if no newspaper be published in said County, then by causing such notice to be posted at the usual places of holding elections in said County, for at least thirty days prior to said election.

Vote, written on printed on ballot.

SEC. 3. Every person voting at said election shall have the right to use the words written or printed on his ballot "for canceling the Swamp Land Debt," or "against canceling the Swamp Land Debt."

Clerk to keep tally list, one to be preserved and one to be returned to Board of Supervisors.

SEC. 4. Each Clerk at said election shall keep a correct tally list of the number of votes cast at said election, "for canceling the Swamp Land Debt," and "against canceling the Swamp Land Debt," one of which lists shall be preserved by the Township Clerk, and the other returned to the County Board of Canvassers, with the proper poll book.

Board of canvassers shall file a correct account of the vote with the Board of Supervisors.

SEC. 5. The Board of County Canvassers of said County, at the time of canvassing the returns of said election, shall keep a correct account of the votes cast as aforesaid, and cause to be certified and filed in the office of the Board of Supervisors an abstract thereof and a memorandum thereof entered upon the journal of their proceedings.

Board of Supervisors shall cancel said indebtedness if the vote shall be in favor.

And if it shall appear that a majority of all the votes cast in said County, for or against canceling the Swamp Land Debt, shall be cast for canceling the Swamp Land Debt, said Board of Supervisors shall cause the several evidences of indebtedness of said County to the Swamp Land Fund to be canceled absolutely; but if a majority of said votes cast as aforesaid, shall be cast against canceling the swamp land debt, no further proceedings shall be had, and said indebtedness shall be and remain, as if this Act had never been passed, and said vote had not been taken.

Approved, April 2, 1862.

## CHAPTER 87.

## CHANGE OF COUNTY BOUNDARIES.

AN ACT defining the manner in which the boundaries of counties may be changed in certain cases, and providing for the disposition of existing liabilities.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whenever the citizens of two or more counties, desire a change in the boundaries thereof, they may petition their respective Boards of Supervisors therefor, and each of said petitions shall designate the change desired, and shall be signed by none but legal voters of the county before whose Board the same is presented, and shall be signed by at least one-half of such legal voters, as shown by the last census, and be accompanied by the affidavits of at least two credible witnesses, that the signatures to the petition are genuine, and that the person signing the same are legal voters in said county: *Provided,* That before any petition shall be heard, satisfactory proof shall be made by affidavit to said Board, that at least three notices containing copies of such petition or petitions have been posted at least six weeks before the same shall be heard, in three public places in each township in the counties to be affected by such change of boundary, one of which shall be kept posted upon the door of the office of the Clerk of the District Court of said counties; which notices shall contain a copy of the petition, and shall show the time of hearing; and, provided further, that if an equal number shall sign the remonstrances in each county where the petition is to be heard, to the number signing the petitions, no election shall be held.

A majority of the legal voters may petition for a change of County boundaries — notice having been posted.

SEC. 2. That the petition of the voters of each of the counties interested in such change shall be presented to their respective Boards of Supervisors at the same regular session, and it shall be the duty of said Boards of Supervisors upon being so petitioned, to order that at the next general election holden thereafter, a vote shall be taken by the several counties interested, upon the proposed change: *Provided,* however, that no order shall be made conflicting with the provisions of section two, Article eleven, of the Constitution.

Where 2 or more counties are interested petition shall be presented to the Board of Supervisors in each county interested.

SEC. 3. The Boards of Supervisors of the respective counties, at the time they make the order for such election, shall make an order requiring their Clerk to give at least four weeks notice of such election, by causing

Notice given of an election setting forth the change.

a notice thereof to be published in some newspaper printed in their respective counties; if there be no newspaper published in either of said counties, then notice shall be given in the county having no newspaper, by posting up written or printed notices in one public place in each organized township in said county, for the same length of time, which notice shall be given at least four weeks prior to the day of election, and shall set forth the exact portion of the territory to be detached from one of the counties, and to what county the same is to be attached; and also, that at the next general election the question will be presented to the qualified electors of the counties, whether such change in the county boundaries shall be made.

**Ballots must be printed or written and deposited in separate box.** SEC. 4. At said election separate ballots shall be cast on the question of changing the boundary lines of said counties, which ballots shall have written or printed thereon the word —“ Changing county boundary—yes,” or “ Changing county boundary—no,” for which ballots a separate box shall be kept, and a return of said vote shall be made to the Board of County Canvassers, and canvassed as provided by law for other returns.

**Clerk shall record in the minute book of the several counties, result of vote.** SEC. 5. Should a majority of all the votes cast in the county to which the territory belonged, be in favor of the proposed change, the Clerk of the Board of Supervisors of said county shall notify the Clerk of the Board of Supervisors of the county or counties interested therein; and should it be found that a majority of the votes cast in each of the counties interested, are in favor of the proposed change, due record shall be made thereof in the Minute Book mentioned in section 318 of the Revision of 1860, in each of the counties interested.

**If boundaries are changed, records shall be transferred** SEC. 6. The county to which the territory shall be attached, shall cause to be transcribed from the records of the county to which said territory formerly belonged, all records pertaining to the real estate so attached, all taxes due and unpaid in said territory against the property or parties; also a transcript of all judgments in the District Court, or County Court, affecting any real estate in said attached territory, and all other records, papers and documents which properly belong to the county to which said territory is attached, which said records, papers or documents shall be transcribed or filed as the case may be, in the appropriate records and respective offices to which the same belong, and shall have the same force and effect, and be of the same validity in all cases and for all purposes as if the same originally belonged thereto, except as hereinafter provided.



All the costs attending the transfer of the above mentioned records, papers and documents, shall be paid by the county to which said territory is attached.

SEC. 7. On the first Monday of January next succeeding the said election, if the same shall have been determined in favor of the change, the change shall be deemed to have taken place, and all the officers whether township or district, residing in the territory so detached, shall be held and deemed as belonging to the county to which the same is attached, provided however, that in case the territory so attached does not constitute a civil township or townships, the officers of the township to which such portion is attached shall have jurisdiction therein; and such territory shall for all purposes except as herein otherwise provided, be deemed a part of such organized townships.

Expenses--  
how paid.  
When the change shall take place, and the effect of change on the township organization

SEC. 8. If the territory included in the change constitutes one or more civil townships, the bonds of all the officers therein, that are required to be filed, or approved by any county officer, shall be transmitted by copy duly certified by the officer having charge thereof, to the same office in the county to which the territory is attached, which said bonds shall be of the same effect and validity as if originally filed in such office.

Copies of bonds of township officers to be filed and have force.

SEC. 9. The detached territory shall not by reason of such change be released from the payment of its just and equitable proportion of any indebtedness incurred by the county to which it formerly belonged, prior to and existing at the time of such change or detachment, nor shall such territory so detached be subject to the payment of any portion of indebtedness, either principal or interest, incurred or contracted by the county to which it becomes attached, prior to the date of such change or attachment.

Liability for debts.

SEC. 10. In order to fully carry out the provisions of Section 9 of this Act, it is hereby made the duty of the Board of Supervisors of the County to which said territory formerly belonged, when they shall have levied a tax upon the property of their county (which tax must be uniform throughout their county,) for the purpose of raising funds to pay off in whole or in part, either principal or interest, any indebtedness existing against said county at the time of such change and detachment, to cause the Clerk of their Board to certify under the seal of their Board a statement of the amount of such levy, and transmit the same to the Clerk of the Board of Supervisors of the County to which said territory has become attached, and it shall be the duty of such Clerk at the time he receives such statement to levy a tax to

Manner of levying and collecting the portion of liability of the detached territory for pre-existing debts of the County from which detached.

the amount therein stated upon the taxable property included within the limits of such detached territory according to the last assessed value thereof, and it shall be the duty of such Clerk at the time he completes the tax list required in Section 746 of Chapter 45, of the Revision of 1860, to carry out said tax against such taxable property included in such detached territory, in a column by itself, and the same shall be delivered and charged to the Treasurer, collected and treated in all other respects in the same manner as now or hereafter to be provided by law for the collection of other County taxes; and it shall be the duty of said Treasurer to pay the same over from time to time as the same is collected to the County Treasurer of the County to which the same belongs, taking his receipt therefor, which receipt shall be his voucher on settlement therefor, *Provided*, however, the said Treasurer shall retain therefrom the sum of five per centum on said amount so collected, which shall be placed by him in the County Treasury of his County as a full compensation to said County for trouble and expenses incurred in the collection of said tax; and it shall be the duty of the Board of Supervisors of the County to which said territory is attached, at the time or times they levy any tax in their county for the purpose of raising funds to pay in whole or in part, either principal or interest, any indebtedness existing against said County at the time of such change and attachment, to exempt from such levy and tax the property included within the limits of such attached territory.

Delinquent tax, how collected from detached territory.

SEC. 11. The taxes levied and unpaid in said detached territory, delinquent or otherwise, at the time of such change, shall be transcribed from the books in the hands of the Treasurer of the County to which said territory formerly belonged, in the manner in which said tax stands upon said books, together with the Warrant attached to said Tax Book, and pass the same over to the Treasurer of the County to which said territory is attached, taking his receipt therefor, which transcript with the duplicate warrant thereto attached shall be sufficient authority to authorize said Treasurer to proceed to collect said tax, and shall collect, or cause the same to be collected and account and be responsible therefor in the same manner, and to the same extent as now or hereafter provided by law for the collection of other County or State taxes, and said tax shall be used in that portion of the County upon which the same was levied, except that raised for State and County purposes, which

shall be paid over by said Treasurer to the County Treasurer from which said territory was detached from time to time as the same is collected.

SEC. 12. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Register and Des Moines Times.

Approved, April 2, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times, April 12th, 1862, and in the Des Moines Register April 16, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 88.

### SPECIAL ELECTIONS.

AN ACT to define the manner of canvassing votes cast at special elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in all cases where special elections are held to fill vacancies occurring in the offices of Senator or Representative, in the General Assembly, Member of the Board of Education, or Representative in Congress, ordered by the Governor in pursuance of section six hundred and seventy-two of the Revision of 1860, it shall be the duty of the Board of County Canvassers to meet at 12 o'clock, M. on the second day after said election, unless the second day be Sunday, in which case they shall meet on the following Monday, to canvass the votes cast at such elections, for which they shall receive one dollar per day and ten cents per mile, counting one way.

SEC. 2. If the District is composed of more than one District county, it shall be the duty of the District canvassers to meet at the place of canvassing votes at a general election, in said district at 12 o'clock M., on the 6th day after said election, unless that day be Sunday, in which case they shall meet on the following Monday to canvass the votes cast at such special election, and said District canvassers shall receive one dollar and fifty cents per day, and ten cents per mile counting one way.

SEC. 3. The State Board of Canvassers shall canvass

Canvass for members of Congress. Clerk to return abstract. the votes cast at any special election to fill a vacancy in the office of Representative in Congress, and it shall be the duty of the Clerk of the Board of Supervisors, within four days after such election, to transmit to the Secretary of State, an abstract of the votes cast at said election.

State canvassers to meet within 15 days. May adjourn canvass. SEC. 4. Within fifteen days after said election the Board of State Canvassers shall meet to canvass the votes cast to fill such vacancy, unless that day be Sunday, and if so they shall meet on the following Monday, and if the returns have not been received from all the counties composing said District, they may adjourn to such day as they deem necessary, not exceeding ten, for the purpose of receiving said returns.

SEC. 5. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 2d, 1862.

## CHAPTER 89.

### TOWNSHIP CLERKS.

AN ACT to amend Section 548 of the Revision of 1860, defining the duties and pay of Township Clerks in certain cases.

Township Clerk to give notice to township officers elect. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section 548 of the Revision of 1860, be so amended as to read as follows, viz: The ballots for township officers having been canvassed, the Clerk shall within five days thereafter post up in three public places in the township written notices, containing the names of persons elected to township offices at such election, and requiring each of them to appear before the proper officer or officers and qualify according to law

Approved, April 2, 1862.

## CHAPTER 90.

## COMPENSATION OF TOWNSHIP CLERK.

AN ACT to amend Chapter forty-six of the Revision of 1860, fixing the compensation of Township Clerk.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Section 911 of the Revision of 1860, be so amended as to read as follows, viz: The Township Clerk shall be allowed at the rate of one dollar for every six hours necessarily engaged in official services, but before he shall be entitled to such compensation, he shall file in the office of the Clerk of the Board of Supervisors a bill of items, which account after being signed and sworn to, shall be audited and paid out of the County Treasury as other accounts are audited and paid.

SEC. 2. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 3. This Act being deemed of immediate importance shall be in force from and after its publication in the Iowa State Register, and Homestead, and North Western Farmer.

Approved, April 2, 1862.

I hereby certify that the above Act was published in the Iowa State Register April 9th, 1862, and in the Homestead and North Western Farmer April 10, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 91.

## DIVORCE.

AN ACT for the relief of all persons heretofore divorced to whom the disability to marry again has been attached, either by the law under which the divorce was had, or by decree of the court granting the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all persons heretofore divorced, under or by virtue of any law of this State, <sup>Divorced person may marry.</sup> whether the same may have been from the bonds of matrimony or from bed and board, and to whom by decree of the court granting such divorce, or by virtue of the

provisions of law under which such decree may have been obtained, or disability to marry again may have attached, shall from and after the taking effect of this act, be restored to all the rights and privileges of any unmarried person.

Approved April 2d, 1862.

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## CHAPTER 92.

### LEGALIZING ACTS OF D. D. CHASE.

AN ACT entitled an act to legalize the election and official acts of D. D. Chase, District Attorney, in and for the 11th Judicial District of the State of Iowa.

WHEREAS, Doubts have arisen respecting the legality of the election of D. D. Chase of Hamilton County and State of Iowa, to the office of District Attorney of the 11th Judicial District in said State, therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the election of D. D. Chase to the office of District Attorney of the 11th Judicial District in said State, on the 8th day of October, A. D. 1861, and all official acts of the said D. D. Chase done under and by virtue of said election are hereby declared legal and legalized as fully and completely as if the law had been fully complied with.

Election of D. D. Chase, Dist. Att'y., 11th Judicial District, legalized.

SEC. 2. This act shall take effect and be in force from and after its publication in the Daily State Register and Hamilton Freeman published at Webster City.

Approved April 2d, 1862.

I hereby certify that the foregoing was published in the Daily State Register April 5th, 1862, and in the Hamilton Freeman, April 12th, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 93.

### SUITS AGAINST COUNTIES.

AN ACT relating to the bringing of suits against Counties.

SECTION 1. *Be it enacted by the General Assembly of*

*the State of Iowa*, That no action shall be hereafter brought in any of the courts of this State, against any county therein, on any unliquidated claim against such county, until the same shall have first been presented to the Board of Supervisors and payment thereof demanded, anything in the laws now in force to the contrary notwithstanding. Suit can not be brought until pay'mt is demanded of Board of Supervisors.

SEC. 2. This act being deemed of immediate importance shall take effect from and after publication in the *Des Moines Daily Times* and *State Register*.

Approved April 2d, 1862.

I hereby certify that the foregoing Act was published in the *Des Moines Daily Times*, April 5th, 1862, and in the *Daily State Register* May 2d, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 94.

### RELATING TO THE SUPPRESSION OF INTEMPERANCE.

AN ACT to amend the law in reference to the sale of intoxicating liquors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*: That no privilege claimed by any person to sell intoxicating liquors, granted pursuant to the provisions of Chapter 157 of the Acts of the Sixth General Assembly of the State of Iowa, shall continue to be in force more than sixty days after this Act takes effect. County Liquor Agency.

SEC. 2. That all such permissions hereafter issued by virtue of said Act, shall specify the house in which intoxicating liquors may be sold by virtue of the same, and the length of time the same shall be in force, which in no case shall exceed twelve months. Permits shall describe the house.

SEC. 3. The account book of purchases and sales required by the third section of said recited Act, to be kept by any person having or obtaining said privileges, shall at all times, be subject to the inspection of the Sheriff or any Constable or Marshal, and of all Justices of the Peace of the County, and shall be produced by the party keeping the same, to be used as evidence on the trial of any prosecution against him, or against liquors alleged to have been seized from him, or his Acc't. books subject to inspection.

house, on notice duly served that the same will be required as evidence.

Upon information the Co. Judge shall summon agents to appear and answer for selling in violation of law.

SEC. 4. When any person, resident of the county, shall file a written information, on oath, before any County Judge, charging any one now holding, or who may hereafter hold such privilege, with violating said Act, either by failing to keep a correct record of purchase or sale, or by making false entries in such record or account, or by selling colorably, and under pretence of complying with the law, but substantially in violation thereof, or when any Sheriff, Constable, or Marshal, of the County, shall, in his official character, make, sign, and file such written information, it shall be the duty of the County Judge to issue his notice to the accused, to appear before him in Court, at a time fixed, to show cause why his permit shall not be vacated; and for the purpose of trial, either party may have witnesses summoned as in other cases.

Permits may be revoked.

The defendant may answer the complaint or charge, and the County Court, either in default, or in answer, or on finding any of the charges sustained by proof, shall revoke the permission to the party to sell liquor, and shall adjudge the defendant to pay the costs; and no person whose permission shall be revoked by the County Court, shall be capable of holding such privilege again within this State for the space of two years thereafter.

Confiscation and destruction of intoxicating liquors

SEC. 5. When intoxicating liquor shall be seized under search warrant by virtue of the laws now in force, it shall be no bar to the confiscation and destruction of the same, that the party claiming the same, has a permit under this or any former Act, if the court or jury trying the facts shall be satisfied, from the proof, that the defendant has sold such liquors in violation or evasion of law, and at the time of the seizure had the liquors in question, with the intention of selling the same contrary to law, and any judgment of a competent tribunal condemning liquors seized under such warrant, from any person holding such permit, or convicting him of selling contrary to law, shall work a forfeiture of his privilege.

Jurisdiction of Courts under this Act.

SEC. 6. That the County Courts of this State, shall have and exercise the same jurisdiction in all cases under this Act, and the several Acts now in force, in reference to the keeping and sale of intoxicating liquors, as Justices of the Peace now have; and the County Judge shall be entitled to the same fees which Justices of the Peace are allowed for like services. Either party may demand a jury before the County Court, of the same number, and in the same manner as a defendant now

Entitled to a Jury.



may before a Justice of the Peace, except in cases re-  
 No Jury al-  
 relating exclusively to the vacation of permits to sell lowed.  
 liquor, and except judgments vacating such permits,  
 appeals may be taken to the District Courts, from the  
 judgments of the County Courts, in the same manner as  
 as from the judgments of Justices.

SEC. 7. The sureties of every person obtaining such  
 permit from any County Judge, under the provisions of <sup>Sureties must</sup>  
 the Act herein first recited, shall enter into a recogniz- <sup>enter into re-</sup>  
 cognizance. <sup>cognizance.</sup>  
 in the presence of the County Court, containing  
 the same stipulations as the bond required in the third  
 section of said Act, which fact together with the names  
 of the sureties, shall be entered upon the record, and so  
 cited in a permit to be issued by the Court; and any  
 judgment which shall thereafter be rendered against the  
 principal for any fine or cost, or vacating any permit in  
 consequence of any act committed during its continu-  
 ance, and violation or evasion of law, shall be conclu-  
 sive on such sureties, in any suit or proceeding against  
 them on said recognizance.

SEC. 8. Any permit procured or obtained under this <sup>Fraudulent</sup>  
 Act, or the Act last recited, by any person not entitled <sup>permit shall</sup>  
 to the same, by the provisions of said Act, shall be <sup>be void.</sup>  
 deemed fraudulent and void; and any one who, after  
 obtaining such permit shall enter upon or be engaged in  
 any pursuit, in consequence of which he would not be  
 eligible to obtain such permit, shall be deemed to have  
 abandoned the same, and shall thereafter claim no pro-  
 tection thereby.

SEC. 9. The Act approved 22d January, 1855, for <sup>Search War-</sup>  
 suppression of intemperance, is hereby so amended as to <sup>rants.</sup>  
 allow search-warrants provided for by said Act, to be  
 issued on the written information on oath, of one credi-  
 ble person, a resident of the County, instead of three,  
 as now provided; said information and search-warrant  
 to describe the place to be searched as well as the liquors  
 to be seized, with reasonable particularity. When any  
 liquors shall have been seized by virtue of any such  
 warrant, the same shall not be discharged or returned to  
 any person claiming the same, by reason of any alleged  
 insufficiency of description in the warrant of the liquor  
 or place, but the claimant shall only have a right to  
 be heard on the merits of the case.

Approved April 2, 1862.

## CHAPTER 95.

## FIRE COMPANIES.

AN ACT to organize fire companies in the village of Waterloo in Blackhawk County and regulate the same.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That upon petition of twenty or more legal voters, inhabitants of the village plat of Waterloo, in Blackhawk county, State of Iowa, petitioning therefor, the Trustees of Waterloo and East Waterloo townships in said county, shall notify a meeting of the legal voters residing in said village, which notice shall be published in some newspaper printed in said village if any such there be, for two weeks prior to the time of holding such meeting, and by posting up a copy of said notice at two public places in such village at least two weeks before the day of such meeting, and said trustees shall from time to time call like meetings upon the petition of twenty or more legal voters of said village, in the same manner.

**SEC. 2.** The said legal voters at such meetings may by a majority vote adopt the provisions of this Act, which shall thereupon take effect and be in force in said village of Waterloo.

**SEC. 3.** And the said legal voters for the purpose of preventing and extinguishing fires, may at such meeting, by a majority vote, provide and keep in repair one or more fire engines, hose, hooks, ladders, engine houses and all apparatus usual or necessary for said purpose, and may vote to raise money for said purposes and for other necessary charges and expenses of said village, to an amount not exceeding one thousand dollars at any one time, which shall be assessed upon the taxable inhabitants and property of said village in the same manner which is provided by law in case of building school houses in school districts.

**SEC. 4.** After the legal voters of said village have adopted the provisions of this Act as herein provided, the trustees of said township may appoint in writing any number, not exceeding eighty, of the inhabitants of such village, members of a hook and ladder company, and such members shall elect annually, at such time as such trustees shall prescribe, one of their number as foreman, and as many assistant foremen thereof as they shall think proper, not to exceed five; but such foreman and assistant foremen may be removed by said trustees for good

Trustees of Waterloo to call meeting.

Meeting may adopt this Act.

Meeting may procure and keep in repair Fire Engines, etc.

Cost not to exceed \$1,000

Organization of a Hook & Ladder Co.



lage, of which publication or posting an affidavit shall be made and filed with the clerk of said Board, within five days after it shall take place. They may also establish such regulations respecting the kindling, guarding and safe keeping of fires, and for the removing of shavings and other combustibles from any building or place as they shall think expedient, by giving notice as aforesaid, and provide a reasonable compensation to be paid the foreman of each company.

**May regulate kindling fires**  
**Compensation**  
**Treasurer give bond.**

SEC. 8. The treasurer shall execute a bond with two sureties, in a sum to be fixed and approved by the Board and filed with the clerk thereof, for the use of the fire department of said village, and shall pay all warrants audited by the Board and signed by the chairman and attested by the clerk when sufficient funds are in the treasury, and shall in the month of September in each year, and oftener if required by said Board, render to the Board an exact account of the moneys received and from what sources the same were derived, and the amount paid out and on what account, in which all penalties recovered by virtue of this Act shall be included.

**Books open to inspection.** SEC. 9. All the books and records of the Board shall at all times be opened to public inspection.

**Benefit, members of Fire Engine and Hook & Ladder Co.** SEC. 10. All the members of any fire engine, hook and ladder, hose or other company organized under the provisions of this Act, shall be entitled to all the benefits and privileges conferred upon like companies in any incorporated city or town by the provisions of Chapter fifty-one (51) and sixty-nine (69) of the Revision of A. D. 1860, as fully and to all intents and purposes as though said village of Waterloo was incorporated.

This bill having remained with the Governor three days, (Sunday excepted,) the General Assembly being in session, has become a law this 3rd day of April, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 96.

### ROADS AND HIGHWAYS.

AN ACT amendatory to an act entitled an Act to provide for the making and repairing of public highways and prescribing the further duties of Township officers in certain cases.  
Approved March 23d, 1858.

SECTION 1. *Be it enacted by the General Assembly*

of the State of Iowa, That Section 907, Chapter 46 of the Revision of 1860, be amended so as to read as follows: It shall be the duty of the Supervisor to keep the roads in as good condition as the funds at his disposal will permit, and to place guide-boards at cross roads and at the forks of the roads in his district; said boards to be made out of good timber, the same to be well painted and lettered, and placed upon good substantial hard wood posts, to be set four feet in the ground, and shall be at least eight feet above ground.

SEC. 2. *And be it further enacted,* That the Supervisors shall present their accounts on final settlement with Township Trustees for putting up the same, and shall be paid as specified in Section 909 in the act to which this is amendatory, provided there is money in the treasury to pay the same.

SEC. 3. Should there be no money in the treasury on final settlement of the Supervisors with the Township Trustees, said Trustees shall order the Township Clerk, to issue road orders for the amount due the Supervisors with whom they have settled.

The orders so issued shall be numbered with the number of the District to which the Supervisor may belong receiving the same, and shall be received the same as money in the payment of road tax in the road district for which they were issued.

SEC. 4. Any Supervisor failing to perform the duties required by this Act, shall forfeit and pay, for the use of the road fund in his district the sum of ten dollars, and it is hereby made the duty of the Township Trustees in case of such failure, to order the Township Clerk to proceed to collect the same in the same manner as set forth in Section 900, Chapter 46 of the Revision of 1860.

SEC. 5. It shall be the duty of the Township Trustees at their annual meetings in April in each year, to levy a sufficient property tax, to be paid in money, to defray the necessary expenses for putting up guide boards as required by this Act, *Provided*, the amount so levied together with the road tax, shall not in any one year exceed the sum of three mills on the dollar of taxable property.

SEC. 6. It shall be the duty of the Township Clerk in making out a tax list for each road district in his township (as required by section 892, chapter 46) to carry out the amount of tax to be paid in money due from each individual in a separate column by itself, and it shall be the duty of the Supervisor to give notice at the same

Supervisor to keep roads in good repair.

Compensati'n for putting up guide boards.

Board orders.

Orders shall be numbered.

Penalty upon Supervisor for neglect of duty.

Duty of township trustees.

Duty of the township clerk.

time and in the same manner as is given of other road taxes.

Delinquent  
tax.

SEC. 7. If any of said taxes shall remain unpaid the first day of October in each year, it shall be the duty of the Supervisor to collect the same, by commencing suit in his name for the use of the Township in which he resides.

Non-resident  
taxes.

SEC. 8. All of said tax due from non-residents shall be collected in the same manner as other non-resident road taxes are collected.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 3d, 1862.

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## CHAPTER 97.

### AUCTIONEERS.

AN ACT authorizing incorporated Cities, Towns, and Villages to regulate and license the sale of property by Auctioneers and transient Merchants.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all cities, towns and villages, now or hereafter incorporated under the laws of this State, shall in addition to the powers heretofore on them conferred, have power to regulate and license the sale by auctioneers and transient merchants, of property within their corporate limits, and to pass all ordinances necessary to exercise the authority herein granted: *Provided* said incorporations shall not interfere with sales made by Sheriffs, Constables, Coroners, Marshals, Executors, Guardians, Assignees of insolvent debtors, or any other person required by law to sell real or personal estate.

City corpora-  
tions may li-  
cense Auc-  
tioneers and  
transient  
Merchants.

Not to inter-  
fere with le-  
gal sales.

Approved April 3d, 1862.

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## CHAPTER 98.

### SIXTH JUDICIAL DISTRICT.

AN ACT fixing the times of holding Court in the Sixth Judicial District.

SECTION 1. *Be it enacted by the General Assembly of*

*the State of Iowa*, That the times for holding Courts in Time for the Sixth Judicial District shall be as follows in each holding court year :

In Jefferson County, on the first Mondays in January Jefferson Co. and September ;

In Washington County, on the third Mondays in Jan- Washington. uary and September ;

In Keokuk County, on the first Mondays in February Keokuk. and October ;

In Mahaska County, on the third Mondays in Febru- Mahaska. ary and October ;

In Marion County, on the second Mondays in March Marion. and November ;

In Jasper County, on the fourth Mondays in March Jasper. and November ;

In Poweshiek County, on the second Mondays in Poweshiek. April and December.

SEC. 2. That all petitions, answers, notices, recogniz- Pending suits. ances or other proceedings or process returnable to or not affected. pending in said District Courts for adjudication at the terms now fixed by law, shall be held returnable to and pending at the term of said Courts as fixed by this Act.

SEC. 3. That all Acts, or parts of Acts, contravening Repealing. the provisions of this Act be, and the same are, hereby repealed.

SEC. 4. This Act shall take effect and be in force Take effect. from and after the 15th day of July next, and not before.

Approved April 3, 1862.

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## CHAPTER 99.

### APPROPRIATION FOR THE INSANE HOSPITAL.

AN ACT making a further appropriation for the Hospital for the Insane.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of ten thousand dollars, to be applied to the finishing and furnishing of the Hospital for the Insane at Mt. Pleasant. The money hereby appropriated shall be paid on the order of the Trustees, which order

Appropriat'n  
of \$10,000.

shall be audited and paid as other claims: *Provided* that said money so appropriated shall be drawn from the treasury only upon estimates made upon and during the progress of the work; and when materials or furniture shall have been purchased for the completion or use of such building, vouchers shall be taken and copies thereof sent to the Auditor of State, with such orders for warrants or money as the Trustees may sign.

Take effect.

SEC. 2. This Act being deemed of immediate importance by the General Assembly, the same shall take effect upon its publication in the Daily State Register and Daily Des Moines Times, newspapers published in Des Moines.

Approved April 3, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 7th, 1862, and Des Moines Daily Times April 8th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 100.

### POCAHONTAS COUNTY.

AN ACT to fix the time for holding Court in the County of Pocahontas.

Time for holding court

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the time of holding Courts in Pocahontas County shall be on the Thursday following the Monday fixed by law for holding Court in Humboldt County, and said Court may continue three days.

Take effect.

SEC. 2. This Act shall take effect from and after its publication in the Des Moines Times and the State Register, papers published in the City of Des Moines.

Approved April 3, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times April 13th, 1862, and in the Iowa State Register, April 18th, 1862.

ELIJAH SELLS, Secretary of State.



## CHAPTER 101.

## ESCHEAT.

AN ACT to quiet titles to certain purchasers and occupants of land in Webster County.

WHEREAS, by order of the County Court of Webster County, certain lands as the property of the estate of Francis W. Allen deceased, were sold for the purpose of paying claims allowed by said Court against said estate, and

WHEREAS, a large portion of the same has now passed into the hands of bona fide purchasers of the same for a valuable consideration, many of whom have made permanent improvements and houses thereon, and

WHEREAS, the State has instituted suit against all of such purchasers, and occupying the same for the purpose of recovering the same as an escheat to the State, and

WHEREAS, said suit is now pending in the District Court of Webster County, now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the State hereby relinquish to the purchasers and the occupants of the west half of the south-west quarter, and the west half of the north-west quarter of Section No. twenty (20,) and the north-west quarter of the north-west quarter of Section No. seventeen (17,) in township No. eighty-nine (89,) north of range No. twenty-eight, west of the 5th Principal Meridian, all of her interest in and to the same; *Provided,* that nothing herein shall be so construed as to affect in any manner the rights of the original purchasers under such Administrator's sale, and, *Provided, further,* That all the costs shall be paid by the said defendants in proportion to the amount of their several interests, to be apportioned by the Clerk of the District Court of said County of Webster.

SEC. 2. It shall be the duty of the Attorney General to cause the said suit to abate as to all persons to whom the preceding Section is applicable.

SEC. 3. This Act shall take effect and be in force immediately from and after its publication in the Iowa State Register and the Des Moines Times, anything in the laws of the State to the contrary notwithstanding,

provided that such publication be without expense to the State.

This bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 4th day of April, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Des Moines Times, April 12, 1862, and in the Iowa State Register, April 9th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 102.

### ESTRAYS.

AN ACT to provide for the taking up of Estray animals.

**Taking up  
stray animals.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no person shall take up any unbroken animal as a stray, between the first day of May and the first day of November, unless the same be found within his lawful enclosure; nor shall any person take up any stray unless he be a house-holder.

**Manner of  
taking up  
stray.** SEC. 2. If any horse, mule, neat cattle, sheep or hogs, liable to be taken up, come upon any person's premises, any other person may notify him of the fact, and if he fail to take up such stray for more than five days after such notice, any other person being a house-holder in the same township, may take up such stray and proceed with it, as if taken upon his own premises; *Provided,* That he shall produce to the Justice of the Peace proof of the service of such notice, and all persons taking up stray animals shall state to the Justice, under oath, where such stray was taken up.

**Estray notice  
—how made.** SEC. 3. Any person taking up an estray shall, within five days thereafter, post up written notices in three of the most public places in the township, containing a full description of such animal, and unless such stray shall have been previously reclaimed by the owner, he shall within ten days go before a Justice of the Peace in the township in which such stray was taken up, or in case there is no Justice in the township, he shall go before the next nearest Justice in the County, and make oath as to where said stray was taken up, and that the

**Oath.**

marks or brands have not been altered to his knowledge either before or after the same was taken up.

SEC. 4. If necessary, the Justice shall issue a summons to three disinterested householders in the township to appear at the time and place mentioned in said notice, to appraise the stray. The persons so summoned, or any two of them attending, shall take an oath that they will fairly and impartially appraise said stray, and their appraisement embracing a description of the size, age, color, sex, marks and brands of the stray shall be entered by the Justice in a book to be kept by him for that purpose.

Justice of the Peace issue summons.  
Persons summoned shall appraise.

SEC. 5. The Justice shall within ten days thereafter send a certified copy of such entry to the Clerk of the District Court, who shall immediately enter the same in an estray book, to be kept by him for that purpose. If the appraised value of the stray exceeds ten dollars, the Clerk shall cause a copy of said entry to be posted on the Court House door, and a copy of said notice to be inserted once in some newspaper in the County, if there be one, if not, he shall cause to be posted up written notices in three public places in the County.

Justice send copy of notice to Clerk of Dist. Court.

SEC. 6. When the appraised value of an estray is ten dollars or more, the Clerk shall within ten days after receiving the notice of appraisement (unless the animal shall have been previously reclaimed by the owner) forward a certified copy of the same to the public printer hereafter provided together with the amount required to pay for two insertions of said notice in the paper published by such printer.

Clerk send copy of notice to printer with fees.

SEC. 7. The Secretary of State shall select and contract with a printer to print all such advertisements of strays as shall be sent to him by any Clerk of the District Court of the State; and the Secretary of State shall immediately after contracting with such printer, notify the Clerk of each County, of the name and residence of such printer, and the price of such advertisements.

Sec. of State to contract with printer.

In making the contract the Secretary shall select an Agricultural paper, published at the Capital, if there be one.

Sec. to select Agricultural paper.

SEC. 8. The printer thus selected shall once in each week issue a newspaper or printed sheet, in which he shall give two successive insertions of all estray notices sent to him, and shall send one copy of each of such papers issued, to the Clerk of each organized County in the State.

Printer publish notices.

SEC. 9. The Clerk of each County shall receive, file and preserve in his office all such papers sent him, to be

Clerk to file papers.

examined by any person who may desire to see them.

The Clerk is hereby required to subscribe for one copy of the paper selected by the Secretary of State for the publication of estray notices; and the amount of the subscription price shall be allowed and paid out of the Treasury of the county.

**Printer's fee.** SEC. 10. The public printer shall receive for each estray notice published a sum agreed upon by the Secretary of State in the contract, not to exceed 30 cents for each insertion.

**Secretary to contract.** SEC. 11. The Secretary of State shall as soon as this act takes effect, contract with some printer, to print all advertisements of estrays required by law to be inserted in such paper, which contract shall terminate on the first day of January next. Such contract shall be renewed on the first day of January annually.

**Secretary to fill vacancy.** If a vacancy should from any cause occur in the office of such printer, the Secretary shall immediately fill the vacancy by a new contract.

**Proceedings.** SEC. 12. When the appraised value of any estray does not exceed five dollars, no further proceedings need be had, than for the Justice to enter a description of said estray on his estray book, and if no owner appear within six months, the right of the property shall vest in the finder upon his complying with the law, and paying all costs.

**When right shall vest.** SEC. 13. Where the appraised value of the estray exceeds five dollars and is less than ten, and the finder shall have complied with the provisions of this Act, and paid all costs, the property shall vest in him after the expiration of nine months, if no owner appear.

**When title vests.** SEC. 14. In all cases where an estray shall be appraised at more than ten dollars, the finder shall in addition to paying the fees of the Justice and the appraisers, advance to the Justice a sufficient amount of money to pay the Clerk's fee, postage, and the cost of advertising, which amount shall be forwarded by the Justice to the Clerk, at the time the apportionment notice is sent, as required by this Act.

**Fees and expenses.** SEC. 15. Where more than one animal is taken up by the same person at the same time, they shall in all cases be included in one entry and one advertisement, and the Justice, Clerk, appraiser and printer shall receive no more for their services than is allowed when but one animal is taken up.

**All strays taken at one time included in one entry.** SEC. 16. Any person legally taking up a stray, may use or work it if he do so with care and moderation, and do not abuse or injure it. But if any person unlawfully

**Stray may be worked.**

take up any stray, or take up any stray and fail to comply with the provisions of this Act, or use or work it in a manner contrary to this Act, or work it before having it appraised, or shall keep such stray out of the County for more than five days at any one time, before he acquires a title to said stray, such offender shall forfeit to the county twenty dollars, upon complaint being made by any person before a Justice of the Peace.

In addition to the above penalty, the owner of the stray may recover of such offender, double the amount of all injury sustained, with costs. Owner recover damages.

SEC. 17. The owner of any stray may within one year from the time of taking up, prove his ownership of the same before a Justice of the Peace, (and if the title shall not have already vested in the finder by section 12 or 13 of this Act) and upon payment of all costs, the reward, and a reasonable allowance for keeping, he shall be entitled to recover the stray. If the owner and finder cannot agree upon the amount of such allowance, it shall be settled by some Justice of the Peace, who shall take into consideration the trouble and expense incurred by the finder, and whatever use he may have had of the stray. Owner may recover property. Justice act as arbitrator.

SEC. 18. If the owner fail to claim and prove his title to any stray for one year after the time of taking up, and the finder shall have complied with this law, a complete title to the stray shall vest in the finder; but if the owner shall appear within eighteen months from the time of taking up, and prove his ownership of such stray, and pay all costs and expenses, as above provided, the finder shall pay him the appraised value of such stray, or may at his option deliver up the stray. Title vests in finder. Owner to recover stray or value thereof.

SEC. 19. If any stray legally taken up, escape from the finder, or die without any fault on his part, he shall not be liable for the loss. Finder not accountable for accidents.

SEC. 20. If any person shall sell, or trade, or take out of the State, any stray before the legal title shall have vested in him, he shall forfeit to the owner double the value of said stray; and shall be punished by fine not exceeding ninety dollars, or imprisonment in the County Jail not exceeding thirty days. Penalty.

SEC. 21. If any printer, Clerk or Justice of the Peace fail to perform the duties enjoined on him by this Act, he shall forfeit to the county not less than five nor more than fifty dollars to be sued for by any person in the County, and paid into the School Fund. Penalty for non-performance of duty.

SEC. 22. The person taking up any stray, shall be allowed the following reward: For every horse or mule, Reward.

cents; for every head of neat cattle, twenty-five cents; for all other kinds of animals, fifteen cents each.

SEC. 23. The officers, printers and others mentioned in this Act, shall be entitled to the following fees for their services: The appraisers shall receive twenty-five cents each. The Justice shall receive fifty cents for appointing the appraisers and making the necessary entry, certificate and return. The Clerk shall receive twenty-five cents for recording the stray notice, and forwarding a copy to the printer. The printer of the county paper shall be paid for inserting a stray notice, the price of his published or ordinary advertising rates.

Repealed.

SEC. 24. That so much of Chapter 60 of the Revision of 1860 as relates to estray animals, be and the same is hereby repealed, excepting Article three of said Chapter. All Acts and parts of Acts inconsistent with this Act, are hereby repealed.

Approved April 5th, 1862.

## CHAPTER 103.

### ADJUTANT GENERAL'S REPORT.

AN ACT to provide for the publication and distribution of the report of the Adjutant General.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That on the 1st day of January, 1863, the Adjutant General of this State shall make a report to the Governor of this State, of the doings of his office, which shall contain the proclamations issued by the President of the United States, in calling on the several States for volunteers; the orders of the Adjutant General of the United States to the Adjutant General of the State of Iowa, in regard to the raising and equipment of volunteers; the proclamations of the Governor of this State calling for volunteers to respond to the call of the President; such orders issued by order of the Governor in relation to the raising of volunteers, as are of general interest; such other orders issued by officers of the United States, or of this State, in relation to the raising, moving, subsisting or conduct of volunteers raised in this State, as the Adjutant General may deem expedient; the names, residence, and place of nativity,

Adjutant  
General shall  
make report.

o all Field and Staff Officers appointed from this State, together with such facts in regard to their appointment, promotion, &c., as he may have or deem expedient; the name, place of residence, nativity, place of enlistment, time of mustering into the United States service, &c., of all privates, and company officers enlisted in this State; the names &c., of all discharged soldiers, together with the cause of discharge; the names of all killed and wounded soldiers, together with the battle in which the same were killed or wounded, together with such official reports of the battle as may be deemed of general interest; the names of soldiers enlisted in this State that have deserted, and those that have been dishonorably discharged; a list of the number, kind, and quality of arms received by the State from the United States, and the disposition made of the same, together with such other facts and matters pertaining to the doings of his office, as may be of general interest.

SEC. 2. The Governor shall hand the report over to the State Printer, who shall, as soon as practicable, and within fifty days thereafter, print five thousand copies of said report, which, when bound in boards, shall be delivered to the Secretary of State.

Governor to hand report to State Printer.  
5,000 copies.

SEC. 3. The Secretary of State shall distribute said report as follows: One hundred copies to the Governor; one hundred copies to the State Library, to be used as many as may be necessary, in exchange with other States, the balance to be kept in the State Library; twenty to the State Historical Society; one each to the Recorder, County Judge and Clerk of the District Court in each organized County in this State, to be kept in their respective offices, and delivered to their successors; two thousand copies to the Adjutant General, who shall distribute one copy to each commissioned officer from this State, and as many as may be necessary to exchange with the Adjutant Generals of other States and of the United States, which copies received from other States, and the United States, shall be kept in his office and handed over to his successors; ten copies to each State Officer, not heretofore mentioned; the balance to be distributed equally to the members of the present General Assembly.

Sec. of State to distribute.  
Adjutant General distribute to Military men.

Approved April 5th, 1862.

## CHAPTER 104.

## MUSCATINE ISLAND.

AN ACT to repeal Chapter 68 of the Laws of the Seventh General Assembly.

**Repealing act.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That an Act entitled an Act to provide for levying a tax on certain lands to complete and keep in repair a levee on Muscatine Island, and for the election of a Levee Commissioner, to superintend the same, and all Acts amendatory thereto be, and the same are, hereby repealed.

**Take effect.** SEC. 2. This Act shall take effect as to the office of Commissioner, from and after its publication; and as to the levy of taxes from the time when the Boards of Supervisors of the counties of Muscatine and Louisa declare that sufficient money has been levied and collected to pay the outstanding debts.

Approved April 5th, 1862.

## CHAPTER 105.

## SENATORIAL DISTRICTS.

AN ACT to apportion the State into Senatorial Districts.

**Ratio—17,200 inhabitants.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the ratio for the apportionment of the State into Senatorial Districts shall be one Senator for each seventeen thousand two hundred inhabitants or fraction thereof exceeding one-half in each Senatorial District.

**1st district.** SEC. 2. The County of Lee shall constitute the first district and shall have two Senators.

**2d district.** SEC. 3. The County of Van Buren shall constitute the second district and shall have one Senator.

**3d district.** SEC. 4. The County of Davis shall constitute the third District and shall have one Senator.

**4th district.** SEC. 5. The County of Appanoose shall constitute the fourth district and shall have one Senator.

**5th district.** SEC. 6. The Counties of Wayne, Lucas and Clark



shall constitute the fifth district and shall have one Senator, and the votes for Senator in said district shall be canvassed at the County Seat of Lucas County.

SEC. 7. The County of Decatur shall constitute the 6th district sixth district and shall have one Senator.

SEC. 8. The Counties of Ringgold, Taylor, Page, 7th district Union, Adams and Montgomery, shall constitute the seventh district and shall have one Senator, and the votes for Senator in the seventh district shall be canvassed at the County Seat of Taylor County.

SEC. 9. The Counties of Fremont, Mills, Cass and 8th district Pottawattamie shall constitute the eighth district and have one Senator, and the votes for Senator in the eighth district shall be canvassed at the County Seat of Mills County.

SEC. 10. The County of Des Moines shall constitute 9th district the ninth district and shall have one Senator.

SEC. 11. The County of Henry shall constitute the 10th district tenth district and have one Senator.

SEC. 12. The County of Jefferson shall constitute 11th district the eleventh district and have one Senator.

SEC. 13. The County of Wapello shall constitute the 12th district twelfth district and have one Senator.

SEC. 14. The County of Monroe shall constitute the 13th district thirteenth district and have one Senator.

SEC. 15. The County of Louisa shall constitute the 14th district fourteenth district and shall have one Senator.

SEC. 16. The County of Muscatine shall constitute 15th district the fifteenth district and shall have one Senator.

SEC. 17. The County of Washington shall constitute 16th district the sixteenth district and have one Senator.

SEC. 18. The County of Keokuk shall constitute the 17th district seventeenth district and shall have one Senator.

SEC. 19. The County of Mahaska shall constitute the 18th district eighteenth district and have one Senator.

SEC. 20. The County of Marion shall constitute the 19th district nineteenth district and shall have one Senator.

SEC. 21. The County of Warren shall constitute the 20th district twentieth district and shall have one Senator.

SEC. 22. The Counties of Madison, Dallas, Guthrie, 21st district and Adair, shall constitute the twenty-first district and shall have one Senator, and the votes for Senator in this district shall be canvassed at the County Seat of Madison County.

SEC. 23. The County of Scott shall constitute the 22d district twenty-second district and shall have two Senators.

SEC. 24. The County of Clinton shall constitute the 23d district twenty-third district and have one Senator.

- 24th district. SEC. 25. The County of Cedar shall constitute the twenty-fourth district and have one Senator.
- 25th district. SEC. 26. The County of Johnson shall constitute the twenty-fifth district and shall have one Senator.
- 26th district. SEC. 27. The Counties of Iowa and Poweshiek shall constitute the twenty-sixth district and have one Senator, and the votes for Senator in said district shall be canvassed at the county seat of Iowa county.
- 27th district. SEC. 28. The County of Jasper shall constitute the twenty-seventh district and shall have one Senator.
- 28th district. SEC. 29. The County of Polk shall constitute the twenty-eighth district and shall have one Senator.
- 29th district. SEC. 30. The County of Jackson shall constitute the twenty-ninth district and have one Senator.
- 30th district. SEC. 31. The County of Jones shall constitute the thirtieth district and have one Senator.
- 31st district. SEC. 32. The County of Linn shall constitute the thirty-first district and have one Senator.
- 32d district. SEC. 33. The Counties of Benton and Tama shall constitute the thirty-second district and have one Senator, and the votes for Senator in this district shall be canvassed at the County Seat of Benton County.
- 33d district. SEC. 34. The Counties of Marshall, Story, Boone, Hamilton and Greene, shall constitute the thirty-third district and have one Senator, and the votes cast for Senator in said district shall be canvassed at the County Seat of Story County.
- 34th district. SEC. 35. Dubuque County shall constitute the thirty-fourth district and shall have two Senators.
- 35th district. SEC. 36. The County of Delaware shall constitute the thirty-fifth district and have one Senator.
- 36th district. SEC. 37. The Counties of Buchanan and Bremer shall constitute the thirty-sixth district and have one Senator, and the votes for Senator in said district shall be canvassed at the County Seat of Buchanan County.
- 37th district. SEC. 38. The County of Clayton shall constitute the thirty-seventh district and shall have one Senator.
- 38th district. SEC. 39. The County of Fayette shall constitute the thirty-eighth district and have one Senator.
- 39th district. SEC. 40. The Counties of Hardin, Grundy, Blackhawk, Butler and Franklin, shall constitute the thirty-ninth district and shall have one Senator. The votes for Senator in this district shall be canvassed at the County Seat of Butler County.
- 40th district. SEC. 41. The County of Alamakee shall constitute the fortieth district and shall have one Senator.
- 41st district. SEC. 42. The County of Winneshiek shall constitute the forty-first district and shall have one Senator.

SEC. 43. The Counties of Howard, Mitchell, Worth, <sup>42d</sup> district, Cerro Gordo, Floyd and Chickasaw, shall constitute the forty-second district and shall have one Senator. The votes for Senator in the forty-second district shall be canvassed at the County Seat of Floyd County.

SEC. 44. The Counties of Harrison, Shelby, Audu. <sup>43d</sup> district, bon, Monona, Crawford, Carroll, Woodbury, Ida, Sac, Calhoun, Webster, Plymouth, Cherokee, Buena Vista, Winnebago, Hancock, Wright, Pocahontas, Humboldt, Sioux, O'Brien, Clay, Palo Alto, Kossuth, Emmett, Dickinson, Osceola and Buncombe shall constitute the forty-third district, and shall have one Senator. The votes for Senator in the forty-third district shall be canvassed at the County Seat of Sac County.

SEC. 45. No district herein formed shall be represented in the next General Assembly by a greater number of Senators than herein provided.

SEC. 46. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved March 5th, 1862.

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## CHAPTER 106.

### NOTARIAL ACTS OF WM. L. WOOD LEGALIZED.

AN ACT to legalize the acts of Wm. L. Wood, a Notary Public in and for Lee County.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all official Acts done and performed by Wm. L. Wood, as Notary Public under appointment by the Governor of this State, in and for Lee county, be and the same are hereby declared as legal and binding in law and equity as if the said Wm. L. Wood had caused his commission to be filed and recorded, and had given bond as required by law, before performing any such official acts.

This Bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 7th day of April 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 107.

## NOTARIAL ACTS OF E. K. HART LEGALIZED.

AN ACT to legalize the acts of E. K. Hart, a Notary Public in and for Lee County.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all official acts of E. K. Hart, done and performed by him as Notary Public in and for Lee county, under an appointment by the Governor of this State be and the same are hereby declared to be as legal and binding in law and in equity, as if the said E. K. Hart had caused his commission to be filed and recorded, and had executed and filed his bond as required by law before performing any such official acts.

This bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 7th day of April, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 108.

## FUNDING OUTSTANDING COUNTY WARRANTS.

AN ACT to allow organized counties to fund their outstanding Warrants.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in any organized county in this State, that has outstanding warrants which exceed in the aggregate the sum of one thousand dollars, over and above the amount of money then in the treasury that can be used in payment of said warrants, it shall be lawful for the Board of Supervisors of said County, a majority of all the members of the Board voting therefor, to make an order submitting to the voters of the county at the next general election, the question whether said county will fund its outstanding indebtedness, and if a majority of all the votes cast, shall be in favor of funding said indebtedness, the Board of Supervisors shall then make an order allowing the persons holding such warrants to return the same to the Treasurer of said county, and receive bonds of said county in lieu therefor: *Provided*, that the provisions of this Act shall not

Board of Supervisors submit question to voters.

Holder of Warrant.

apply to any indebtedness hereafter incurred, or warrants hereafter issued.

SEC. 2. That when the Board of Supervisors of any Co. bonds county shall have made the order mentioned in section one of this Act, they shall cause to be issued bonds of the County in such sums, due at such time, and bearing such rate of interest as the Board shall determine: *Provided*, that such bonds shall contain the name of the County and State; the amount for which the same shall be taken; the date of the order authorizing the issuance of said bonds; the rate of interest they shall bear, and shall be numbered consecutively and signed by the Chairman of the Board, and attested by the Clerk, with his seal thereto affixed: *Provided further*, that no bonds shall be issued for any other sums than fifty dollars and one hundred dollars, nor become due in less than two nor run more than ten years, and in no case bear more than six per cent. interest, and the interest shall be paid annually.

SEC. 3. When said bonds are executed, as provided in this Act, they shall be delivered to the Treasurer of the county, and his receipt taken therefor. Bonds delivered to Treasurer.

SEC. 4. The Clerk of the Board of Supervisors shall keep, in a book provided for that purpose, a record of the bonds so issued and delivered to the Treasurer, which record shall state the date, number, amount, and rate of interest of each bond, and in which at each meeting of the Board of Supervisors, he shall enter on the margin of the record the date of issuance, and the person to whom issued, of each bond as shown by the report of the Treasurer. Record of bonds.

SEC. 5. The Treasurer shall, after receiving said bonds, when any person presents to him for that purpose, warrants of the amount of any sum for which bonds have been issued, receive said warrants, and shall endorse on the face of the same as provided in section 755 of the Revision of 1860, and write across the back of the same, "canceled by delivering county bond No.—" (here insert the number of the bond) and the date of the reception of the same, and sign his name with the word Treasurer, and shall issue to said person a bond or bonds for the amount of the same, adding to the bond the date of its issuance, and write his name and the word Treasurer across the face of said bond, and no bond shall draw interest, except from the date of its issuance. Treasurer to cancel Warrants and issue bonds in lieu.

SEC. 6. In case the amount of said warrant or warrants exceeds the amount for which bonds can be issued, the Treasurer shall give to the person a certificate which Treasurer to give certificate.

Clerk draw  
Warrant.

shall state the amount due said person, the date and number of the warrant for which it is given as a balance, and the date and number of the bond that was issued to the holder thereof in payment for said warrant, which certificate shall be presented to the Clerk of the Board of Supervisors, and he shall draw a warrant for the sum so certified to him, and file the certificate in his office as the voucher therefor.

Treasurer to  
keep a special  
record book.

SEC. 7. The Treasurer shall keep in a book to be provided for that purpose, a record similar to the one provided in section four of this Act, to be kept by the Clerk of the Board of Supervisors, in which shall be entered in addition to the matters herein specified, the date, number and amount of each warrant received by him in exchange for such bond.

Treasurer  
give to Clerk  
Warrants re-  
ceived and  
endorsed.

SEC. 8. The Treasurer shall immediately transmit to the Clerk of the Board of Supervisors the warrants thus received and endorsed by him, and the Clerk shall examine the same, and if found correct, give the Treasurer a receipt therefor, stating the amount for which bonds were issued, and the amount for which a new warrant was drawn, and file the warrants in his office for the inspection of the Board of Supervisors at their next meeting.

Board of Su-  
pervisors ex-  
amine War-  
rants.

SEC. 9. At each meeting of the Board of Supervisors they shall examine the warrants then in the hands of the Clerk, and if found to correspond with the number and amount of the bonds issued by the Treasurer, they shall be treated as other canceled warrants.

Tax assessed  
to pay inter-  
est on bonds.

SEC. 10. The Board of Supervisors shall, in each year, during the time they have any of the above outstanding bonds, assess a sufficient tax on all the taxable property in the county, in addition to the other taxes to be raised, a sum sufficient to pay the interest on said bonds.

Payment of  
interest on  
bonds.

SEC. 11. When the interest on any bond becomes due, the holder thereof may present the same to the Clerk of the Board of Supervisors, who shall endorse on the back of the same, "one year's interest paid," with his name and the date of payment, and shall issue to the holder of said bond, a warrant on the Treasurer for the amount so found due, which shall be paid in the order of their issuance.

Supervisor  
may order re-  
turn of bonds

SEC. 12. At the time the bonds so issued become due, the Board of Supervisors may, if they deem it for the interest of the county so to do, make an order directing the Clerk to notify the persons holding such bonds, to return the same for payment. Said bonds shall not draw interest after thirty days from the date of actual

notice under this order on the holder of the bond.

SEC. 13. Be it further enacted, That where any organized county has heretofore funded her outstanding warrants in the manner provided in this Act, or in any manner not inconsistent with the provisions of this Act, the same is hereby declared to be valid, and as binding on the parties thereto, as though made in pursuance of positive law. Legalize the funding of Warrants.

SEC. 14. If any organized county in this State has issued bonds in exchange for her outstanding warrants, and the same have not been issued in accordance with the provisions of this Act, the holders of said bonds may return the same, and the proper officers may issue new bonds in accordance with the provisions of this Act, and the same shall be binding on all parties thereto, the same as though the holder thereof had exchanged county warrants therefor. New bonds to issue.

SEC. 15. Nothing in this Act shall be construed to legalize the issuing of any bonds for railroad or other purposes for which county bonds are authorized to be issued, nor shall any Board of Supervisors or any Treasurer be allowed to issue bonds under the provisions of this Act for outstanding county warrants that were obtained by fraud, or the validity of which is in dispute, nor shall the Treasurer or any officer sell such bonds for cash, but the same shall only be used for the purpose of funding outstanding county warrants issued by the county for ordinary county purposes, and in good faith. Construction of this Act.

SEC. 16. The Board in issuing said bonds, shall make provisions in the order for the said bonds to become due in a ratio to be fixed by the Board, so that a certain per centum of the whole amount shall come due in two years after their issuance, and a certain per centum each year thereafter, until the whole are paid. Provisions for maturity of bonds.

Approved April 7th, 1862.

## CHAPTER 109.

### RELIEF OF VOLUNTEERS.

AN ACT to repeal Chapter seven of the laws of the State of Iowa, passed at the Extra Session of the Eighth General Assembly, entitled "An Act for the relief of the volunteer soldiers of this State."

SECTION 1. *Be it enacted by the General Assembly of*

Chapter 7 re-  
pealed. *the State of Iowa*, That Chapter seven of the laws of the State of Iowa, passed at the Extra Session of the Eighth General Assembly, entitled "An Act for the relief of Volunteer soldiers of this State," be and the same is hereby repealed, and that there be enacted in lieu thereof, the following:

Continuance  
of action.

That in all actions now pending, or hereafter brought in any of the Courts of this State, or before any Justice of the Peace, it shall be a sufficient cause for a continuance, on motion of the defendant, his agent or attorney, if it shall be shown to the satisfaction of the Court or Justice of the Peace, that the defendant is in the actual military service of the United States, or of this State, and that said action shall stand continued during the actual service of said defendant in the military service.

SEC. 2. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after its publication in the Weekly State Register and Weekly Des Moines Times.

Approved, April 7, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times April 19th, 1862, and in the Iowa State Register April 15th, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 110.

### TAXES A LIEN UPON REAL ESTATE.

AN ACT fixing the time when taxes shall become a lien on Real Estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That hereafter all taxes upon real estate, shall, as between vendor and purchaser, become a lien upon such real estate, on and after the first day of November of each year.

Approved April 7th, 1862.



## CHAPTER 111.

## MECHANICS' LIENS.

AN ACT to amend section 1851 of Revision of 1860, relating to Mechanics' Liens.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the following words are hereby added to Section eighteen hundred and fifty-one of Revision of 1860, to-wit: "But the failure to file the claim, account, settlement or demand, in the time named in this section and in section 1847, shall not operate to defeat the claim or demand, nor the lien of the person supplying the labor or material, as against the owner, nor the contractor, nor as against any one except purchasers or incumbancers, without notice, whose rights accrued after the ninety days and before the account, or settlement, or claim, or lien is filed.

Approved April 7th, 1862.

## CHAPTER 112.

## BRIDGES.

AN ACT to amend Chapter 46 of the Revision of A. D. 1860, in relation to Bridges.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section eight hundred and twenty-three (823) of Chapter forty-six (46) of the Revision of 1860, is hereby amended so as to make it the duty of the Board of Supervisors of each county in the State to prohibit any person from riding or driving faster than a walk across any bridge maintained at the public charge, under the following penalties, to-wit:

When the bridge is twenty-five feet in length, and does not exceed one hundred feet, the sum of one dollar for each offense; when the bridge is over one hundred feet in length, and does not exceed two hundred feet, the sum of three dollars for each offense; when the bridge is over two hundred feet in length, and does not exceed three hundred feet, the sum of five dollars for each offense, and the further additional sum of one dollar for

each offense, for every one hundred feet in length thereafter.

Penalty recovered.

The penalty herein may be recovered by civil action before any Justice of the Peace, in the name and for the use of the County in which said bridge is wholly or partly situated.

All bridges included.

SEC. 2. The provisions of this Act shall be so construed as to include all bridges owned by any private corporation, company, or individual, and maintained at their expense, whenever the owner or owners thereof shall make application to the Board of Supervisors of the County in which the bridge is wholly or in part situated, and when the prohibition is granted and the penalty annexed by the Board as herein provided, it shall be lawful for such owner or owners to recover before any Justice of the Peace in his or their own name, and for his or their benefit, the penalty so fixed.

Notice posted

SEC. 3. Notices prohibiting any person from riding or driving faster than a walk, and the amount of the penalty attached, must be conspicuously posted at each end of such bridge.

SEC. 4. All laws inconsistent with this Act are hereby repealed.

SEC. 5. This Act being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register, and the Des Moines Daily Times, papers published at Des Moines City, Iowa.

Approved April 7th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 17th, 1862, and in the Des Moines Daily Times April 18th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 113.

### PROPERTY OF VOLUNTEERS EXEMPT FROM SALE.

AN ACT to exempt the property of Iowa Volunteers in the Military service of the United States from levy or sale.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the individual property of every volunteer soldier from the State of Iowa, in the actual military service of the United States, and not above the

Exempt from sale property of volunteers.

rank of Captain, shall be and is hereby declared exempt during the time he shall be in said service, and two months thereafter, from levy or sale under or by virtue of any deed of trust or mortgage of any description whatever, or under or by virtue of any execution or order of sale issued on or by virtue of any judgment or decree rendered or hereafter to be rendered by any of the Courts of this State: *Provided*, such exemption shall not continue longer than four months after the termination of the present war; and *provided further*, that when property has been duly levied on and sold or disposed of before the officer selling or disposing of the same had knowledge of the passage of this Act, the same proceedings shall be had as if this Act had not been passed, and that in all other cases where property has been levied on, it shall be restored to the party from whom taken, and the levy discharged, and the costs that have accrued shall, if in the District Court, be entered in the judgment docket and fee book, and if in the Justice's Court, in his docket, and thereafter become a part of the judgment.

SEC. 2. It shall be the duty of the Secretary of State, Sec. of State send slips. as soon as this Act takes effect, to send by mail a newspaper or printed slip containing it, to every Sheriff in the State.

SEC. 3. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 4. This Act being deemed of immediate importance, shall take effect from and after its publication in the Iowa Daily State Register and the Des Moines Daily Times.

Approved April 7th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register, April 15, 1862, and in the Des Moines Daily Times April 16, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 114.

### THIRD JUDICIAL DISTRICT.

AN ACT fixing the times of holding Courts in the Third Judicial District.

SECTION 1. *Be it enacted by the General Assembly of*

**Cass, Pottawattamie, Mills, Fremont & Page counties.** *the State of Iowa*, That the District Courts within and for the Third Judicial District of this State, shall be held at the time and places herein designated :

In the county of Cass, on the Thursday next preceding the last Monday in January and July of each year.

At Council Bluffs, in the County of Pottawatamie, on the last Monday in January and July of each year.

At Glenwood, in Mills County, on the third Monday in February and August.

At Sidney, in the County of Fremont, on the first Monday in March and September.

At Clarinda, in the county of Page, on the third Monday in March and September.

**Taylor.** At Bedford, in Taylor county, on the fourth Monday in March and September.

**Ringgold.** At Mount Ayr, in the county of Ringgold, on the first Thursday after the fourth Monday in March and September.

**Decatur.** At Leon, in the county of Decatur, on the first Monday after the fourth Monday in March and September.

**Clarke.** At Osceola, in the County of Clark, on the third Thursday after the fourth Monday in March and September.

**Union.** At Afton, in the County of Union, on the fourth Monday after the fourth Monday in March and September.

**Adams.** At Quincy, in the County of Adams, on the fourth Thursday after the fourth Monday in March and September.

**Montgomery.** At Frankford, in the County of Montgomery, on the fifth Monday after the fourth Monday in March and September.

**Return.** SEC. 2. All writs, processes and proceedings pending in any of said Courts, and returnable at the terms now fixed by law, shall be deemed pending and returnable at the terms as fixed by this Act, and no suit, notice, recognizance, indictment or other proceeding, shall be quashed or held to be invalid by reason of this Act, or by reason of the change of the terms of Court hereby made.

**Attendance of Jurors.** SEC. 3. The Judge of said District may, if deemed advisable by him, order the Jurors summoned to attend at any term of the Courts in said District, to appear on the first or some subsequent day of the term.

**Adjourned term.** SEC. 4. Should the causes pending in the District Courts of any of the counties of said District remain undisposed of for want of time sufficient being allowed for the term of Court in such County, under this Act, the Judge of said District may order and hold an ad-

journed term for the disposition of such business as may be so pending, and the announcement in open Court at the term at which such adjourned Court shall be determined upon, and an entry thereof made in record, shall be sufficient notice to all persons interested therein.

SEC. 5. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 6. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Iowa Daily State Register, and Daily Des Moines Times, any thing in the laws of this State to the contrary notwithstanding.

Approved April 7th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Daily Times, April 18th, 1862, and in the Daily State Register, April 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 115.

### GAME.

AN ACT to amend the Acts to protect game.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That whereas Chapter one hundred and forty-seven of the Acts and Resolutions passed at the regular session of the Seventh General Assembly enacted "That so much of an Act entitled an Act to protect game, approved January 12th, 1857, be and the same is hereby amended, &c.," and whereas said Act to protect game was approved January 28th, 1857, the said Chapter one hundred and forty-seven is so amended that the words, approved January 12th, 1857, shall read, approved January 28th, 1857.

Change date  
of approval.

SEC. 2. That Chapter one hundred and forty-seven of the Acts and Resolutions passed at the regular session of the Seventh General Assembly, and Section forty-three hundred and eighty-one of the Revision of 1860, be and the same are hereby so amended that it shall be unlawful, except upon his own premises, for any person to kill, ensnare or trap, any woodcock, between the first day of January and the first day of July, of each and

Unlawful to  
take game.

every year; any quail, ruffed grouse, or pheasant, or wild turkey, between the first day of January and the first day of September of each and every year, any deer, fawn or elk, between the first day of January and the first day of September of each and every year; any prairie hen or chicken between the first day of February and the first day of August in each and every year.

Penalty.

SEC. 3. Section forty-three hundred and eighty-three of the Revision of 1860, is hereby amended in the latter clause thereof so as to read, "and five dollars for any bird of game above mentioned, thus killed, trapped, ensnared, bought, sold or held in possession.

Approved March 21st, 1862.

## CHAPTER 116.

### DAYS OF GRACE.

AN ACT to repeal Section 1814 of the Revision of 1860, and to enact in lieu thereof a substitute, relating to proceedings to be observed in the acceptance and payment of bills and notes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 1814 of the Revision of 1860 be, and the same is hereby repealed, and in lieu thereof there be adopted as section 1814 of the Revision of 1860, the following words, to wit: The following days, viz.: The first day of the week, called Sunday; the first day of January; the fourth day of July; the twenty-fifth day of December; and any day appointed or recommended by the Governor of this State, or by the President of the United States, as a day of fasting or of thanksgiving, shall be regarded as holidays for all purposes relating to the presenting for payment or acceptance, and the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes; and any of such obligations (or such as are denominated bank or mercantile paper) falling due on any of the days above named, shall be considered and treated as and falling due on the succeeding day.

Repeal of sec. 1814.

Holidays.

Approved April 7th, 1862.

## CHAPTER 117.

## WARDEN OF PENITENTIARY.

AN ACT to confer additional power on the Warden of the Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of the Warden of the Penitentiary to have the supervision of the workshops of the prison, and by himself and deputies to regulate and control the disposition of material and manufactured articles, within the walls of the prison, and so to control said matters as shall be for the best interest of the State, and for the security of the public property against fire or damages, and as shall best subserve the discipline of the prison. Warden to  
superintend.

SEC. 2. This Act to take effect and be in force from and after its publication in the State Register and Des Moines Times.

Approved April 7th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 15, 1862, and in the Des Moines Times April 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 118.

## LEGALIZING ACTS OF JAMES N. MILES.

AN ACT to legalize the acts of James N. Miles, a Notary Public of Clinton County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That, whereas James N. Miles, a Notary Public of Clinton County, Iowa, after being re-commissioned as Notary Public on the 29th day of August, A. D. 1860, neglected to qualify and have said new commission recorded according to law, until the 18th day of March, A. D. 1861, therefore all of the official acts of said James N. Miles, done by him between said 29th day of August, A. D. 1860, and said 18th day of March, A. D. 1861 be, and the same are, hereby legal-  
Legalize acts.

ized, and made as valid as if said James N. Miles had qualified and had his commission recorded within the time prescribed by law.

SEC. 2. This Act being deemed of immediate importance, shall take effect and be in force upon its publication in the De Witt Standard and Lyons Mirror, newspapers printed in Clinton County, *provided* the same be done without expense to the State.

Approved April 7th, 1862.

I hereby certify that the foregoing Act was published in the Lyons Mirror April 24th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 119.

### COUNTY JUDGES' BOND.

AN ACT to amend an Act entitled An Act to require County Judge to give bond.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Section two hundred and seventy-seven, Chapter 22, of the Revision of 1860, be and is hereby repealed, and that the following be substituted in the place thereof, viz: That every County Judge hereafter elected shall previous to entering upon the duties of his office enter into bond, with two or more good and sufficient sureties, in a sum not less than ten thousand dollars, to be fixed by the County Board of Supervisors, conditioned for the faithful discharge of his duties as such Judge, which bond shall be approved by the Board of Supervisors and shall be filed with and kept by the County Treasurer.

Repeal of  
chapter 22.

Bond.

Approved March 7th, 1862.

## CHAPTER 120.

### PROTECTION OF FRUIT.

AN ACT for the protection of fruit.

SECTION 1. *Be it enacted by the General Assembly of*



*the State of Iowa*, That if any person or persons shall maliciously or mischievously enter the enclosure of any person and pick, destroy or carry away any apples, pears, peaches, plums, grapes, or other fruit of any tree, shrub, bush or vine, he shall be deemed guilty of larceny and on conviction thereof shall be punished and dealt with according to the provisions of Revision of 1860, in such cases made and provided. Taking fruit.

SEC. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved April 7th, 1862.

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## CHAPTER 121.

### STOLEN PROPERTY.

AN ACT to amend Section 4246 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section 4246 of the Revision of 1860, be amended so as to read as follows, to-wit: If any person buy, receive, or aid in concealing any money, goods, or any property, the stealing of which is declared to be larceny, or property obtained by robbery or burglary, knowing the same to be so obtained, he shall be punished, when the value of the property so obtained exceeds the sum of twenty dollars, by imprisonment in the Penitentiary not more than five years, or by fine not exceeding five hundred dollars and imprisonment in the county jail not more than one year; and when the value of the property so obtained does not exceed the sum of twenty dollars, by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days. Amend sec. 4246, R. 1860.  
Penalty.

Approved April 7th, 1862.

## CHAPTER 122.

## TAX IN TOLEDO TOWN, TAMA COUNTY.

AN ACT to amend an Act entitled an Act to amend an Act to confer certain powers on towns and cities for school purposes.

Tax for  
School house  
purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the electors of the District Township of Toledo, Tama County, and State of Iowa, formed under "An Act to amend an Act to confer certain powers on towns and cities for school purposes," approved February 26th, 1860, and composed of the town of Toledo and certain territory contiguous thereto, are hereby authorized to hold a special meeting on the 8th day of May, A. D. 1862, of which ten days previous notice shall be given by the Board of Directors, for the purpose of voting a tax for school house purposes, not exceeding five mills on the dollar on the taxable property of said District.

SEC. 2. This Act shall take effect and be in force from and after its publication in the Daily State Register, published at Des Moines, and the Iowa Transcript, published at Toledo, without expense to the State.

Approved April 7th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 15, 1862, and in the Iowa Transcript.

ELLJAH SELLS, Secretary of State.

## CHAPTER 123.

## RECORDING POWERS OF ATTORNEY.

AN ACT in relation to recording powers of Attorney for the conveyance of Real Estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That powers of attorney hereafter executed giving authority to any person to execute instruments of writing affecting the title to real estate, shall be held to be instruments affecting the title to real estate, and the provisions of Chapter ninety-six of the Revision of 1860, shall apply to them as such; and such powers

of attorney shall be recorded before the recording of the deeds executed by virtue of them, shall be held to be notice.

Approved April 7th, 1862.

## CHAPTER 124.

### LAW S NINTH GENERAL ASSEMBLY.

AN ACT to provide for the publication and distribution of the laws of the Ninth General Assembly of the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Secretary of State shall cause to be published twenty thousand copies of the Acts, Joint Resolutions and Memorials passed at the Ninth Regular Session of the General Assembly of the State of Iowa. No. of copies.

SEC. 2. It shall be the duty of the State Printer to complete his part of the work on said laws, within sixty days after the copy has been furnished him by the Secretary of State. Printing of laws.

SEC. 3. It shall be the duty of the State Binder to have said twenty thousand copies of said laws bound and ready for delivery to the Secretary of State, within forty days after the State Printer has completed his part of the work on said laws. Binding of laws.

SEC. 4. It shall be the duty of the Secretary of State to prepare a manuscript copy of the laws passed at said Ninth Session of the General Assembly, arranged in Chapters and numbered in the order of their approval, with marginal notes, and with a full and complete index. Said Secretary of State shall superintend the publication and distribute said laws as follows: To each State and Territory two copies; to the State Library, fifty copies; to the State Historical Society, eighty copies; said copies for the State Historical Society, the State Library and exchanges with the States and Territories, shall be bound in sheep; to each officer, member and reporter of said General Assembly, two copies; to the publisher of each newspaper in the State, one copy; fifteen thousand copies to be distributed to the several organized counties of this State, in the ratio of population, delivering to no county a less number than ten copies to each organized

township in said county; the laws for the several counties, shall be delivered to the Clerk of the Board of Supervisors, and by the said Clerk of the Board of Supervisors, to be distributed to the county and township officers.

**Secretary's Compensation**  
**SEC. 5.** The Secretary of State shall receive for superintending the publication, preparing marginal notes, indexing and distributing under the provisions of this Act, fifteen hundred dollars, or so much thereof as may be necessary, to be determined by the actual disbursements, to be audited on bills of items to be presented by such Secretary to the Auditor, to be audited and paid out of any money in the Treasury not otherwise appropriated.

**Sale.**  
**SEC. 6.** The Secretary of State and the Clerk of the Board of Supervisors in the several counties in this State are hereby authorized to sell the remaining copies of said Acts of the Ninth General Assembly, for the sum of fifty cents per copy. The proceeds of such sale shall be accounted for and paid over in the same manner as the proceeds from the sale of the Revision of 1860, and accounted for and paid into the State Treasury.

**SEC. 7.** This Act being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Des Moines Daily Times.  
 Approved April 7th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 15th, 1862, and in the Des Moines Daily Times April 16th, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 125.

### SETH ANDERSON'S ACTS.

**AN ACT** to legalize certain acts of Seth Anderson, County Judge of Wayne County, Iowa, in the sale and conveyance of certain town lots in the town of Corydon, Iowa.

**WHEREAS**, Seth Anderson, in the capacity of County Judge of Wayne County, Iowa, did, at divers times, sell and convey certain town lots, in the town of Corydon, in said County, to one Seth Anderson, and,

**WHEREAS**, The said Seth Anderson, then being said County Judge, and,

WHEREAS, Said acts and sales being illegal,

SECTION 1. Therefore, *Be it enacted by the General Assembly of the State of Iowa*, That all the sales and conveyances of town lots, in the town of Corydon, Wayne County, Iowa, made by Seth Anderson, in the capacity of County Judge, of said County, to Seth Anderson, be and the same are hereby legalized and confirmed, any informality to the contrary notwithstanding.

SEC. 2. This Act being deemed of immediate importance, to take effect from and after its publication in the Daily Des Moines Times and Daily Iowa State Register, without expense to the State.

Approved, April 7, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 15, 1862, and in the Des Moines Daily Times, April 16th, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 126.

### UNIVERSITY LAND GRANT.

AN ACT to secure the remainder of the University Land Grant.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Governor of this State is hereby authorized and requested to adopt the necessary measures to select and obtain the remaining one hundred and twenty-two acres and six-hundredths of land to which the State is entitled under the grant known as the University Land Grant, under the Act of Congress of July 20th, 1840.

Governor  
to select.

Approved April 7th, 1862.

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## CHAPTER 127.

### JOURNALS NINTH GENERAL ASSEMBLY.

AN ACT relating to the Journals of the Senate and House of Representatives.

SECTION 1. *Be it enacted by the General Assembly of*

**Transcription** *the State of Iowa*, That the Secretary of the Senate and the Clerk of the House of Representatives, are authorized and required to transcribe the Journals of their respective Houses, in books furnished for that purpose by the Secretary of State, and after having certified to the correctness of the same, to deliver them to the Secretary of State for preservation in his office.

**Indexing.** SEC. 2. The Secretary and Clerk shall superintend the printing and indexing of their respective Journals, and it shall be the duty of each to deliver a carefully prepared copy thereof to the State Printer, written up in solid paragraphs as nearly as practicable, which copy shall be delivered within two months from the day of the adjournment of the Legislature, and upon a failure to deliver within the time above prescribed, they shall be entitled to receive only one-half of the compensation hereinafter provided.

**Furnish copy to printer.** SEC. 3. As soon as the Journals are printed, (which shall be done within ninety days after they shall have been delivered to the State Printer,) it shall be the duty of the Secretary and Clerk to distribute the same as herein provided. The State Printer shall receive but half of the usual compensation for a failure on his part, as above provided.

**Sec. & Clerk to distribute.** SEC. 4. Each member of the Senate and House of Representatives shall be entitled to three copies of the Journal of the House of which he is a member, and one copy of the Journal of the other House; and three copies shall also be sent to each organized County in the State, directed to the Clerk of the District Court thereof, and one copy to each officer and reporter of the General Assembly; and the State Librarian shall preserve at least fifteen copies of each Journal in the Library.

**Distribution.** SEC. 5. As a compensation for the services herein required, the Secretary and Clerk shall each receive five hundred dollars, to be paid out of the State Treasury, one-half of which shall be allowed and paid when the copy is furnished to the State Printer, and the transcribed Journal filed in the office of the Secretary of State, and the remainder when the Secretary and Clerk shall have certified under oath that they have distributed the Journals according to the provisions of this Act.

**Compensati'n** SEC. 6. This Act shall take effect and be in force from and after its publication in the Iowa State Register

and Daily Des Moines Times, newspapers published in Des Moines, Iowa.

Approved April 7th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times April 18th 1862, and in the Iowa State Register, April 23d, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 128.

### LIMITED PARTNERSHIP.

AN ACT to amend Section 1874 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Section 1874 be amended by striking out the word "or" between the words mechanical and manufacturing, and inserting immediately after the word manufacturing, "or any other lawful business."

Approved April 7th, 1862.

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## CHAPTER 129.

### CLAIMS FOR SUPPLIES FURNISHED COL. EDWARDS AND OTHERS.

AN ACT amendatory of an Act entitled An Act providing for auditing accounts and disbursements arising under the call for volunteers from Iowa, and also for all men organized as the State Militia of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Board of Commissioners created by Chapter ten of the laws of the extra Session of the Eighth General Assembly of the State of Iowa, be, and they are hereby authorized and required to audit and allow the claims specified in the following sections of this Act, observing the same rules that have heretofore governed them in auditing and allowing claims, provided nothing in this section shall apply to Section seven of this Act, *Provided, further,* That the payment for service, Board of Commissioners audit claims.

subsistence, transportation or supplies, furnished as contemplated by this Act is not provided for by any Act of Congress, or by an Act of Congress, approved March 25th, 1862, entitled An Act to secure to the officers and men actually employed in the Western Department or Department of Missouri, their pay, bounty and pension, or in relation to the expeditions from Iowa into Missouri; and it is further provided, that the Board of Commissioners shall be satisfied that Congress has not made such provisions.

Claims for  
supplies to  
Col. Edwards

SEC. 2. All just claims of citizens of this State for subsistence, transportation, or other necessary army supplies furnished to Col. John Edwards, the officers and men under his command, while in the defense of the Southern border of this State, provided the same shall have been exclusively furnished in the State of Iowa.

Claims for  
supplies to  
Col Morledge

SEC. 3. All just claims of citizens of this State for subsistence, transportation or other necessary army supplies furnished to Colonel J. R. Morledge, the officers and men under his command, while in the defense of the Southern border, provided the same shall have been exclusively furnished in the State of Iowa.

To Captain  
Jones and  
Col. Moore.

SEC. 4. All just claims of citizens of this State for subsistence, transportation or other necessary army supplies furnished to Capt. Jones of the Iowa company, and all Iowa troops under command of Colonel Moore, while in the defense of the Southern border, *Provided*, The same shall have been exclusively furnished in the State of Iowa.

Pay of Vol-  
unteers.

SEC. 5. The just claims of persons not belonging to the army of the United States, who have volunteered, and served either as officers or privates under the authority of the Governor of this State, or any of his aids, or under the command of Col. J. R. Morledge and Capt. Jones, with the knowledge and consent of the Governor of this State, for the purpose of defending the borders when threatened; such persons to be allowed for the time actually employed in said services, according to rank, the same pay that is allowed in the United States army for similar services, and the Board of Commissioners shall receive as evidence of said services, the same proof that is required by the Paymaster General of this State, or such other evidence as they may deem proper.

Claims of oth-  
er parties.

SEC. 6. The just claims of the following parties: Mentzer, Twogood & Co., Thomas French, W. D. Gilbert, John Lohee, S. H. Greenbaum, Tootle & Wood, E. S. Stout, N. W. Munger, J. C. Washburn, Samuel W. Purcell, Capt. William Tripp, Joseph Shearer, Omer



Lytle, O. J. Goodenough, John Tyner, E. L. Perm & Cox & Shelly.

SEC. 7. The said Board of Commissioners shall receive all claims presented by Counties, Cities, Villages and corporations for transportation, subsistence, clothing and army supplies furnished to troops raised in this State, for the service of the United States, taking the evidence relating to said claims, which shall be transmitted together with the claims to the Governor of this State, who shall, when so received, use his best endeavors to secure the payment of all such just claims of the United States Government, and when so received shall be paid to the State Treasurer, taking his receipt therefor, which shall be subject to the order of the several counties, villages and corporations, to which the several amounts belong.

Claims of  
Counties, Cit-  
ies, Villages  
Corporations.

SEC. 8. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Times and the State Register, papers published at Des Moines.

Approved April 7th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 15th, 1862, and Des Moines Daily Times April 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 130.

### APPROPRIATION—GENERAL.

AN ACT making appropriations for the per diem of the members and officers of the Ninth General Assembly, and for other purposes.

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 hereby appropriated out of any money in the State Treasury not otherwise appropriated for the purposes hereinafter designated.

SEC. 2. For the payment of the per diem of the members and officers of the House of Representatives, the sum of sixteen thousand and five hundred dollars, or so much thereof as their certificates may entitle them to.

Pay of House

SEC. 3. For the payment of the per diem of the mem-

Pay of Senate

bers and officers of the Senate, the sum of nine thousand Dollars, or so much thereof as their certificates may entitle them to.

**Postage.** SEC. 4. For the payment of the postage of the Ninth General Assembly, the sum of three thousand two hundred and six dollars and sixteen cents.

**Postage.** SEC. 5. For the payment of the postage of the Ninth General Assembly, on matter to be forwarded after the adjournment, under the direction of the Secretary of State, the sum of two hundred dollars, or so much thereof as shall be necessary.

**Pay of Chaplains, House.** SEC. 6. For the payment of the Chaplains of the House of Representatives, to be divided among themselves, the sum of \$258,00.

**Pay of Chaplains, Senate.** SEC. 7. For the payment of the Chaplains of the Senate, to be divided among themselves, the sum of \$258,00.

**Subscriptions—House.** SEC. 8. For the payment of the subscriptions for newspapers taken by the members of the House of Representatives, the sums following to wit:

|                                     |       |          |
|-------------------------------------|-------|----------|
| State Register, Des Moines, Daily   | ..... | \$876 00 |
| “ “ “ Weekly                        | ..... | 1519 00  |
| Des Moines Times, Des Moines, Daily | ....  | 370 00   |
| “ “ “ “ Weekly                      | ..    | 744 50   |
| Iowa Homestead, Des Moines, Weekly  | ....  | 563 50   |
| Intelligencer, St. Charles City, “  | ....  | 11 50    |
| Republican, Cerro Gordo “           | ....  | 1 00     |
| News, Pocket City, Weekly           | ..... | 2 00     |
| Times, Dubuque, “                   | ..... | 21 00    |
| “ “ Daily                           | ..... | 28 00    |
| Boone Co. News, Weekly              | ..... | 25 50    |
| Gazette, Davenport, “               | ..... | 8 50     |
| “ “ Daily                           | ..... | 50 00    |
| Waverly Republican, Weekly          | ..... | 2 50     |
| Weekly Press, Washington            | ...   | 13 50    |
| Marshall Co. Times, Weekly          | ..... | 3 50     |
| Story Co. Advocate “                | ..... | 1 00     |
| Republican Era “                    | ..... | 2 00     |
| Register, Linn Co. “                | ..... | 7 00     |
| Keokuk Co. News “                   | ..... | 14 00    |
| Lyons Mirror “                      | ..... | 1 50     |
| Excelsior, Maquoketa “              | ..... | 45 50    |
| Hawkeye, Burlington, “              | ..... | 9 00     |
| “ “ Daily                           | ..... | 66 00    |
| Republican, Iowa City Weekly        | ..... | 9 50     |
| Marion Co. Republican “             | ..... | 24 50    |
| State Press, Iowa City “            | ..... | 4 00     |
| Nonpareil, Council Bluffs “         | ..... | 5 50     |

|   |       |
|---|-------|
| Herald, Dubuque, Weekly .....             | 39 00 |
| “ “ Daily .....                           | 18 00 |
| Iowa Valley Democrat, Weekly .....        | 5 00  |
| Journal, Muscatine, “ .....               | 24 50 |
| “ “ Daily .....                           | 24 00 |
| Democrat and News, Davenport, Daily....   | 44 00 |
| “ “ “ Weekly..                            | 12 00 |
| Bugle, Council Bluffs, Weekly .....       | 3 00  |
| National Demokrat, Dubuque, Weekly....    | 36 00 |
| Republican, Madison Co., Weekly.....      | 2 00  |
| Clayton Co. Journal, “ .....              | 3 00  |
| Plaindealer, Ft. Madison, “ .....         | 10 00 |
| Anamosa Eureka, “ .....                   | 4 00  |
| Delaware Co. Journal, “ .....             | 4 50  |
| Appanoose Chieftain “ .....               | 7 50  |
| Guardian, Buchanan Co., “ .....           | 5 00  |
| Advertiser, Tipton, “ .....               | 15 00 |
| Der Demokrat, Davenport, “ .....          | 31 00 |
| Der Demokrat, Davenport, Daily.....       | 8 00  |
| Home Journal, Mt. Pleasant, Weekly ....   | 2 00  |
| North Iowa Journal, Weekly .....          | 50    |
| Courier, Ottumwa, “ .....                 | 50    |
| Herald, Oskaloosa, “ .....                | 12 50 |
| Hamilton Freeman, “ .....                 | 24 50 |
| Republican, Montezuma “ .....             | 50    |
| Times, Cedar Rapids, “ .....              | 50    |
| Iowa Patriot, “ .....                     | 2 00  |
| Stars and Stripes, “ .....                | 2 50  |
| Press and Journal, Bellevue, Weekly ..... | 3 00  |
| Gazette, Cedar Falls, Weekly.....         | 5 00  |
| Republican, Keosauqua, “ .....            | 50    |
| News, Keosauqua, “ .....                  | 50    |
| Gazette, Mitchell, “ .....                | 1 00  |
| Register, Sioux City, “ .....             | 3 00  |
| Free Press, Jasper, “ .....               | 6 50  |
| Wapello Republican, “ .....               | 50    |
| Gate City, Keokuk, “ .....                | 3 00  |
| Gate City, Keokuk, Daily, .....           | 20 00 |
| Die Iowa Tribune, Burlington, Weekly ...  | 10 00 |
| Delhi Journal, Weekly .....               | 50    |
| Iowa Valley News, Weekly .....            | 50    |
| Monroe Co. Cordon, “ .....                | 50    |
| Times, Oskaloosa, “ .....                 | 12 00 |
| Iowa Co. Review, “ .....                  | 50    |
| North Iowa Times, “ .....                 | 2 00  |
| Courier, Waterloo, “ .....                | 3 00  |
| Cass Co. Gazette, “ .....                 | 1 00  |
| Vinton Eagle, “ .....                     | 1 50  |

|                                     |       |
|-------------------------------------|-------|
| Courier, New Hampton, Weekly.....   | 1 00  |
| Madisonian, Winterset, ".....       | 28 00 |
| Mercury, Ottumwa, ".....            | 13 50 |
| Democratic Clarion, ".....          | 12 00 |
| Ledger, Fairfield, ".....           | 7 50  |
| Democrat, Ft. Dodge, ".....         | 1 00  |
| Magnolia Republican, ".....         | 5 00  |
| Republican, Ft. Dodge, ".....       | 7 00  |
| Hardin Sentinel, ".....             | 5 50  |
| Cedar Valley News, ".....           | 50    |
| Decorah Republican, ".....          | 4 50  |
| Guardian, Independence, Weekly..... | 50    |
| Page Co. Herald, Weekly.....        | 2 50  |
| Fayette Co. Pioneer, Weekly.....    | 50    |
| Jackson Co. Sentinel, ".....        | 1 00  |
| Staats Zietung, Dubuque ".....      | 3 50  |
| Constitution, Keokuk, Weekly.....   | 1 95  |
| Constitution, Keokuk, Daily,.....   | 3 75  |

Subscriptions      SEC. 9. For the payment of the subscriptions for  
 —Senate.      newspapers taken by members of the Senate the sums  
 following to wit:

|                                 |          |
|---------------------------------|----------|
| Des Moines Daily Register.....  | \$306 00 |
| Des Moines Weekly Register..... | 640 50   |
| Democrat and News.....          | 14 00    |
| Washington Press.....           | 5 50     |
| Gate City.....                  | 37 00    |
| Keokuk County News.....         | 6 50     |
| North-Western Farmer.....       | 126 00   |
| Davenport Gazette.....          | 32 00    |
| Dubuque Herald, Daily.....      | 3 00     |
| Dubuque Herald, Weekly.....     | 15 50    |
| Burlington Hawkeye, Daily.....  | 30 00    |
| Burlington Hawkeye, Weekly..... | 15 00    |
| Oskaloosa Herald.....           | 19 50    |
| Muscatine Journal.....          | 61 50    |
| Anamosa Eureka.....             | 3 00     |
| Winterset Madisonian.....       | 12 00    |
| Mt. Pleasant Home Journal.....  | 3 62     |
| Tipton Advertiser.....          | 14 50    |
| Valley Democrat.....            | 50       |
| Iowa City Republican.....       | 4 00     |
| Iowa Co. Review.....            | 6 00     |
| De Witt Standard.....           | 3 00     |
| Lyons Mirror.....               | 3 00     |
| Knoxville Republican.....       | 50       |
| Independence Guardian.....      | 1 00     |
| Vinton Eagle.....               | 50       |

|  |        |
|--|--------|
| Chariton Patriot .....                   | 2 00   |
| North Iowa Times .....                   | 1 50   |
| Fayette Co. Pioneer.....                 | 2 50   |
| Pocket City News.....                    | 2 00   |
| Iowa Tribune.....                        | 18 00  |
| National Demokrat.....                   | 15 00  |
| Valley News .....                        | 3 00   |
| Marshall Co. Times .....                 | 5 00   |
| Lansing Argus.....                       | 1 00   |
| Lansing Mirror .....                     | 50     |
| Waukon Journal.....                      | 50     |
| Jasper Free Press.....                   | 1 00   |
| Fairfield Ledger (Senate and House)..... | 22 00  |
| Wapello Republican.....                  | 4 50   |
| Dubuque Daily Times .....                | 2 00   |
| Council Bluffs Nonpareil.....            | 1 50   |
| Oskaloosa Times .....                    | 19 50  |
| South-Western Iowan .....                | 3 00   |
| Council Bluffs Bugle .....               | 3 00   |
| Ottumwa Courier .....                    | 3 00   |
| Weekly Albia Gazette.....                | 50     |
| Ottumwa Democratic Mercury.....          | 3 50   |
| Keokuk Gate City.....                    | 36 50  |
| Decorah Republican.....                  | 4 50   |
| Fort Dodge Democrat .....                | 18 00  |
| Bloomfield Democrat .....                | 3 00   |
| Clayton County Journal.....              | 50     |
| Boonsboro Times.....                     | 2 00   |
| Des Moines Times .....                   | 193 00 |

Sec. 10. George R. Brainard for 86 day's services as Post Master at \$3 per day, \$256 00. Pay of officers of General Assembly

Sec. 11. A. P. Burrhus, for 86 day's services as Assistant Postmaster and Mail Carrier, at \$3 per day, \$258.

Sec. 12. To Lieutenant Governor Needham for 86 day's services as President of the Senate at \$6 per day, \$516.

Sec. 13. To Lieutenant Governor Rusch, for mileage and per diem, attending at the opening of the present session, \$78.

Sec. 14. To Rush Clark, Speaker of the House of Representatives, eighty-five days at \$3 per day, \$255.

Sec. 15. To Z. Washburn, for 86 day's services as fireman and Superintendent of Committee Rooms at \$ per day, \$258.

Sec. 16. For the payment of the Salary of the Ad-Adjt. General for the term ending December 31, A. D. 1863, or so much thereof as he shall be entitled to by

law, the sum of \$3,000, and for clerk hire in the Adjutant General's Office, for the term ending December 31st, A. D. 1863, or so much thereof as they may be entitled to by law, the sum of \$3,000.

Woolson, Sec. 17. To T. W. Woolson, for serving a President  
*Pres't. pro tem* pro tem of the Senate, for seven days at three dollars per day, twenty-one dollars.

Salary of Sur- Sec. 18. For the payment of the salary of the Sur-  
 geon General. geon General for the term ending December 31st, A. D. 1863, or so much thereof as he shall be entitled to by law, the sum of two thousand dollars.

Publishing To F. W. Palmer publishing laws of Extra  
 Acts of Extra Session . . . . . \$ 77 40  
 Session. To J. B. Bausman do . . . . . 77 40

To G. M. Todd & Hutchins . . . . . 77 40

To J. H. Knox, Sergeant-at-Arms, 7th Gen-  
 eral Assembly . . . . . 60 00

C. & L. Harbach, for Speaker's Chair . . . . . 25 00

Telegraph'g. J. P. Eaton, for telegraphing about Con-  
 gressional Districts—expenses . . . . . 5 10

C. P. Luse, for two pairs shears . . . . . 2 50

Translating. Henry Hoppers, for translating Governor's  
 Message into Holland language . . . . . 25 00

Sundries. Wesley Redhead, for stationery for House. 153 00

H. Stephenson, cloth bill . . . . . 18 90

Latshaw & Woodwell, hardware bill . . . . . 41 23

John Bryan, plans and specifications . . . . . 15 00

Mrs. Murray, for paste . . . . . 75

Edward Loughran, Fireman pro tem. 3½ days 10 50

Robert Holmes, for notices of General Ba-  
 ker, published in the Linn Co. Register  
 in reference to railroads, to be drawn  
 from the War and Defense Fund, the  
 sum of . . . . . 7 50

Edward Coulter, for taking charge of P. O.  
 during the absence of the P. M. . . . . 2 00

R. D. Kellogg, Speaker pro tem . . . . . 6 00

Wesley Redhead, Stationery for Senate . . 170 60

Mills Bros., Stationery for Senate . . . . . 9 75

I. P. Stibolt, translating Governor's Mes-  
 sage into German . . . . . 25 00

Translating. Gustavus Hinrich, for translating Inaugural  
 into Danish language . . . . . 25 00

*Pro tem. offi-* J. H. Saunders, Secretary pro tem. of the  
*cera.* Senate three days, at \$6 00 . . . . . 18 00

William Turner, fireman pro tem. 2 days at  
 \$3 per day . . . . . 6 00

|  |        |                                |
|--|--------|--------------------------------|
| G. W. Shelly, Door-keeper pro tem 2 days at \$3 per day.....   | 6 00   |                                |
| Jas. H. Rothrock, Speaker pro tem. 7 days at \$3 per day.....  | 21 00  |                                |
| G. M. Todd, balance due for publishing laws of the 8th General Assembly....  | 137 75 | Extra pay for publishing laws. |
| J. Teesdale, balance due for publishing laws of the 8th General Assembly.....  | 144 75 |                                |
| F. G. Noyes, for expenses going to Davenport and returning, to ship army and hospital stores, as per House Resolution .....                    | 12 00  | F. G. Noyes.                   |
| John Dahldorf, for translating Governor's Inaugural into German language, and for express charges in sending printed copies to Des Moines..... | 30 60  | Translating.                   |
| Henry P. Scholte, for translating Governor's Inaugural Address into Holland language.....  | 25 00  |                                |
| S. Upp, Sergeant-at-Arms pro tem. 2 days.  | 6 00   | Sundries.                      |
| S. Upp, for paste for 9th General Assembly   | 75     |                                |
| Lewis E. Bolton, for paste for 9th General Assembly .....  | 10 00  |                                |
| Bill of Mills & Bros., for Stationery for the House .....  | 52 25  |                                |
| A. P. Burrhus, for extra expenses in getting across the river with the mail .....  | 5 00   |                                |
| George L. Hatch, Messenger to the Senate, 6 days at \$2 per day....  | 12 00  |                                |

SEC. 19. This Act being deemed by the General Assembly of immediate importance, shall be in force, and take effect from and after its publication in the Daily State Register, and Des Moines Daily Times.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Daily Times, April 17th, 1862, and in the Iowa State Register April 28, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 131.

JOSEPH G. TANNER.

AN ACT to legalize the official acts of Joseph G. Tanner, as a Justice of the Peace of Nevada Township, in and for the County of Story, Iowa.

WHEREAS, Under the supposition of the existence of a vacancy in the office of Justice of the Peace, of Nevada Township, in and for the county of Story, Iowa, Joseph G. Tanner was voted for that office; and entered upon and discharged the duties of the same. Now, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the official acts and doings of Joseph G. Tanner, done and performed as said Justice of the Peace, as aforesaid, be and the same shall be held as binding, as if the said Tanner had in fact been elected in accordance with law.

Legalizing  
official Acts.

SEC. 2. This Act being deemed of immediate importance shall take effect from its publication in the Des Moines Times and Story County Advocate, provided it be done without expense to the State.

This bill having remained with the Governor three days, (Sunday excepted,) the General Assembly being in session, has become a law this 8th day of April, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Des Moines Times, April 12, 1862, and in the Story County Advocate April 24th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 132.

JACOB MINTUN.

AN ACT for the relief of Jacob Mintun.

WHEREAS, In the year 1856, one Jacob Mintun was elected to the office of Justice of the Peace for Wapello Township, in Louisa county, Iowa, was again elected to the same office for said Township, County and State, in the year 1858; and,



WHEREAS, During his said term of office, a number of the judgments rendered and entered upon his docket by him have not his signature thereto, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the said Jacob Mintun is hereby authorized to sign all judgments by him rendered during his said terms of office that do not now have his signature as such justice attached thereto, and such judgments so signed shall be as legal and binding between the parties thereto, as if he had signed his name thereto when the same were entered upon his docket. Authorizing  
Jacob Mintun

This bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 8th day of April, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 133.

### APPROPRIATION.

AN ACT making appropriations for the payment of State and Judicial Officers, interest on State Bonds and Loans, and for other purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the following sums of money or so much thereof as may be necessary, be and the same are hereby appropriated for the purposes hereinafter designated; *Provided*, That no appropriation herein made shall exceed the amount which may be provided by law as the salary for any officer named in this Act. Appropriation.

SEC. 2. For the salary of the Governor for the term of two years ending December 31st, A. D. 1863, the sum of four thousand dollars; and for the payment of Clerks in the Executive Office for the term of two years ending as aforesaid, the sum of two thousand dollars or so much thereof as may be necessary. Governor.

SEC. 3. For the salary of the Secretary of State for the term of two years ending December 31st, A. D. 1863, the sum of three thousand dollars, and for the payment of Clerks and Deputies in the office of the Secretary of State for the term of two years ending as aforesaid, the sum of two thousand dollars. Sec. of State.

SEC. 4. For the salary of the Auditor of State for the term of two years ending December 31st, A. D. 1863, the sum of two thousand dollars. Aud. of State.

the term of two years ending December 31st, A. D. 1863, the sum of three thousand dollars; and for the payment of Clerks and Deputies in the office of Auditor of State, for the term of two years ending as aforesaid, the sum of two thousand five hundred dollars.

**Treas. of state** SEC. 5. For the salary of the Treasurer of State for the term of two years ending December 31st, A. D. 1863, the sum of three thousand dollars; and for the payment of Clerks and Deputies in the office of Treasurer of State for the term of two years ending as aforesaid, the sum of fourteen hundred dollars.

**Reg. of State Land Office.** SEC. 6. For the salary of the Register of the State Land Office for the term of two years ending December 31st, A. D. 1863, the sum of three thousand dollars; and for the payment of Clerks and Deputies in the office of Register of the State Land Office for the term of two years ending as aforesaid, the sum of twelve hundred dollars.

**Sec. of Board of Education.** SEC. 7. For the salary of the Secretary of the Board of Education for the term of two years ending December 31st, A. D. 1863, the sum of three thousand dollars; and for the payment of a Clerk in the office of the Secretary of the Board of Education for the term of two years ending as aforesaid, the sum of one thousand dollars, provided said Clerk shall act as State Librarian.

**Librarian.** SEC. 8. For the salaries of the Judges of the Supreme Court for the term of two years ending December 31st, A. D. 1863, the sum of twelve thousand dollars; for the expenses of the Supreme Court for the term of two years ending as aforesaid, the sum of three thousand dollars, or so much thereof as may be necessary; and all the bills for such expenses shall contain the items thereof, and shall be certified to as correct by one of the Judges of said Court before being audited.

**Att'y. General's salary.** SEC. 9. For the salary of the Attorney General for the term of two years ending December 31st, A. D. 1863, the sum of two thousand dollars; to meet the deficiency for the year ending December 31st, A. D. 1861, the sum of forty three dollars and fifty-six cents; and for fees and mileage for the term of two years ending December 31st A. D. 1863, as allowed by section seven of the Acts of the Seventh General Assembly, the sum of eight hundred dollars or so much thereof as may be necessary.

**Dist. Judge.** SEC. 10. For the salaries of the District Judges for the term of two years ending December 31st, A. D. 1863, the sum of thirty-five thousand and fifty dollars.

**Dist. Att'y.** SEC. 11. For the salaries of the District Attorneys for the term of two years ending December 31st, A. D.

1863, the sum of seventeen thousand and six hundred dollars.

SEC. 12. For the salary of the Warden of the Penitentiary for the term of two years ending December 31st, A. D. 1863, the sum of two thousand dollars. Warden of Penitentiary.

SEC. 13. For the salary of the Deputy Warden of the Penitentiary for the term of two years ending December 31st, A. D. 1863, the sum of fifteen hundred dollars. Deputy Warden.

SEC. 14. For the salary of the Clerk of the Penitentiary for the term of two years, ending December 31st, A. D. 1863, the sum of fifteen hundred dollars. Clerk of Penitentiary.

SEC. 15. For the salary of the Chaplain of the Penitentiary for the term of two years ending December 31st, A. D. 1863, in addition to the sum of seventy-nine dollars and seventeen cents already appropriated and unexpended, the sum of nine hundred and twenty dollars and eighty-three cents. Chaplain of Penitentiary.

SEC. 16. For the salary of the State Superintendent of Weights and Measures, and for contingent expenses of his office, the sum of four hundred dollars, or so much thereof as may be necessary. Superintendent—Weights and Measures.

SEC. 17. For the payment of a Janitor and Night Watch for the Capitol building for the term of two years ending December 31st, A. D. 1863, in addition to the amount of ninety-two dollars and twenty-five cents already appropriated and unexpended, the sum of thirteen hundred and sixty-seven dollars and seventy five cents, to be expended under the direction of the Census Board. Janitor, etc.

SEC. 18. For the payment of postage of State officers, arrest of fugitives from justice, necessary repairs and improvements upon the State House and grounds, furniture for State House and offices, fuel and lights for State House and such other necessary expenses as are not specifically provided for in addition to the amount already appropriated and unexpended, the sum of six thousand dollars, or so much thereof as may be necessary: *Provided*, That all bills properly chargeable to said appropriation shall be made out by items, and certified to be correct by the officers incurring the expense and approved by the Census Board before audited. General Contingent Fund.

SEC. 19. All officers having an appropriation for the payment of Clerk hire, or other expenses, shall keep an accurate account of all the items of such expenditure, and report the same to the next General Assembly; and all such items before being audited, shall be certified to be correct by the officer having control of such appropriation. Officers to report.

**Salaries paid monthly.** SEC. 20. All salaries of State, Judicial or other officers, payable out of the State Treasury, shall be paid monthly, at the end of each month, if called for, and the State Auditor shall in no case issue warrants on the State Treasury for the payment of any State or other officer in advance of service actually rendered.

**State Bonds.** SEC. 21. For the payment of four semi-annual installments of interest, express charges and exchange, to become due on the bonds issued by the State on the \$200,000 loan authorized to be made by the Seventh General Assembly, the sum of twenty-eight thousand four hundred and twenty dollars, or so much thereof as may be necessary to be drawn from the Treasury only when necessary to pay said interest as it may become due.

**School Fund.** SEC. 22. For the payment of two annual installments of interest on School Fund loans to become due the sum of twenty-four thousand four hundred and fifty-nine dollars and fifteen cents, to be drawn from the State Treasury only when necessary to pay said interest as it may become due.

**War and Defense Fund.** SEC. 23. For the payment of four semi-annual installments of interest, express charges and exchange, to become due on the War and Defense bonds of the State, in addition to the amount already appropriated and unexpended, the sum of twenty thousand dollars, or so much thereof as shall be necessary, to be drawn from the State Treasury only when necessary to pay said interest as it may become due.

**Contingent Fund.** SEC. 24. For the payment of extraordinary expenses of the Executive Department for the term of two years ending December 31st, A. D. 1863, in addition to the amount already appropriated and unexpended, the sum of ten thousand dollars or so much thereof as may be necessary; the Governor shall report to the next General Assembly a statement of the amount thus expended by him out of this appropriation, and the purposes for which the same was expended.

**Rent of State House.** SEC. 25. For the payment of the rent of the building now occupied by the State as a Capitol, the sum of two dollars, to be paid as it becomes due.

SEC. 26. This Act being deemed by the General Assembly of immediate importance, shall take effect from

and after its publication in the Daily State Register, and the Daily Des Moines Times.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 23d, 1862, and in the Des Moines Daily Times April 16th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 134.

### TOWN OF NEWTON.

AN ACT prescribing the manner in which the incorporate town of Newton, Jasper County, Iowa, may dissolve its acts of incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That upon application of a majority of the qualified electors of the incorporate town of Newton, Jasper County, Iowa, as provided in Section two of this Act, it shall be lawful for the qualified electors to dissolve the acts of incorporation of said town, *Provided,* That said town shall make arrangements with all parties having liquidated or unliquidated claims against said Incorporation for the full and complete payment of the same, before said Act shall take effect.

SEC. 2. Whenever the qualified electors of said incorporate town shall wish a dissolution of said acts of incorporation, they shall petition the town council thereof, which petition shall contain a prayer for the dissolution of said acts of incorporation and shall be signed by a majority of said electors and shall be accompanied by the affidavits of at least two electors of said town to the effect that the signatures to such petition are genuine and that the signers reside within the limits of said town.

SEC. 3. When said petition shall have been presented to the town council it shall be their duty to call an election, on the fourth Monday after the presentation thereof by publication in the newspaper published in said town, and posting the proclamation of the Mayor to that effect in three of the most conspicuous places in said town, one of which shall be upon the door of the Mayor's office and shall be posted and published at least three weeks before such election.

**Conducted.** SEC. 4. The election shall be conducted as other towns elections.

**Ballots.** SEC. 5. The voters desiring a dissolution of said incorporation shall write or have printed on their ballots "For dissolution," and the voters not desiring a dissolution shall write or have printed on their ballots, "Against dissolution."

**Dissolved.** SEC. 6. If a majority of the votes cast are for a dissolution, the Incorporation shall be dissolved.

SEC. 7. All Acts and amendments of Acts respecting the Incorporation of the town of Newton, Jasper County, Iowa, are, whenever the foregoing Sections are complied with, hereby repealed.

Approved April 8, 1862.

## CHAPTER 135.

### DITCHES AND DRAINS.

AN ACT to prevent obstructions in any of the public ditches for the benefit of Swamp Lands.

**Penalty for obstructing.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person or persons, who shall place any obstructions in any of the public ditches or drains, made for the purpose of draining any of the Swamp Lands in this State, shall, upon conviction, be compelled to remove said obstructions, and be fined not less than five dollars, nor more than one hundred dollars, or be imprisoned in the county jail not more than thirty days, at discretion of the Court. Any person interested may prosecute for such offence.

Approved April 8th, 1862.

## CHAPTER 136.

### DELOS ARNOLD.

AN ACT to legalize the Acts of Delos Arnold as Notary Public in Marshall County, Iowa.

WHEREAS, Delos Arnold, of Marshall County, Iowa,

was on the 17th day of June, 1857, appointed a Notary Public in and for said County, by James W. Grimes, then Governor of Iowa, for the term of three years, then next thereafter, and

WHEREAS, After the expiration of said term of office of the said Delos Arnold, he continued to act as a Notary Public under the belief that his commission had not expired, now that no person may be caused to suffer by the official acts of said Delos Arnold, performed since the expiration of his commission as aforesaid:

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the official acts of said De- Act legalized los Arnold by him performed as a Notary Public within and for said County of Marshall, subsequent to the 17th day of June, 1860, be, and the same are hereby declared legal and binding in law and equity as fully as though said acts had been performed before the expiration of said commission.

SEC. 2. This Act shall take effect and be in force from and after its publication in the Iowa State Register and Marshall County Times, newspapers published in the State of Iowa without expense to the State.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register April 23rd, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 137.

COMPENSATION OF COUNTY JUDGES.

AN ACT to amend an Act entitled an Act regulating County Judges.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Section four hundred and thirty-six of the Revision of 1860, be amended so as to read as follows: The County Judges of the several Counties of this State are authorized to charge and collect the following compensation for their services, to-wit:

|   |        |              |
|---|--------|--------------|
| Issuing marriage license and recording same.                    | \$1 00 | Compensati'n |
| Solemnizing rites of matrimony,.....                            | 2 00   |              |
| Granting letters of administration or appointing Guardian,..... | 50     |              |
| When the same is contested,.....                                | 1 00   |              |

Sec. 486 of revision 1860 amended.

|  |      |
|--|------|
| Granting Probate of will, . . . . .  | 1 00 |
| When the same is contested, . . . . .  | 2 00 |
| For Executor's or Guardian's bond, . . . . .   | 50   |
| Approving security of same, . . . . .  | 25   |
| Commission to Executors or Guardians, . . . . .  | 50   |
| Disallowance of application for settlers of ad-<br>ministration or Probate of will to be paid<br>by losing party, . . . . .      | 1 00 |
| Commission to appraisers of personal prop-<br>erty or real estate, . . . . .   | 50   |
| Approving report of appraisers, or examining<br>and allowing inventory for first page, . . .                                     | 25   |
| Each succeeding page, . . . . .  | 10   |
| Order for sale of personal property or real<br>estate, . . . . .   | 50   |
| Allowing claim against estate, . . . . .   | 10   |
| Allowing same when contested, for each day, . . .  | 2 00 |
| Examining and allowing Executor's report, 1st<br>page, . . . . .   | 50   |
| Each succeeding page, . . . . .  | 10   |
| Apportioning an insolvent estate among the<br>creditors, . . . . .   | 1 00 |
| Decree for settlement of an estate, . . . . .  | 50   |
| Order of distribution, . . . . .   | 50   |
| Approving Executor's or Guardian's deed, . . .   | 50   |
| Hearing complaint against lunatic, . . . . .   | 2 00 |
| For taking affidavit, . . . . .  | 25   |
| Any writ or process issued under seal, . . . . .   | 25   |
| Allowing an appeal, . . . . .  | 25   |
| Commission to referees to assign dower, . . . . .  | 1 00 |
| Assignment of dower, . . . . .   | 1 50 |
| For every continuance, . . . . .   | 25   |
| For certificate and seal, . . . . .  | 35   |
| Filing each paper, . . . . .   | 05   |
| Recording all papers required by law to be re-<br>corded, for 100 words, . . . . .   | 10   |
| A citation or summons, for first person named<br>therein, . . . . .  | 25   |
| Each other person named therein, . . . . .   | 10   |
| And when a translation of any will or any<br>other instrument is required, he shall be<br>entitled for each 100 words, . . . . . | 15   |
| Issuing subpoenas in any case, . . . . .   | 10   |
| Hearing cases of bastardy, one day, . . . . .  | 2 00 |
| Granting writ of habeas corpus, . . . . .  | 50   |
| Hearing and determining same, per day, . . . . .   | 2 00 |
| Taking acknowledgment of instrument, . . . . .   | 35   |
| Hearing application for injunction, one day, . . .   | 2 00 |



Hearing application to dissolve the same, one day, ..... 2 00

Hearing of any case which is not provided for in this Section, for each day, ..... 2 00

SEC. 2. That so much of said Section four hundred Repeal and thirty-six as may be inconsistent with this Act, be and is hereby repealed.

Approved April 8th, 1862.

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CHAPTER 138.

PUBLICATION OF LAWS IN PAPERS

AN ACT to authorize the publication of certain laws in the Weekly State Register and Weekly Des Moines Times.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any laws passed at the present session of the General Assembly, and required to be published in the Daily State Register and Daily Des Moines Times, may be published in the Weekly State Register and Weekly Des Moines Times, and such publication shall be valid, and said laws shall be in force and take effect as though published in the Daily State Register and Daily Des Moines Times.

Publication  
of Laws.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its publication in the Weekly State Register and Weekly Des Moines Times.

Approved April 8, 1862.

I hereby certify that the foregoing Act was published in the Weekly Des Moines Times April 19th, 1862, and in the Weekly State Register, April 23d, 1862.

ELIJAH SELLS, Secretary of State.

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CHAPTER 139.

AMITY COLLEGE.

AN ACT for the relief of Amity College.

WHEREAS, on the 29th day of May A. D. 1857, B. F.

Haskins, Secretary of the Board of Trustees of Amity College, an institution of learning located in Page County, Iowa, for and on behalf of said College, entered into a contract with the School Fund Commissioner of said County, for the purchase of the following School Lands, to wit: w hf of nw qr, and sw qr of sec. 16 town 68 north of range 38 west; se qr sec. 16 town 70 north range 37 west; n hf of sw qr and s hf of sw qr and ne qr of se qr sec. 16 town 70 north range 38 west; ne qr sec. 16 town 70 north range 39 west, situate in said County of Page and containing one thousand and fifty acres, agreeing to pay therefor the sum of two dollars and eighty-eight cents and ninety-two hundredths of a cent per acre, amounting to the sum of three thousand and four dollars, and eighty cents, one-fourth of which sum was paid in cash, amounting to seven hundred and fifty-one dollars and twenty cents, the balance was secured to the School Fund by notes and contract, signed by said B. F. Haskins as Secretary of the Board of Trustees of Amity College, and,

WHEREAS, on the same day the said College, by the said B. F. Haskins, its Secretary, in like manner contracted with said School Fund Commissioner for the following land situated in said county, to wit: s hf sw qr sec. 16 town 68 north range 37 west; n hf sw qr., and s hf nw qr sec. 16 town 68 north range 37 west, containing two hundred and forty acres, agreeing to pay therefor the sum of four dollars and forty-eight and one-third cents per acre, amounting to the sum of ten hundred and seventy-six dollars, the one-fourth of which was paid in cash, being two hundred and sixty-nine dollars; the balance eight hundred and seven dollars, was, in like manner, secured by the notes and contract of the said Haskins, as Secretary of the Board of Trustees of said College, on which several contracts said College has paid interest for one year, amounting to the sum of one hundred and eighty-one dollars, and

WHEREAS by reason of the failure on the part of said College to pay out said contracts, or either of them, or to pay the interest thereon except as aforesaid, suit was brought on the first mentioned contract, and a judgment obtained by R. F. Conner, Treasurer and Recorder of said County of Page, in the District Court of said County, at the May Term, 1861, against the said B. F. Haskins, Secretary, as aforesaid, for the sum of four thousand and seventy-two dollars and twenty-five cents for debt and interest with costs, with an order for the sale on special execution of the land first described, and

WHEREAS, by reason of the financial depression generally, and the great depreciation in the value of lands, particularly on the Southern border of the State, said College has become unable to pay for said lands, nor can the amount due on said judgments and contract be realized to the School Fund without totally prostrating said College, now in successful operation, and of great benefit to the people in its vicinity.

Therefore, in view of the fact that said contracts were entered into for the sole benefit of said institution of learning, and not for speculation or profit, other than for the promotion of education; and in view of the fact that the School Fund has received thereon the sum of twelve hundred and one dollars and twenty cents, including the interest aforesaid, and that said College cannot, unless at the sacrifice of its existence, pay out said contracts, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Amity College is hereby released from the contracts described in the preamble of this Act, and the Clerk of the District Court of Page County is hereby directed to cancel the same upon their surrender thereof to him, and to enter upon the records of said Court full satisfaction of a judgment entered thereon, or either of them, at the May Term, 1861, against B. F. Haskins, Secretary of the Board of Trustees of Amity College except as to costs, which said College shall pay; and the said College is hereby authorized to select, in conjunction with said Clerk, of the lands described in said contracts, three hundred and twenty acres, one-half to be selected by said College, and one-half thereof by said Clerk; and the said Clerk is directed by this Act to issue to said College, in such name as it may designate, a certificate of full payment for such lands as may be thus designated, which certificate shall entitle said College or the person or persons named therein, to a patent for said lands, to be issued as now directed by law in the sale of School Lands, *Provided*, that said selections shall be made within three months from the taking effect of this Act.

College released from contract.

Lands selected for benefit of College.

Clerk gives a certificate.

Patent.

Limit of time.

Approved April 8, 1862.

## CHAPTER 140.

## JOHN C. TURK'S ACTS LEGALIZED.

AN ACT to legalize the Acts of John C. Turk, a Notary Public in and for Polk County, Iowa.

Preamble.

WHEREAS, John C. Turk was, on the 30th day of July, 1861, duly appointed and commissioned a Notary Public in and for Polk County, Iowa, and

WHEREAS, the said John C. Turk neglected to file his commission in the office of the Recorder of deeds of said County until the twelfth day of March, 1862, now therefore,

Legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the official acts of the said John C. Turk as Notary Public between the 30th day of July, 1861, and the 12th day of March, 1862, be, and the same are, hereby legalized and as binding between all parties as though the said Turk had caused his commission to have been filed in the office of the Recorder of Deeds of said County on the 30th day of July, 1861.

SEC. 2. This Act being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Des Moines Daily Times without expense to the State.

Approved April 8th, 1862.

## CHAPTER 141.

## ROADS AND HIGHWAYS—DAMAGES.

AN ACT to amend section 843 of the Revision of 1860, relating to roads.

Repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the following words in section 843 of the Revision of 1860, to wit: "after deducting therefrom the benefit he will receive from such road," being the concluding words thereof, be and the same are hereby repealed.

Approved April 8, 1862.

## CHAPTER 142.

## C. H. TOLL.

AN ACT to legalize the acts of C. H. Toll, a Notary Public in Clinton County.

WHEREAS, C. H. Toll, who was appointed a Notary Public for Clinton county, on the 15th day of October, A. D. 1856, continued to act as such Notary Public for a short time after the expiration of his Commission, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the official acts of the said C. H. Toll as Notary Public within and for Clinton county, performed by him after the expiration of his Commission, be and the same are hereby legalized and made as valid as though they had been performed before the expiration of his said commission. Legalized.

SEC. 2. This Act to take effect and be in force from and after its publication in the Iowa State Register and the Clinton Herald, without expense to the State.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register April 23d, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 143.

## LOAN TO MEDICAL COLLEGE.

AN ACT to authorize the Board of Supervisors of Lee County to loan a portion of the School Fund in said County to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the University of the State of Iowa.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Board of Supervisors of the County of Lee are hereby authorized and empowered to loan out of the School Fund in said county, to the College of Physicians and Surgeons, known as the Medical Department of the University of the State of Iowa, located at Keokuk, a sum of money sufficient to remove the incumbrance now upon the New College Building Board of Supervisors' loan to Medical College.

and lots in said City of Keokuk, and take as security therefor, a mortgage upon said new College Building and lots; *Provided*, The interest on the sum loaned shall be secured in addition to the mortgage, by personal security of at least three persons to be approved by the Clerk of the District Court of said County; and, *Provided further*, That said Board of Supervisors shall deem the said New College Building good and sufficient security for the sum loaned.

**Further loan.** SEC. 2. Said Board of Supervisors shall also be authorized to loan to said Medical Department, a sum sufficient to pay off the amount of the liens upon said property, and take an assignment of said incumbrances as security to the State, together with personal security for the interest, as provided in the last section. *And provided further*, (that) they consider this plan safer for the interest of the State than the one provided for in the first section of this Act; *and provided further*, That the first lien upon said New College Building shall in any case be included in security for any sum loaned under the provisions of this section.

**Restrictions.** SEC. 3. No loan shall be made under either of the preceding sections, until the title to said New College Building shall have been examined by the District Attorney of the first Judicial District, and by him reported to said Board of Supervisors to be good and perfect.

**College insured.** SEC. 4. No loan shall be made under this Act until the said Medical Department of the University of the State of Iowa shall cause the said New College Building to be insured for the benefit of the State in some reliable Insurance Company to the amount of the proposed loan.

**Lee county not released from liability.** SEC. 5. Nothing in this Act contained, shall be so construed as to release the county of Lee from its liability to the State for the full proportion of the School Fund in said County as now or hereafter provided by law.

SEC. 6. This Act being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Daily Gate City; *Provided*, such publication shall be without expense to the State.

Approved, April 8, 1862.

I hereby certify that the foregoing was published in the Iowa State Register April 23d, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 144.

## PUBLICATION OF LAWS IN GERMAN.

AN ACT to provide for the publication of the Laws of a general nature of the Ninth General Assembly, in certain German newspapers, and for the translation thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That as soon after the adjournment of the present session of the General Assembly of the State of Iowa as practicable, the Secretary of State shall furnish for translation to Edmund Jaeger all the laws of a general nature passed at this session of the Legislature. Secretary furnish laws to E. Jaeger.

SEC. 2. The Said Edmund Jaeger shall, as soon as practicable, translate said Laws, and furnish to each of the following named newspapers a copy of the same for publication, to-wit: To the Staats Zeitung, at Dubuque, National Demokrat at Dubuque, Der Demokrat at Davenport, Die Tribune at Burlington. Jaeger to translate.

SEC. 3. There shall be paid out of any money in the Treasury not otherwise appropriated, the sum of two hundred dollars for the translation and stationery, and the sum of thirty-five cents per thousand ems for such publication, and the Auditor of State is authorized to audit the claims and to draw his warrant in favor of said translator, and of any publisher of any such paper for the amount due each, when he shall be satisfied of the correctness of such claims. Compensati'n

SEC. 4. This Act to take effect from and after its publication in the Daily State Register and Daily Des Moines Times, newspapers published at Des Moines, Iowa.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 17th, 1862, and in the Des Moines Daily Times April 18, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 145.

## GEORGE W. CLARKE'S ACTS.

AN ACT to legalize the official acts of George W. Clarke, a Notary Public.

Legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the official Acts of George W. Clark, a Notary Public in Polk County, Iowa, be and the same are hereby rendered legal and valid, the same as if his commission was in full force and effect at the time, and as if he had in every respect complied with the Statute.

SEC. 2. This Act being deemed of importance shall take effect from and after its publication in the Des Moines Times and State Register, without expense to the State.

Approved April 8th, 1862.

## CHAPTER 146.

## DISTURBING THE PEACE.

AN ACT to amend section 4860 of the Revision of 1860.

Sec. 4860, R.  
1860, amend.

Penalty for  
disturbing  
the peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section 4860 be amended by adding the following thereto, to-wit: And if any person or persons unlawfully and willfully disturb or interrupt any school, school meeting, teachers' institute, lyceum, literary society, or any other lawful assembly of persons being in the peace of the State, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one hundred dollars, or by imprisonment in the County Jail not exceeding thirty days.

Approved April 8, 1862.



## CHAPTER 147.

## FIFTH AND ELEVENTH JUDICIAL DISTRICTS.

AN ACT to legalize and declare valid certain Judgments of the District Court of the Fifth and Eleventh Judicial Districts of the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all judgments of the District Courts of the Fifth Judicial District, in accordance with an Act creating the same, by the General Assembly, A. D. 1848, composed of the counties of Appanoose, Wayne, Decatur, Ringgold, Taylor, Page, Fremont, Monroe, Lucas, Clarke, Marion, Warren, Madison, Jasper, Polk, Dallas, Marshall, Story and Boone; and of the Eleventh Judicial District, composed of the counties of Marshall, Story, Boone, Hardin, Hamilton, Webster, Franklin, Wright, Hancock, Winnebago, Cerro Gordo and Worth, which have been recorded by the Clerks of the respective Courts in said Districts at the time of the rendition thereof in due form, but which have not been signed by the Judges thereof, are hereby declared to be legal and valid to all intents and for all purposes, as though the same had been duly signed by the presiding Judges of said Districts as aforesaid, and all sales of real estate heretofore made by the Sheriffs on executions issued upon such judgments are hereby legalized and made valid; *Provided*, That nothing herein contained shall be so construed as to legalize and declare valid any judgment or sale of real estate that is otherwise illegal or unequitable, than for the informalities hereinbefore stated.

Judgments  
made valid.

SEC. 2. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Times, Register, and Boonsboro Times, or any two of them.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register and Des Moines Times April 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 148.

## PROTECTION OF SCHOOL FUND.

## AN ACT for the better protection of the School Fund.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the several Boards of Supervisors shall hold and manage the securities given to the School Fund in their respective Counties and also all judgments and lands therein belonging to said fund for the use of said fund; and to that end such Counties shall have power to sue in their own name for the use of said fund, either by the District Attorney, or such other Attorney as such Board shall select, and to do all other acts in relation to the same, necessary for the protection of said fund, and such counties shall be severally liable for all losses upon loans of such fund made in such County after the passage of this Act: *Provided,* that any County may discharge itself from any liability in any case by showing that the alleged loss was not incurred by reason of any default of her officers or by taking insufficient or imperfect securities.

**SEC. 2.** Whenever any portion of the School Fund of this State has been loaned upon real estate security, upon which exists a prior incumbrance, other than for taxes, the several Boards of Supervisors of the respective Counties of this State, shall have authority in their discretion, if they deem it necessary, to remove said prior incumbrance in order that said fund may ultimately realize the money upon said loan, to appropriate so much money out of the School Fund, if any there be within said County, as shall be necessary to remove said incumbrance, *Provided,* said incumbrance shall not exceed one-half the actual cash value of said real estate, and *Provided further,* that said respective counties shall, in such case, be liable for the ultimate payment, within five years thereafter, with ten per cent. interest thereon, of the money so appropriated so to remove said incumbrance.

**SEC. 3.** Such Boards may, when deemed necessary, employ some competent person to examine the securities aforesaid, make abstracts of titles to the lands mortgaged, and make out complete statements thereof for such Boards, and under the direction of said Boards, or a Committee thereof, to procure the renewal of such notes and mortgages, when demanded by persons enti-

Board of Supervisors manage School Fund.

Prior incumbrance may be removed.

Board may employ agents.

tled thereto, upon such terms as to time and security in all respects as in making new loans. And such agent may with the consent of said Board or Committee take from any person responsible for any loan, any additional security by way of bond or mortgage, or both, in cases where the property mortgaged is inadequate security for the sum loaned, and the applicant shall pay up all interest and procure the written consent of the securities on the note; but in all cases of the continuance of loans, as well as in cases of new loans, abstracts of title shall be presented and filed with the mortgage, which shall show the title to the mortgaged premises is in the mortgagor, free and clear of any incumbrance or debt.

SEC. 4. Any person responsible to the School Fund for any part of the principal thereof, who shall promptly pay all interests and costs (if any) thereon, whether the same may be rendered into a judgment or not, shall be permitted to borrow such principal, upon complying in all respects with the requirements of law relating to new loans. Principal may be borrowed.

SEC. 5. The Clerks of the several Boards of Supervisors in whose county there are outstanding contracts on sale of School Lands, and which contracts are due, shall immediately publish a notice requiring all persons holding any such lands, to at once pay up the amount due thereon, or otherwise make satisfactory arrangements for an extension of time. He shall also give a like notice to all mortgagors to said fund on whose notes either principal or interest is due. Such notices shall be printed for four weeks in a newspaper published in the county, if there be one; if there be none, then in such newspaper published in this State as will be most likely, in the opinion of said Clerk to give notice to all concerned; and a copy of such notice shall be posted for the same time at the outer door of the building in which the last District Court in said County was held. Clerk notify holders of lands, etc.

SEC. 6. In case the person holding lands so contracted or mortgaged, shall neglect to pay the sums due thereon or make an arrangement for an extension of time, within three months from the first publication of such notice, such Board may cause suit to be brought, and prosecuted with the utmost diligence to secure said fund, and in any action in favor of a county for the use of the School Fund, an injunction may issue without bond, and in any such action, where service is made by publication, default and judgment may be entered and enforced without the bond required of individuals. In all such suits the Court shall give the Plaintiff as a part of the costs, such Suit may be brought for amount due. Cost of P<sup>r</sup>o<sup>o</sup> Attorney.

an amount as will be a sufficient compensation for the Plaintiff's Attorney in the case.

**Land bid off.** SEC. 7. In case of sales of lands on execution founded on any such mortgage or contract, the Attorney for said Board, or other person authorized by said Board shall bid on behalf of the State, for the use of said fund, such sum as the interests of said fund may require, and if struck off to the State, the same shall be held and disposed of in all respects the same as other lands belonging to said fund, except as hereinafter provided.

**Loans ratified** SEC. 8. Loans from said fund heretofore made to School Districts, are hereby ratified and confirmed.

**Notes, etc.,  
made payable  
to county.** SEC. 9. All contracts, notes and mortgages given to said fund shall hereinafter be made payable to the county controlling them, but no such contracts, notes or mortgages heretofore, or hereinafter made, shall be invalid, because they are made payable to any other payee, but the same shall be deemed and taken to belong to said County, for the use of the said fund, and suits may be maintained thereon in the name of the said County, with the same effect as if they were drawn payable to the said County.

**Statement  
transmitted  
to Auditor.** SEC. 10. The Board of Supervisors shall cause their Clerk annually in the month of June to transmit to the Auditor, a statement of the amount of the permanent School Fund on loan or contract in such County, and all receipts and payments on account thereof: And whenever any loss to said Fund is ascertained, he shall report the particulars thereof to the Auditor, who shall report the same to the General Assembly at its next session thereafter, to the end that an appropriation therefor may be made to pay the interest thereon to said Fund.

**Auditor to re-  
port to Gen.  
Assembly.** SEC. 11. When any lands shall be bid off in behalf of said Fund, the Clerk of the Board of Supervisors may upon the application of any person proposing to buy the same, have the same appraised, on receiving from such applicant, the costs of such appraisal in advance.

**Appraisal of  
lands.** The said Clerk shall thereupon select three competent, disinterested freeholders, not of kin to the applicant, who shall be acquainted with the value of the land in question, who shall be sworn to appraise the land at such a sum as they would appraise the same in the payment of a just debt, due from a solvent debtor.

**Appraisers  
appointed.** For such services, such appraisers shall be entitled to fifty cents each, upon signing a certificate of such valuation.

**Pay of ap-  
praisers.** The Clerk may sell the same at such appraisal, for ready pay, or he may contract for the sale thereof at such

**Clerk may  
sell.**

sum; the purchaser paying the interest and costs included in the judgment on which the said land was sold, and the balance in five years with interest, at ten per cent., payable annually, on the first day of January, with at least two sufficient sureties: *Provided*, such appraisal shall be equal to the judgment, interest and costs on which said land was bid in.

If such appraisal be less than the aforesaid sum, the Board of Supervisors may in their discretion authorize the sale at such appraisal, and the Clerk shall in that case report the balance of the judgment as loss to such Fund. Board may authorize sale

SEC. 12. Upon the full payment for any lands held on account of said Fund, the said Clerk shall certify the fact of sale and payment to the Governor, and said Governor shall issue a patent therefor, whether said lands were of the sixteenth sections, or lands bid in on foreclosure of mortgages. Patent issued.

SEC. 13. Lapse of time shall in no case bar any action brought or to be brought on any contract for any part of the School Fund, nor shall such lapse of time prevent the introduction of evidence in any such action, any provision of Chapter 16 of the Revision of 1860 to the contrary notwithstanding. Lapse of time no bar to action.

SEC. 14. In all cases where the Clerk of the Board of Supervisors is required to take mortgages upon real estate as security for money borrowed, and upon the return of the appraisers thereof, it shall be the duty of the said Clerk to examine the assessment of the said land for the year previous, and should the said appraisal be higher than the said assessment, it shall be the duty of the said Clerk to take the security upon one-half of the assessed valuation thereof. Manner of taking mortgages.

SEC. 15. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily Iowa State Register, and the Daily Des Moines Times, papers published at Des Moines.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 19, 1862, and in the Des Moines Times April 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 149.

## ESCHEAT.

AN ACT for the relief of the Widow and indigent children of Joseph Ketterer.

## Preamble.

WHEREAS, In the year 1842 or 1843, one Joseph Ketterer of Germany, emigrated to the United States, and settled in the State of Iowa, intending to remove his family to this country as soon as he could procure a home and means to do so, and whereas in the year 1844, he purchased of the United States the S. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  Sec. 5, and the S. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  of Sec. 8, all in T. 74, N. R. 9 W., situated in the County of Washington, State of Iowa, made improvements thereon, &c., and in the year 1846 died in the city of Burlington, Iowa, before he had removed his family to this country; and whereas, it appears that his wife, Crescent Ketterer, is of old age, and in ill health, and that his children Joseph Ketterer and Ferdinand Ketterer, as well as their mother, are in such indigent circumstances as to prevent their removal to the United States, Therefore,

## Escheat relinquished.

*Be it enacted by the General Assembly of the State of Iowa,* That the State of Iowa does hereby relinquish all right or title by escheat, in and to the said S. E.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  Sec. 5, and the S. W.  $\frac{1}{4}$  of the N. E.  $\frac{1}{4}$  Sec. 8, all in T. 74, N. R. 9 W., all property of Joseph Ketterer, real or personal, situated in Washington County, State of Iowa, or any title she may have acquired to said lands, and hereby grants the same to, and relinquishes her right thereon to the said Crescent Ketterer, wife of said Joseph Ketterer, and to Joseph Ketterer and Ferdinand Ketterer, the children and heirs of said Joseph Ketterer deceased, and to their heirs, assigns or vendees subject however to all general or special taxes as other lands.

SEC. 2. This Act to take effect and be in force from and after its publication in the Iowa State Register, a newspaper published in Des Moines, Iowa; and the Burlington Hawkeye, a newspaper published in Burling-

## LAWS OF IOWA.

ton, Iowa, provided it shall not be at the expense of the State.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register April 23rd, 1862, and in the Burlington Hawkeye, April 28, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 150.

### DEFAULT.

AN ACT to amend the Code of Civil Practice.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Sections 3156, 3157, 3158, and 3159, in Chapter 123 of the Revision of 1860, are hereby repealed, and the following is substituted therefor. When judgment by default is rendered against a Defendant who has not been personally served, the Court before issuing process to enforce such judgment, may if deemed expedient, require the plaintiff to give security to abide the future order of the Court as contemplated in Section 3160. **Plaintiff give security.**

SEC. 2. This Act shall take effect from its publication in the Iowa State Register and Des Moines Times, newspapers published at the Seat of Government.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times April 19th 1862, and in the Iowa State Register, April 23d, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 151.

### DOWER.

AN ACT to amend Article four of Chapter one hundred of the Revision of 1860 in relation to dower.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section two thousand four hundred and seven, **Sec. 2477, R. repealed.**

**Wife's dower** dred and seventy-seven of the Revision of 1860 be and the same is hereby repealed, and that there be enacted in lieu thereof the following, to-wit: Sec. 2477. One-third in value of all the real estate in which the husband at any time during the marriage had a legal or equitable interest, which has not been sold on execution or other judicial sale, to which the wife has made no relinquishment of her right, shall, under the direction of the Court, be set apart by the executor, administrator or heir, as her property in fee-simple, on the death of the husband, if she survive him. Continuous cohabitation as husband and wife is presumptive evidence of marriage for the purpose of giving the right aforesaid.

**Cohabitation evidence of marriage.**

**Sec. 2478, R. repealed.**

**Widow's dower.**

**SEC. 2.** That Section two thousand four hundred and seventy-eight of the Revision of 1860 be and the same is hereby repealed, and that there be enacted in lieu thereof the following, to-wit: Section 2478. If the referees report that the property or any part thereof cannot be readily divided as above directed, the Court, if satisfied with such report, may order the whole to be sold, and one-third of the proceeds paid over to the widow; but such sale shall not take place if any one interested to prevent it, will give security, to the satisfaction of the Court, conditioned to pay the widow the appraised value of her share, with ten per cent. interest on the same within such reasonable time as the Court may fix, not exceeding one year from the date of such security. If no such arrangement is made, the widow may keep the property, by giving like security to pay off the claims of all others interested, upon the like terms. With any money thus paid to her the widow may procure a homestead which shall be exempt from liability for all debts, past or prospective, from which the former homestead would have been exempt in her hands. And in order that the sale herein provided for may not be forced at unfavorable times, or contrary to the wishes or interests of those interested, it is further provided that such sale shall not be ordered so long as those in interest shall express a contrary desire and shall agree upon some mode of sharing and dividing the rents, profits or use of such property, or shall consent that the Court divide it by rents, profit or use.

**Widow's homestead.**

**Rights of dower applicable to husband.**

**SEC. 3.** Section two thousand four hundred and seventy-nine of the Revision of 1860 is hereby repealed, and the following in place thereof is enacted. Section 2479. All the provisions hereinbefore made in relation to the widow of a deceased husband, shall be applicable to the husband of a deceased wife. Each is entitled to



the same right of dower in the estate of the other, and the like interest shall in the same manner descend to their respective heirs. The estate by courtesy is hereby abolished.

SEC. 2. This Act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily State Register and Daily Des Moines Times, newspapers published in the City of Des Moines, Iowa.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 18, 1862.

ELLJAH SELLS, Secretary of State.

## CHAPTER 152.

### DEAF AND DUMB AND BLIND ASYLUM.

AN ACT to provide for the support of the Deaf and Dumb and Blind Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That to meet the ordinary ex-Appropriat'n  
penses of the Deaf and Dumb and Blind Asylums, institutions for the education of mutes and the blind, including rents, furniture, books, maps, charts, music and musical instruments, and the compensation of the Principal, Matron, and Teachers of such institutions, there is hereby appropriated from the State Treasury, the sum of three thousand dollars per annum to each of said institutions, or, so much thereof as may be necessary.

SEC. 2. The Superintendent or Principal of each of Salary of  
the above named institutions shall be entitled to receive Principal  
out of the above money appropriated, the sum of seven hundred dollars each.

The Matron of each of said institutions shall be enti- Pay of Ma-  
tled to receive the sum of two hundred and fifty dollars tron and  
each; and any male teacher or teachers that may be Teachers.  
employed by the officers of the Board in either of such institutions, shall receive not to exceed three hundred and fifty dollars per annum, and any female teacher or teachers that may be so employed, shall receive not to exceed two hundred dollars per annum, which several sums shall be paid out of the money above appropriated, quarterly,

upon an order of the Board of Trustees, which, when presented to the Auditor, he shall issue his warrant therefor.

**Pupils admitted.** SEC. 3. Pupils shall be admitted into each of said institutions of proper age and condition, upon application to the Principal of each of said institutions.

**Clothing pupils.** SEC. 4. That when the pupils of either of said institutions are not otherwise supplied with clothing, they shall be furnished by the Superintendent of such institution, who shall make out an account therefor in each case against the parent or guardian, if the pupil be a minor, and against the pupil if the pupil have no parent or guardian or have attained the age of majority, which account shall be certified to be correct and signed by such Superintendent, and shall be prima facie evidence of its correctness in the Courts of this State, and such Superintendent shall forthwith remit such account to the Treasurer of the proper county, who shall collect the same by suit, if necessary, in the name of such institution, and pay the same into the State Treasury with his next regular payment.

**Current expenses.** SEC. 5. For the purpose of meeting the current expenses, there is hereby appropriated out of the State Treasury, twenty-five dollars per quarter for each pupil in said institutions, or so much thereof as may be necessary; *provided*, however, that the Board of Trustees shall at the beginning of each quarter when the school is in session, transmit to the Auditor of State their order on said Auditor, a certificate of the actual number of pupils present at the beginning of said quarter, and should the beginning occur in vacation, the actual number the preceding quarter, and upon this certificate, the Auditor shall issue thereon warrants according to the order of the Board of Trustees.

**Trustees report to Auditor.**

**Principal's report.** SEC. 6. The Principal of each of the above institutions shall report to the General Assembly, at each regular session thereof, the whole number of students and the time actually in attendance in each year, with a complete statement of the expenditure of such institution.

**Rent.** SEC. 7. That in no case shall the rent of the buildings used by the institutions of the Blind and the Deaf and Dumb, exceed the cost of three hundred dollars per year to the State.

**Repeal former Acts.** SEC. 8. That section 12 of an Act entitled an Act to establish an Asylum for the Blind, passed at the Fifth General Assembly, and took effect January 31st, 1855— and section 12 of an Act to establish a State Institution

for the Deaf and Dumb, which took effect January 31st, 1855, and passed at the Fifth General Assembly, are hereby repealed, together with all Acts and parts of Acts coming in conflict with this Act.

SEC. 9. This Act being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the State Register, and Des Moines Times, papers published at Des Moines, Iowa.

Approved April 8, 1862.

I hereby certify that the foregoing Act was published in the State Register, April 18, 1862, and in the Des Moines Times April 19th, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 153.

### DUBUQUE AND SIOUX CITY RAILROAD COMPANY.

AN ACT to require the Dubuque and Sioux City Railroad Company to release certain Swamp, School and River Lands, on the line of said Road, and providing for the compensation therefor by an extension of the time of building said Road.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That from and after the taking effect of this Act, the Governor of the State of Iowa shall not certify to the Secretary of the Interior that any part of the road is completed on the line of the Dubuque and Sioux City Railroad, as now provided for by section four (4) of the Act of Congress making said grant, approved May 15th, A. D. 1856; nor shall said road be entitled to receive any certificate for lands on said line of road until said Company shall have executed a deed of release of all the swamp and overflowed lands now approved, or that may be hereafter approved by the Surveyor General, in any County within the fifteen mile limits of said road, to the County in which such swamp and overflowed lands may be situated, including all such swamp or overflowed lands as were returned and certified to the General Land Office, and ratified to the State by Act of Congress of March 3d, 1857, nor until said Dubuque and Sioux City Railroad Company shall transfer their interest in those tracts of land in Webster and Hamilton

Dubuque &  
Sioux City  
R. R. Co.

State Land  
Office Reg.

Deeds of re-  
lease.

Deeds of re-  
lease by said  
R. R. Co.

Deeds shall  
be filed and  
recorded.

Completion  
of R. R. ex-  
tended.

Counties, heretofore sold by John Tollman, School Fund Commissioner of Webster County, within the fifteen mile limits of the grant of said road (whether the same are held by patents from the State, or contracts made with said Commissioner) to the Register of the State Land Office, in trust to enable said Register to carry out and perform said contracts in all cases where he is called upon by the parties in interest to do so before the first day of January, A. D. 1864, (after which day he is authorized and required to re-convey those tracts aforesaid not demanded or claimed as aforesaid at that time, to said Railroad Company), nor until the said Dubuque and Sioux City Railroad Company shall execute deeds of release to the State of Iowa of all lands sold by the State prior to the 7th day of May, A. D. 1854, of the odd sections above the Raccoon Fork of the Des Moines River within five miles of said River, and of such other of said lands as have been sold since that date and prior to the first day of January, A. D. 1862, and now improved and occupied by actual settlers residing thereon, who have purchased the same in good faith, not exceeding, however, one hundred and sixty acres to any one land settler.

SEC. 2. The deeds of release herein provided for shall be executed and acknowledged by said Company, in the same manner as any other deed for the conveyance of real estate, but it shall not be necessary to describe the separate parcels of said lands, and a general release of each kind of land herein described, viz., as "swamp lands," &c., to the State shall be a valid and legal release of each separate parcel of said lands to the county in which any part thereof may be, and of the Des Moines River Lands and School Lands aforesaid, to the present claimants of title by sale through the State or said School Fund Commissioner, as the case may be.

SEC. 3. The said deeds of release shall be filed and recorded in the office of the State Register of the State Land Office, and either the record or the certificate of said Register shall be sufficient evidence of the compliance of said Companies with the provisions of this Act.

SEC. 4. In consideration of the foregoing relinquishment by said road, the time of completion of any part of said road not now completed, shall be extended one year beyond the time of the taking effect of this Act: *Provided*, that the entire road shall be completed by the time provided for by said Act of Congress.

SEC. 5. All Acts and parts of Acts in any manner

LAWS OF IOWA.

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conflicting with the provisions of this Act, are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its publication according to law.

Approved April 7th, 1862.

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CHAPTER 154.

TREASURER'S CERTIFICATES.

AN ACT to protect owners of Treasurers' Certificates of purchase of Real Estate at Tax Sales.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the owner of a Treasurer's Certificate of purchase of lands in this State, now or hereafter sold for taxes, may recover damages by suit in his own name, of any person committing waste or trespass thereon, as provided in sections 2134 and 2137 of the Revision of 1860. Damages for waste or trespass on lands.

SEC. 2. All moneys collected under the provisions of this Act shall be paid, by the officer collecting the same, to the Clerk of the Board of Supervisors of the County in which the waste or trespass was committed, which moneys shall be held by said Clerk, and an entry thereof made in a book to be kept by him for that purpose, until the lands upon which such waste or trespass was committed, shall have been redeemed or a Treasurer's deed therefor shall have been executed and delivered to the holder of said certificate, when if redemption be made, the money shall be paid the owner of the land, and if not redeemed, to the tax sale purchaser or his assignee. Moneys collected.

Approved April 8, 1862.

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CHAPTER 155.

DECREES AND JUDGMENTS U. S. DISTRICT COURT.

AN ACT requiring the Recorders of Deeds and Mortgages of the several counties of Iowa to procure and keep on file in their respective offices, a report of the Decrees and Judgments rendered in the District Court of the United States for the District of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of the Recor-

Co. Recorder to procure report of decrees and judgments of U. S. District Court. ders of Deeds and Mortgages of the several counties of Iowa, to procure a certified report from the records of the District Court of the United States for the District of Iowa, of the Decrees and Judgments rendered therein, unsatisfied or partly unsatisfied, showing the place of holding the term, the Division, No. of the case, names of parties, date and amount of Judgments, amount of costs, rate of interest, date and amount of payments, date of execution and description of lands embraced in the Marshal's return as sold, to whom sold, sum sold for, date of sale, numbers of lands levied upon and advertised, but not sold.

Keep report on file. SEC. 2. It shall be the duty of the said Recorders of Deeds and Mortgages to procure such certified Reports within ten days subsequent to the adjournment of the terms of said Court, and to place and keep them on file in his office for the inspection of any persons desiring to examine the same during office hours.

Pay for reports furnished. SEC. 3. The Board of Supervisors of the County shall audit and allow the Recorder the sums paid by him in procuring such Reports, which sums shall be paid to the said Recorders out of the County Treasury.

SEC. 4. This Act being deemed of immediate importance by the General Assembly shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Daily Times, newspapers published at Des Moines.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Daily Times, April 18th, 1862, and in the Iowa State Register, April 23d, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 156.

### STATE AND COUNTIES TO ACQUIRE PROPERTY AND COLLECT MONEYS.

AN ACT to amend Chapter 82 of the laws of the present session of the General Assembly, and to further provide for the collection of moneys due the State and Counties.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the proper officer named in

section one of the Act to which this Act is amendatory shall be,

1st—The Attorney General of the State or the proper Officer for District Attorney in case the judgment is in the name of State. the State, and the proceeds thereof are payable into the State Treasury.

2d—That in case the proceeds of the judgment are by Officer for law payable into the County Treasury for the use of the County. County Revenue or the School or other fund of the County, the proper officer shall be the District Attorney of the District, or the President of the Board of Supervisors of the County, or any Attorney employed or authorized by the Board of Supervisors to prosecute such claim.

3d—That the officers above named, shall in the cases aforesaid have full authority to bid upon and purchase in the name of the State or County, as the case may be, real or personal property sold upon execution upon judgments in favor of the State or County, or any fund thereof, whenever they shall deem it necessary so to do for the interest of the State or County, and to take the title to said property in the name of the State or County, to be held and disposed of as provided in the Act to which this is amendatory.

SEC. 2. That in all cases where claims have accrued or may hereafter accrue in favor of the Warden of the Penitentiary of this State, which the Warden shall deem it advisable to collect by law, it shall be the duty of the District Attorney of the First Judicial District to bring suit upon and collect the same; and in case the Governor of the State shall so direct, the Attorney General of the State shall also give his personal attention to said suits.

SEC. 3. Judgments now or hereafter rendered in favor of the Warden of the Penitentiary, shall be collected upon execution, and the Attorney General or District Attorney shall have the same power to bid upon and purchase property upon such executions as is given in this Act, where judgments are in favor of the State, and the property shall be held and disposed of for the use of the Penitentiary by the Governor, in the same manner as is provided in the Act to which this is amendatory.

Approved April 8th, 1862.

## CHAPTER 157.

## CONGRESSIONAL DISTRICTS.

AN ACT to divide the State into six Congressional Districts.

- Six Con-  
gressional  
Districts.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That this State shall be divided into six Congressional Districts, for the election of Representatives in the Congress of the United States, each of which districts shall be entitled to elect one Representative.
- SEC. 2. The limits and designation of said districts shall be as follows:
- 1st district. *First District.*—The Counties of Lee, Van Buren, Davis, Jefferson, Henry, Des Moines, Louisa and Washington, shall constitute the first district.
- 2d district. *Second District.*—The Counties of Muscatine, Scott, Clinton, Jackson, Cedar, Jones and Linn, shall constitute the second district.
- 3d district. *Third District.*—The Counties of Dubuque, Clayton, Alamakee, Winneshiek, Howard, Mitchell, Buchanan, Floyd, Chickasaw, Bremer, Fayette and Delaware, shall constitute the third district.
- 4th district. *Fourth District.*—The Counties of Appanoose, Monroe, Wapello, Marion, Mahaska, Keokuk, Jasper, Poweshiek, Iowa, Johnson, Tama and Benton, shall constitute the fourth district.
- 5th district. *Fifth District.*—The Counties of Polk, Dallas, Guthrie, Audubon, Shelby, Harrison, Warren, Madison, Adair, Cass, Pottawattamie, Lucas, Clarke, Union, Adams, Montgomery, Mills, Wayne, Decatur, Ringgold, Taylor, Page and Fremont, shall constitute the fifth district.
- 6th district. *Sixth District.*—The Counties of Worth, Cerro Gordo, Blackhawk, Grundy, Butler, Franklin, Hardin, Marshall, Story, Hamilton, Wright, Hancock, Winnebago, Boone, Webster, Humboldt, Kossuth, Greene, Calhoun, Pocahontas, Palo Alto, Emmett, Carroll, Sac, Buena Vista, Clay, Dickinson, Crawford, Ida, Cherokee, O'Brien, Osceola, Monona, Woodbury, Plymouth, Sioux and Buncombe, shall constitute the sixth district.
- First election SEC. 3. The first election for members of Congress under this Act, shall be held at the general election in the year one thousand eight hundred and sixty-two, and every two years thereafter.
- Returns. SEC. 4. The returns of election for members of Congress under this Act shall be made to the Secretary o



State, and the canvass shall be made by the Board of State Canvassers, which return and canvass shall be made as required by law for the return and canvass for Auditor of State.

Approved April 8th, 1862.

## CHAPTER 158.

### CONNECTING RAILROADS.

AN ACT to regulate the carrying of freight and passengers over connecting rail roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any railroad company in this State owning a rail road, shall on request permit any other rail road to connect with, and shall draw over its road the cars of any other rail road, connecting with it, at reasonable times, and for a toll not exceeding its ordinary rate. Connection.

SEC. 2. When rail road companies do not agree upon terms of connection or rates of transportation, either may make application to the District Court in any County, in which said connection may be located, or to the Judge of said Court if in vacation, after ten days notice in writing to the other company, and after hearing the parties, or on default, the said Court or Judge may appoint three disinterested persons, being Presidents or Superintendents of rail roads, or experts in rail road business, without regard to their place of residence, as Commissioners, to determine the terms of connection and rules and regulations necessary thereto. Agree upon terms.

SEC. 3. Said Commissioners shall meet at such time and place as may be ordered by said Court or Judge, and shall hear the parties, and any testimony brought before them, and make and sign their report, prescribing the things to be done. Such report made by them or a majority of them, shall within such time as ordered by said Court or Judge be returned to and filed in said Court, to be confirmed thereby; and when so confirmed, it shall be binding on the parties until another report shall be made upon a new application, which cannot be made within two years after such confirmation. Report of referees.  
Report to be binding.

SEC. 4. Said Commissioners shall have such compensa-

Pay of the referees, etc.

ation as shall be deemed reasonable by the Court; and shall be governed by the same rules and have the same powers in compelling the attendance of witnesses, and shall themselves be sworn, as is now provided in cases of referees in civil actions in the District Court; and exceptions may be taken to their report in the same manner, and such exception shall have the same effect, and the proceedings upon their report shall be the same as on reports of referees in cases referred from said Court, and the costs shall be paid by the parties in such proportions as to the Court may seem equitable and just.

Non-compliance.

Sec. 5. If the officers of, or any person in the employ of either of said companies refuse to comply with the terms of such confirmed report, they may be punished as for a contempt of said Court.

Approved April 8th, 1862.

## CHAPTER 159.

### OFFICERS OF RAIL ROAD COMPANIES.

AN ACT to require Officers of Railroad Companies to reside within the State of Iowa, and defining their duties.

Officers reside in State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Secretary and Treasurer, or Assistant Treasurer and General Superintendent of each any every Railroad Company now or hereafter organized under the laws of this State, elected after the passage of this Act, shall reside in the State of Iowa.

Office--where kept.

SEC. 2. That the offices of Secretary, Treasurer or Assistant Treasurer and General Superintendent of every such Railroad Company, shall be established and kept within this State, at the place designated in the charter as the general business office of such Company, at which office or offices the original record, stock and transfer books and all the original papers and vouchers necessary to such Company shall be kept; and it is hereby made the duty of the Treasurer or Assistant Treasurer to keep a record of the whole financial condition of said Company, which shall be open at all reasonable hours for the inspection of any stockholder of such Company, and any investigation instituted by the Legislature of this State.

SEC. 3. That every such Railroad Company shall an

nally under the oath of its President, in the month of Company's January, make a full report of the condition of its af-<sup>report.</sup> fairs to the Secretary of State, and shall have the same published in some newspaper printed in the place of its general business office, showing the amount of the Capital stock of such Company, and the amount paid thereon; the amount of bonds issued and how secured, and all other indebtedness; the length of such Railroad when completed, and how much is built and in use; the number of acres of land donated or granted to them, by whom, and what disposition has been made of said grants or donations; the gross amount of receipts and how disbursed; the net amount of profits and the dividends made, with such other facts as may be necessary to a full statement of the affairs and condition of such Railroads, and the Secretary of State shall present the said reports to the General Assembly.

SEC. 4. In case any such Railroad Company shall <sup>Mandamus to</sup> neglect to make such report as required in the preceding <sup>compel Co. to</sup> section, any Stockholder of such Railroad Company <sup>report.</sup> either individual or municipal, may file his petition in the District Court in the county where the principal business office of such Railroad Company is kept, stating that said report has not been made, praying that a peremptory writ of mandamus may issue against the said Railroad Company commanding them to make said report; said petition shall be under oath, and filed at least ten days before the next term of the District Court in said county, and notice thereof shall be given to the said Railroad Company for the same length of time, and in the same manner as is now required to be given defendants in other suits originally brought in the District Court, and upon the filing of such petition the Clerk of said District Court under the seal thereof, shall issue a peremptory writ of mandamus against the said Railroad Company and make the same returnable at the next term of the District Court in said county, and costs shall be recoverable by either party, as in ordinary actions.

SEC. 5. If such Railroad Company shall fail to obey <sup>Committee to</sup> said writ as therein required, the said Court shall during <sup>examine and</sup> the term appoint three disinterested and competent persons living near the place of the general business office of said Railroad Company, as an investigating Committee, who shall examine into the affairs of said Railroad Company, and report at as early a day as practicable, its condition, in manner and form as prescribed in section three of this Act, one copy of said <sup>report.</sup> report to be filed in

the office of the Clerk of the District Court of the county where the proceedings are had, and one copy to be filed in the office of the Secretary of State; the compensation for the services of such Committee shall be paid by the Railroad Company thus investigated, which shall not exceed three dollars per day, and mileage at the rate of ten cents per mile, counting one way.

Transfer of  
office in another  
State.

SEC. 6. The Board of Directors of any such Railroad Company may establish in any other State a transfer office, in which shall be kept a duplicate transfer book, but in no case can a transfer of shares of stock in such Company be in force or binding, until the same is entered in the original transfer book, in the office in this State.

SEC. 7. All Acts and parts of Acts inconsistent herewith are hereby repealed.

SEC. 8. This Act being deemed of immediate importance, by the General Assembly, it shall take effect and be in force from and after its publication in the Iowa State Register and Daily Des Moines Times, newspapers published at Des Moines, Iowa.

Approved, April 8, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register, April 23, 1862, and in the Des Moines Times April 20, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 160.

### SWAMP LANDS.

AN ACT to authorize the Governor and Board of County Supervisors to appoint agents in regard to Swamp Lands belonging to the State of Iowa, and defining their duties.

Gov. appoint  
agents.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Governor is hereby authorized and empowered to appoint an agent or agents to make a settlement with the Commissioners of the General Land Office, for the lands enuring to the State of Iowa by an Act of Congress, entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp and overflowed lands within their limits," approved September 28th, 1850.

SEC. 2. That when the General Government shall

have issued the land scrip and refunded the money to this State, as provided in the Act of Congress approved March 2d, 1855, said land scrip shall be deposited with the Register of the State Land Office, until ordered to be disposed of in accordance with the provisions of this Act. And the money hereafter paid this State as contemplated by the aforesaid Act of Congress, approved March 2d, 1855, shall be deposited with the State Treasurer, subject to the order of the Board of Supervisors of the county to which said money or land scrip shall belong, as hereinafter provided.

SEC. 3. That as soon as any of the land scrip, referred to in the second section hereof, shall be received by the Register of the State Land Office, he shall immediately notify the Governor of such fact; when it shall be the duty of the Governor to appoint an agent or agents to receive and locate said scrip; and the appointment of the Governor with the great Seal of the State attached, shall be sufficient authority for the Register of the State Land Office to transfer to the person so presenting said appointment, any of the land scrip referred to in this Act.

SEC. 4. When the agent contemplated in the third section hereof, shall by virtue of his office, receive any of the land scrip herein referred to, it is hereby made his duty to proceed to the most convenient Land Office at which said land scrip can be located, and make selections of the number of acres of land named in the scrip he may then have in his possession, and make his return in writing, accompanied with the certificate of the Register of the Land Office where said location may be made, to the Register of the State Land Office. But if there should not be a sufficient number of acres of land subject to be selected by said agent in any one of the Government Land Offices to which said agent may apply, he is authorized to apply to any or all of such offices wherein said scrip can be located, until the scrip in his possession shall be disposed of.

SEC. 5. As soon as any agent contemplated by this Act shall deliver his return as provided in this Act, to the Register of the State Land Office, it is hereby made the duty of said Register to file and record the same according to law, and immediately thereafter send a certified copy thereof to the Commissioner of the General Land Office, and demand and receive from said Commissioner a patent for the lands thus located, and when such patent shall have been received by said Register in his office, he is hereby required to notify the Governor of

Gov. to deed  
to counties. the receipt thereof, when it shall be the duty of the Governor to deed the same to the county or counties to which it belongs, and mail the same to the Clerk of the Board of Supervisors of such county.

Bond of  
agent.

SEC. 6. Before any agent contemplated by this Act will be authorized to enter upon the discharge of the duties herein assigned him, he shall execute a bond to the State of Iowa, in a penal sum to be fixed by the Governor and Register of the State Land Office, and with sureties to be approved by them, which approval shall be in writing on the back of said bond, and signed by the Governor and Register, which said bond after being so approved shall be by them deposited and recorded in the office of the Secretary of State, and shall be for the benefit of any party injured by a breach thereof.

Agents act  
under in-  
structions.

SEC. 7. That the agent or agents appointed by virtue of the provisions of the first section of this Act, shall act under and by virtue of written instructions given them by the Governor and Register of the State Land Office. But in no case shall said agent be instructed or empowered to receive from the General Government any portion of the money due from the Government to this State.

Register to  
notify State  
Treasurer.

SEC. 8. It shall be the duty of the Register of the State Land Office upon the information that the money due this State, or any part thereof, can be obtained, to notify the State Treasurer, with information to what county it belongs, when it shall be the duty of said Treasurer to receive and collect the same.

Counties  
draw their  
money from  
State Treas-  
ury.

SEC. 9. The State Treasurer shall, as soon as any of said money comes into his hands by virtue of this Act, notify the Clerk of the Board of Supervisors of the county to which said money belongs, and upon the receipt of such information by any such Clerk in this State, it shall be his duty to communicate such information to the Supervisors of his county at their first regular meeting thereafter, and when the Board of Supervisors of any such county shall by an agent appointed by them, present an order to the State Treasurer for the money belonging to their county, certified to by the Clerk of said Board, with the county seal thereto attached, to the State Treasurer, he shall pay over to such agent the money belonging to said county, and their order so presented shall be a sufficient voucher to the Treasurer for the payment by him of said money.

Co. Agents to  
give bond.

SEC. 10. The Board of Supervisors of any County in this State or the Clerk thereof, shall not deliver to any

agent appointed by them to receive the money due to any such County, as contemplated in this Act, any order or orders to draw such money until such agent or agents shall have executed a bond to such county in a penalty equal to double the amount of money to be drawn by him, with sureties to be approved by said Board for the faithful discharge of his said trust.

SEC. 11. That the agents appointed by the Board of Compensation by virtue of this Act shall receive in full of Co. Agents compensation for their services, three dollars per day for the time actually employed by them on said services, said compensation to be paid by the Counties receiving said lands or money, and such further sums of money to pay the traveling expenses of said agent while acting in the discharge of his duties as may be agreed upon by and between said agent and the Board of Supervisors of the County or Counties for whose benefit he is acting.

SEC. 12. The agent or agents appointed by the Governor under the provisions of this Act, shall receive as of State agent a full compensation for the services rendered, and expenses incurred by virtue of said appointment, the sum of four dollars per day, which said compensation shall be paid by the State; but the amount so paid shall be divided pro rata among the several Counties, according to the amount in value of the money and lands secured to such county by the provisions of this Act, the land to be valued at \$1.25 per acre, and the amount so found due by each county to the State, shall be paid before such county shall receive its share of the money and lands which may be obtained under the provisions of this Act.

SEC. 13. Notwithstanding the foregoing provisions of this Act, the Board of Supervisors of any County, Special county agent. for the purpose of expediting a settlement of the claim of such County, may nominate to the Governor a suitable person or special agent to settle said claim; and the Governor shall thereupon appoint such person the special agent of the State to make such settlement with the United States for the swamp lands within the territorial limits of such County. The proceeds of such settlement may be received by such agent, and shall be delivered to the said Board of Supervisors for the use of the county. The costs, expenses and compensation of such special agent shall be paid by the County requesting appointment thereof.

SEC. 14. All Acts and parts of Acts coming in conflict with this Act are hereby repealed.

SEC. 15. This Act being deemed by the General Assembly of immediate importance, shall be in force from

and after its publication in the State Register, and *Des Moines Times*, newspapers printed in Des Moines, Iowa.  
Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the *Daily State Register* April 19th, 1862, and in the *Des Moines Times* April 26th, 1862.

ELIJAH SELLS, Secretary of State.

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## CHAPTER 161.

### TRUSTEES OF BLIND ASYLUM.

AN ACT to amend Chapter ninety, Article two, of the Revision of 1860.

**Trustees.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That James Chapin of Benton County, Hon. Elijah Sells and the Principal of the Institution for the Education of the Blind, be and are hereby constituted a Board of Trustees for the Institution for the Education of the Blind.

**Board to fill vacancies.** SEC. 2. All vacancies occurring shall be filled by the Board of Trustees until the meeting of the next General Assembly, and until their successors are appointed and qualified.

**Repealed.** SEC. 3. Section 2144 of the Revision of 1860 is hereby repealed.

Approved April 8th, 1862.

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## CHAPTER 162.

### APPROPRIATION FOR PENITENTIARY.

AN ACT making appropriation for Guards' Salaries, Library, Locks, Cistern, Ash-House, Vault for Clerk's Office, Contingent Fund, Shop and past indebtedness of the Penitentiary.

**\$7,000 for guards.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, for the State Penitentiary as hereinafter pro-



vided, the sum of seven thousand dollars or so much of the same as may be necessary to pay the expenses of guarding the premises, the same to be paid monthly, on the order of the Warden accompanied with a statement of the number of hands employed and the amount paid to each.

SEC. 2. There is also hereby appropriated the sum of \$100 for Library. one hundred dollars to be used in purchasing books for the library, which books are to be selected by the Chaplain of the prison, and paid for by an order drawn by the Warden.

SEC. 3. There is also appropriated the sum of one hundred and ninety dollars to purchase locks for the calls, or so much of this sum as may be necessary to replace old and insecure ones, the same to be paid for by an order drawn by the Warden.

SEC. 4. There is further appropriated the sum of two hundred and fifty dollars to build a cistern, and a further sum of seventy-five dollars to build an ash-house, and the sum of two hundred and fifty dollars to build a vault for Clerk's Office. These sums or so much of them as may be necessary, shall be expended under the direction of the Warden for the specific purposes for which the appropriations are made, and the sums of cost therefor drawn from the Treasury on the order of the same.

SEC. 5. There is also appropriated out of the Treasury, twenty-five hundred dollars for the erection of a blacksmith shop, said shop to be built in accordance with the plans heretofore adopted by the Inspectors. The Warden shall superintend the building of said shop, and shall let the contract to the lowest responsible bidder. The moneys appropriated in this section shall be drawn from the Treasury on the order of the Warden.

SEC. 6. That the sum of two thousand dollars, to pay the balance of the past indebtedness of the Penitentiary be, and the same is, hereby appropriated.

SEC. 7. The foregoing claims of the past indebtedness of the Penitentiary shall be audited and paid in the same manner as is provided for by an Act providing for the payment of the indebtedness of the Penitentiary, approved April 2, 1860.

SEC. 8. That the further sum of one thousand dollars is hereby appropriated for a contingent fund. All orders drawn on the above contingent fund by the Warden shall be approved by the Census Board.

SEC. 9. It shall be the duty of the Warden of the Penitentiary, whenever the lessees of the Penitentiary hall present to him any notes against the Penitentiary

\$75 for ash-house.  
\$250 for Clerk's vault.  
Warden to direct expenditure.  
\$2,500 for Blacksmith shop.  
Contract.  
How audited.  
\$1,000 for Contingent Fund.  
Warden to audit lessees' notes.

which have not heretofore been paid, to allow and audit said notes, allowing them 6 per cent. interest per annum, and credit the same on the judgment in favor of the State against said lessees; but should said judgment be paid by the lessees, then, in that case, the Warden is authorized to pay said notes out of the proceeds of said judgment.

Approved April 8, 1862.

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## CHAPTER 163.

### TOWNSHIP TRUSTEES AND ROAD SUPERVISORS.

AN ACT prescribing the duties of Township Trustees and Road Supervisors in certain cases.

**Trustees levy tax.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Township Trustees of each organized Township in this State shall at an annual meeting to be held on the second Monday of April in each year, or as soon thereafter as the assessment book is received by the Clerk, determine upon the amount of property tax to be levied for roads, bridges, plows and scrapers, and for payment of any indebtedness previously contracted by such township for road purposes, and levy the same, which shall not be more than three mills on the dollar on the amount of the Township assessment for that year, and said Trustees shall at the same time determine, what portion of said tax not exceeding one mill on the dollar in any or all of the road districts in their township shall be paid in money, and what portion thereof may be paid in labor; *Provided,* That when incorporated cities are by act of incorporation heretofore passed, made road districts, this Act shall not interfere with such districts, but the same shall be under the control of such city.

**Supervisor post notices of amount road tax.**

SEC. 2. The Supervisor shall within ten days after receiving the tax list specified in sections 892 and 893, Chapter 46 of the Revision of 1860, post up in three conspicuous places within his district, written notices of the amount of road tax assessed to each tax payer in said district, which tax list and notice shall specify what portion of said tax, if any, shall be paid in money, and in case of a failure to pay that portion of said tax required

to be paid in money by the first Monday in October in each year, the Supervisor shall report the same to the Township Trustees the same as non-resident lands, and the tax thereon shall be collected in the same manner, and with the same penalties as in case of non-resident lands.

SEC. 3. The Supervisor shall cause two-thirds of the property tax in his district which may be paid in labor to be worked out between the first day of May and the first day of July in each year, and the remaining one-third whenever he thinks the condition of the road demands it, but in all cases before the first day of October of that year, and he shall within the same time cause that portion of said tax collected by him in money, to be expended for the purposes specified in the first section of this Act. <sup>Road Tax to be worked out.</sup>

SEC. 4. The money tax levied upon the property in each road district, whether collected by the Supervisor or by the County Treasurer, shall be expended for road purposes in that district, and no part of such tax shall be paid out or expended for the benefit of any other road district in the township. <sup>Money Tax expended for road purposes.</sup>

SEC. 5. Sections eight hundred and ninety-one, eight hundred and ninety-four and eight hundred and ninety-nine (899), and the words "and fifty cents" in the third line of section 888 of the Revision of 1860, be and the same are hereby repealed, so that road Supervisors shall hereafter receive for their services the sum of one dollar per day. <sup>Repealed.</sup>

Approved April 8th, 1862.

## CHAPTER 164.

### SEVENTH JUDICIAL DISTRICT.

AN ACT to change and fix the time of holding Courts in the Seventh Judicial District.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the terms of the District Court in the Seventh Judicial District shall commence and be held as follows: <sup>Change terms</sup>

In the County of Muscatine on the first Mondays of January and June, and on the third Monday of October in each year. <sup>Muscatine co.</sup>

Scott county. In the County of Scott on the first Mondays of February, May, August and November, in each year.

Clinton co. In the County of Clinton on the first Mondays of March, September and December in each year.

Jackson co. In the County of Jackson on the first Tuesdays after the fourth Mondays of March and September in each year.

Suits commenced not affected. SEC. 2. No suits, pleas, indictments or proceedings of any character, civil, criminal or special, shall be abated, quashed, discontinued or affected in consequence of the

Process returnable.

change of time of holding said Courts. All process issued at any time before the taking effect of this Act shall be considered as returnable to the first term of the Court in said Counties respectively, which shall be held next after the taking effect of this Act.

SEC. 3. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved April 8th, 1862.

## CHAPTER 165.

### WITNESS FEES.

AN ACT in relation to fees of witnesses.

Losing party pay fees. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when any party has paid to a witness his fees and the same are afterwards collected from the opposite party, the person so paying the same, shall upon producing the receipt of the witness be entitled to such fee, whether in the hands of the Justice or Clerk, or has been paid into the Treasury as contemplated by Articles two and three in Chapter twenty-three of the Revision of 1860.

Approved April 8, 1862.

## CHAPTER 166.

## CLERK TO OFFICIATE AS COUNTY JUDGE.

AN ACT making it the duty of the Clerk of the District Court to act in the place of the County Judge in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when the County Judge is disqualified by the provisions of section 2685, of the Revision of 1860, to act in any matter contemplated in chapter 22 of said Revision; and when for any other cause, he is unable to act in any such matter then pending, the Clerk of the District Court shall act therein in his place, the cause thereof being set forth in the record.

Approved April 8, 1862.

## CHAPTER 167.

## REMOVAL OF THE BLIND ASYLUM.

AN ACT to authorize the Principal of the Institution for the Education of the Blind, to remove said Institution to the building erected for that purpose at Vinton, in Benton County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Institution for the education of the Blind, shall be removed to Vinton in Benton county, so soon as the Commissioner of the Blind Asylum, at Vinton, shall notify the Principal of the Institution for the education of the Blind, that the Asylum building at Vinton is completed, or so much thereof as may be necessary to accommodate said Institution.

SEC. 2. It shall be the duty of the said Principal, by and with the approval of the Board of Trustees of said Institution, to contract for the removal, and cause to be removed, all the property belonging to said Institution, from Iowa City, in Johnson County, to Vinton, in Benton County, and to furnish said new building with such additional plain furniture as may be necessary for the comfort and necessities of the Institution.

SEC. 3. For the expenses incurred in the removal and furnishing said new building, the Principal shall submit to the Board of Trustees in writing, a detailed

statement, under oath, of the amount of such expenses, which statement, when approved by the Board of Trustees of said Institution and the State Census Board, the Auditor of State shall issue his warrant upon the State Treasurer for such sum as may be approved, to be paid out of any money in the State Treasury not otherwise appropriated, *Provided*, that not more than one thousand dollars, or so much of it as may be necessary, shall be expended for the purposes above named.

Approved April 8, 1862.

## CHAPTER 168.

### COUNTY TREASURERS.

AN ACT further defining the duties of County Treasurers, and fixing their compensation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of each County Treasurer, if applied to by letter enclosing thirty cents' value in postage stamps, asking for information of the amount of taxes upon any specified parcel or parcels of land in his County, to answer the same correctly by mail, giving direct answers to all the inquiries in such letter respecting the amount and interest of the unpaid taxes as the same appears from the tax books in his office: *Provided*, that if the total of such land specified in any one letter exceeds three hundred and twenty acres, then such Treasurer is not bound to answer such letter, unless it contains besides the thirty cents above provided, ten cents' value of such stamps for every one hundred and sixty acres, when the total acres specified in such letter exceed the said three hundred and twenty acres; and *provided further*, that the aggregate fees thus charged shall, in no case, exceed the sum of fifty cents; and upon the return to such Treasurer of the letter or a copy thereof so sent by him, with the amount due as shown by such letter, such Treasurer shall pay such taxes, and return a receipt therefor by mail.

Treasurer to answer letters—fee for.

Fee not to exceed 50 cents.

Penalty for non-compliance.

SEC. 2. Any Treasurer who shall neglect for twenty days after the receipt of any such letter, with stamps or money inclosed as aforesaid, to answer the same fully,

as required in the last section, or who shall directly or indirectly receive, or be concerned in receiving any greater compensation for the service mentioned in the first section of this Act, than is therein provided, shall forfeit to the person aggrieved, for each offense the sum of fifty dollars, in a civil action in any Court having jurisdiction.

Approved April 8, 1862.

## CHAPTER 169.

### RAIL ROAD COMPANIES.

AN ACT in relation to the duties of Rail Road Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That each rail road company shall, when it has completed and opened its road for use, make a report under oath to the Legislature of this State, stating the total amount paid in; specifying the amount expended in constructing its road, for engines, cars, depots, car houses and other buildings, and the amount of all other miscellaneous expenses; such report shall also state the length of the road, the number of planes on it, with their inclination to the mile, the greatest curvature of the road, the average width of the grade and the number of ties per mile.

Report to  
General As-  
sembly.

SEC. 2. In the month of September annually, each rail road company shall fix its rates of fare for passengers and freights for transportation of timber, wood and coal, per ton, cord, or thousand feet, per mile, also its fare and freight per mile for transporting merchandise, and articles of the first, second, third and fourth grades of freight, and on the first day of October following, shall put up at all the stations and depots on its road, a printed copy of such fare and freight, and cause a copy to remain posted during the year. For wilfully neglecting so to do, or for receiving higher rates of fare or freight than those posted, the company shall forfeit not less than one hundred dollars nor more than two hundred dollars to any person injured thereby and suing therefor.

Fix rates of  
Fare and  
Freights.

Penalty.

SEC. 3. Where any rail road runs through any improved or fenced land, said rail road company shall make

Cattle guards.

proper cattle guards on such roads when they enter or leave such improved or fenced land.

Crossings.

SEC. 4. At any or all points where any rail road crosses any public highway, the company owning said rail road, shall, without unnecessary delay, construct good, sufficient and safe crossings.

Liable for damages.

SEC. 5. Any rail road company neglecting or refusing to comply with the provisions of Sections three and four of this Act, shall be liable for all damage sustained by any one, by reason of such neglect and refusal ; and in order for the injured party to recover, it shall only be necessary for him to prove such neglect or refusal.

Liable for damages if road is not fenced.

SEC. 6. Any rail road company hereafter running or operating its road in this State, and failing to fence such road on either or both sides thereof against live stock running at large at all points where said roads have the right to fence, shall be absolutely liable to the owner any live stock injured, killed or destroyed, by reason of the want of such fence or fences as aforesaid, for the value of the property so injured, killed or destroyed, unless the injury complained of is occasioned by the willful act of the owner or his agent, and in the cases contemplated by this Section, in order to recover, it shall only be necessary for the owner of the property to prove the injury or destruction complained of: *Provided*, That in case the rail road company liable under the provisions of this section, shall neglect or refuse to pay the value of any property so injured or destroyed, after thirty days notice in writing given, accompanied by an affidavit of the injury or destruction of said property to any officer of the company, or any station or ticket agent employed in the management of its business in the County where the injury complained of shall have been committed, such company shall in an action brought to recover therefor, be held liable to pay double the value of the property injured, killed or destroyed as aforesaid.

Neglect of agents or employees.

SEC. 7. Every rail road company shall be liable for all damages sustained by any person, including employees of the company, in consequence of any neglect of the agents or by any mismanagement of the engineers or other employees of the corporation to any person sustaining such damage.

Suit may be commenced.

SEC. 8. In all cases of suits against rail road companies, the same may be instituted in any County through which the road of said company passes, and service made upon any station or ticket agent of said company, transacting the business of said company, shall be deemed sufficient notice.



SEC. 9. Any judgment recovered against any rail road company in this State, for any injury to persons or property, shall be a lien within the County where recovered, on the road, and real or other property of such company, and shall be prior and superior to the lien of any mortgage or trust deed which may be hereafter executed, except liens for taxes.

SEC. 10. Each and every rail road in this State, which has received grants of land to aid in the construction of its road, shall in time of war, insurrection or invasion, carry and transport troops and munitions of war, of this State, or of the United States, upon such roads, when by the State or United States authorized agent so required, free of charge. They shall also carry, free of charge, all wounded soldiers on their return to their respective homes.

SEC. 11. All Acts and parts of Acts conflicting with the provisions of this Act are hereby repealed.

Approved April 8th, 1862.

## CHAPTER 170.

### REPRESENTATIVE DISTRICTS.

AN ACT apportioning the State of Iowa into Representative Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That one Representative to eight thousand five hundred inhabitants, or fraction thereof exceeding one-half in each representative district, is hereby constituted the ratio of apportionment.

SEC. 2. Lee County is the first district, and entitled to three representatives.

SEC. 3. Van Buren County is the second district, entitled to two representatives.

SEC. 4. Davis County is the third district, entitled to two representatives.

SEC. 5. Appanoose County is the fourth district, entitled to one representative.

SEC. 6. Wayne County is the fifth district, entitled to one representative.

SEC. 7. Decatur County is the sixth district, entitled to one representative.

- 7th district. SEC. 8. Des Moines County is the seventh district, and entitled to one representative.
- 8th district. SEC. 9. Henry County is the eighth district, and entitled to two representatives.
- 9th district. SEC. 10. Jefferson County is the ninth district, and entitled to two representatives.
- 10th district. SEC. 11. Wapello County is the tenth district and entitled to two representatives.
- 11th district. SEC. 12. Monroe County is the eleventh district and entitled to one representative.
- 12th district. SEC. 13. Lucas County is the twelfth district, and entitled to one representative.
- 13th district. SEC. 14. Clarke County is the thirteenth district and entitled to one representative.
- 14th district. SEC. 15. Page County is the fourteenth district, and entitled to one representative.
- 15th district. SEC. 16. Fremont County is the fifteenth district, and entitled to one representative.
- 16th district. SEC. 17. Mills County is the sixteenth district, and entitled to one representative.
- 17th district. SEC. 18. Louisa County is the seventeenth district and entitled to one representative.
- 18th district. SEC. 19. Washington County is the eighteenth district, and entitled to two representatives.
- 19th district. SEC. 20. Keokuk County is the nineteenth district, and entitled to two representatives.
- 20th district. SEC. 21. Mahaska County is the twentieth district, and entitled to two representatives.
- 21st district. SEC. 22. Marion County is the twenty-first district, and entitled to two representatives.
- 22d district. SEC. 23. Warren County is the twenty-second district, and entitled to one representative.
- 23d district. SEC. 24. Madison County is the twenty third district, and entitled to one representative.
- 24th district. SEC. 25. Pottawattamie County is the twenty-fourth district, and entitled to one representative.
- 25th district. SEC. 26. Muscatine County is the twenty-fifth district, and entitled to two representatives.
- 26th district. SEC. 27. Johnson County is the twenty-sixth district, and entitled to two representatives.
- 27th district. SEC. 28. Iowa County is the twenty-seventh district, and entitled to one representative.
- 28th district. SEC. 29. Powesheik County is the twenty-eighth district, and entitled to one representative.
- 29th district. SEC. 30. Jasper County is the twenty-ninth district, and entitled to one representative.
- 30th district. SEC. 31. Polk County is the thirtieth district, and entitled to one representative.

SEC. 32. Dallas County is the thirty-first district, and 31st district. entitled to one representative.

SEC. 33. Scott County is the thirty-second district, 32d district. and entitled to three representatives.

SEC. 34. Clayton County is the thirty-third district, 33d district. and entitled to two representatives.

SEC. 35. Cedar County is the thirty-fourth district, 34th district. and entitled to two representatives.

SEC. 36. Jackson County is the thirty-fifth district, 35th district. and entitled to two representatives.

SEC. 37. Jones County is the thirty-sixth district, 36th district. and entitled to two representatives.

SEC. 38. Linn County is the thirty-seventh district, 37th district. and entitled to two representatives.

SEC. 39. Benton County is the thirty-eighth district, 38th district. and entitled to one representative.

SEC. 40. Tama County is the thirty-ninth district, 39th district. and entitled to one representative.

SEC. 41. Marshall County is the fortieth district, and 40th district. entitled to one representative.

SEC. 42. Dubuque County is the forty-first district, 41st district. and entitled to four representatives.

SEC. 43. Delaware County is the forty second dis- 42d district. trict, and is entitled to one representative.

SEC. 44. Buchanan County is the forty-third district, 43d district. and entitled to one representative.

SEC. 45. Black Hawk County is the forty-fourth dis- 44th district. trict, and entitled to one representative.

SEC. 46. Hardin County is the forty-fifth district, 45th district. and entitled to one representative.

SEC. 47. Clayton County is the forty-sixth district, 46th district. and entitled to two representatives.

SEC. 48. Fayette County is the forty-seventh district, 47th district. and entitled to one representative.

SEC. 49. Bremer County is the forty-eighth district, 48th district. and entitled to one representative.

SEC. 50. Chickasaw County is the forty-ninth dis- 49th district. trict, and entitled to one representative.

SEC. 51. Alamakee County is the fiftieth district, 50th district. and entitled to one representative.

SEC. 52. Winneshiek County is the fifty-first dis- 51st district. trict, and entitled to one representative.

SEC. 53. The Counties of Howard and Mitchell shall 52d district. constitute the fifty-second district, and be entitled to one representative, and the votes cast therein for representative, shall be canvassed at the county-seat of Mitchell County.

SEC. 54. The Counties of Butler, Grundy and Frank- 53d district.

lin shall constitute the fifty-third district, and entitled to one representative, and the votes cast therein for representative, shall be canvassed at the county-seat of Butler County.

54th district. SEC. 55. The Counties of Floyd and Cerro Gordo shall constitute the fifty-fourth district, and entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Floyd County.

55th district. SEC. 56. The Counties of Story and Hamilton shall constitute the fifty-fifth district, and be entitled to one representative, and the votes cast therein for representative, shall be canvassed at the county-seat of Story County.

56th district. SEC. 57. The Counties of Boone and Greene shall constitute the fifty-sixth district, and be entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Boone County.

57th district. SEC. 58. The Counties of Wright, Hancock, Winnebago and Worth shall constitute the fifty-seventh district, and be entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Wright County.

58th district. SEC. 59. The Counties of Kossuth, Humboldt, Palo Alto and Emmett shall constitute the fifty-eighth district, and be entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Kossuth County.

59th district. SEC. 60. The Counties of Dickinson, Clay, O'Brien, and Sioux shall constitute the fifty-ninth district, and be entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Dickinson County; *Provided*, That the unorganized Counties of Osceola and Buncombe shall be attached to this district.

60th district. SEC. 61. The Counties of Webster, Calhoun, Pocahontas and Buena Vista shall constitute the sixtieth district, and be entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Webster County.

61st district. SEC. 62. The Counties of Woodbury, Ida, Cherokee and Plymouth shall constitute the sixty-first district and entitled to one representative, and the votes cast therein for representative, shall be canvassed at the county-seat of Woodbury County.

62d district. SEC. 63. The Counties of Monona, Crawford, Carroll and Sac shall constitute the sixty-second district, and

be entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Crawford County.

SEC. 64. The Counties of Harrison and Shelby shall constitute the sixty-third district and be entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Harrison County. <sup>63d district.</sup>

SEC. 65. The Counties of Guthrie, Audubon, Cass and Adair shall constitute the sixty-fourth district, and be entitled to one representative, and the vote cast therein for representative shall be canvassed at the county-seat of Adair county. <sup>64th district.</sup>

SEC. 66. The Counties of Montgomery, Adams and Union shall constitute the sixty-fifth district and be entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Adams County. <sup>65th district.</sup>

SEC. 67. The Counties of Taylor and Ringgold shall constitute the sixty-sixth district, and be entitled to one representative, and the votes cast therein for representative shall be canvassed at the county-seat of Taylor County. <sup>66th district.</sup>

Approved April 8th, 1862.

## CHAPTER 171.

J. D. BURKHOLDER.

AN ACT to legalize the official acts of J. D. Burkholder, Clerk of the District Court of Webster County.

WHEREAS, J. D. Burkholder, the present acting Clerk of the District Court of Webster County, was elected at the last general election to fill a vacancy supposed to exist in that office by the enlistment of J. H. Holloway in the 11th Regiment of Pennsylvania Light Cavalry, without any declaration of said vacancy or notice of said election; therefore, <sup>Preamble.</sup>

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the official acts now done, or to be hereafter done by J. D. Burkholder, acting Clerk of the District Court of Webster County, be and the same are hereby declared as legal and binding in <sup>Acts of Clerk legalized.</sup>

every respect as if the said Burkholder had been legally elected to fill a vacancy of J. H. Holloway, late District Clerk of said County.

Approved April 8, 1862.

## CHAPTER 172.

### SCHOOLS.

AN ACT to amend and consolidate an Act passed by the Board of Education, December 24, 1859, entitled "An Act to amend an Act entitled an Act to provide a System of Common Schools," and the amendments thereto.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That each civil township that is now, or may be hereafter organized in the several counties of this State, is hereby declared a School District, for all the purposes of this Act, and each sub-district, as now organized, shall continue such, subject to the provisions hereinafter made.

Each civil township a School district.

In new township Trustees to give notice of election.

**SEC. 2.** When a new civil township has been formed, the township trustees shall divide the same into sub-districts, if deemed necessary; and shall post written notices, specifying the time and place of the first election for sub-directors, in the manner provided for the election of sub-directors in organized district townships.

Organized district without officers, how supplied

**SEC. 3.** When an organized district township has been left without officers, the township trustees shall give such notice for a special election of sub-directors, as is required of the sub-director in case of regular sub-district elections; and the persons elected shall continue in office until the next regular sub-district election thereafter.

When a district is divided, assets and liabilities to be divided.

**SEC. 4.** When any district township shall be divided into two or more entire townships for civil purposes, the existing Board of Directors shall continue to act for both or all of the new districts until the next regular sub-district election thereafter, at which time the new district townships shall organize by the election of sub-directors. The respective Boards of Directors shall, immediately after such organization, make an equitable division of the then existing assets and liabilities, between the old and new districts; and in case of a failure to agree, the matter may be decided by arbitrators chosen

by the parties in interest. A similar division shall be made in case of the formation of an independent district under special laws, or the consolidation of civil townships.

SEC. 5. Every school district which is now, or may hereafter be organized in this State, is hereby made a body corporate, by the name of the "District Township of . . . . ., in the county of . . . . ., and State of Iowa, and in that name may hold property, become a party to suits and contracts, and do other corporate acts.

#### DISTRICT TOWNSHIP MEETING.

SEC. 6. Each district township shall hold an annual meeting on the second Monday in March.

SEC. 7. The electors of the district, when legally assembled at such meeting, shall have the following powers, viz:

FIRST—To appoint a Chairman and Secretary, in the absence of the regular officers.

SECOND—To direct the sale or other disposition to be made of any school-house, or the site thereof, and of such other property, personal and real, as may belong to the district; and to direct the manner in which the proceeds arising therefrom shall be applied: *Provided*, That the money so obtained, shall be used for the benefit of the sub district in which such school-house site or other property is situated.

THIRD—To determine what additional branches shall be taught in the schools of the district.

FOURTH—To delegate any or all of the powers, contained in the foregoing specifications, to the Board of Directors.

FIFTH—To vote such tax, not exceeding five mills on the dollar in any one year, on the taxable property of the District Township, as the meeting shall deem sufficient for the purchase of grounds and the construction of the necessary school-houses for the use of the respective sub-districts, and for the payment of any debts contracted for the erection of school houses, and for procuring district libraries and apparatus for the schools.

#### SUB-DISTRICT MEETING.

SEC. 8. The several sub-districts shall annually, on the first Monday in March, hold a meeting for the election of a sub-director, five days notice of which meeting shall be given by the then resident sub-director; or if

there is none, by the District Secretary, posting a written notice in three public places therein, and such notice shall state the hour of meeting.

Chairman  
and Secretary  
appointed.

SEC. 9. At the meeting of the sub-district, a Chairman and Secretary shall be appointed, who shall act as judges of the election, and give a certificate of election to the sub-director elect.

Board of Di-  
rectors to  
consist of 3  
sub-directors.

SEC. 10. In all district townships comprising but one sub-district, the Board of Directors shall consist of three sub-directors; and in all district townships comprising but two sub-districts, it shall consist of one sub-director chosen from each sub-district, and one from the district township at large, who shall in both cases be elected in the manner provided by law for the election of one sub-director from each sub-district. The judges of the respective sub-district elections, shall canvass the votes for the sub-director chosen from the district township at large, and shall issue a certificate of election to the person elected.

Official oath  
of sub-direc-  
tors.

SEC. 11. Each sub-director shall within ten days after his election, appear before some officer qualified to administer oaths, and take an oath to support the Constitution of the United States and that of the State of Iowa, and that he will faithfully discharge the duties of his office, and in case of failure to qualify, his office shall be deemed vacant.

School to be  
taught 24  
weeks.

SEC. 12. In each sub-district there shall be taught one or more schools for the instruction of youth, between the ages of five and twenty-one years, for at least twenty-four weeks, of five school days each, in each year, unless the County Superintendent shall be satisfied that there is good and sufficient cause for failure so to do.

Children resi-  
ding in one  
district town-  
ship may at-  
tend school  
in another.

SEC. 13. Children residing in one district township may attend school in another in the same or adjoining county, on such terms as may be agreed upon by the respective Boards of Directors of the district townships interested; but, in case no such agreement is made, they may attend school in such adjoining district township, with the consent of the Board of Directors thereof, when they reside nearer to the school in said district township than to any school in their own district township, and the district township in which they reside, shall pay to the district township in which they attend school, the average tuition of said children per week; and in case of refusal so to do, the Secretary shall file the account for said tuition, certified to by the President, with the Clerk of the Board of Supervisors of the county in which said children reside, who shall, at the time of



making the next semi-annual apportionment thereafter, deduct the amount from the sum apportioned to the district township in which said children reside, and pay it over to the district township in which they have attended school.

Sec. 14. Pupils who are bona fide residents of a district township, shall be permitted to attend school in the same, regardless of the time when they acquired such residence, whether before or after the enumeration, or of the residence of their parents or guardians; but pupils who are sojourning temporarily in one district township while their actual residence is in another, and to whom the last preceding section is not applicable, may attend school upon such terms as the Board of Directors may deem just and equitable.

Terms of admission to schools in district township.

Sec. 15. Pupils may attend school in any sub-district of the district township in which they reside, with the consent of the sub-director of such sub-district and of the sub-director of the sub-district in which such pupils reside.

Pupils transferred from one sub-district to another.

Sec. 16. The electors of a sub-district may, at their regular meeting in March, determine what amount is required for the erection of a school-house in said sub-district, and the payment of debts contracted for the construction of school houses, and the sub-director shall certify the same to the next regular meeting of the electors of the district township held thereafter.

Sub-district may determine amount required for school house purposes.

Sec. 17. Should the electors of the district township neglect or refuse to vote said amount at said meeting, or a sum adequate for the erection of said house, the Board of Directors shall, at their first regular meeting thereafter, ascertain the per centum of the sum applied for on the property of the district township, and shall apportion the same among the several sub-districts, as justice and equity may require, taking as the basis of said apportionment the respective amounts previously levied upon said sub-districts for school house purposes: *Provided*, That in case it has been the uniform custom for each sub-district to bear the whole expense incurred for the construction of its own school house, the Board of Directors shall dispense with the apportionment, and assess the per centum directly on the property of the sub-district making the application: *Provided further*, That in neither case shall the rate exceed ten mills on the dollar on the property of any sub-district. Within ten days thereafter the Secretary shall file a certified statement of the same with the Board of Supervisors, showing the per centum assessed on each sub-district. Said per cen-

Board of Directors levy tax for amt. required by Sub-districts, in case electors of district township neglect or refuse to do so.

tum shall be levied in accordance with said statement, and collected and expended for the erection of a school house in said sub-district in the same manner as though it had been voted by the district township meeting. Should the aggregate of sums thus applied for by the respective sub-districts, exceed five mills on the dollar in any one year, on the property of the district township, the Board of Directors shall reduce it proportionally to that rate.

#### BOARD OF DIRECTORS.

**Sub-Districts to constitute Board of Directors, when and how the Board shall be organized.** SEC. 18. The sub-directors of the several sub-districts shall constitute a Board of Directors for the District Township, and shall enter upon their duties on the day fixed for the regular meeting of the Board in April, at which time they shall organize by electing from their own number a President, who shall simply be entitled to a vote as a member of the Board; and from the district township at large, a Secretary and a Treasurer, unless there are at least five sub-directors in the district township, in which case they may be selected from the Board. If selected from the district township at large, they shall have no vote in the proceedings of the Board.

**Regular and Special meetings of the Board.** SEC. 19. The Board of Directors shall hold their regular meetings on the 3d Monday in April and September of each year; and may hold such special meetings as occasion may require, at the call of the President, or by request of a majority of the Board.

**The Board to make contracts, purchases and sales.** SEC. 20. They shall make all contracts, purchases, payments and sales, necessary to carry out any vote of the district, *Provided*, That before erecting any school-house, they shall consult with the County Superintendent as to the most approved plan of such building.

**To fix site for School house and determine number of schools.** SEC. 21. They shall fix the site for each school house, taking into consideration the geographical position and convenience of the people of each portion of the sub-district, and shall determine what number of schools shall be taught in each sub-district, and for what additional time beyond the period required by law they shall be continued during each year.

**To establish graded schools.** SEC. 22. They may establish graded or union schools wherever they may be necessary; and may select a person who shall have the general supervision of the schools in their district, subject to the rules and regulations of the Board.

**To fill vacancies.** SEC. 23. They shall appoint a President and Secretary *pro tem*. in case of the absence of the regular offi-

cers, and shall fill any vacancy that may occur in the office of President, Secretary or Treasurer, or in the Board of Directors.

SEC. 24. They shall require the Secretary and Treasurer, each, to give bonds to the district, in such penalty and with such securities as they may deem necessary to secure the district against loss, conditioned for the faithful performance of their official duties. The bond shall be filed with the President, and in case of a breach of the conditions thereof, he shall bring suit thereon in the name of the district township.

SEC. 25. They shall, from time to time, examine the accounts of the Treasurer, and make settlement with him; and shall present at each regular meeting of the electors of the district township, a full statement of the receipts and expenditures of the district township, and such other information as may be deemed important.

SEC. 26. They shall audit and allow all just claims against the District, and fix the compensation of the Secretary and Treasurer; and no order shall be drawn on the district treasury, until the claim for which it is drawn has been so audited and allowed.

SEC. 27. They shall visit the schools in their district and aid the teachers in establishing and enforcing rules for the government of the schools; and see that they keep a correct list of the pupils, embracing the periods of time during which they attended school, the branches taught, and such other matters as may be required by the County Superintendent. In case a teacher employed in any of the schools of the district township is found to be incompetent, or is guilty of partiality or dereliction, in the discharge of his duties, or for any other sufficient cause shown, the Board of directors, may, after a full and fair investigation of the facts of the case, at a meeting convened for the purpose, at which the teacher shall be permitted to be present and make his defense, expel him from school, and direct the sub-director to discharge him.

SEC. 28. They shall, at their regular meeting in April of each year, require the Secretary to file with the Clerk of the Board of Supervisors, County Superintendent, and County Treasurer, each, a certificate of the election, qualification and post office address of the President, Secretary and Treasurer, of the district township, and to advise them from time to time of any changes made in said offices by appointment.

SEC. 29. They shall, at their regular meeting in September, or at any special meeting called thereafter for

To divide district township into sub-districts. that purpose, divide their township into sub-districts, such as justice, equity, and the interests of the people require; and may make such alterations of the boundaries of sub-districts, heretofore formed, as may be deemed necessary; and shall designate such sub-district, and all subsequent alterations, in a distinct and legible manner, upon a plat of the district provided for that purpose; and shall cause a written description of the same to be recorded in the District records; a copy of which shall be delivered by the Secretary to the County Treasurer, and also to the Clerk of the Board of Supervisors, who shall record the same in his office: *Provided*, That the boundaries of sub-districts shall conform to the lines of Congressional divisions of land; and that the formation and alterations of sub-districts, as contemplated in this Section, shall not take effect until the next sub-district election thereafter; at which election a sub-director shall be elected for the new sub-district formed.

To apportion school house tax. SEC. 30. They shall apportion any tax voted by the district township meeting for school-house fund, among the several sub-districts, in such manner as justice and equity may require; taking as the basis of said apportionment, the respective amounts previously levied upon said sub-districts for the use of such fund: *Provided*, That the rate shall not exceed ten mills on the dollar on the property of any sub-district.

To levy tax for support of schools. SEC. 31. They shall, at their regular meeting in April of each year, or at a special meeting convened for that purpose, between the time designated for such regular meeting and the third Monday in May, estimate the per centum on the taxable property of the district township which shall be necessary to raise the amount required for the "contingent fund," and also such sum as may be required for the "teacher's fund," in addition to the amount received from the semi-annual apportionments, as shown by the notice from the Clerk of the Board of Supervisors, to support the schools of the district for the time required by law for the current year; and shall cause the Secretary to certify the same within five days thereafter, to the Board of Supervisors, who shall, at the time of levying taxes for county purposes, levy the per centum thus certified upon the property of the district township, which shall be collected and paid over as other district taxes are.

Rules for government of sub-directors. SEC. 32. They shall make such rules and regulations as may be necessary for the direction and restriction of sub-directors in the discharge of their official duties, and not inconsistent with law.

SEC. 33. Should any person holding an order or claim against the school house fund, for liabilities contracted by any school district prior to the passage of this Act, be willing to surrender the same to the district at its market value in cash, or at any rate not exceeding sixty-seven cents on the dollar, the Board of Directors of said school district may enter into written stipulations with him for its redemption on such terms, and may vote a tax on account of school house fund, not exceeding three mills on the dollar, in any one year, on the property of the district for such purpose. Said tax shall be certified, levied, collected, and paid over as other school district taxes are.

May levy tax for liquidation of orders in certain cases.

SEC. 34. A majority of the Board of Directors shall be a quorum to transact business, but a less number may adjourn from time to time, and no tax shall be levied by the Board after the third Monday in May; nor shall the boundaries of sub-districts be changed except by a vote of the majority of the Board.

A majority of the Board to constitute a quorum.

#### PRESIDENT, SECRETARY, AND TREASURER.

SEC. 35. The President shall preside at all meetings of the Board of Directors, and of the district township; shall draw all drafts on the County Treasurer for money apportioned to his district; sign all orders on the District Treasury, specifying in the order the fund on which they are drawn, and the use for which the money is appropriated; and shall sign all contracts made by the Board.

President to preside and draw drafts and orders.

SEC. 36. He shall appear in behalf of his district in all suits brought by or against the same, but when he is individually a party, this duty shall be performed by the Secretary; and in all cases where suits may be instituted by or against any of the school officers, to enforce any of the provisions herein contained, counsel may be employed by the Board of Directors.

President to appear for district in suits.

SEC. 37. The Secretary shall record all the proceedings of the Board and District meetings, in separate books kept for that purpose; shall preserve copies of all reports made to the County Superintendent; shall file all papers transmitted to him, pertaining to the business of the district; shall countersign all drafts and orders drawn by the President, and shall keep a register of all orders drawn on the District Treasury, showing the number of the order, date, name of the person in whose favor drawn, the fund on which it is drawn, for what purpose, and the amount; and shall, from time to time,

Secretary to record proceedings and register orders.

furnish the District Treasurer with a transcript of the same.

**Secretary to give notice of meeting.** SEC. 38. He shall give ten days' previous notice of the District Township meeting, by posting a written notice in five conspicuous places therein, one of which shall be at or near the last place of meeting; and shall furnish a copy of the same to the teacher of the school, if in session, of each sub-district, to be read in the presence of the pupils thereof; and such notice shall, in all cases, state the hour of meeting.

**To keep and report acc't. of expenses.** SEC. 39. He shall keep an accurate account of all the expenses incurred by the District, and shall present the same to the Board of Directors to be audited and paid as herein provided.

**To certify tax to Board of Supervisors.** SEC. 40. Whenever a tax has been voted by any district township, for purposes in this Act specified, the Secretary shall immediately certify the per centum to the Board of Supervisors, who shall at the time of levying the tax for county purposes, levy a tax of the amount thus certified to them, upon the assessed value of all the real and personal property in the district, which shall be collected by the County Treasurer at the same time and in the same manner as State and County taxes are collected: *Provided*, it shall be receivable only in cash.

**To make annual report.** SEC. 41. Between the fifteenth and twentieth days of September in each year, the Secretary of each school district shall file with the County Superintendent a report of the affairs of the district, which shall contain the following items, viz:

*First*—The number of persons, male and female, each in his district, between the ages of five and twenty-one years.

*Second*—The number of schools, and the branches taught.

*Third*—The number of pupils, and the average attendance of the same in each school.

*Fourth*—The number of teachers employed, and the average compensation paid per week, distinguishing males from females.

*Fifth*—The length of school in days, and the average cost of tuition per week for each scholar.

*Sixth*—The aggregate amount paid teachers during the year, and the balance of teachers' fund in the district treasury.

*Seventh*—The text books used, and the number of volumes in the District Library, and the value of apparatus belonging to the district.

*Eighth*—The number of school-houses, and their estimated value.

*Ninth*—The amount raised within the year by district tax for the erection of school houses, the amount for teacher's fund, and for other purposes of this Act, stating separately the amount for each.

*Tenth*—The amount of public fund received from the semi-annual apportionments made by the Clerk of the Board of Supervisors, and if any, from other sources, stating what, and how much from each, and such other information as he may deem useful.

SEC. 42. Should the Secretary fail to file his report as above directed, he shall forfeit the sum of twenty-five dollars, and shall make good all losses resulting from such failure, and suit shall be brought, in both cases, by the district, on his official bond. Forfeiture for failure to report.

SEC. 43. The Treasurer shall hold all moneys belonging to the District, and pay out the same on the order of the President, countersigned by the Secretary, and shall keep a correct account of all expenses and receipts in a book provided for the purpose. Treasurer to hold and pay out moneys.

SEC. 44. The money collected by district tax, for the erection of school houses, and for the payment of debts contracted for the same, shall be called the "school house fund;" that designed for rent, fuel, repairs, and all other contingent expenses necessary for keeping the schools in operation, the "contingent fund;" and that received for the payment of teachers, the "teachers' fund;" and the District Treasurer shall keep with each fund a separate account; and shall pay no order which does not specify the fund on which it is drawn, and the specific use to which it is applied. If he have not sufficient funds in his hands to pay in full the warrant drawn on the fund specified, he shall make a partial payment thereon, paying as near as may be, an equal proportion of each warrant. Different funds, partial payments on orders.

SEC. 45. He shall receive all moneys apportioned to the district township by the Clerk of the Board of Supervisors, and also all money collected by the County Treasurer on the district school tax, levied for his district. To receive money apportioned to district.

SEC. 46. He shall register all orders on the district treasury reported to him by the Secretary, showing the number of the order, date, name of the person in whose favor drawn, the fund on which it is drawn, for what purpose, and the amount. To register orders.

SEC. 47. He shall render a statement of the finances of the district from time to time, as may be required by To render statement.

the Board of Directors, and his books shall always be open for inspection.

**SUB-DIRECTOR.**

**SEC. 48.** It shall be the duty of the sub-director, under such rules and restrictions as the Board of Directors may prescribe, to negotiate and make in his sub-district all necessary contracts for providing fuel for schools, employing teachers, repairing and furnishing school houses, and for making all other provisions necessary for the convenience and prosperity of the schools within his sub-district, and he shall have the control and management of the school house, unless otherwise ordered by a vote of the district township meeting. All contracts made in conformity with the provisions of this section, shall be approved by the President, and reported to the Board of Directors, and said Board, in their corporate capacity, shall be responsible for the performance of the part of the district township.

Sub-director to employ teachers and make repairs.

Contracts to be approved.

To register names of the heads of families.

**SEC. 49.** He shall, between the first and tenth days of September of each year, prepare a list of the names of the heads of families in his sub-district, together with the number of children in each family between the ages of five and twenty-one years, distinguishing males from females, and shall record the same in a book kept for that purpose.

To make annual report.

**SEC. 50.** He shall, between the tenth and fifteenth days of September of each year, report to the Secretary of the District Township the number of persons in his sub-district between the ages of five and twenty-one years, distinguishing males from females; the number of schools; the number of pupils in each school; the average attendance of pupils; the number of teachers male and female; the compensation of teachers per week, male and female; the length of each school in days, in Summer and Winter separate; average cost of tuition per week for each pupil in Summer and Winter separate; the aggregate amount paid teachers during the year; the number and value of school houses and of what material constructed; the value of apparatus; and the branches taught.

May dismiss pupils.

**SEC. 51.** He shall have power, with the concurrence of the President of the Board of Directors, to dismiss any pupil from the schools in his sub-district, for gross immorality, or for persistent violation of the regulations of the school; and to re-admit them, if he deems proper



so to do; and shall visit the schools in his sub-district at least twice during each term of said school.

SEC. 52. All contracts with teachers shall be in writing, specifying the length of time the school is to be taught, in weeks; the compensation per week, or per month of four weeks; and such other matters as may be agreed upon; and shall be signed by the sub-director and teacher, and be approved by and filed with the President before the teacher enters upon the discharge of his duties.

Contracts with teachers to be in writing.

#### BOARD OF SUPERVISORS.

SEC. 53. The Board of Supervisors 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 mill, nor more than two and one-half mills on the dollar, on the assessed value of all the real and personal property within the County, which shall be collected by the County Treasurer, at the time, and in the same manner as State and County taxes are collected, except that it shall be receivable only in cash.

County School tax to be levied.

SEC. 54. They shall also levy at the same time, the district school tax certified to them, from time to time, by the respective District Secretaries.

District School tax.

#### CLERK OF THE BOARD OF SUPERVISORS.

SEC. 55. The Clerk of the Board of Supervisors shall, on the first Monday in April, and fourth Monday in September of each year, apportion the County School Tax, together with the interest on the Permanent School Fund to which his County is entitled, and all other money in the hands of the County Treasurer belonging in common to the schools of his County, and not included in any previous apportionment, among the several School Districts therein, in proportion to the number of persons between five and twenty-one years of age, as shown by the report of the County Superintendent filed with him for the year immediately preceding, which report, showing the number of persons between the ages of five and twenty-one years, in each school district in the County, shall be so filed on the fifth day of October annually.

School money appropriated among districts.

SEC. 56. He shall immediately notify the President of each School District of the sum to which his District is entitled by said apportionment, and shall issue his warrant for the same to accompany said notice, which

Shall notify President of his amount.

Secretary to debit and credit Treasurer. warrant shall be also signed by the President and countersigned by the Secretary of the District in whose favor the same is drawn; and shall authorize the District Treasurer to draw the amount due said District, from the County Treasurer; and the Secretary shall charge the Treasurer of the District with all warrants drawn in his favor, and credit him with all warrants drawn on the funds in his hands, keeping separate accounts with each fund.

Shall forward certificate of election of County Superintendent and report interest to Auditor. SEC. 57. He shall forward to the Secretary of the Board of Education, a certificate of the election or appointment and qualification of the County Superintendent; and shall also, on the second Monday in February and August of each year, make out and transmit to the Auditor of State, in accordance with such form as the said Auditor may prescribe, a report of the interest of the School Fund then in the hands of the County Treasurer, and not included in any previous apportionment; and also the amount of said interest remaining unpaid.

#### COUNTY TREASURER.

Co. Treasurer to pay over tax, and render statement SEC. 58. The County Treasurer shall, on the first Monday in April of each year, pay over to the Treasurer of the District the amount of all school district tax which shall have been collected, and shall render him a statement of the amount uncollected; and shall pay over the amount in his hands quarterly thereafter.

#### QUALIFICATIONS AND DUTIES OF TEACHERS.

No teacher to be employed without certificate. SEC. 59. No person shall be employed to teach a common school which is to receive its distributive share of the school fund, unless he shall have a certificate of qualification signed by the County Superintendent of the county in which the school is situated, or by some other officer duly authorized by law; and any teacher who commences teaching without such certificate, shall forfeit all claim to compensation for the time during which he teaches without such certificate.

Teacher to keep register. SEC. 60. The teacher shall keep a correct register of the school, which shall exhibit the sub-district, township, county and State in which the school is kept; the day of the week, the month and year; the name, age and attendance of each scholar, and the branches taught; the register to be as near as practicable after the form appended to this Act. When scholars reside in different districts, a register shall be kept for each district.

SEC. 61. The teacher shall, immediately after the close of his school, file in the office of the Secretary of the Board of Directors, a certified copy of the register aforesaid. To file copy of register.

## COUNTY SUPERINTENDENT.

SEC. 62. A County Superintendent of common schools shall be elected in each organized county in the State, at the general election in October, 1863, and at the general election every two years thereafter; and the incumbents in office at the taking effect of this Act shall continue in office until their successors are elected and qualified as herein provided. County Supt. —election of.

SEC. 63. On the first day of January next succeeding the date of his election, he shall take and subscribe the usual oath of office, and enter upon the discharge of his duties; and on his failure so to do, or if from any other cause there should be a vacancy in the office, the Board of Supervisors shall appoint a person to fill such vacancy, who shall qualify within ten days after his appointment, and shall continue in office until the time prescribed for filling said office by election as herein provided; and should the person so appointed fail to qualify within the time specified, such failure shall create a vacancy. When to qualify.

SEC. 64. On the last Saturday of each month he shall meet all persons desirous of passing an examination, and for the transaction of any other business within his jurisdiction, in some suitable room provided for that purpose by the Board of Supervisors at the county-seat, at which time he shall examine all such applicants for examination as to their competency and ability to teach Orthography, Reading, Writing, Arithmetic, Geography and English Grammar; and in making such examination, he may, at his option, call to his aid one or more assistants. Vacancy, how created and filled.

SEC. 65. If the examination is satisfactory, and the Superintendent is satisfied that the respective applicants possess a good moral character, and the essential qualifications for governing and instructing children and youth, he shall give them a certificate to that effect, for a term not exceeding one year. To meet and examine teachers.

SEC. 66. Any school officer or other person shall be permitted to be present at such examination; and the Superintendent shall make a record of the name, residence, age, and date of examination of all persons so examined, distinguishing between those to whom he issues certificates, and those rejected. To issue certificates.

SEC. 67. If any person shall make application for an

Applicants to examination at any other time, he shall pay the Superintendent a fee of one dollar before the examination is commenced, as a compensation therefor; unless he presented himself on the regular day specified, and was unable from no fault of his own to obtain an examination, in which case no fee shall be required of him.

May appoint deputy. SEC. 68. If for any cause the County Superintendent cannot be present at the regular day thus fixed, he shall appoint one or more deputies to make the examination in his stead. He shall afterwards issue certificates to those who receive the recommendation of his deputies as aforesaid.

May revoke certificate. SEC. 69. The Superintendent may revoke the certificate of any teacher in the county, which was given by the Superintendent thereof, for any reasons which would have justified the withholding thereof, when the same was given.

To make annual report. SEC. 70. On the fifth day of October of each year he shall make a report to the Secretary of the Board of Education, containing an abstract of the reports made to him by the respective district Secretaries, and such other matters as he shall be directed to report by the said Secretary of the Board of Education, and as he himself may deem essential in exhibiting the true condition of the schools under his charge; and he shall at the same time file with the Clerk of the Board of Supervisors a statement of the number of persons between the ages of five and twenty-one years, in each school district in his county.

SEC. 71. Should he fail to make either of the reports required in the last section, he shall forfeit to the school fund of his county the sum of fifty dollars, and shall besides, be liable for all damages caused by such neglect.

To conform instructions and transmit documents to district officers. SEC. 72. He shall, at all times, conform to the instructions of the Secretary of the Board of Education, as to matters within the jurisdiction of the said Secretary. He shall serve as the organ of communication between the Secretary and township or district authorities. He shall transmit to the townships, districts or teachers, all blanks, circulars, and other communications, which are to them directed.

Compensati'a SEC. 73. For the time necessarily spent in the discharge of his official duties, he shall receive the sum of two dollars per day, and at the same rate for every fraction of a day, to be paid from the county revenue; but before he shall be entitled to such compensation, he shall file a sworn statement of the time he has been so employed, with the Clerk of the Board of Supervisors and

in a county having less than twenty-five sub-districts, his whole annual compensation, exclusive of fees paid by teachers for examination, as herein provided, shall not exceed fifty dollars; and in any county having more than twenty-five sub-districts, it shall not exceed, exclusive of such fees, two dollars for each sub-district.

## GENERAL PROVISIONS.

SEC. 74. A school month shall consist of four weeks, School month of five school days each.

SEC. 75. Any officer, whose term of office is prescribed by this Act shall continue in office until his successor is elected and qualified. Officers to continue in office.

SEC. 76. Every person elected or appointed to any office, pursuant to the provisions of this Act, shall, before entering upon the discharge of the duties thereof, take an oath to support the Constitution of the United States and of this State, and faithfully to discharge the duties of his office according to the best of his abilities. In case such officer has a written appointment or commission, his oath shall be endorsed thereon. In other cases, it may be taken orally. In either case it may be sworn to before any officer authorized to administer oaths. General oath of office.

SEC. 77. All fines and penalties collected from a school district officer by virtue of any of the provisions of this Act, shall enure to the benefit of that particular district. Those collected from any member of the Board of Directors, shall belong to the district township, and those collected from County Officers to the County. In the two former cases, suit shall be brought in the name of the District Township; in the latter, in the name of the County, and by the District Attorney. The amount in each case, shall be added to the fund next to be applied by the recipient for the use of Common Schools. Fines and penalties.

SEC. 78. In all cases where a School District, as constituted at the time of the taking effect of an Act entitled "An Act for the Public Instruction of the State of Iowa," approved March 12th, 1858, and formed of two or more civil townships in the same or adjoining counties, had a school house erected, which said house had not been destroyed, removed or abandoned, said district as that time constituted, shall be and remain a sub-district in, and form a part of the district township in which such school house is situated, for voting, taxation, enumeration of children, distribution of money, and all other school purposes, as fully as though said sub-district School district formed of parts of two or more civil townships.

were all included within the township in which the school house is situated. And the boundaries of such sub-district shall not be changed, except with the concurrence of the Boards of Directors of the townships interested: *Provided*, That upon the written application of two-thirds of the electors residing upon the territory within the township in which the school house is not situated, to the respective Boards of Directors—or, when said school house has been removed—or, said territory is uninhabited—it shall remain under the jurisdiction of, and form a part of the district township to which it geographically belongs; and any tax which has been levied on said territory for the construction of a school house at any other site than the one originally occupied, shall be refunded to the district township to which said territory reverts, for the construction of a school house in the sub-district in which said sub-district may subsequently be included; and the respective Boards of Directors shall, in either case, divide their districts in accordance with the provisions of this section.

School house tax refunded.

Judgment against a district, how settled.

SEC. 79. When a judgment has been obtained against a school district, it shall be the duty of the Board of Directors to pay off and satisfy the same, from the proper fund, by an order on the Treasurer of the district; and it shall be the duty of the district meeting at the time for voting a tax for the payment of other liabilities of the district, to provide for the payment of such order or orders.

Board of Supervisors to levy tax.

SEC. 80. In case a school district has borrowed money of the school fund, as contemplated in section eight, of "An Act to provide a System of Common Schools," passed by the Board of Education, December 24th, 1858, it shall be the duty of the Board of Supervisors to levy such tax, not exceeding five mills on the dollar in any one year, on the taxable property of the district as constituted at the time of making such loan, as may be necessary to pay the annual interest on said loan, and the principal when the same falls due, unless the Board of Supervisors shall see proper to extend the time of said loan.

Hours of meeting and adjourning.

SEC. 81. No district township meeting, or sub-district meeting, shall organize earlier than nine o'clock, A. M., nor adjourn before twelve o'clock M.; and in all independent school districts, organized under "An Act to confer certain powers on towns and cities for school purposes," or as hereinafter provided, the polls shall remain open from nine o'clock A. M., to four o'clock P. M.

SEC. 82. When any school officer is superseded by School offi- election or otherwise, he shall immediately deliver to cers to deliv- his successor in office, all books, papers and moneys per- er books and taining to his office, taking a receipt therefor; and every papers. such officer who shall refuse to do so, or who shall will- fully mutilate or destroy any such books or papers, or any part thereof, or shall misapply any moneys entrusted to him by virtue of his office, shall be liable to the provisions of the General Statutes for the punishment of such offenses.

SEC. 83. Nothing in this Act shall be so construed as Jurisdiction to give the Board of Directors of a District Township, of district jurisdiction over any territory included within the limits townships. of any city or village, with the territory annexed thereto for school purposes, which has organized separately as a school district under any other Act.

#### INDEPENDENT SCHOOL DISTRICTS.

SEC. 84. Any city or town, containing within its surveyed limits not less than three hundred inhabitants, A city or town consti- and certain territory contiguous thereto, may be consti- tuted district. tuted a separate school district, in the manner hereinafter provided.

SEC. 85. At the written request of any ten legal vo- Notice of ters residing in such city or town, the Township Trus- election for tees shall establish the boundaries of the contemplated organization. school district, including such contiguous territory as may best subserve the convenience of the people for school purposes, and shall give at least ten days' previous notice of the time and place of such meeting of the electors residing in said district, by posting written notices in at least five conspicuous places therein; at which meeting the said electors shall vote by ballot for or against a separate organization.

SEC. 86. Should a majority of the votes be cast in fa- Notice of first vor of such separate organization, the township trustees election of shall give similar notice of a meeting of the electors for Board of Di- the election of a President, Vice-President, Secretary, rectors. and Treasurer, who shall continue in office until the next annual meeting thereafter; and three Directors, one of whom shall continue in office for one, one for two, and one for three years, from and after the next annual meeting thereafter, their respective terms of office to be determined by lot; and the said President, Vice-President, Secretary, Treasurer, and three Directors, shall constitute a Board of Directors for the District.

SEC. 87. Said meeting shall organize, by appointing

**How to organize meeting.** a President and Secretary, who shall act as judges of the election, and issue a certificate of election to the persons elected.

**Notice, when district is composed of different townships.** SEC. 88. In case such school-district is formed of parts of two or more civil townships in the same or adjoining counties, the duty of giving the notice shall devolve upon the trustees of the township in which a majority of the legal voters of the contemplated school district reside.

**District may be divided into wards.** SEC. 89. Said school district may have as many schools, and be divided into such wards, or other subdivisions for school purposes, as the Board of Directors may deem proper; and shall be governed by the laws enacted for the regulation of district townships, so far as the same may be applicable.

**Annual meeting of independent districts.** SEC. 90. The annual meeting of all independent school districts, formed as herein contemplated, or under the laws in force at the passage of this act, shall be held on the second Monday in March, for the transaction of the business of the district, and for the election by ballot of a President, Vice President, Secretary and Treasurer who shall continue in office for one year, and one director as the successor of the one whose term expires, who shall continue in office for three years; and the President, Vice President and Secretary, then in office, shall act as judges of the election, and shall issue certificates of election to the persons elected for the ensuing term.

**Remainder of township a district township.** SEC. 91. Where an independent school district has been formed out of a civil township or townships as herein contemplated, the remainder of such township, or of each of such townships, as the case may be, shall constitute a district township, as provided in the first section of this Act; and the boundaries between such district township and independent school district, may be changed at any time with the concurrence of their respective Boards of Directors.

## SPECIAL PROVISIONS.

**Officers to remain in office.** SEC. 92. Any school district officer, in office at the taking effect of this Act, shall continue in office until the next regular election thereafter, as herein provided.

**Auditor to apportion interest of school funds.** SEC. 93. The Auditor of State shall, on the first Monday in March and September of each year, apportion the interest of the permanent school fund among the several organized counties of this State, in proportion to the number of persons between five and twenty-one years of age, in each, as shown by the last report of the num-



ber of such persons filed with him by the Secretary of the Board of Education.

SEC. 94. "An Act to confer certain powers on towns and cities for school purposes, passed December 24th, 1858; "An Act to amend an Act entitled an Act to provide a system of Common Schools," passed December 24th, 1859; "An Act providing for the boundaries of districts in certain cases," passed Dec. 24th, 1859; "An Act to amend an Act to confer certain powers on towns and cities for school purposes," approved February 26th, 1860; "An Act to amend an Act passed by the Board of Education, December 24th, 1859, entitled an Act to amend an Act entitled an Act to provide a system of Common Schools," approved April 2d, 1860; "An Act to amend an Act passed by the Board of Education December 24th, 1859, entitled an Act to provide a system of Common Schools," approved April 2d, 1860; "An Act to amend an Act passed by the Board of Education Dec. 24th, 1859, entitled an Act to amend an Act entitled an Act to provide a system of Common Schools," approved April 2d, 1860; "An Act defining the duties and regulating the compensation of County Superintendents," passed December 17th, 1861; "An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide a system of Common Schools," passed December 19th, 1861, and all other Acts, and parts of Acts contravening the provisions of this Act, are hereby repealed.

## CHAPTER 173.

### REVENUE.

AN ACT to amend Chapter forty-five of the Revision of 1860, being an Act in relation to Revenue.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Board of Supervisors of each county of this State, in addition to the taxes they are now directed to levy by the provisions of section one of chapter forty-five of the Revision of 1860, shall annually levy the per centum of taxation of the "Federal Tax," as prescribed in section eleven of the Act passed by the Ninth General Assembly, entitled "An Act for the as-  
Levy of Federal Tax.

assessment, levy and collection of the quota of this State, of the tax laid on the United States by the Act of Congress approved August 5th, 1861, or any subsequent Acts and the payment of Auditor's Warrants on the War and Defense Fund."

City & Town  
Assessor.

SEC. 2. In addition to one Township Assessor in each township in the State, as provided for in section 726 of said chapter forty-five, of which this Act is amendatory, there shall be elected in each city and incorporated town in the State, at the General Election for State and County officers in each year, by the qualified voters of such city or town, a separate city or town assessor, who shall hold his office for one year from the first day of ~~June~~ following his election, and until his successor is elected and qualified; who shall be the assessor of all persons and property within the territory of such city or incorporated town; and in such cases the township assessor shall be restricted in his duties to the persons and property of his township exclusive of the territory of such city or incorporated town; and the assessor of such city or town before entering upon the duties of his office, shall take and subscribe an oath, as required of the township assessor, and shall give bond with two or more sureties to be approved by the Council of his city or town, in the sum of five hundred dollars, payable to the city, or town, and conditioned for the faithful discharge of the duties of his office, which bond shall be filed and preserved by the Clerk of said city or town.

Compensati'n  
of Assessor.

SEC. 3. Section 730 of said chapter forty-five is hereby repealed, and in place thereof it is hereby enacted as follows:

Each assessor shall be allowed one dollar and fifty cents for each day he shall have been faithfully employed in discharging the duties of his office, to be paid out of the County Treasury.

Board of Su-  
pervisors to  
classify.

SEC. 4. Section 731 of said Chapter forty-five is hereby repealed, and in place thereof it is enacted that the Board of Supervisors of each county shall at their meeting in January in each year, classify the several descriptions of property to be assessed, for the purpose of equalizing such assessment; and the Clerk of said Board shall on or before the adjournment of said Board, deliver to each member thereof as many certificates of such classifications as there are assessors in his township, one of which shall be by him delivered on or before the fifteenth day of January in each year, to each such assessor.

SEC. 5. The words "amount of capital employed in

merchandise," at the end of the fourth and commence- Sec. 732, R.,  
ment of the fifth line, in subdivision three of section 732, amended.  
of said chapter 45, are hereby stricken out, and the words  
"value of merchandise," are inserted in place thereof.

Sec. 6. In addition to the information now required Additional  
to be transmitted in an abstract by the Clerk of the statistics,  
Board of Supervisors to the State Auditor as provided Clerk to  
for in section 741 of said chapter 45, there shall be made transmit.  
out and transmitted by the Clerk at the time he trans-  
mits the information now required, under a subdivision  
numbered 4, an abstract of the aggregate value and  
number of cattle, the aggregate value and number of  
horses, the aggregate value and number of mules, the  
aggregate value and number of sheep, and the aggre-  
gate value and number of swine over six months of age,  
as the same are returned to the Clerk of said Board of  
Supervisors by the assessors of his county.

Sec. 7. All of section 761 of said chapter 45 after Repeal part  
the word "taxes," in the 8th line from the top on page of Sec. 761, R.  
119, to the next period following the word "act," is  
hereby stricken out and repealed.

Sec. 8. It shall be the duty of the State Auditor, Auditor fur-  
from time to time, to prepare and furnish to all the nish forms.  
Clerks of the Boards of Supervisors and the County  
Treasurers and collectors of taxes, directions and forms,  
in compliance with which such Clerks, Treasurers and  
Collectors shall severally keep their accounts relating to  
the revenue. Also, forms for the reports required to be  
made by said officers to said Auditor; and forms of re-  
ceipts to be given by the Treasurers and Collectors of  
taxes to tax-payers; and said Clerks, Treasurers and  
Collectors shall conform in all respects to the forms and  
directions thus prescribed.

Sec. 9. All of section 766 of said chapter, on page Homestead  
120, after the word "permit" in the ninth line thereof taxes.  
to the end of the section, is hereby stricken out and re-  
pealed, and in place thereof it is enacted as follows: In  
all cases where the homestead is listed separately as a  
homestead it shall be liable only for the taxes thereon.

Sec. 10. Whenever the County Treasurer shall give Sale of real  
notice of the sale of real property for delinquent taxes, property.  
by posting up written notices of such sale, he shall be-  
fore making such sale, file in the office of the Clerk of  
the Board of Supervisors of his County, a copy of said  
notice with his certificate indorsed thereon, setting forth  
that said notice had been posted up in four of the most  
public places in his county, four weeks before the sale,  
which said certificate shall be subscribed by him and

sworn to before said Clerk, and shall be prima facie evidence of the facts therein stated.

Clerk liable to fine.

SEC. 11. After the word "Treasurer" in the sixth line of section 774 of said chapter, page 112, there is hereby inserted the words, "or Clerk as the case may be."

Evidence of assignment.

SEC. 12. At the end of section 778 of said chapter, page 122, there is hereby added as follows: "and the statement in the Treasurer's deed, of the fact of the assignment, shall be prima facie evidence of such assignment."

Redemption of real property.

SEC. 13. Section 779 of said chapter is hereby repealed, and in place thereof it is enacted as follows: Real property sold under the provisions of this Act, or the Act to which this is amendatory, may be redeemed at any time before the expiration of three years from the date of the sale, by the payment to the Clerk of the Board of Supervisors of the proper County, to be held by him subject to the order of the purchaser, of the amount for which the same was sold, and thirty per centum of such amount immediately added as a penalty with ten per cent interest per annum on the whole amount thus made from the day of sale, and also the amount of all taxes, interest and cost paid for any subsequent year, or years, and a similar penalty of thirty per centum added as before, on the amount of the payment for each subsequent year, with ten per cent interest per annum on the whole of such amount, or amounts, from the day or days of payment; unless such subsequent taxes shall have been paid by the person for whose benefit the redemption is made, which fact may be shown by the Treasurer's receipt; and *provided further*, that such penalty for the non-payment of the taxes of any such subsequent year or years, shall not attach, unless such subsequent tax or taxes shall have remained unpaid until the first day of February after they become due, so that they have become delinquent.

Redemption of property of minor or lunatic.

SEC. 14. If real property of any minor, or lunatic, is sold for taxes, the same may be redeemed at any time within one year after such disability is removed, upon the terms specified in the foregoing section, which redemption may be made by the guardian or legal representatives.

Assessor to note number of road and sub-district.

SEC. 15. It is hereby made the duty of each Township Assessor to note opposite each piece or parcel of property by him assessed, in a column on his assessment book, prepared for that purpose, the number of

road and sub-district in which such property is situated.

SEC. 16. Each Railroad Company in the State shall annually, on or before the first day of February, furnish to the State Treasurer a sworn statement of the gross receipts of their Railroad, without reduction of expenses for the year ending on the first day of January preceding, which said statement shall be sworn to by the Secretary and Treasurer of such Company. And the Treasurer of State shall levy on said gross receipts, a tax of one per centum, which the said Railroad Companies shall pay on or before the 15th day of February, after which time the said taxes shall become delinquent and the same penalties and interest shall attach as on other taxes. After the said taxes become delinquent, the Treasurer of the State shall proceed to collect the same, in the same manner and with the same rights and powers as a Sheriff may on execution; one-half of said taxes levied and collected as aforesaid, shall be equally apportioned by the State Treasurer to the several counties through which the said roads respectively run, in proportion to the number of miles of main track of road in each county, and shall be paid over by him to the County Treasurer of such county. If any Railroad Company shall fail to make the sworn statement required by this Act, the Treasurer of State shall ascertain as near as may be the gross earnings of such delinquent Company and assess thereupon the said one per centum, and shall seize and levy upon the whole or any part of the property, rights and franchises of said Company, and after giving ten days' public notice of the time and place of sale, shall proceed to sell the same at public auction, to satisfy the amount of said assessment, together with all costs and expenses incurred in making the assessment and sale. The tax herein provided for shall be in lieu of all taxes for any and all purposes on the road-bed, track, rolling stock and necessary buildings for operating their road. But other property belonging to such Company, whether personal or real, shall be taxed as property of individuals in the respective counties in which the same may lie.

SEC. 17. Immediately after the taxes become delinquent, each County Treasurer shall proceed to collect the same by distress and sale of the personal property of the delinquent tax-payer, in the manner prescribed in sections 757 and 758 of said chapter 45, and for this purpose, he shall, within thirty days after the taxes become delinquent, appoint one or more deputies to aid and

Rail Road Companies to furnish statement of receipts.

State Treasurer levy a tax upon.

Failure to make statement.

Treasurer to collect by distress and sale

assist him in collecting the delinquent taxes in his respective county. Each deputy so appointed, shall receive as a compensation for his services and expenses, the sum of five per cent. on the amount of all delinquent taxes collected by him, which percentage he shall collect from the delinquent, together with the whole amount of delinquent taxes and interest; and in the discharge of his duties as such assistant collector, should it become necessary to make the delinquent taxes by distress and sale, he shall be entitled to receive the same compensation in addition to the five per cent. provided for in this Act, as constables are entitled to receive for the sale of property on execution; and any County Treasurer who shall willfully refuse or neglect to comply with any of the provisions of this section, shall forfeit the sum of five hundred dollars, to be recovered in the name of the county for the use of the Common Schools therein.

Penalty for neglect of duty.

Penalty collected on delinquent tax.

SEC. 18. All of section 760 of said chapter 45 on page 118 to the period following the word "paid," at the end of the seventh line of said section is hereby repealed; and in place thereof it is enacted as follows: The Treasurer shall continue to receive taxes after they have become delinquent until collected by distress and sale; but after they have become delinquent, he shall collect in addition to the tax of each tax-payer so delinquent, as a penalty for non-payment, at the rate of one per cent. a month on the amount of the tax for the first three months, two per cent. a month for the second three months, three per cent. a month for the third three months, and four per cent a month for all after nine months. In computing this penalty nothing shall be reckoned or collected therefor, if the tax is paid before the first day of March, nor after that time except for a full month.

SEC. 19. All Acts and parts of Acts in conflict with any of the provisions of this Act are hereby repealed.

SEC. 20. This Act being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Daily Des Moines Times, papers published at Des Moines, Iowa.

Approved April 8, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register, April 23, 1862, and in the Des Moines Times, April 25, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 174.

## CIVIL PRACTICE.

AN ACT to amend the Code of Civil Practice at Law and Equity, it being Part Third of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Section 2852 of the Code of 1851, and of the Revision of 1860, is hereby repealed, and the following is substituted therefor. In an equitable action the defendant shall demur before noon of the second day of the term, and shall answer in the same time, if the notice shall have been served sixty days before such term, and if not, then in sixty days from the day of completed service; but when the sixty days from the service extend beyond the term, if the defendant does not appear and claim that time to answer, and the petition is verified by affidavit, the plaintiff will be entitled to a default, as in ordinary proceedings.

SEC. 2. Section 2834 in Chapter 120 of the Revision of 1860 is hereby repealed, and the following is substituted therefor: Service by publication shall be deemed complete when the affidavit prescribed in section 2832 is filed and the notice is published in the manner and for the time prescribed in the preceding section, and the defendant shall be held to appear at the next term, and the affidavit of proof of publication shall be filed before the default is taken, but the same may be filed without regard to the ten days. The last named affidavit may be made by any person knowing the fact.

SEC. 3. Section 3036 of the Revision of 1860 is hereby repealed, and the following is substituted therefor: Each party shall have the right to challenge peremptorily, five jurors and no more; and the parties shall challenge alternately, commencing with the plaintiff, and the challenges for cause being first exhausted or waived, the parties shall then, in turn, in the same order, exercise the right of peremptory challenge.

SEC. 4. Chapter 138 of the Revision of 1860, is hereby repealed, and the following is substituted therefor: Section 3467. Actions, either *ex contractu* or *ex delicto*, do not abate by the death, marriage, or other disability of either party, nor by the transfer of any interest therein, if from the legal nature of the case the cause of action can survive or continue. In such cases,

the Court may, on motion, allow the action to be continued by or against his legal representative, or successor in interest; but in case of the death of a defendant, a notice shall be served upon his representative, under the direction of the Court.

**Acknowledgments.** SEC. 5. Section 3677 of the Revision of 1860 is hereby repealed, and the following is substituted therefor: They shall then appear before some officer of the county authorized to take the acknowledgment of deeds and acknowledge the instrument by them signed to be their voluntary act and deed.

**Issuing precept to summon Jurors.** SEC. 6. Section 3890 in Chapter 158 of the Revision of 1860 is hereby repealed, and the following is substituted therefor: If a jury trial be demanded, as provided in section 3880, the Justice shall issue his precept to some Constable of the township, directing him to summon the requisite number of jurors possessing the same qualifications as are required in the District Court.

**Forcible detention.** SEC. 7. Section 3952 of the Revision of 1860, subdivision three, is hereby repealed, and the following is substituted therefor: Where the defendant continues in possession after a sale by foreclosure of a mortgage, or on execution, unless he claims by a title paramount to the lien by virtue of which the sale was made, or by title derived from the purchaser at the sale; in either of which cases, such title shall be clearly and concisely set forth in the defendant's pleading, and shall be sworn to.

**Duty of Constables.** SEC. 8. Section 3973 of the Revision of 1860, is hereby repealed, and the following is substituted therefor: Any Justice of the Peace may in writing, specially depute any discreet person of suitable age, to perform any particular duty properly devolving upon a Constable for that particular purpose, be subject to the same obligations and receive the same fees.

**Deputy give bond.** If such person be appointed to serve a writ of attachment, execution or replevin, he shall, before levying upon property, execute a bond to the State of Iowa in a penal sum of not less than two hundred dollars, to be fixed by the Justice, with one or more freeholders as sureties, to be approved by and filed with the Justice making the appointment; and the usual official oath shall be indorsed thereon and signed.

**Damages for breach of bond.** For any breach of such bond, any person injured thereby may bring suit thereon in his own name, and recover the same damages as upon a Constable's bond in like case.

**Repealed.** SEC. 9. Sections 4031, 4032, 4033 and 4034 in Chapter 159 of the Revision of 1860 are hereby repealed.



SEC. 10. Section 3268 is amended by adding the following thereto :

But no writ of execution shall be a lien on personal Execution. property, before the actual levy thereof.

Approved April 8th, 1862.

## CHAPTER 175.

### MILITIA.

#### AN ACT to amend the Militia Law.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all able-bodied white male Militia—who citizens of this State, between the ages of eighteen and constitutes, forty-five years, residing in this State, and not exempted by the laws of the United States, shall be subject to military duty, excepting,

1ST—All persons in the Army or Navy of the United States. Who exempt.

2D—Persons who have been or hereafter shall be regularly and honorably discharged from the army and navy of the United States in consequence of the performance of military duty in pursuance of any law of this State, and such firemen as are now exempted by law.

3D—Commissioned officers who shall have served as such in the Militia of this State or in any one of the United States for the space of four years, but no officer shall be exempt unless by his resignation after such term of service duly accepted or in some other lawful manner he shall have been honorably discharged.

4TH—Every non-commissioned officer, musician and private of every uniformed company or troop raised or hereafter to be raised, who has or shall hereafter uniform himself according to the provisions of any law of this State, and who shall have performed service in some uniformed company or troop in this State for the space of six years from the time of his enrollment in the active Militia, shall be exempt from military duty, except in cases of war, insurrection or invasion.

SEC. 2. If any member of such company or troop Same. who shall have been regularly uniformed and equipped, shall, upon his removal out of the beat of such company or troop, or upon the disbandment thereof, enlist into

any other uniform company or troop, and uniform, and equip himself therefor, and serve in the same, whenever the whole time of his service in such companies or troops, computed together, shall amount to six years, he shall be exempt from military duty in like manner as if he had served for the whole period in the company or troop in which he was first enlisted.

**Regiments.** SEC. 3. The Governor of this State shall have full power to designate the Companies which shall compose a Regiment, and to number Regiments when organized.

**Duties of Adjutant and Inspector Gen'l.** SEC. 4. The duties of Adjutant and Inspector General shall be as follows, to-wit: He shall issue, sign and transmit all General Orders of the Commander-in-Chief, whether of detail, instruction or movement of the militia, and all general regulations which may be established, and obey all orders from him, relative to the carrying into execution the laws of the United States or of this State, and perfecting the system of military discipline established by law.

**Have charge of correspondence.** SEC. 5. He shall be charged with all the correspondence between the Commander-in-Chief and officers of the several States and Territories, the Secretary of War, the Adjutant General of the Army, and other persons in official stations, on the subject of Military affairs, and keep a record of such correspondence.

**Keep record of orders and regulations.** SEC. 6. He shall keep a record of all general and special orders and regulations, and cause the same to be published whenever the Commander-in-Chief shall direct.

**Keep roll.** SEC. 7. He shall keep a roll of all the commissioned officers of the Militia of this State, with their residence, rank, the corps to which they belong, the number and date of their Commissions, and the time when issued, the number and date of all discharges, removals, deaths, and promotions.

**Record descriptions of Divisions, etc.** SEC. 8. He shall enter of record a local description of the several divisions, brigades, regiments and companies which may hereafter be formed and every alteration thereof.

**Commissions.** SEC. 9. He shall make out and issue all Commissions and discharges directed by the Commander-in-Chief.

**Provide record books, etc.** SEC. 10. He shall prepare and provide the necessary rosters and books of record, the forms and blanks for Commissions, discharges, returns and other necessary papers required by laws of this State, at the expense of the State, and distribute the same to the officers, regiments and companies entitled to them, upon requisition therefor.

SEC. 11. He shall make return in duplicate of the <sup>Make dupli-</sup> number of enrolled militia, with the arms, accoutrements <sup>cate returns.</sup> and ammunition, one copy of which he shall deliver to the Commander-in-Chief on or before the first day of January, and transmit the other to the President of the United States, on or before the first day of January, annually.

SEC. 12. He shall perform all the duties of <sup>Act as Quar-</sup> Quarter-Master General until the Governor deems it best for the <sup>ter Master.</sup> public service to appoint that officer.

SEC. 13. The Quarter-Master General shall keep in <sup>Duties of</sup> good repair, and attend to the due preservation, safe- <sup>Quarter Mas-</sup> keeping, and cleaning of the ordnance, arms, accoutre- <sup>ter.</sup> ments, ammunition, munitions of war, and military supplies and stores, the property of this State.

SEC. 14. He shall dispose, to the best advantage, of <sup>Same.</sup> all powder, arms, ammunition, accoutrements, tools, implements and war-like stores of every kind, the property of the State, that shall be deemed unsuitable for the use of the State, and from time to time render a just and true account of all sales made by him, and shall pay the proceeds of such sale into the State Treasury.

SEC. 15. He shall report annually on or before <sup>Report to the</sup> the first day of January to the <sup>Commander-</sup> Commander-in-Chief a <sup>in-Chief.</sup> true and particular statement, showing the actual situation and disposition of the ordnance, arms, ammunition, and other munitions of war, property and things which in any wise appertain to, or respect the department confided to his keeping.

SEC. 16. He shall keep a just and true account of all <sup>Keep account</sup> the expenses necessarily incurred in and about his department, and once, at least, in every six months deliver the same to the Auditor of State, who shall thereupon examine and audit the same, and shall draw his order or warrant on the Treasury for such sum as he shall audit and certify to be due.

SEC. 17. The Governor may in his discretion appoint <sup>Aid-de-Camp</sup> on his staff four special Aids-de-Camp with the rank of Lieut. Colonel of Cavalry, but who are to serve without any compensation whatever, unless sent on special service by the Governor, when they shall receive three dollars per day and their actual and necessary expenses while employed in such service.

SEC. 18. Companies shall take rank according to the <sup>Rank of Com-</sup> date of their organization; and the term of service in <sup>panies.</sup> all companies now organized, or that may be organized prior to the taking effect of this Act, shall be considered as commencing on the date of its taking effect.

**Re-organization of Companies.** SEC. 19. Any company organized prior to the taking effect of this Act, shall conform in all respects to the provisions of this Act, and shall re-organize under the provisions herein, in the same manner as if such company had been disbanded.

**Age, no bar to an officer.** SEC. 20. Nothing in this Act shall be so construed as to prevent persons over the age of forty-five years from holding commissions.

**Swearing.** SEC. 21. The Adjutant General and all field and staff officers, and every separate Commander, shall have authority to administer oaths to all persons in the militia, whenever necessary under this Act, and the same penalties shall attach to false swearing in such cases as are now provided by law, and no fee shall be charged for administering or certifying such oath.

**Serve in but one Company** SEC. 22. No person shall be a member of two companies at the same time, and every member of a company who removes beyond the limits of the county or counties in which his company is organized, shall be considered as having been discharged. Any officer who removes beyond the limits of his company or other command, shall be considered as having resigned.

**Command in absence of officer.** SEC. 23. In the absence of an appropriate commander or other officer, the next in rank in the same command and corps shall succeed to his authority.

SEC. 24. Should there be no commissioned officer present with a company, the regimental or other commander, shall have authority to assign an officer to command until some officer is elected to the place.

**Conform to U. S. Service.** SEC. 25. In all cases not herein otherwise directed, the duties of general and staff officers, and all other commissioned and non-commissioned officers, of the Volunteer Militia, shall be made to conform as nearly as possible to the duties of the corresponding positions in the United States service.

**Who shall command.** SEC. 26. When bodies of troops meet on duty, the officer highest in rank in the line shall command the whole, and an officer of higher rank may at any time take immediate charge of any portion of his command when on duty.

**Same.** SEC. 27. When officers are of the same grade, the officer holding a commission of the oldest date, shall command, and where two officers of the same grade hold commissions of the same date, their relative rank shall be determined by lot.

**Regulations.** SEC. 28. The rules and regulations provided for the government of the United States army, as far as applicable and not inconsistent with the provisions of this

Act, shall apply to the government of the Volunteer Militia of this State.

SEC. 29. Whenever the President of the United States, or the Commander-in-Chief shall order a draft from the Militia for public service, such draft shall be made in the following manner:

*First*—When the draft required to be made shall be a number equal to one or more companies to each Brigade, such draft shall be made by company, to be determined by lot, to be drawn by the Commandant of Brigade, in the presence of the commanding officers of the regiments composing said Brigade, from the military forces of the State in his Brigade, organized, uniformed, armed and equipped according to the provisions of this Act.

*Second*—In case such draft shall require a number equal to one regiment, such shall be determined by lot in the manner above described.

*Third*—In case such draft shall require a larger number than the whole number of men composing the Volunteer Militia of said Brigade, such additional draft shall be made of an equal number from the Reserve Militia. Such draft shall be determined by lot, to be drawn by the Clerk in whose office said writ shall have been filed, in the presence of the Commandant of the Regiment within the bounds of which such persons may reside, and upon his requisition.

SEC. 30. Any person so drafted in accordance with the above provisions, may offer a substitute at the time and place of the rendezvous of such drafted militia, and such substitute, if he shall be an able-bodied man of the age of twenty-one years, and shall consent in writing to subject himself to all the duties, fines, forfeitures and punishments to which his principal would have been subject had he personally served, shall be accepted by the Commandant of the Company of drafted militia to which his principal may belong.

SEC. 31. The Commander-in-Chief shall prescribe such rules, orders and regulations, relative to the distribution of arms, ammunition and military stores, to the Militia when called into active service as he may deem proper.

SEC. 32. The command of any Military force called into service under draft, shall devolve upon the senior officer of such force, unless otherwise specially ordered by the Commander-in-Chief.

SEC. 33. In case of war, alarm, invasion, insurrection, or to repel invasion, the Commander-in-Chief is hereby authorized and required to order out from time

to time for actual service, by draft or otherwise, as many of the Militia as the necessity of the case may or shall demand.

**Training for service.**

SEC. 34. The Militia whenever ordered for preparation for actual service, shall be governed and trained according to the laws of the United States and of this State.

**Provisions for ordering out Militia.**

SEC. 35. Whenever it shall be necessary to order out the Militia for actual service, or any part thereof, such order shall first be issued to the Voluntary Militia, afterwards such number of the Enrolled Militia as shall volunteer individually or by Companies, shall be accepted and organized, and in all such cases the State shall furnish all such arms and equipments as may be necessary for each non-commissioned officer, musician and private, and pay them until their term of service shall have expired.

**Same.**

SEC. 36. Whenever any insurrection or invasion shall be made or threatened in the State, the Commander-in-Chief shall call upon the Militia to repel or suppress the same, and he may order out any divisions, brigades, regiments, squadrons, battalions, or companies, or may order to be detached any parts or companies of the same, or any number of men to be drafted from the same, and may cause officers to be detailed sufficient with those attached to the troops to organize the forces.

**Drafting by lot.**

SEC. 37. Whenever any draft for the Militia shall be ordered, the non-commissioned officers, musicians and privates, (except so many as shall offer to serve voluntarily,) shall be drafted by lot from the Company, and the officers regularly detailed from the roster.

**Officer Court Martialed for neglect.**

SEC. 38. Every officer who, when ordered, shall unnecessarily neglect or delay to march to the place of rendezvous, or shall otherwise disobey any lawful order, shall be cashiered by Court Martial and pay a fine of not less than one hundred nor more than one thousand dollars.

**Failure to appear is deemed desertion.**

SEC. 39. Every soldier ordered out, volunteered or drafted, who shall not appear at the time and place designated, or who shall not have some able bodied and proper substitute at such time and place, within at least twenty four hours from such time, shall be taken to have deserted, and be dealt with accordingly; and each non-commissioned officer and soldier shall take with him provisions for not less than three days when so ordered out.

SEC. 40. In case of any breach of the peace, tumult, riot or resistance to process of this State, or apprehen-

sion of imminent danger of the same, it shall be lawful for the Sheriff of any County, or the Mayor of any City, to call for aid from any Brigade, Regiment, Battalion, or Company, and it shall be the duty of the commanding officer of such Brigade, Regiment, Battalion or Company to whom such order is given, to order out in aid of the civil authorities the Military force, or any part thereof, under his Command. Sheriff or Mayor may call for Military aid.

SEC. 41. In such case it shall not be necessary for Commandants of Companies to issue written notices for calling out their men, but verbal orders and notices shall be sufficient. Verbal orders sufficient.

SEC. 42. It shall be the duty of the officer of any Division, Brigade, Regiment, Battalion, or Company, in all cases when so called into service, to provide the men of his command so ordered out, with at least twenty-four rounds of ball cartridge and arms in complete order for actual service. Arms and ammunition furnished.

SEC. 43. Such officer shall be subject, as provided by law, to the Sheriff or public officer who shall so require his aid, and for refusing or neglecting to obey the order of such Sheriff or public officer so requiring service, or for interfering, or in any way hindering or preventing the men of his command from performing such duty, or in any manner by neglect or delay preventing the due execution of law, every such Commanding officer, and every Commissioned officer under his command so offending, shall be liable to a fine of not less than one hundred nor more than five hundred dollars, and imprisonment in the County-Jail for a period not exceeding six months. Officer punished for neglect of duty.

SEC. 44. It shall be the duty of the District Attorney of any County where such offense shall be committed, to prosecute the same; and in addition thereto such officer shall be liable to be tried by Court Martial and sentenced to be cashiered and incapacitated forever after from holding a Military Commission in this State. Prosecution.

SEC. 45. Any non-commissioned officer, musician or private, who shall neglect or refuse to obey the orders of his commanding officer in the case above provided for, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars, or imprisonment in the County Jail for a period not exceeding three months, to be prosecuted and recovered in the manner hereinbefore provided in the case of Commissioned officers. Penalty for refusing to obey orders.

SEC. 46. The Adjutant General shall receive an annual salary of fifteen hundred dollars, until after the troops from this State, in the service of the Salary of Adjutant Gen'l. and Clerks.

United States, are mustered out of such service, and thereafter he shall receive an annual salary of five hundred dollars; such salary to be paid in the same manner as the salary of the Governor. The Adjutant General may also employ two Clerks in his office; *Provided*, that the salaries of said Clerks shall not in the aggregate exceed at the rate of fifteen hundred dollars per annum.

Salary of Qr. Master.

SEC. 47. The salary of the Quarter Master General shall be at the rate of three hundred dollars per annum, provided that when the duties are performed by the Adjutant General he shall receive no additional compensation therefor.

Pay Master abolished.

SEC. 48. The office of Paymaster General is hereby abolished, and the duties of that office shall be discharged by the Adjutant General.

Salary of Surgeon General

SEC. 49. The salary of Surgeon General shall be at the rate of one thousand dollars per annum, until after the expiration of the present war.

SEC. 50. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

SEC. 51. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Daily State Register and Daily Des Moines Times, newspapers published at Des Moines.

Approved April 8, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 20th, 1862, and in the Des Moines Times, April 26, 1862.

ELIJAH SELLS, Secretary of State.

## CHAPTER 176.

### CAPTAIN MORTON AND OTHERS.

AN ACT to pay Capt. James F. Morton and others for services rendered in protecting the Northwestern frontier during the months of May and June, 1861.

ble.

WHEREAS, detachments of a Company commanded by Capt. James F. Morton, known as the "Frontier Rangers" and organized for the protection of the Northwestern Frontier, according to the provisions of the Militia Law of the State of Iowa, did render ac-



tual and necessary service in preventing Indian depredations, and in pursuing marauding parties of Indians in the counties of Woodbury and Plymouth during the months of May and June, 1861, and before their acceptance by the State, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That upon the filing of the Muster Proceedings Rolls of said detachments, properly certified to by their commanding officer in the office of the Adjutant General of the State, setting forth the date and duration of said service and the same shall be approved by him, the persons therein named shall be entitled to the same pay and allowance as if regularly mustered into the service of the State. to obtain pay.

SEC. 2. Upon the presentation of said Muster Rolls, Warrants to or copies of them, to the Auditor of the State, with the amounts to which the persons therein named are respectively entitled, set forth and duly certified to by the Adjutant General, said Auditor is hereby authorized and directed to issue and deliver warrants upon the War and Defense Fund to the persons respectively named in said Rolls for the amounts therein designated as due them. issue.

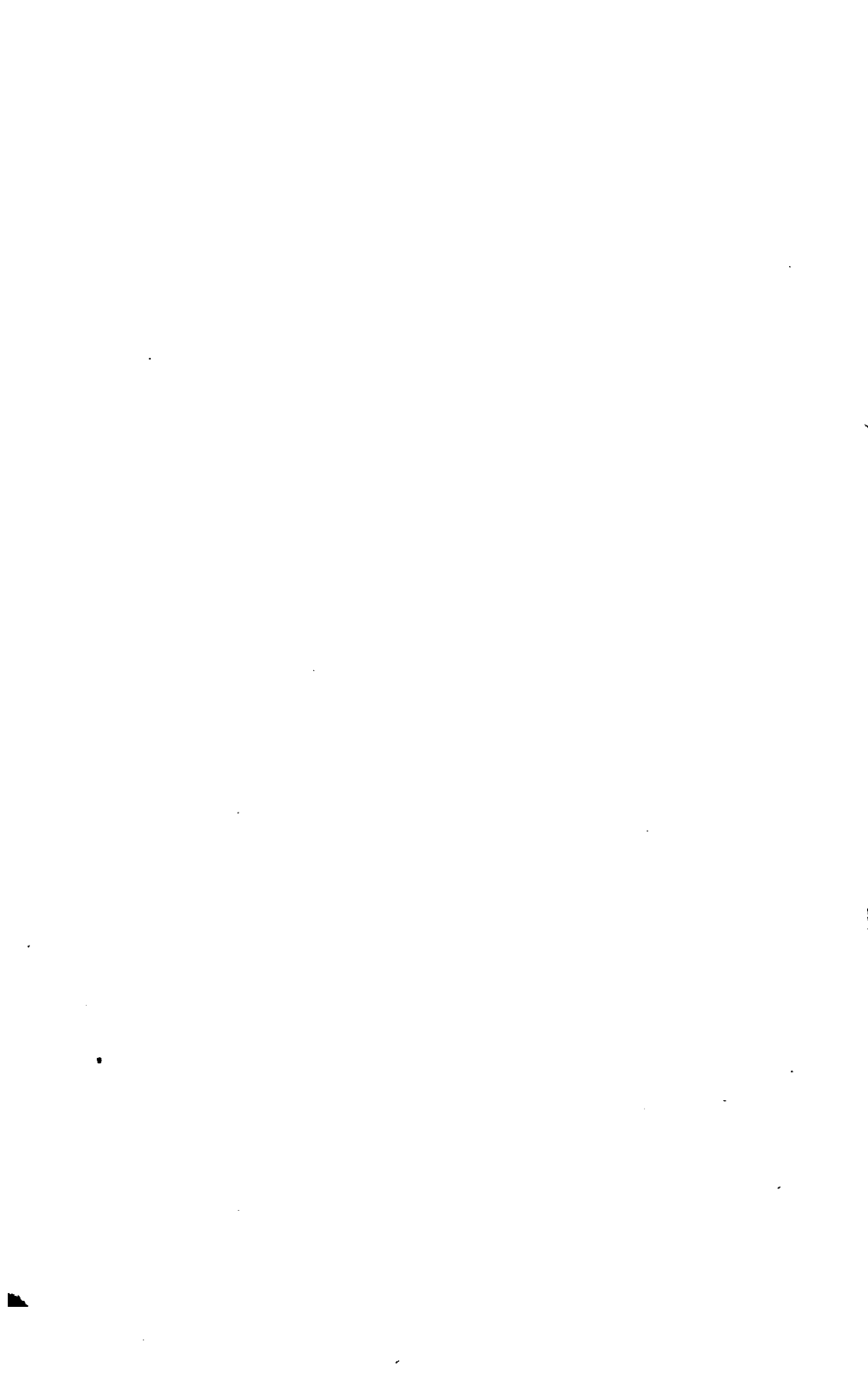
SEC. 3. The sum of two hundred and fifty dollars, or so much as shall be necessary, is hereby appropriated from the War and Defense Fund to carry into effect the provisions of this Act. Appropriation.

SEC. 4. This Act being deemed of immediate importance, shall be in force from and after its publication in the Daily State Register and the Des Moines Daily Times.

Approved April 9, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register, April 23, 1862, and in the Des Moines Times, May 3, 1862.

ELLJAH SELLS, Secretary of State.



# JOINT RESOLUTIONS.

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## NUMBER 1.

### ARSENAL AND ARMORY AT ROCK ISLAND.

*Be it resolved by the House of Representatives, the Senate concurring,* That our Senators and Representatives in Congress from this State be requested to use their utmost exertions to procure the establishment, at the earliest possible time, by the Government of the United States, of an Arsenal and Armory on the Island of Rock Island, in the State of Illinois.

*Resolved,* That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress, a copy of these resolutions.

Approved January 23d, 1862.

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## NUMBER 2.

### COMPLIMENTARY TO IOWA VOLUNTEERS.

*Resolved by the Senate and House of Representatives of the General Assembly of the State of Iowa,* That while we mourn the loss of our brave Iowa Volunteers who have perished by disease and poured out their life blood on the battle-field, and sympathise deeply with the bereaved friends ; with the sick and wounded ; justice demands that this General Assembly shall enter upon its records, its thanks to all the officers and soldiers of the Iowa Regiments for the honor they reflect on our State by their patriotic services, and the proud position they have gained in the estimation of their countrymen for unflinching bravery and devotion to our common country, and that we view with especial pride, the heroic deeds of the Iowa 1st, 3d and 7th Regiments at Springfield, Blue Mills, and Belmont, where they gallantly sustained the honor of their flag,

and inscribed on the bright pages of their country's history, names emblazoned in glory.

2d. That our Senators in Congress be instructed and our Representatives be requested to use their exertions to procure an order that the Iowa 3d and 7th Regiments of Infantry be authorized to bear upon their respective Colors, the words, "Blue Mills," and "Belmont," in letters of gold, that they may bear a similar badge of honor with the Iowa 1st Regiment.

Approved January 31st, 1862.

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### N U M B E R 3 .

#### DISTRIBUTION OF ADJUTANT GENERAL'S REPORT.

*Resolved by the House of Representatives, the Senate concurring herein,* That the Chief Clerk of the House be, and is hereby instructed to distribute the one thousand copies of the Adjutant General's Report, now printed, as follows :

One copy to be placed in the office of the Recorder of each organized County in the State, in the place kept for the records of deeds, &c., as a part of the records of said county, and subject to the same general examination as the other records; one copy to be presented to the County Judge of each County, to be kept in his office for public use; two hundred copies to the Adjutant General of the State; one copy to the Captain of each Company now in the service from this State, for the use of said Company; fifty copies to be placed in the State Library, and the remainder to the Members of the General Assembly.

Approved January 31st, 1862.

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### N U M B E R 4 .

#### BELIEF OF IOWA TROOPS IN MISSOURI.

*Resolved by the General Assembly of the State of Iowa,* That the Adjutant General of this State be authorized and directed to send to the hospitals or camps in Missouri, where Iowa troops are located, such articles as can be spared from the military stores now on hand, and which will be conducive to the health and comfort of the sick.

Approved January 31st, 1862.

## NUMBER 5.

## COMPLIMENTING OUR TROOPS AT FT. DONELSON.

*Resolved, by the Senate and*

*House of Representatives of the State of Iowa,*

1. That in the name of the whole people of the State, we thank the Iowa troops for their undaunted bravery and gallant conduct in the recent fight at Ft. Donelson, in which in the post of honor, they nobly sustained their own brilliant fame and won fresh and unfading laurels for the State.

2. That a copy of this Resolution be forwarded to the Colonel of each of the Iowa Regiments engaged in the battle at Ft. Donelson.

Approved, February 19th, 1862.

## NUMBER 6.

## ASSISTANT SURGEON AND NURSES.

WHEREAS, It is reported by the public press, by private individuals, and by officers of the army, that sickness and distress are now, and have been for some time past prevailing to a fearful extent among the Iowa Volunteers now in the service of the General Government ;

AND WHEREAS, There is good reason to believe that such sickness is caused in part by the failure of Government to provide suitable quarters and a sufficiency of medical attendance for such volunteers ;

AND WHEREAS, Great numbers of such volunteers have already died in consequence of such negligence and want of medical attendance, therefore ;

*Be it resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed and our Representatives requested to use their united and earnest efforts with the Government of the United States to remedy the evils herein mentioned and especially to procure authority for the Governor of this State to appoint one more additional Assistant Surgeon to each regiment of Volunteers from this State, and the necessary female nurses to attend to our sick soldiers in the hospitals ; that if the General Government is unable to furnish suitable hospitals and the necessary conveniences for our sick soldiers, that permission be granted to the State of Iowa to provide for their suffering condition some suitable

place in the State of Iowa, to which such sick and disabled soldiers may be removed, until they are restored to health and fit for service, or otherwise disposed of.

*Be it further resolved,* That the Secretary of State be directed to forward one copy of these resolutions to the President of the United States, one copy to the Secretary of War, and one copy to each of our Senators and Representatives in Congress.

Approved February 6th, 1862.

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## N U M B E R 7 .

### RELIEF OF INVEIGLED TROOPS.

WHEREAS, Certain loyal citizens of Iowa, forty in number, have been inveigled to St. Louis, Mo., under the representations of Captain D. B. Green, that they were to join the Lyon Memorial Regiment, to be composed of Companies of picked men from different States, and said Capt. Green had authority from the Governor to raise an Iowa Company for said regiment, and

WHEREAS, on their arriving at St. Louis, no such regiment was being formed, these men were, against their consent, and by further false representations and assurances that they should soon be transferred to an Iowa Regiment, were induced to be mustered into service, and to join, as they understood, temporarily, the 19th Regiment of Missouri Volunteers, therefore,

*Resolved by the House of Representatives, the Senate concurring,* That the Governor of Iowa be requested to lay the matter before His Excellency, Gov. Gamble, of Missouri, furnishing the names of the men aggrieved, with the request that the Iowa troops so designated, be transferred to such Iowa Regiment as they may designate; and further, that Gov. Kirkwood be instructed to forward a copy of these resolutions of the General Assembly of Iowa, to His Excellency, the Governor of Missouri; a copy to General Halleck; a copy to the Secretary of War, and a copy to the President of the United States.

Approved March 10th, 1862.

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## N U M B E R 8 .

### MAIL ROUTES.

*Resolved by the Senate and the House of Representatives, That*

our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of the following mail routes, to wit :

A tri-weekly mail route from Des Moines, Iowa, via Boone, Adel, Redfield, Panora, Guthrie Centre, Bear Grove, Exira, Harlan, to Magnolia, in Harrison County; a tri-weekly mail from the City of Des Moines, via Indianola, Osceola, Mount Ayr, Iowa, thence via Albany, Rochester to St. Joseph, in Missouri; a daily mail from Eddyville, via Centerville, Corydon, Leon, Mount Ayr, Bedford, and Clarinda, to Sidney, Fremont County, Iowa, thence to Nebraska City, Nebraska Territory; a daily mail from Eddyville by way of Knoxville, to Des Moines, 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 March 10th, 1862.

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## N U M B E R 9 .

### FEDERAL JUDICIAL CIRCUIT COURT.

JOINT RESOLUTION instructing our Senators and requesting our Representatives in Congress to favor the construction of one Federal Judicial Circuit from certain States.

*Resolved by the Senate and the House of Representatives of the State of Iowa*, That our Senators in the Congress of the United States, be instructed, and our Representatives requested to favor and support the organization or construction by the Congress aforesaid, of one Federal or United States Circuit, for judicial purposes, out of the States of Minnesota, Iowa, Nebraska and Kansas.

*Resolved*, That the Secretary of the Senate forward to each of our Senators and Representatives at Washington, a certified copy of these resolutions.

Approved March 10th, 1862.

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## N U M B E R 10 .

### REGIMENTAL FLAGS.

*Resolved by the General Assembly of the State of Iowa*, That

the Governor and Adjutant General of this State, be authorized and directed to procure Regimental Flags for the Iowa Regiments, and that said flags shall bear the State arms of Iowa, and such words commemorative of battles in which any of the Iowa Regiments have distinguished themselves, as the Governor and Adjutant General may determine.

Approved, March 12th, 1862.

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N U M B E R 1 1 .

FORT DONELSON COMMISSION.

*Resolved by the General Assembly of the State of Iowa, That the Governor be and he is hereby authorized, to send not more than three persons, to look after, care and provide for the Iowa soldiers wounded at Fort Donelson, Tennessee.*

*Resolved, That any expense incurred in their behalf shall be paid out of the Governor's Contingent Fund.*

Approved March 12th, 1862.

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N U M B E R 1 2 .

MAIL ROUTE.

*Be it resolved by the Senate and House of Representatives of the State of Iowa, That the Senators in Congress from this State, be instructed, and Representatives be requested to use their utmost exertions to procure the establishment of a tri-weekly mail route, at the earliest period possible, from Des Moines City via Adel, Pannora, Guthrie Centre, Bear Grove, Exira, Buck Creek, Newtown, and Keg Creek to Council Bluffs.*

*Resolved, That the Secretary of State be directed to forward to each of our Senators and Representatives in Congress, a copy of this Resolution.*

Approved, March 14th, 1862.



## NUMBER 13.

## ROMAN CATHOLIC CLERGYMAN.

**JOINT RESOLUTION** relating to a Roman Catholic Clergyman for the Iowa Regiments of Volunteers.

**WHEREAS**, It is understood that a considerable number of Soldiers of the Roman Catholic faith belong to the Iowa Regiments of volunteers, now in the service of the United States, and they wish the ministrations of a Clergyman of that faith, therefore,  
*Resolved by the Senate and House of Representatives*, That the Governor be requested to ask the War Department to permit a Roman Catholic Clergyman, to be named by him, to visit and remain with the Iowa Regiments of Volunteers in the service of the United States, and to minister to the spiritual wants of such soldiers thereof as may desire it, and that the War Department cause him to be paid the same pay and have the same allowances as the Chaplains of the said Regiments.

Approved, March 21st, 1862.

## NUMBER 14.

## COMPLIMENTARY TO THE PRESIDENT OF THE UNITED STATES.

*Resolved by the General Assembly of the State of Iowa*, That we tender to Abraham Lincoln the expression of our cordial approval and thanks for the manner in which, amidst unparalleled difficulties and embarrassments, he has administered the Government of the United States from his inauguration to the present time; and that as we have given to him our unwavering support in the past, so for the future, retaining an abiding confidence in his ability, integrity, and patriotism, we pledge to him our earnest co-operation in all such measures as he shall deem requisite and just, to utterly and forever vanquish the rebellion of the South, and restore once more to the unbroken American Union, the unquestioned supremacy of the laws and the Constitution.

*Resolved*, That the Secretary of State be directed to forward a copy of the foregoing resolution to the President of the United States, and to each of our Senators and Representatives in Congress.

Approved March 29th, 1862.

## NUMBER 15.

## CLAIM OF JOHN HORNBY.

JOINT RESOLUTION in relation to the claim of John Hornby.

*Be it Resolved by the General Assembly of the State of Iowa, That the Auditing Commissioners appointed in Chapter 10 of the Acts and Resolutions passed at the Extra Session of the Eighth General Assembly, be and they are hereby directed to audit and allow all just claims of John Hornby for building the Head Quarters at Camp McClellan, in the same manner that other claims are audited and allowed, and certify the same as in other cases, provided the same does not exceed fifty-four dollars.*

Approved, March 29th, 1862.

## NUMBER 16.

## TRUSTEES INSANE HOSPITAL.

*Be it Resolved by the General Assembly of the State of Iowa, That Martin L. Edwards, of Henry County, and J. M. Shaffer, of Jefferson County, be and are hereby appointed Trustees of the Hospital for the Insane, to fill the places of G. W. Kinkaid and J. B. Lash, whose terms of office have expired by provisions of section 1,472, chap. 59 of the Revision of 1860.*

This Joint Resolution being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Des Moines Daily Times.

Approved April 5th, 1862.

## NUMBER 17.

## SWAMP LANDS.

*Be it Resolved by the General Assembly of the State of Iowa, That whereas, the Commissioner of the General Land Office of the United States has rejected certain lists of Lands, selected as Swamp and Overflowed lands within this State, by the agents of the State*

under the act of Congress, approved September 28, 1850, under the supposition that the State of Iowa claims said lands for Rail Road purposes, under the Act of May 15th, 1856, and, whereas, many of the lands so rejected have been sold to bona fide purchasers by authority of the General Assembly of this State, and are now in actual possession and cultivation by citizens of this State ;

*Therefore, Resolved,* That the State of Iowa hereby disclaims any purpose or intention to claim the lands so selected as swamp and overflowed lands, under any other grant, or for any other purpose, than is expressed in the Act of Congress, approved September 28th, 1850.

*Resolved,* That any selection of any of the swamp and overflowed lands of this State for railroad purposes, or the selection for railroad purposes of the lands selected as swamp and overflowed lands, by the agents of this State, prior to March 3d, 1857, has been without authority or consent of the State of Iowa, and any and all such supposed acts, upon the part of the State of Iowa, are hereby expressly disclaimed.

*Resolved,* That the Secretary of State be requested to furnish a copy of these resolutions, duly attested under the seal of the State, to the Commissioner of the General Land Office, and the Secretary of the Interior of the United States; and the Governor of this State be authorized to take such steps as shall secure to this State the swamp and overflowed lands, under the Acts of Congress, approved Sept. 28th, 1850; March 3d, 1857; and March 12th, 1860.

Approved April 7th, 1862.

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## N U M B E R 1 8 .

### CLAIM OF JOHN JOHNS, JR.

JOINT RESOLUTION in relation to the claim of John Johns, Jr.

*Be it resolved by the General Assembly of the State of Iowa,* That the Auditing Commissioners appointed in Chapter 10 of the Acts and Resolutions passed at the Extra Session of the Eighth General Assembly, be and they are hereby directed to audit and allow the claim of John Johns, Jr., for a horse lost in the service of the State of Iowa, and appraised by the agents of the State at one hundred and fifteen dollars, and certify the same as in other cases.

Approved April 7th, 1862.

## DES MOINES RIVER GRANT.

JOINT RESOLUTION in relation to the Des Moines River Grant.

*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 from the proper Department at Washington, an order to prevent the sale of any lands within the State of Iowa, heretofore held by the Department of the Interior to have been granted to the Territory of Iowa, by act of Congress of August 8th, 1846, to aid in the improvement of the Des Moines River, until the action of Congress can be had in regard to quieting said grant; and to obtain from Congress the passage of an Act or Resolution, granting or confirming to the State of Iowa, all of said river lands to the north line of the State of Iowa, to be used by the State in paying the just claims assumed by the State against the Des Moines River Improvement, and in building a Railroad along said river: *Provided*, That no such act shall, in any manner, apply to any lands heretofore granted to the State for Railroad purposes, or for any other purposes whatsoever.

*Resolved*, That the Secretary of State shall send copies of these resolutions to each of our Senators and Representatives in Congress.

Approved April 7th, 1862.

## NUMBER 20.

## CLAIM OF CAPTAIN GOTTSCHALK.

A JOINT RESOLUTION to provide for auditing the claim of Captain Gottschalk for shoes purchased for Company H, First Regiment of Iowa Volunteers.

*Be it resolved by the General Assembly of the State of Iowa*, That the Commissioners created by Act of the General Assembly at its Extra Session in 1861, to audit claims against the War and Defense Fund, be and they are hereby authorized, to audit and allow the just claims of Capt. Frederick Gottschalk, for the purchase of shoes for Company H, of the First Regiment of Iowa Volunteers at the City of Keokuk.

This Resolution to be in force after its publication in the Iowa State Register and Des Moines Times.

Approved, April 7th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times May 28th, 1862, and in the Iowa State Register on the 25th day of April, 1862.

ELIJAH SELLS, Secretary of State.

## NUMBER 21.

## CLAIM OF CAPT. WILLIAM EDWARDS.

JOINT RESOLUTION to provide for the auditing of the claim of Captain William Edwards.

*Be it Resolved by the General Assembly of the State of Iowa,* That the Auditing Commissioners appointed by Act of the General Assembly, be, and they are hereby authorized and required to audit the just and equitable claim of Capt. William Edwards, of Lee County, which he expended in the support and hospital charges for such of said company as afterwards entered the 5th, 6th and 7th regiments of Infantry, and the battalion of Artillery raised at Burlington, upon such proof as the said Commissioners may require to satisfy them of the justness of said claim.

Approved April 7th, 1862.

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## NUMBER 22.

## APPROPRIATION TO ENROLLING CLERKS.

*Be it resolved by the General Assembly of the State of Iowa,* That seventy-six dollars are hereby appropriated out of any money in the Treasury not otherwise appropriated, for the pay of the assistants of the enrolling Clerks of the Senate and House of Representatives of the Ninth General Assembly.

The said sum shall be distributed as follows: Thirty-six dollars shall be paid to the Secretary of the Senate, who shall distribute it to the assistants of the Senate's Enrolling Clerk, at the rate of four dollars per day, and forty dollars shall be paid to the Clerk of the House, who shall distribute it to the assistants of the House Enrolling Clerk, at the rate of four dollars per day.

Approved, April 8th, 1862.

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## NUMBER 23.

## COL. J. M. TUTTLE.

WHEREAS, Col. J. M. Tuttle, as acknowledged by Major General

Halleck, was the Commander of the column that first entered Fort Donelson, and

WHEREAS, the Regiment which Col. Tuttle commanded gained a world-wide reputation for the undaunted courage manifested in their brilliant charge at Fort Donelson, entitling not only the Regiment, but particularly Col. Tuttle, to the confidence of the country, and the War Department, therefore,

*Be it resolved by the House of Representatives, the Senate concurring herein,* That we recommend to the War Department the promotion of Col. J. M. Tuttle to the position of Brigadier General.

*Resolved,* That our Senators be instructed, and our Members in Congress be requested, to use their best endeavors to secure the promotion of Col. J. M. Tuttle to the position of Brigadier General.

*Resolved,* That the Secretary of State be, and is, hereby requested to forward a certified copy of these resolutions to the President, the Secretary of War, and to each of the Members of Congress from Iowa.

Approved April 7th, 1862.

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## NUMBER 24.

### ASSISTANCE IN ADJUTANT GENERAL'S OFFICE.

*Resolved by the General Assembly of the State of Iowa,* That the Governor is hereby empowered to employ such additional assistance in the Adjutant General's office as he may from time to time deem necessary; and the Auditing Board are hereby directed to audit the accounts for the same, to be paid out of the War and Defense Fund.

Approved, April 8th, 1862.

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## NUMBER 25.

### TRUSTEES AGRICULTURAL COLLEGE AND FARM.

JOINT RESOLUTION of the General Assembly of the State of Iowa.

*Resolved by the House of Representatives (the Senate concurring),*

That M. W. Robinson, of Des Moines county, John Thompson of Appanoose county, John McDonough of Clarke county, Wm. Duane Wilson of Polk county, Thomas Holyoke of Poweshiek county, Porter L. Hinckley of Fayette county, and J. A. Bronson of Jones county, are hereby elected Trustees of the Iowa State Agricultural College and Farm, and shall hold the offices for the term of four years from the fifteenth day of January next, to fill the vacancies which occur at that time by the expiration of the term of office of M. W. Robinson, Timothy Day, Oliver Mills, Wm. Duane Wilson, Richard Gaines, J. W. Henderson and John Potter, subject to the provisions of Article Third of Chapter 67 of the Revision of 1860.

Approved April 8th, 1862.

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N U M B E R 2 6 .

CLAIMS OF A. GREENWALD AND OTHERS.

*Be it Resolved by the General Assembly of the State of Iowa,* That the Board of Auditing Commissioners be, and are, hereby authorized to audit and allow the just claims of A. Greenwald, Rogers & Waples, and Becker & Guilbert, of Dubuque County, for clothing, boots and caps furnished Iowa Volunteers as per accounts now on file in the office of said Board.

Approved April 8th, 1862.

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N U M B E R 2 7 .

PASSES TO VOLUNTEERS.

*Resolved by the General Assembly of the State of Iowa,* That the Governor or Adjutant General of this State shall have full power to give a pass to any soldier of an Iowa Regiment, who has been absent from his Regiment on furlough, whenever in the opinion of the Governor or Adjutant General, there is a necessity to furnish such aid.

Approved, April 8th, 1862.

## NUMBER 28.

## APPROPRIATING SUPREME COURT REPORTS.

*Be it Resolved by the General Assembly of the State of Iowa, That the Secretary of State be, and is hereby instructed to furnish to each member of this General Assembly and to the regular Secretaries, Clerks and Reporters thereof, one copy of such volumes of the Supreme Court Reports as are on hand, or that may be received during the present session; Provided, The same can be furnished without additional expense to the State.*

Approved April 8th, 1862.



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## STATE OF IOWA—SS.

I, ELLJAH SELLS, Secretary of State, of the State of Iowa, hereby certify that the foregoing Acts and Resolutions are truly copied from the original rolls on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Iowa.

Done at Des Moines, this 29th day of May, A. D. 1862.

ELLJAH SELLS, Secretary of State.

OFFICE OF AUDITOR OF STATE, }  
DES MOINES, IOWA, MAY 23, 1862. }

HON. ELIJAH SELLS,

*Secretary of State:*

*Dear Sir:*—In pursuance of section eighteen, of article third, of the Constitution of Iowa, herewith find for publication with the Laws of the Ninth General Assembly, a statement of the Receipts and Expenditures for the two fiscal years, commencing November 7th, 1859, and ending November 3d, 1861, inclusive.

Very Respectfully,

J. W. CATTELL,  
Auditor of State.

## FIRST—RECEIPTS AND DISBURSEMENTS OF REVENUE.

|       |   |  |             |              |
|-------|---|--|-------------|--------------|
| 1859. |   |  |             |              |
| Nov.  | 7 | Balance in the Treasury this date                      | \$25,630 74 |              |
| 1860. |   |  |             |              |
| March | 3 | To amount received during quarter ending this day..... | 75,196 41   | \$100,827 15 |
|       |   | CONTRA.  |             |              |
| March | 5 | By Auditor's Warrants redeemed                         | 69,798 87   |              |
| March | 5 | By Interest allowed on the same                        | 87 82       |              |
| March | 5 | By School Fund apportionment Warrants redeemed.....    | 2,791 51    |              |
| March | 5 | By balance to next quarter.....                        | 28,148 95   | 100,827 15   |
| March | 5 | To balance brought forward....                         | 28,148 95   |              |
| June  | 2 | To amount received during quarter ending this day..... | 119,244 14  | 147,393 09   |
|       |   | CONTRA.  |             |              |
| June  | 4 | By Auditor's Warrants redeemed                         | 79,012 41   |              |
| June  | 4 | By Interest allowed on same....                        | 148 97      |              |
| June  | 4 | By School Fund apportionment Warrants redeemed.....    | 12,802 38   |              |
| June  | 4 | By balance to next quarter.....                        | 55,429 33   | 147,393 09   |
| June  | 4 | To balance brought forward....                         | 55,429 33   |              |
| Sept. | 1 | To amount received during quarter ending this day..... | 40,649 12   | 96,078 45    |
|       |   | CONTRA.  |             |              |
| Sept. | 3 | By Auditor's Warrants redeemed                         | 55,746 85   |              |
| Sept. | 3 | By Interest allowed on same....                        | 1,963 68    |              |
| Sept. | 3 | By School Fund apportionment Warrants redeemed.....    | 11,491 05   |              |
| Sept. | 3 | By balance to next quarter.....                        | 26,876 87   | 96,078 45    |
| Sept. | 3 | To balance brought forward....                         | 26,876 87   |              |
| Nov.  | 5 | To amount rec'd. during quarter                        | 41,107 89   | 67,984 76    |
|       |   | CONTRA.  |             |              |
| Nov.  | 5 | By Auditor's Warrants redeemed                         | 28,702 27   |              |
| Nov.  | 5 | By Interest allowed on same....                        | 120 61      |              |
| Nov.  | 5 | By School Fund apportionment Warrants redeemed.....    | 6,954 73    |              |
| Nov.  | 5 | By balance to next quarter.....                        | 32,207 15   | 67,984 76    |

## RECEIPTS AND DISBURSEMENTS—CONTINUED.

|            |   |   |             |              |
|------------|---|---|-------------|--------------|
| Nov. 1861. | 5 | To balance brought forward . . . .                          | \$32,207 15 |              |
| Jan.       | 7 | To amount received to this date<br>CONTRA.                  | 69,556 32   | \$101,763 47 |
| Jan.       | 7 | By Auditor's Warrants redeemed                              | 62,444 60   |              |
| Jan.       | 7 | By Interest allowed on same . . . .                         | 272 54      |              |
| Jan.       | 7 | By School Fund apportionment<br>Warrants redeemed . . . . . | 4,681 40    |              |
| Jan.       | 7 | By balance to next quarter . . . . .                        | 34,364 93   | 101,763 47   |
| Jan.       | 7 | To balance brought forward . . . .                          | 34,364 93   |              |
| March      | 4 | To amount received to this date<br>CONTRA.                  | 61,537 68   | 95,902 61    |
| March      | 4 | By Auditor's Warrants redeemed                              | 41,086 34   |              |
| March      | 4 | By Interest allowed on same . . . .                         | 526 56      |              |
| March      | 4 | By School Fund apportionment<br>Warrants redeemed . . . . . | 13,890 69   |              |
| March      | 4 | By balance to next quarter . . . . .                        | 40,899 02   | 95,902 61    |
| March      | 4 | To balance brought forward . . . .                          | 40,899 02   |              |
| June       | 3 | To amount rec'd. during quarter<br>CONTRA.                  | 105,239 91  | 145,638 93   |
| June       | 3 | By Auditor's Warrants redeemed                              | 86,263 58   |              |
| June       | 3 | By Interest allowed on same . . . .                         | 2,173 61    |              |
| June       | 3 | By School Fund Warrants re-<br>deemed . . . . .             | 3,505 74    |              |
| June       | 3 | By balance to next quarter . . . . .                        | 53,696 00   | 145,638 93   |
| June       | 3 | To balance brought forward . . . .                          | 53,696 00   |              |
| Sept.      | 2 | To amount rec'd. during quarter<br>CONTRA.                  | 49,403 71   | 103,099 71   |
| Sept.      | 2 | By Auditor's Warrants redeemed                              | 74,557 81   |              |
| Sept.      | 2 | By Interest allowed on same . . . .                         | 1,513 09    |              |
| Sept.      | 2 | By School Fund Warrants re-<br>deemed . . . . .             | 389 22      |              |
| Sept.      | 2 | By balance to next quarter . . . . .                        | 26,639 59   | 103,099 71   |
| Sept.      | 2 | To balance brought forward . . . .                          | 26,639 59   |              |
| Nov.       | 4 | To amount received during the<br>quarter . . . . .          | 16,824 73   | 43,464 33    |
| Nov.       | 4 | By Auditor's Warrants redeemed                              | 15,293 32   |              |
| Nov.       | 4 | By Interest allowed on the same                             | 131 87      | 15,425 19    |
|            |   | Leaving balance in the Treasury                             |             | 28,039 13    |

## RECEIPTS AND DISBURSEMENTS—CONTINUED.

| RECAPITULATION.  |             |              |
|--|-------------|--------------|
| Balance in Treasury November 7, 1859...                | \$25,630 74 |              |
| Amount of Receipts during the two years                | 578,759 91  | \$604,390 65 |
| CONTRA.  |             |              |
| Auditor's Warrants redeemed.....                       | 512,906 05  |              |
| School Fund apportionment Warrants re-<br>deemed ..... | 56,506 72   |              |
| Interest paid on redeemed Warrants .....               | 6,938 75    | 576,351 52   |
| Balance in the Treasury.....                           |             | 28,039 13    |

## SECOND—RECEIPTS AND DISBURSEMENTS OF SALINE FUND.

|         |  |          |          |
|---------|--|----------|----------|
| 1859.   |  |          |          |
| Nov. 7  | To balance in Treasury this date   | 2,423 85 |          |
| CONTRA. |  |          |          |
| 1860.   |  |          |          |
| June 6  | By amount paid H. W. Lathrop,<br>Treasurer of State Univer-<br>sity, under section 1957, of<br>the Revision of 1860..... |          | 2,423 85 |

## THIRD—EXPENDITURES.

Showing the amount of Warrants issued, and to what accounts charged; and other Expenditures during the two fiscal years just past.

| FOR WHAT PURPOSE APPROPRIATED.                 | Amount Ex-<br>pended. | Amt. appro-<br>priated and<br>undrawn. | Balance pays to |
|--|-----------------------|--|-----------------|
| Governor's Salary.....                         | \$ 3,726 81           | \$ 612 09                              | Jan'y 1, 1862.  |
| Secretary of State's salary....                | 3,000 00              | 250 00                                 | Jan'y 1, 1862.  |
| Auditor of State's salary.....                 | 3,000 00              | 250 00                                 | Jan'y 1, 1862.  |
| Treasurer of State's salary....                | 3,000 00              | 250 00                                 | Jan'y 1, 1862.  |
| Register of State Land Office,<br>salary ..... | 3,000 00              | 250 00                                 | Jan'y 1, 1862.  |
| Sec. of Bd. of Education, salary               | 3,028 32              | 315 35                                 | Jan'y 1, 1862.  |
| Supreme Judge's salaries.....                  | 11,887 88             | 1,439 12                               | Jan'y 1, 1862.  |
| Attorney General's salary....                  | 2,084 90              | 123 44                                 | Dec. 11, 1861.  |
| Sec. Ag. Col. and Farm, salary                 | 2,000 03              | 416 65                                 | March 22, 1862  |
| Librarian's salary .....                       | 50 00                 |  |                 |
| Penitentiary Warden's salary.                  | 2,000 00.             | 250 00                                 | Jan'y 1, 1862.  |
| Penitentiary Dep. Warden, sal.                 | 1,527 50              | 187 50                                 | Jan'y 1, 1862.  |

## EXPENDITURES.—CONTINUED.

| FOR WHAT PURPOSE APPROPRIATED.                                | Amount Ex-<br>pended. | Amt. appro-<br>priated and<br>undrawn. | Balance pays to |
|---|-----------------------|--|-----------------|
| Penitentiary Clerk's salary...                                | \$ 1,437 50           | \$ 187 50                              | Jan'y 1, 1862.  |
| Penitentiary Chaplain's salary                                | 858 33                | 216 67                                 | March 25, 1862  |
| Com'r of Emigration's salary.                                 | 1,800 00              | 600 00                                 | May 1, 1862.    |
| Commissioner of Emigration<br>for publication.....            | 500 00                | 500 00                                 | May 1, 1862.    |
| Commissioner of Emigration<br>for office rent.....            | 875 00                | 225 00                                 | May 1, 1862.    |
| <i>District Judges' Salaries :</i>                            |                       |  |                 |
| First Judicial District.....                                  | 3,333 00              | 267 00                                 | Jan'y 1, 1862.  |
| Second Judicial District.....                                 | 3,200 00              | 400 00                                 | Jan'y 1, 1862.  |
| Third Judicial District.....                                  | 3,200 00              | 400 00                                 | Jan'y 1, 1862.  |
| Fourth Judicial District....                                  | 3,333 00              | 267 00                                 | Jan'y 1, 1862.  |
| Fifth Judicial District.....                                  | 3,200 34              | 267 00                                 | Jan'y 1, 1862.  |
| Sixth Judicial District.....                                  | 2,936 33              | 666 67                                 | Feb'y 5, 1862.  |
| Seventh Judicial District...                                  | 3,200 00              | 400 00                                 | Jan'y 1, 1862.  |
| Eighth Judicial District....                                  | 3,200 00              | 400 00                                 | Jan'y 1, 1862.  |
| Ninth Judicial District.....                                  | 3,200 00              | 800 00                                 | Jan'y 1, 1862.  |
| Tenth Judicial District.....                                  | 2,800 00              | 800 00                                 | Jan'y 1, 1862.  |
| Eleventh Judicial District..                                  | 3,166 00              | 300 67                                 | Jan'y 1, 1862.  |
| <i>Dist. Attorney's Salaries :</i>                            |                       |  |                 |
| First District.....   | 1,665 25              | 134 75                                 | Jan'y 1, 1862.  |
| Second District.....  | 1,800 00              | 200 00                                 | Jan'y 1, 1862.  |
| Third District.....   | 1,600 00              | 200 00                                 | Jan'y 1, 1862.  |
| Fourth District.....  | 1,666 00              | 134 00                                 | Jan'y 1, 1862.  |
| Fifth District.....   | 1,600 00              | 200 00                                 | Jan'y 1, 1862.  |
| Sixth District.....   | 1,600 00              | 200 00                                 | Jan'y 1, 1862.  |
| Seventh District.....   | 1,666 00              | 134 00                                 | Jan'y 1, 1862.  |
| Eighth District.....  | 1,666 01              | 134 00                                 | Jan'y 1, 1862.  |
| Ninth District.....   | 1,600 00              | 400 00                                 | Jan'y 1, 1862.  |
| Tenth District.....   | 1,400 00              | 400 00                                 | Jan'y 1, 1862.  |
| Eleventh District.....  | 1,600 00              | 200 00                                 | Jan'y 1, 1862   |
| Governor's contingent fund ..                                 | 1,600 00              | 100 00                                 |                 |
| Extraordinary expenses of Ex-<br>ecutive Department.....      | 8,770 63              | 1,229 37                               |                 |
| Sec. of State's contingent fund                               | 2,203 23              | 208 30                                 |                 |
| Auditor of State's contin. fund                               | 1,719 00              | 470 67                                 |                 |
| Treasurer of State's cont. fund                               | 1,200 00              | 100 00                                 |                 |
| Register of State Land Office's<br>contingent fund.....       | 1,498 40              | 627 23                                 |                 |
| Secretary Agricultural College<br>and Farm's contingent fund. | 1,620 89              | 575 95                                 |                 |
| Adj. General's contingent fund                                | 400 00                |  |                 |

## EXPENEDITURES—CONTINUED.

| FOR WHAT PURPOSE APPROPRIATED.                | Expended    | Appropriated and undrawn. |
|---|-------------|---------------------------|
| Supreme Court contingent fund.....            | \$ 3,514 43 | \$ 10 32                  |
| Attorney General's contingent fund.....       | 1,138 25    | 182 50                    |
| Secretary of Board of Education contin. fund  | 1,800 00    |                           |
| Janitor's Wages.....                          | 1,020 75    | 79 25                     |
| Night Watchman.....                           | 334 00      | 166 00                    |
| Penitentiary, general support.....            | 16,918 46   | 18,081 54                 |
| Penitentiary, guard's pay.....                | 8,846 53    | 6,153 47                  |
| Penitentiary, past indebtedness.....          | 38,500 00   |                           |
| Penitentiary, for safe.....                   | 300 00      |                           |
| Penitentiary, walls and cells.....            | 6,970 03    |                           |
| Penitentiary, inspector's salaries.....       | 406 75      |                           |
| Agricultural Societies.....                   | 18,066 78   |                           |
| Agricultural College and Farm.....            | 3,934 21    |                           |
| Hospital for Insane, Trustees' expenses.....  | 904 60      |                           |
| Hospital for Insane, building.....            | 62,119 65   | 16,180 96                 |
| Hospital for Insane, furnishing, &c.....      | 8,000 00    |                           |
| Hospital for Insane, deficiencies.....        | 5,686 27    |                           |
| Hospital for Insane, amts. due from counties. | 5,664 70    | 644 88                    |
| Institution for Deaf and Dumb.....            | 15,000 00   |                           |
| Institution for Blind, at Iowa City.....      | 13,825 00   |                           |
| Institution for Blind, at Vinton.....         | 10,797 75   |                           |
| Swamp Lands.....                              | 160 00      | 173 00                    |
| State Binding.....                            | 9,400 86    |                           |
| State Printing.....                           | 14,755 41   |                           |
| Geological Survey.....                        | 2,417 42    |                           |
| Iowa Reports, W. P. Clarke.....               | 4,000 00    |                           |
| Iowa Reports, T. F. Withrow.....              | 5,412 00    |                           |
| Iowa Reports, Reporter's expenses.....        | 261 40      |                           |
| Publishing Laws in newspapers.....            | 1,637 75    |                           |
| Census of 1859.....                           | 152 50      | 4,381 30                  |
| Interest on State Bonds.....                  | 54,197 17   | 19,134 09                 |
| Legislative expenses.....                     | 41 62       |                           |
| State Bank Commissioners' expenses.....       | 1,271 60    |                           |
| Commissioners of Revision.....                | 8,306 00    |                           |
| Commissioners to examine State Offices.....   | 738 00      |                           |
| Stationery.....                               | 11,741 35   |                           |
| Eighth General Assembly.....                  | 64,157 74   |                           |
| Eighth General Assembly, special session....  | 16,043 76   |                           |
| Board of Education.....                       | 1,762 38    | 2,602 08                  |
| State Warehouse.....                          | 3,419 50    | 80 50                     |
| Special Appropriations.....                   | 8,907 80    |                           |
| Distribution of Laws.....                     | 1,800 00    |                           |

## EXPENDITURES—CONTINUED.

| FOR WHAT PURPOSE APPROPRIATED.                                 | Expended          | Appropriated and un-drawn. |
|--|-------------------|----------------------------|
| Revision of 1860, publication .....                            | \$19,500 00       | \$                         |
| Teachers' Institutes .....                                     | 3,400 00          |                            |
| Spirit Lake Expedition .....                                   | 1,239 50          | 1,760 50                   |
| Army of protection for North-Western Iowa..                    | 34 75             | 465 25                     |
| Election Returns, Presidential election .....                  | 1,612 96          |                            |
| Capitol building repairs .....                                 | 508 72            | 291 25                     |
| <i>General Contingent Fund—</i>                                |                   |                            |
| For postage .....  | 1,846 37          |                            |
| For fuel .....   | 1,169 77          |                            |
| For arrest of fugitives from justice .....                     | 594 60            |                            |
| For abstracts of lands entered .....                           | 152 03            |                            |
| For rent for warehouse .....                                   | 165 00            |                            |
| For furniture, repairs, etc., in State Offices and Halls ..... | 705 68            |                            |
| For auditing Penitentiary debts .....                          | 236 50            |                            |
| For compiling and distributing Town. Laws..                    | 1,700 00          |                            |
| For improvements on State grounds .....                        | 638 80            |                            |
| For attorney's fees and expenses in State cases                | 858 53            |                            |
| For repairs on State-house roof, cupola, etc ..                | 1,168 97          |                            |
| For sundry miscellaneous bills .....                           | 389 35            | 5,142 60                   |
| Mileage paid by warrants issued .....                          | 1,239 60          |                            |
| Total amount of warrants issued .....                          | 586,913 90        |                            |
| Add interest paid on warrants redeemed .....                   | 6,938 75          |                            |
| Add mileage to Co. Treasurers by certificates                  | 5,087 09          |                            |
| Also commission to banks forwarding revenue                    | 885 45            |                            |
| <b>Total Expenditures .....</b>                                | <b>599,825 19</b> |                            |

## FOURTH—WARRANTS.

|  |                     |
|--|---------------------|
| Amount of warrants outstanding Nov. 7, 1859, ..... | \$ 29,637 22        |
| “ issued during the two years, .....               | 586,913 90          |
| <b>Total, .....</b>                                | <b>616,551 12</b>   |
| Deduct amount redeemed, .....                      | 512,906 05          |
| <b>Leaves now outstanding, .....</b>               | <b>\$103,645 07</b> |



## FIFTH—RESOURCES.

|  |                  |           |    |
|--|------------------|-----------|----|
| Balance of Revenue in the State Treasury,..... | \$               | 28,039    | 13 |
| “ in banks in course of payment, .....         |                  | 9,944     | 84 |
| “ due from counties,.....                      | { \$392,349 21 } |           |    |
| Less 20 per cent. estimated unavailable, {     | 78,469 84 }      | 318,879   | 37 |
| Tax of 1861 reckoned on the valuation,.....    |                  | 354,901   | 92 |
| Probable tax of 1862 at 2 mills,.....          |                  | 350,000   | 00 |
| Total,.....                                    | \$               | 1,056,765 | 26 |

The above amount is deducted from the aggregate of balances due from the counties upon the supposition that a large portion of the unavailable tax is not promptly reported to this office. The reports received show the additions to revenue greater than the losses thereto, or deductions therefrom, as appears by the following statement :

## ADDITIONS TO REVENUE.

|  |          |    |
|--|----------|----|
| Interest on delinquent taxes, .....          | \$56,513 | 19 |
| Additional assessments,.....                 | 4,121    | 58 |
| Amount received for peddlers' licenses, .... | 405      | 07 |
| Amount received from sale of laws,.....      | 2,594    | 75 |
| Total, .....                                 | \$63,634 | 59 |

## DECREASE OF REVENUE.

|  |          |    |
|--|----------|----|
| Interest paid on Auditor's warrants,.....                          | 6,938    | 75 |
| Taxes certified as double and erroneous, and<br>unavailable, ..... | 17,576   | 91 |
|  | 24,515   | 66 |
| Balance in favor of revenue,.....                                  | \$39,118 | 93 |

## SIXTH—STATE INDEBTEDNESS.

The State has borrowed of the Permanent School Fund the following sums to-wit :

|  |           |    |
|--|-----------|----|
| On bonds payable May 1, 1854, (Chap. 58, Acts 1849,) .....     | \$16,442  | 05 |
| On bonds payable Sep. 15, 1859, (Chap. 70, Acts 1849,) .....   | 6,000     | 00 |
| On bonds payable Jan. 1, 1856, (Chap. 51, Acts 1851,) .....    | 2,353     | 70 |
| On bonds payable July 15, 1861, (Res. 9, Ex. Ses. 1856,) ..... | 40,000    | 00 |
| And am't bor'wed Jan. 1, 1857, (Chap. 3, acts 1856-7,) .....   | 57,500    | 00 |
| Total amount of School Fund borrowed,.....                     | \$122,295 | 75 |

## STATE INDEBTEDNESS—CONTINUED.

|   |              |
|---|--------------|
| Iowa 7 per cent. bonds payable in New York Jan. 1, 1868, issued under chap. 7, acts of 1858,.....       | 200,000 00   |
| Making.....   | 322,295 75   |
| To which add am't of bonds sold under Chap. 16, acts of extra session 1861, for War and Defense Fund,.. | 86,900 00    |
| Making total bonded debt,.....  | \$409,195 75 |

## SEVENTH—RECEIPTS AND DISBURSEMENTS OF WAR AND DEFENSE FUND.

The receipts have been as follows :

|  |              |
|--|--------------|
| 1861.                                      |              |
| July 31. Rec'd from sale of State bonds,.. | \$ 16,500 00 |
| Aug. 2. " " " ..                           | 20,332 00    |
| Aug. 24. " " " ..                          | 19,504 00    |
| Sept. 2. " " " ..                          | 3,496 00     |
| Oct. 3. " " " ..                           | 12,144 00    |
| Oct. 12. " of the United States,.....      | 80,000 00    |
| Oct. 23. " from sale of State bonds,..     | 6,992 00     |
| Nov. 2. " " " ..                           | 2,300 00     |
|  | \$161,268 00 |
| DISBURSEMENTS.                             |              |
| Sept 2. For redemption of warrants,.....   | \$ 36,802 03 |
| Sept. 2 For interest paid on the same,.... | 8 46         |
| Nov. 4. For redemption of warrants,.....   | 99,015 09    |
| Nov. 4. For interest paid on the same,.... | 812 49       |
|  | 136,638 07   |
| Leaving balance of fund in the Treas'y,    | \$24,629 93  |

## EIGHTH—WAR AND DEFENSE WARRANTS.

|                                       |              |
|---------------------------------------|--------------|
| Nov. 4. Am't issued to date,.....     | \$233,568 43 |
| Nov. 4. " redeemed by State Treas'r.. | 135,817 12   |
| Leaves outstanding Nov. 4, 1861,..... | \$ 97,751 31 |