

ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

Twelfth General Assembly

OF THE

STATE OF IOWA,

BEGUN JANUARY 13, AND ENDED APRIL 8, 1868.

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1868.

STATE OF IOWA — ss :

I, ED WRIGHT, Secretary of State of the State of Iowa, hereby certify that the Acts and Resolutions contained in this volume have been by me compared with the original enrolled acts on file in this office, and that the same are true and correct copies, except that the words enclosed in brackets [thus] have been added when it was evident that there was an omission, or a word improperly used.



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. 1868.

ED WRIGHT,

Secretary of State.

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STATE GOVERNMENT, 1868.

LIST OF STATE OFFICERS, JUDGES OF THE SUPREME AND DISTRICT COURTS, DISTRICT-ATTORNEYS, MEMBERS AND OFFICERS OF THE GENERAL ASSEMBLY AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

EXECUTIVE DEPARTMENT.

NAME.	POSITION.	COUNTY FROM WHICH ORIGINALLY CHOSEN.
Samuel Merrill...	Governor.....	Clayton.....
John S Runnels...	Private Secretary.....	Clayton.....
John Scott.....	Lieutenant-Governor.....	Story (P. O. Nevada) ..
Ed Wright.....	Secretary of State.....	Cedar.....
Wm. H. Fleming...	Deputy Secretary of State.....	Clinton.....
John A. Elliott.....	Auditor of State.....	Mitchell.....
Samuel A. Ayres...	Deputy Auditor of State.....	Polk.....
Samuel E. Rankin...	Treasurer of State.....	Washington.....
Isaac Brandt.....	Deputy Treasurer of State.....	Polk.....
Cyrus C. Carpenter...	Register of State Land Office.....	Webster.....
John M. Davis.....	Dep. Reg. State Land Office.....	Johnson.....
D. Franklin Wells...	Superintendent of Pub. Instruction.....	Johnson.....
Lewis I. Coulter...	Deputy Supt. Pub. Instruction..	Linn.....
Nathaniel B. Baker...	Adjutant and Inspector-General, and A. Q. M. G.....	Clinton.....
Frank Sutton.....	Chief Clerk to Adj't-General....	Jackson.....
George Bourne.....	Chief Clerk in Q. M. Dep't.....	Scott.....
Francis W. Palmer...	State Printer.....	Dubuque.....
James S. Carter.....	State Binder.....	Polk.....
Charles A. White....	State Geologist.....	Johnson (P. O. Iowa City)
Gustavus Hinrichs.	Chemist of the Geological Survey	Johnson (P. O. Iowa City)
O. H. St. John....	Assistant State Geologist.....	Black Hawk (P. O. Wat-
John N. Dewey.....	Commissioner of war claims.....	Polk..... [erloo
Josiah A. Harvey....	Commissioner of land claims.....	Fremont.....

Notes.— The post-office address of State officers, where not otherwise designated above, is Des Moines.

JUDICIAL DEPARTMENT.

SUPREME COURT.

NAME.	POSITION.	COUNTY FROM WHICH ORIGINALLY ELECTED.	POST-OFFICE.
John F. Dillon.....	Chief Justice.....	Scott.....	Davenport..
Chester C. Cole.....	Judge.....	Polk.....	Des Moines.
George G. Wright.....	Judge.....	Van Buren.....	Des Moines.
Joseph M. Beck.....	Judge.....	Lee.....	Ft. Madison.
Charles Linderman..	Clerk.....	Page.....	Des Moines.
Henry O'Connor....	Attorney-General..	Muscataine.....	Muscataine..
Edward H. Stiles...	Reporter of Decisions	Wapello.....	Ottumwa...

DISTRICT COURTS.

LIST	NAME.	POSITION.	COUNTY FROM WHICH ELECTED.	POST OFFICE.
1	Francis Springer.....	Judge.....	Louisa.....	Columbus City...
2	Harvey Tannehill....	Judge.....	Appanoose....	Centerville.....
3	James G. Day.....	Judge.....	Fremont.....	Sidney.....
4	Henry Ford.....	Judge.....	Harrison..	Magnolia.....
5	Hugh W. Maxwell....	Judge.....	Warren.....	Indianola.....
6	Ezekiel S. Sampson..	Judge.....	Keokuk.....	Sigourney.....
7	J. Scott Richman....	Judge.....	Muscataine.....	Muscataine.....
8	James H. Rothrock...	Judge.....	Cedar.....	Tipton.....
9	James Burt.....	Judge.....	Dubuque.....	Dubuque.....
10	Milo McGlathery.....	Judge.....	Fayette.....	West Union.....
11	Daniel D. Chase.....	Judge.....	Hamilton.....	Webster City...
12	William B. Fairfield..	Judge.....	Floyd.....	Charles City...
1	Joshua Tracy.....	District-Attorney	Des Moines....	Burlington.....
2	James B. Weaver.....	District-Attorney	Davis.....	Bloomfield.....
3	Charles E. Millard...	District-Attorney	Mills.....	Glenwood.....
4	Orson Rice.....	District-Attorney	Dickinson....	Spirit Lake....
5	Samuel D. Nichols....	District-Attorney	Guthrie.....	Panora.....
6	Moses A. McCoid....	District-Attorney	Jefferson....	Fairfield.....
7	Lyman Ellis.....	District-Attorney	Clinton.....	Lyons.....
8	C. R. Scott.....	District-Attorney	Jones.....	Anamosa.....
9	Matthew M. Trumbull.	District-Attorney	Black Hawk...	Dubuque.....
10	L. O. Hatch.....	District-Attorney	Allamakee....	Waukon.....
11	John H. Bradley.....	District-Attorney	Marshall.....	Marshalltown..
12	John E. Burke.....	District-Attorney	Bremer.....	Waverly.....

STATE GOVERNMENT.

v

TWELFTH GENERAL ASSEMBLY.

CONVENED AT THE CAPITOL, DES MOINES, JAN. 13, 1868. ADJOURNED APRIL 8, 1868.

SENATE.

Dist.	COUNTIES.	SENATORS.	POST-OFFICES.
1	Lee	Nathaniel G. Hedges.	Keokuk
"	"	Joseph Hollman	Fort Madison
2	Van Buren	Eliab Doud	Doud's Station
3	Davis	Henry C. Traverse	West Grove
4	Appanoose	Madison M. Walden	Centerville
5	Wayne, Lucas, Clarke	James D. Wright	Chariton
6	Monroe	Edward M. Bill	Albia
7	Decatur, Ringgold	Isaac W. Keller	Mount Ayr
8	Taylor, Page, Adams, Union, Montgomery	Napoleon B. Moore	Clarinda
9	Pottawattamie, Mills, Cass, Fremont	Jefferson P. Casady	Council Bluffs
10	Des Moines	Charles L. Matthies	Burlington
11	Henry	Theron W. Woolson	Mount Pleasant
12	Jefferson	Abial R. Pierce	Lockridge
13	Wapello	Augustus H. Hamilton	Ottumwa
14	Louisa	James M. Robertson	Columbus City
15	Washington	Granville G. Bennett	Washington
16	Muscatine	John A. Parvin	Muscatine
17	Keokuk	John C. Johnson	Richland
18	Mahaska	John R. Needham	Oskaloosa
19	Marion	Thomas McMillan	Knoxville
20	Warren	George E. Griffith	Indianola
21	Madison, Adair, Guthrie, Dallas	Joseph R. Reed	Adel
22	Scott	Andrew M. Larimer	LeClaire
"	"	W. W. Cones	Davenport
23	Clinton	John Henry Smith	Camanche
24	Cedar	Wm. P. Wolf	Tipton
25	Johnson	Samuel H. Fairall	Iowa City
26	Iowa, Poweshiek	Matthew Long	Stellapolis
27	Jasper	John Meyer	Newton
28	Poik	Jonathan W. Cattell	Des Moines
29	Jackson	Lewis B. Dunham	Maquoketa
30	Jones	Sewell S. Farwell	Monticello
31	Linn	Robert Smyth	Mount Vernon
32	Benton, Tama	James Chapin	Vinton
33	Marshall, Hardin	Wells S. Rice	Marshalltown
34	Dubuque	F. M. Knoll	Dubuque
"	"	Benjamin B. Richards	Dubuque
35	Delaware	Joseph Grimes	Colesburg
36	Buchanan, Bremer	William G. Donnan	Independence
37	Clayton	Homer E. Newell	McGregor

STATE GOVERNMENT.

SENATE — CONTINUED.

Dist.	COUNTIES.	SENATORS.	POST OFFICES.
38	Fayette.....	Wm. Larrabee.....	Clermont.....
39	Franklin, Butler, Grundy, Cerro Gordo.....	Marcus Tuttle.....	Clear Lake.....
40	Black Hawk.....	James B. Powers.....	Cedar Falls.....
41	Allamakee.....	L. E. Fellows.....	Lansing.....
42	Winnebago.....	H. C. Bulis.....	Decorah.....
43	Floyd, Mitchell, Howard, Chickasaw.....	John G. Patterson.....	Charles City.....
44	Boone, Hamilton, Story, Greene.....	Isaac J. Mitchell.....	Boonsboro.....
45	Worth, Winnebago, Kossuth, Emmett, Dickinson, Clay, Palo Alto, Hancock, Wright, Humboldt, Pocahontas, Sac, Buena Vista, Calhoun, Webster.....	Theodore Hawley.....	Fort Dodge.....
46	Harrison, Shelby, Audubon, Carroll, Crawford, Monona, Woodbury, Ida, Cherokee, Plymouth, Sioux, O'Brien.....	Addison Oliver.....	Onawa City.....

OFFICERS OF THE SENATE.

President, John Scott, Nevada, Story County.

Secretary, James M. Weart, Independence, Buchanan County.

Assistant Secretary, John T. Hull, Birmingham, Van Buren County.

Second Assistant Secretary, George P. Abel, Des Moines, Polk County.

Engrossing Clerk, George H. Ballou, Dubuque, Dubuque County.

Enrolling Clerk, Elisha G. Stanley, Anamosa, Jones County.

Sergeant-at-Arms, Val. Mendel, Albia, Monroe County.

Door-Keeper, Thomas Morgan, Columbus City, Louisa County.

Postmaster for the General Assembly, Jonathan Thatcher, Keosauqua, Van Buren County.

Assistant Postmaster, George F. Work, Newton, Jasper County.

HOUSE OF REPRESENTATIVES.

Dist.	COUNTIES.	REPRESENTATIVES.	POST-OFFICES.
1	Lee.....	Gibson Browne.....	Keokuk.....
	Lee.....	Cyrenus C. Bander.....	Primrose.....
	Lee.....	William Werner.....	West Point.....
2	Van Buren.....	Joel Brown.....	Birmingham.....
	Van Buren.....	Seth Craig.....	Keosauqua.....
3	Davis.....	John M. Garrett.....	Troy.....
	Davis.....	William G. Wilson.....	Stiles.....
4	Appanoose.....	Brannock Phillips.....	Unionville.....
5	Wayne.....	William Glasgow.....	Promise City.....
6	Decatur.....	Henry W. Peck.....	Decatur City.....
7	Des Moines.....	Robert Allen.....	Dodgeville.....
	Des Moines.....	Abraham G. Adams.....	Burlington.....
8	Henry.....	John P. Grantham.....	Mt. Pleasant.....
	Henry.....	Jacob Hart.....	Mt. Pleasant.....
9	Jefferson.....	John Hayden.....	Libertyville.....
	Jefferson.....	Alexander R. Fulton.....	Fairfield.....
10	Wapello.....	Charles Dudley.....	Agency City.....
	Wapello.....	Samuel T. Caldwell.....	Eddyville.....
11	Monroe.....	Alfred A. Ramsay.....	Albia.....
12	Lucas.....	Samuel D. Wheeler.....	Chariton.....
13	Clarke.....	Barclay Burrows.....	Osceola.....
14	Page.....	Joseph Cramer.....	Clarinda.....
15	Fremont.....	Frederick Rector.....	Bartlett.....
16	Mills.....	John Y. Stone.....	Glenwood.....
17	Louisa.....	Albert Ellis.....	Cairo.....
18	Washington.....	Joseph D. Miles.....	Crawfordsville.....
	Washington.....	Marshall Goodspeed.....	Lexington.....
19	Keokuk.....	John Morrison, jr.....	Butler.....
	Keokuk.....	William Hartsock.....	South English.....
20	Mahaska.....	Charles Stanley.....	Oakaloosa.....
	Mahaska.....	Thomas Ballinger.....	Farmersville.....
21	Marion.....	Edmund Mechem.....	Attica.....
	Marion.....	Banner G. Bowen.....	Fella.....
22	Warren.....	Mark A. Dashiell.....	Hartford.....
23	Madison.....	Benjamin F. Murray.....	Winterset.....
24	Pottawattamie.....	Lysander W. Babbitt.....	Council Bluffs.....
25	Muscatine.....	Samuel McNutt.....	Muscatine.....
	Muscatine.....	R. M. Burnett.....	Muscatine.....
26	Johnson.....	John P. Irish.....	Iowa City.....
	Johnson.....	Jacob Y. Blackwell.....	Iowa City.....
27	Iowa.....	Abraham Bolton.....	Homestead.....
28	Poweshiek.....	Leonard F. Parker.....	Grinnell.....
29	Jasper.....	Merritt W. Atwood.....	Newton.....
30	Polk.....	John A. Kasson.....	Des Moines.....
	Polk.....	Joshua H. Hatch.....	Des Moines.....
31	Dallas.....	Le Roy Lambert.....	Redfield.....
32	Scott.....	Matthias J. Rohlf.....	Davenport.....
	Scott.....	Charles Kelly.....	LeClaire.....
	Scott.....	Methuselah C. Davis.....	Davenport.....
33	Clinton.....	Aylett R. Cotton.....	Lyons.....
	Clinton.....	Charles G. Trusdell.....	Clinton.....
	Clinton.....	Charles E. Leffingwell.....	Wheatland.....
34	Jones.....	John Russell.....	Wyoming.....
	Jones.....	John McKean.....	Anamosa.....
35	Cedar.....	William S. Chase.....	West Liberty.....
	Cedar.....	Charles P. Sheldon.....	Tipton.....
35	Jackson.....	Lewis W. Stuart.....	Monmouth.....

HOUSE OF REPRESENTATIVES — CONTINUED.

Dist.	COUNTIES.	REPRESENTATIVES.	POST-OFFICES.
36	Jackson.....	John A. Fritz.....	St. Donatus.....
37	Linn.....	Adam Perry.....	Western.....
	Linn.....	William B. Leach.....	Cedar Rapids.....
38	Benton.....	John W. Traer.....	Vinton.....
39	Tama.....	James Wilson.....	Wolf Creek.....
40	Marshall.....	Ben W. Johnson.....	Marshalltown.....
41	Dubuque.....	Thomas S. Wilson.....	Dubuque.....
	Dubuque.....	R. Barrett Lockwood.....	Worthington.....
	Dubuque.....	John B. Longueville.....	Rockdale.....
	Dubuque.....	Dennis Donovan.....	Ballyclough.....
42	Delaware.....	Cummings Sanborn.....	Earlville.....
43	Buchanan.....	Phineas C. Wilcox.....	Independence.....
44	Black Hawk.....	George Ordway.....	Waterloo.....
45	Hardin.....	Thomas B. Knapp.....	Iowa Falls.....
46	Clayton.....	Horace Hamilton.....	National.....
	Clayton.....	James Newberry.....	Strawberry Point.....
	Clayton.....	Presley G. Bally.....	Hardin.....
47	Fayette.....	Aaron Brown.....	Fayette.....
	Fayette.....	Curtis R. Bent.....	West Union.....
48	Bremer.....	Darius P. Walling.....	Tripoli.....
49	Chickasaw.....	William Tucker.....	Chickasaw.....
50	Allamakee.....	Pierce G. Wright.....	Ludlow.....
	Allamakee.....	George R. Miller.....	Rossville.....
51	Winneshieek.....	Horace B. Williams.....	Hesper.....
	Winneshieek.....	Jeremiah T. Atkins.....	Frankville.....
52	Boone.....	Jackson Orr.....	Montana.....
53	Story.....	James Hawthorn.....	Nevada.....
54	Floyd.....	Wilberforce P. Gaylord.....	Rock Grove City.....
55	Harrison, Shelby.....	Joseph H. Smith.....	Magnolia.....
56	Mitchell, Howard.....	James H. Brown.....	Cresco.....
57	Stoux, O'Brien, Buena Vista, Cherokee.....	Eli Johnson.....	Cherokee.....
58	Dickinson, Emmett, Clay, Palo Alto.....	Roderick A. Smith.....	Okoboji.....
59	Cerro Gordo, Winnebago, Worth Kossuth.....	Charles W. Tenney.....	Plymouth.....
60	Woodbury, Ida, Sac, Plymouth.....	Eugene Criss.....	Sac City.....
61	Wright, Hamilton, Franklin, Hancock.....	John D. Hunter.....	Webster City.....
62	Webster, Pocahontas, Calhoun, Humboldt.....	Samuel Rees.....	Fort Dodge.....
63	Monona, Crawford, Carroll.....	Stephen Tillson.....	Onawa City.....
64	Greene, Guthrie, Audubon.....	Henry C. Rippey.....	Jefferson.....
65	Ringold, Taylor.....	Leonard T. McCoun.....	Bedford.....
66	Adair, Cass, Montgomery.....	Galen F. Kilburn.....	Fontanelle.....
67	Butler, Grundy.....	James A. Gutbrie.....	New Hartford.....
68	Adams, Union.....	Neal W. Rowell.....	Afton.....

OFFICERS OF THE HOUSE OF REPRESENTATIVES.

Speaker, John Russell, Wyoming, Jones County.

Chief Clerk, Marcus C. Woodruff, Iowa Falls, Hardin County.

First Assistant Clerk, Benjamin Van Steinburg, Andrew, Jackson County.

Second Assistant Clerk, Samuel A. Flanders, Middletown, Des Moines County.

Engrossing Clerk, John S. King, Des Moines, Polk County.

Enrolling Clerk, J. A. Stright, Denison, Crawford County.

Sergeant-at-Arms, James P. Patrick, West Union, Fayette County.

Door-Keeper, George Bailey, Redfield, Dallas County.

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STATUTES.

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2	An act for the relief of Louisa county. Approved January 31, 1868.....	S. F. 22	2
3	An act to provide for the custody of the records of the public surveys of this State. Approved January 31, 1868.....	S. F. 23	3
4	An act to authorize J. A. Harvey to procure certificates of lands selected in lieu of the sixteenth section. Approved January 31, 1868.....	S. F. 71	3
5	An act legalizing the organization of the independent school-district of Decorah. Approved February 3, 1868.....	S. F. 76	4
6	An act to amend section one of chapter thirty-six of the acts of the Eleventh General Assembly of the State of Iowa, entitled An act to annex the township of Charleston in the county of Lee, to the townships of Jackson, Montrose, Des Moines, and Van Buren in said county for judicial purposes. Approved February 5, 1868.....	S. F. 8	6
7	An act granting to the United States Government the right of way for a ship canal around the Des Moines or lower rapids, in the Mississippi river, on the Iowa side. Approved February 5, 1868.....	H. F. 75	6
8	An act to amend chapter 123 of the laws of the 11th General Assembly relating to the "Gray uniform" so called, which was furnished by the State to certain members of the 2d and 3d Iowa Infantry. Approved February 5, 1868.....	H. F. 38	8
9	An act making an appropriation for the payment of the mileage of the members of the Twelfth General Assembly, and the <i>per diem</i> of the temporary officers and employes thereof, and for postage. Approved February 5, 1868.....	S. F. 62	9
10	An act to authorize the Governor to release lands which have been certified to the State by authority of the Secretary of the Interior, under any of the land-grants, where settlers' rights have intervened prior to the time when the title vested in the State, and for the purpose of correcting errors in transfers to the State. Approved February 5, 1868.....	S. F. 64	10
11	An act to repeal section 3276 of the Revision of 1860, in relation to the liability of officers of municipal corporations. Approved February 11, 1868.....	S. F. 34	11
12	An act to reimburse certain counties for the loss of their several interests in the swamp-land indemnity warrants issued by the United States to the State of Iowa. Approved February 11, 1868.....	S. F. 9	12

CHAP.	TITLE.	NO. OF BILL, & WHERE IN- TRODUCTION.	PAGE.
13	An act providing for and requiring the early construction of the Chicago, Rock Island and Pacific Railroad from Davenport to Council Bluffs, Iowa, upon certain conditions therein named. Approved February 11, 1868.	S. F. 63	13
14	An act to amend section 2,642, of chapter 109, of the Revision of 1860. Approved February 12, 1868.	H. F. 58	18
15	An act to secure to certain persons, residents of Harrison county, their homes on lands known as the excess of the 500,000 acre grant, at the price of \$1.25 per acre. Approved February 12, 1868.	H. F. 45	18
16	An act to resume all the lands and rights conferred upon the McGregor Western Railroad Company, by or under an act of Congress approved May 12th, A. D. 1864. Approved February 27, 1868.	H. F. 84 & [115	20
17	An act providing for the publication of the Adjutant - General's report, January 1st, 1867, to January 14th, 1868. Approved February 27, 1868.	H. F. 18	21
18	An act to legalize the organizations and acts of the city of Mt. Pleasant, as a city of the second class. Approved February 27, 1868.	H. F. 5	22
19	An act to amend an act of the Twelfth General Assembly of the State of Iowa, by which section 1, chapter 86, of the Acts of the Eleventh General Assembly, was amended. Approved February 28, 1868.	S. F. 120	28
20	An act changing the time of holding courts in the 8d judicial district. Approved February 28, 1868.	H. F. 12	24
21	An act to legalize the organization of the independent school-district of Epworth, county of Dubuque, Iowa. Approved March 6, 1868.	S. F. 6	26
22	An act to amend an act entitled "An act fixing the time for holding courts in the Eleventh Judicial district, approved March 23, 1866." Approved March 9, 1868.	H. F. 227	27
23	An act to appropriate money for the use of the State University. Approved March 9, 1868.	H. F. 173	27
24	An act fixing the time of holding district courts in Pottawattamie county, in the Third judicial district. Approved March 10, 1868.	H. F. 220	28
25	An act for the annexation of the east half of section no. one, and the north - east quarter of section no. twelve, in township no. sixty - nine north, of range no. three west, in Des Moines county, State of Iowa, to sub-district no. three, in Burlington township, in said county and State. Approved March 10, 1868.	H. F. 134	29
26	An act resuming certain rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company, by an act approved July 14, 1856, and acts amendatory thereof, and to repeal certain laws in relation thereto. Approved March 10, 1868.	H. F. 136	29
27	An act to provide for an additional argument term of the Supreme Court. Approved March 10, 1868.	H. F. 55	31,
28	An act in relation to independent school - districts. Approved March 11, 1868.	S. F. 82	32
29	An act to amend an act entitled the General School Act, passed April 8, 1862. Approved March 14, 1868.	S. F. 108	33
30	An act to relinquish to William Geddes, all title of the State of Iowa, by escheat, to certain lands in Scott county, Iowa. Approved March 14, 1868.	S. F. 90	34
31	An act to provide for the publication and distribution of the laws of the Twelfth General Assembly of the State of Iowa. Approved March 14, 1868.	S. F. 137	35

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33	An act making it the duty of the clerk of the board of supervisors to make return to the Governor of the location of the graves of deceased Iowa soldiers, in their respective counties, and for other purposes. Approved March 14, 1868.	S. F. 35	38
34	An act to authorize the State Treasurer to provide iron shelving and other repairs upon the vault in his office. Approved March 17, 1868.	H. F. 216	39
35	An act to legalize the establishment of county roads. Approved March 17, 1868.	S. F. 92	39
36	An act supplemental to chapter 22, of the laws of the Eleventh General Assembly, providing for the settlement of contracts and claims growing out of the Des Moines river improvement. Approved March 18, 1868.	S. F. 110	40
37	An act to legalize certain acts of the board of supervisors of Howard county, Iowa. Approved March 23, 1868.	H. F. 32	44
38	An act to amend An act for the relief of the widow and indigent children of Joseph Ketterer. Approved March 23, 1868.	S. F. 1	45
39	An act in relation to the payment of the expenses of agents appointed to demand fugitives from justice. Approved March 23, 1868.	S. F. 54	46
40	An act legalizing the incorporation of "First Congregational Society of Mason City," Cerro Gordo county, Iowa. Approved March 24, 1868.	H. F. 259	47
41	An act for the relief of Hardin county, Iowa, for money stolen from the county safe, September 14, 1865. Approved March 24, 1868.	H. F. 120	48
42	An act to amend An act approved April 20, 1864, entitled "An act to accept the grant of land to the State of Iowa, made by Act of Congress of May 12, 1864, and to carry out the provisions of said act, entitled An act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a railroad in said State," and to make effectual the acceptance by the State of Iowa of said grant of land. Approved March 24, 1868.	H. F. 119	49
43	An act to legalize the action of the officers of the corporate town of Montana, in Boone county, in organizing a city of the second class. Approved March 24, 1868.	H. F. 258	50
44	An act fixing the time of holding courts in the second judicial district. Approved March 24, 1868.	H. F. 57	51
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46	An act to perfect the title of Peter Olesen and Magnus Rango in and to certain lands. Approved March 26, 1868.	H. F. 124	52
47	An act to amend chapter 46 of the Revision of 1860, in relation to State and county roads. Approved March 26, 1868.	H. F. 30	53
48	An act to enable townships and incorporated towns and cities to aid in the construction of railroads. Became a law March 27, 1868.	H. F. 186	54
49	An act for the relinquishment of an escheat. Approved March 27, 1868.	H. F. 251	55
50	An act to quiet the title of Margaret Enk and others to certain real estate. Approved March 31, 1868.	S. F. 150	57
51	An act to legalize the acknowledgment and entitle to record a deed from George J. Meredith and wife to William Halderman. Approved March 31, 1868.	S. F. 132	58

CHAS.	TITLE.	NO. OF BILL & WHERE IN- TRODUCED.	Page
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53	An act to fix the compensation of the Attorney-General for certain services. Approved March 31, 1868.	H. F. 185	59
54	An act to legalize the plat of the town of Sabula, in Jackson county, Iowa, and to legalize all conveyances of lots heretofore made, by the number of lots and blocks, as now specified in said plat. Approved March 31, 1868.	S. F. 156	60
55	An act to legalize certain acts of the board of supervisors of Washington county, Iowa. Approved March 31, 1868.	S. F. 182	61
56	An act abolishing distinctions between foreigners and citizens as to the acquisition, enjoyment, and transfer of property. Approved March 31, 1868.	H. F. 59	61
57	An act prescribing the terms and conditions on which the State will relinquish, and convey to the Des Moines Valley Railroad Company, certain rights and privileges in respect to the resumption of lands heretofore granted to said company. Approved March 31, 1868.	H. F. 139	63
58	An act making a grant of land to the McGregor and Sioux City Railway Company, or, in case of their failure to accept the same, to the 43d Parallel Company, and to execute the trust conferred by act of Congress, entitled "An act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," approved May 12, 1864. Approved March 31, 1868.	S. F. 170	67
59	An act to establish and organize a State Reform School for juvenile offenders. Approved March 31, 1868.	S. F. 2	71
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61	An act to provide for the incorporation of towns or cities. Approved April 1, 1868.	H. F. 39	78
62	An act to legalize the acts of the city council and officers of the city of Cedar Falls, and the incorporation of said city. Approved April 2, 1868.	S. F. 178	80
63	An act to legalize the official acts of Henry Temple, a notary public of Cass county, Iowa. Approved April 2, 1868.	S. F. 91	81
64	An act making appropriations for two Lawson wood furnaces, pipes, and register, furnished and put in operation in the Adjutant-General's Office and State Arsenal, by Fuller, Warren & Co. Approved April 2, 1868.	H. F. 117	82
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71	An act to legalize certain judgments rendered by Benjamin Furnace, a justice of the peace in and for Louisa county, Iowa. Approved April 2, 1868.....	H. F. 355	97
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94	An act to constitute the principal a member of the Board of Trustees, enlarge and furnish the buildings, and support the institution for the education of the Blind. Approved April 6, 1868.	S. F. 139	129
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133	An act to legalize the acts of the North-Western Mining Company. Approved April 7, 1868.	H. F. 823	173
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146	An act to legalize the action of Mitchell county providing for equalizing the bounty of soldiers in said county, and to authorize the levying of a tax to pay the same. Approved April 7, 1868.	S. F. 174	206
147	An act to legalize certain acts of James Foster, a justice of the peace in Guthrie county, Iowa. Approved April 7, 1868.	H. F. 20	207
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167	An act making appropriations for the <i>per diem</i> and expenses of the Twelfth General Assembly, and for other purposes. Approved April 8, 1868.	S. F. 239	226
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11	Joint resolution agreeing to, ratifying, and confirming amendments to the State constitution. Approved March 31, 1868..	House...	290
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20	Joint resolution of the Twelfth General Assembly of the State of Iowa [appointing trustees for Reform School.] Approved April 7, 1868.....	House ...	301
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23	Joint resolution authorizing the Secretary of State to subscribe for five hundred copies of the twenty-first volume of Iowa Reports. Approved April 7, 1868.....	House ...	302
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25	[Joint resolution instructing the Secretary of State to forward books, documents, or other matter which members and employees of Twelfth General Assembly may be entitled to, to their respective addresses.] Approved April 8, 1868.....	House ...	303

ACTS OF THE TWELFTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

PASSED AT THE REGULAR SESSION THEREOF, BEGUN AND HELD AT
THE CITY OF DES MOINES, ON THE THIRTEENTH DAY OF
JANUARY, A. D., MDCCCLXVIII.

CHAPTER 1.

LEGALIZING ACTS OF INDEPENDENT SCHOOL-DISTRICT OF
SIGOURNEY.

AN ACT Legalizing an Election in the Independent District of JANUARY 24.
Sigourney, and also Legalizing the Acts of the Officers
elected thereat.

WHEREAS, On the second Saturday in March, A. D. Preamble.
1867, the independent school-district of the town of
Sigourney, in the county of Keokuk, and State of Iowa,
did hold its election for officers of said district, and did
thereat elect a certain board of officers, who qualified
and entered on the discharge of their duties; and

WHEREAS, The electors of said district on said day,
did vote to build a school-house in said district; and

WHEREAS, Said board so elected, did build said
school-house, and for that purpose did issue certain
orders on the treasurer of said district, bearing interest,
in accordance with the vote of said electors of said
election; and

WHEREAS, Said election by law should have been
held on the second Monday in March, A. D. 1867, in
lien of when it was held, as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly* Election held
of the State of Iowa, That the said election of said on wrong day
officers, of the independent district of Sigourney, on legalized.
the second Saturday in March, A. D., 1867, and the
vote of said electors thereat, to build a school-house
therein, and for that purpose to borrow money and
issue their corporate obligation therefor, be, and the
same are hereby legalized, to all intents and purposes,
as fully and effectually as if said election had been held
at the time provided by law.

Orders of board, in - indebtedness created, and contracts legalized.

Publication.

Proviso.

SEC. 2. All orders of said board, so elected, on the treasurer of said district for money, whether the same bear interest or otherwise, and all obligations of indebtedness created by said board, and all contracts made by them, be and the same are hereby legalized to all intents and purposes, as fully and effectually as if said election had been held on the day provided by law therefor.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Sigourney News, anything in the statutes of this State to the contrary notwithstanding: *provided*, said publication be without expense to the State.

Approved January 24, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* January 26, 1868, and in the *Sigourney News* February 19, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 2.

RAILROAD TAX OF LOUISA COUNTY.

JANUARY 31. AN ACT for the Relief of Louisa County.

Preamble. Louisa county omitted in distribution of R. R. taxes in certain years.

Treasurer of State to credit Louisa Co. with such taxes.

If paid to other counties, amount be withheld from them.

WHEREAS, Louisa county was omitted in the distribution of railroad taxes due in the years 1862, 1863, 1864 and 1865; and

WHEREAS, The returns of the railroad company were duly made in favor of said county, but by some oversight the amount has not been received by the county: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Treasurer of State be, and is hereby, directed to pass to the credit of Louisa county the amount of taxes so due.

SEC. 2. If the amount due Louisa county has been paid to counties not entitled thereto, the Treasurer of State shall withhold from such counties as have received an excess of their proper apportionment, at the next annual distribution of taxes to the several counties.

Approved January 31, 1868.

CHAPTER 3.

CUSTODY OF THE RECORDS OF THE PUBLIC SURVEYS.

AN ACT to Provide for the Custody of the Records of the Public Surveys of this State. JANUARY 31.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it is made the duty of the Register of the State Land-Office, to receive any field-notes, maps, records, or other papers, relating to the public surveys of this State, whenever the same shall be turned over to the State, in pursuance of an act of Congress, entitled, "An act for the discontinuance of the office of surveyor-general, in the several districts as soon as the surveys therein can be completed, for abolishing land-offices under certain circumstances, and for other purposes," approved June 12, 1840, and any act amendatory thereof.

Register of State Land Office to receive papers of public surveys.

SEC. 2. That the Register of the State Land-Office shall provide for their safe keeping and proper arrangement as public records; and free access to the same by the lawful authority of the United States, for the purpose of taking extracts therefrom, or making copies thereof, shall always be granted.

To provide for their safe keeping.

U. S. to have access to the same.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Iowa Evening Statesman.

Publication.

Approved January 31, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* February 1, 1868, and in the *Iowa Evening Statesman* February 3, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 4.

SCHOOL LANDS IN LIEU OF THE SIXTEENTH SECTION.

AN ACT to Authorize J. A. Harvey to procure Certificates of Lands selected in lieu of the Sixteenth Section. JANUARY 31.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That J. A. Harvey, commissioner for the State of Iowa, under chapter 79, laws of the

Commissioner J. A. Harvey to pro-

cure certified Eleventh General Assembly, is hereby authorized to procure from the Department of the Interior, a certified list, or certified lists, of the school lands which have been selected in lieu of section sixteen, under an act of Congress, approved February 26, 1859, entitled an "act to authorize settlers upon sixteenth and thirty-sixth sections, who settled before the surveys of the public lands, to pre-empt their settlement," and the act approved June 15, 1844: *provided*, that the said J. A. Harvey shall obtain said certification of land while in Washington attending to other duties of his commission, and without addition to his pay.

Proviso.

Publication.

SEC. 2. This act shall be in force after its publication in the Daily State Register and Iowa Evening Statesman, newspapers published at Des Moines.

Approved January 31, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* February 2, 1868, and in the *Iowa Evening Statesman* February 3, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 5.

LEGALIZING THE INDEPENDENT SCHOOL-DISTRICT OF DECORAH.

FEBRUARY 3. AN ACT Legalizing the Organization of the Independent School-District of Decorah.

Preamble.

WHEREAS, In the month of March, A. D. 1862, the legal voters of the town of Decorah, in the county of Winneshiek, and State of Iowa, by virtue of sections 2097 and 2098, of the revised Code of 1860, decided by ballot to form an independent school-district, of the territory included within the corporate limits of said town, and afterward by virtue of section 2099 of said revised Code, the said voters met and elected by ballot, the officers designateds in said section 2099.

Rev. §§ 2097 and 2098.

Rev. § 2099.

WHEREAS, The said town of Decorah, on or about the year A. D. 1857, did organize as a municipal corporation, under the provisions of chapter 42 of the Code of 1851, and by the charter adopted under said organization, the officers consisted of a president, six trustees, secretary and treasurer; and

WHEREAS, On or about the year A. D. 1860, the said corporation was reorganized, in order to conform to the provisions of the act relating to the incorporation of towns and cities, passed March 23, A. D. 1858, and an election was held at the time fixed in said act, at which a mayor was elected, instead of a president, five trustees instead of six, and a recorder instead of a secretary; and

WHEREAS, Doubts have arisen as to the legality of the organization of said independent school-district, in consequence of a supposed illegality in the said reorganization of the said town corporation, which may embarrass the citizens of said independent school-district; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the election held by the legal voters of the town of Decorah, in the county of Winneshiek and State of Iowa, in the month of March, A. D. 1862, to form themselves into an independent school-district, and all the official acts of the officers under said organization, taxes levied, rights acquired, and liabilities assumed by said independent school-district, be and the same are hereby declared legal and valid, to the same extent as if the organization of said independent school-district had been made in strict conformity to the statutes relating thereto; and no informality, irregularity or illegality in the said organization, or in any of the proceedings relating thereto, shall in any manner invalidate the said organization, nor the official acts of officers thereunder.

Election to form independent school district of Decorah, acts of officers, & proceedings of district legalized.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Iowa Homestead, newspapers published at Des Moines, Iowa, without expense to the State.

Publication.

Approved February 3, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* February 5, 1868, and in the *Iowa Homestead* February 12, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 6.

IN RELATION TO CHARLESTON TOWNSHIP, LEE COUNTY.

FEBRUARY 5. AN ACT to Amend Section one of Chapter Thirty-six, of the Acts of the Eleventh General Assembly of the State of Iowa, entitled, An Act to annex the Township of Charleston, in the County of Lee, to the Townships of Jackson, Montrose, Des Moines, and Van Buren, in said county, for Judicial Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section one of chapter thirty-six of the acts of the Eleventh General Assembly, be and the same is hereby amended, by adding, next after the word "judicial," as it occurs in the fifth and eighth lines of said section, the words "and revenue," so that it shall read in all places for "judicial and revenue purposes."

SEC. 2. This act shall take effect and be in force from and after its publication once each in the Daily Gate City and The Constitution, newspapers published in the city of Keokuk, without expense to the State.

Approved February 5, 1868.

I hereby certify that the foregoing act was published in the *Gate City* February 8, 1868, and in the daily *Constitution* February 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 7.

SHIP-CANAL AT THE DES MOINES RAPIDS.

FEBRUARY 5. AN ACT Granting to the United States Government the right of way for a Ship Canal around the Des Moines or Lower Rapids in the Mississippi River, on the Iowa side.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the United States government, now constructing a canal over and around the lower rapids of the Mississippi river, may take and hold, in accordance with the provisions of article three, chapter fifty-five, of the Revision of 1860, so much land with any improvements thereon, as may be necessary for the location, construction, and convenient use

of said canal, and also to take, remove and use, for the construction and repair of said canal, any earth, gravel, stone, timber, or other material, not only from the land taken for the canal itself, but from other adjacent lands if the same shall become necessary, and in the absence of any agreement between the United States government or its authorized agents and the owners of such lands and material, in regard to the compensation therefor, the same shall be ascertained and determined by commissioners to be appointed by the sheriff of Lee county, Iowa, in conformity with the provisions of article three, chapter fifty-five of the Revision aforesaid: *provided*, the land so taken, otherwise than by the consent of the owners, shall not exceed fifteen hundred feet in width.

May remove material from adjacent lands.

Sheriff of Lee county to appoint commissioners to determine compensation.

SEC. 2. When the United States officer having charge of said work, or the contractors under him, shall find it necessary in the construction of said canal to borrow or use material from adjacent lands, and consent cannot be obtained from, or the price thereof agreed upon with, the owners, said commissioners, appointed as aforesaid, shall assess the damages which the owners thereof will sustain, the same to be paid out of any appropriation made by Congress for that purpose, which damages shall be paid under and according to the provisions of article three, chapter fifty-five, of the Revision of 1860, saving to the parties the right of appeal as therein provided, or to the proper court having jurisdiction thereof, notice of which appeal shall be given to the officer having charge of such work, and all the provisions of said article and chapter aforesaid, not inconsistent with the provisions of this act, shall be applicable to the proceedings under and in pursuance of this act.

Commissioners to assess damages.

Right of appeal saved.

SEC. 3. This act, being deemed by the General Assembly of the state of Iowa of immediate importance, shall take effect and be in force from and after its publication in the State Register, a newspaper published at Des Moines, Iowa, and the Daily Gate City, a newspaper published at Keokuk, Iowa.

Approved February 5, 1868.

I hereby certify that the foregoing act was published in the *State Register* February 8, 1868, and in the *Daily Gate City* February 8, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 8.

THE "GRAY UNIFORM" FOR SECOND AND THIRD IOWA INFANTRY.

FEBRUARY 5. AN ACT to Amend Chapter One Hundred and Twenty-Three of the Laws of the Eleventh General Assembly, relating to the "Gray Uniform" (so called) which was furnished by the State to certain Members of the Second and Third Iowa Infantry.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Adjutant-General of this State be directed to procure from the Paymaster-General U. S. A., or from the second auditor of the treasury of the United States, copies of all rolls that can be used as evidence in relation to the claims of said soldiers of the Second and Third Iowa Infantry for the "gray uniform" (so called); and if said rolls, or the remarks thereon, are not satisfactory proof to said Adjutant-General, he may take, or cause to be taken, or direct to be furnished to him, the evidence of officers or soldiers in order to enable him to decide upon the validity of said claim or claims; and if sufficient evidence is taken and furnished to satisfy said Adjutant-General of the validity of said claim or claims, then the said Adjutant-general shall issue his certificate in the same manner as is provided in said chapter to which this is an amendment, and as in cases where full evidence existed on said rolls.

SECT. 2. In case any soldier of either of said regiments shall have been entitled to said certificate, or shall have paid for said clothing, and is now deceased; then said certificate for said amount shall be given to his widow, if any; and, if there is no widow, to said soldier's child or children, and if said soldier died leaving no wife or child, then the said certificate shall be given to the next heir-at-law.

SECT. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, Iowa Homestead, and Iowa Statesman, newspapers published at Des Moines, Iowa.

Approved February 5, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* February 7, 1868, and in the *Iowa Statesman* February 7, 1868, and in the *Iowa Homestead* February 12, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 9.

APPROPRIATION FOR MILEAGE, PAY OF TEMPORARY OFFICERS, AND POSTAGE OF THE GENERAL ASSEMBLY.

AN ACT Making an Appropriation for the Payment of the Mileage of the Members of the Twelfth General Assembly, and the *per diem* of the Temporary Officers and Employees thereof and for Postage. FEBRUARY 5.

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, are hereby appropriated for the purposes hereinafter designated. Appropriation.

SEC. 2. For the payment of the mileage of the members of the Senate, including ex-Governor Gue, and Lieutenant-Governor Scott, the sum of two thousand seven hundred and sixty-nine dollars. Mileage of senators \$2,769.

SEC. 3. For the payment of the mileage of members of the House of Representatives, the sum of five thousand eight hundred and sixty-three dollars and fifty cents. Mileage of representatives \$5,863.50

SEC. 4. The Auditor of State shall issue warrants upon the State Treasurer for the foregoing sums, in favor of the members of the respective Houses, and deliver the same to the State Treasurer. Duty of the Auditor.

SEC. 5. The Treasurer of State, upon receipt of said warrants, shall pay to each member such amount as shall be shown to be his due by the reports of the committees on mileage as adopted by each House respectively; and it is hereby made the duty of the president and secretary of the Senate, and the speaker and clerk of the House, to furnish the Treasurer of State certified copies of said reports so adopted by their respective Houses. Treasurer to pay on report of com. on mileage. Duty of president & secretary Senate and speaker & clerk H. R.

SEC. 6. To George P. Abel, for two days' services as temporary secretary of the Senate, ten dollars. Temporary sec'y \$10.

SEC. 7. To James McConnell, for two days' services as temporary door-keeper of the Senate, eight dollars. Temp. door-keeper \$8

SEC. 8. To James Raney, for two days' services as temporary sergeant-at-arms of the Senate, eight dollars. Temp. ser. at-arms Sen. \$8

SEC. 9. For the payment, in part, of the postage of the Twelfth General Assembly, the sum of ten thousand dollars, to be paid upon Auditor's warrants, issued upon the presentation of certificates of the Secretary of State, showing the amount of postage which shall have been furnished from time to time for the General Assembly. Postage G. A. \$10,000.

- Temporary speaker, §8. SEC. 10. To Samuel McNutt, for two days' services as temporary speaker of the House of Representatives, six dollars.
- Temp. chief clerk §10. SEC. 11. To Charles Aldrich, for two days' services as temporary chief clerk of the House of Representatives, ten dollars.
- Temp. sergt-at-arms §7. SEC. 12. To E. G. White, for two days' services as temporary sergeant-at-arms for the House of Representatives, seven dollars.
- Temp. P. M. H. R. §3 50. SEC. 13. To Dan *Ellison* [Ellyson], for one day's service as temporary postmaster for the House of Representatives, three dollars and fifty cents.
- Temp. messenger H. R. §6. SEC. 14. To Arthur Garrett, for three days' services as temporary messenger of the House of Representatives, six dollars.
- Publication. SEC. 15. This bill, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Statesman, papers published at Des Moines, Iowa.
- Approved February 5, 1868.

I hereby certify that the foregoing act was published in the *Iowa Statesman* February 6, 1868, and in the *Iowa State Register* February 8, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 10.

FOR RELINQUISHING COLOR OF TITLE TO A CERTAIN CHARACTER OF LANDS, AND FOR CORRECTING ERRORS IN TRANSFERS TO THE STATE.

FEBRUARY 5. AN ACT to Authorize the Governor to release Lands which have been certified to the State by Authority of the Secretary of the Interior, under any of the Land-Grants, where Settler's Rights have intervened prior to the Time when the Title vested in the State, and for the purpose of correcting Errors in Transfers to the State.

Governor to release color of title in certain cases. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Governor, when satisfied by the Commissioners of the General Land - Office, that any lands to which the State may have acquired color of title, by their having been certified to the State under any of the several grants, that such color of title is

inferior to the rights of any valid interfering pre-emptor or claimant, is authorized, and is hereby authorized and required to release by deed of relinquishment such color of title to the United States, to the end that the requirements of the Interior Department may be complied with, and such tract or tracts of land may be patented by the general government to the legal claimants.

SEC. 2. *Be it further enacted*, That whenever the Governor is satisfied by proper record evidence that any tract or tracts of lands, which may have been deeded by virtue of any donation or sale to the State, is not the land intended to have been described, and that an error has been committed in making out the transfers, in order that such error may be corrected, he is authorized to quitclaim the same to the proper owner thereof, and receive a deed or deeds for the lands intended to have been deeded to the State originally.

Governor to quitclaim lands erroneously deeded to State.

and to receive deeds for the proper lands.

SEC. 3. *Be it further enacted*, That 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 Iowa Homestead, two papers published at Des Moines, Iowa.

Publication.

Approved February 5, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* February 7, 1868, and in the *Iowa Homestead* February 12, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 11.

LIABILITY OF OFFICERS OF MUNICIPAL CORPORATIONS.

AN ACT to Repeal Section 3276 of the Revision of 1860, in relation to the Liability of Officers of Municipal Corporations.

FEB. 11.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 3276 of the Revision of 1860, be, and the same is hereby repealed, and this act shall be retroactive notwithstanding subdivision one of section twenty-nine of the Revision of 1860, and said subdivision one of said section twenty-nine shall not apply to the liability of officers under the section hereby repealed.

Section 3276, Rev. repealed Act retroactive. Subd. 1, sec. 29, Rev. 1860, not to apply.

Publication. SEC. 2. This act shall take effect from its publication in the Daily State Register and the Iowa Evening Statesman, newspapers published at Des Moines.
Approved February 11, 1868.

I hereby certify that the foregoing act was published in the *Iowa Evening Statesman* February 12, 1868, and in the *Daily State Register* February 14, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 12.

REIMBURSING COUNTIES FOR SWAMP-LAND LOSSES.

FEB. 11. AN ACT to Reimburse certain Counties for the Loss of their several Interests in the Swamp Land Indemnity Warrants issued by the United States to the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa.* That the sum of thirty-three thousand nine hundred and ninety-four dollars and eighty-three cents, or so much thereof as may be necessary, be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, and applied to the reimbursement of the counties of Appanoose, Boone, Bremer, Dallas, Decatur, Des Moines, Harrison, Henry, Jasper, Mahaska, Pottawattamie, Story, and Washington, for the loss of their several interests in the swamp-land indemnity warrants issued by the United States to the State of Iowa, under the provisions of the act of Congress, approved March 2d, 1855; and that such reimbursement shall be effected by placing to the credit of said counties respectively, on the books of the Auditor of State, the several amounts to which said Auditor shall find them entitled, under the provisions of this act, not exceeding in the aggregate the sum hereby appropriated.

Auditor to credit counties with the amounts.

Moneys realized from certain securities to be placed in treasury.

SEC. 2. *Be it further enacted,* That all moneys which shall be realized from the lands, lots, or other securities held by the State on account of the loss or diversion of the United States warrants aforesaid, or from any legal proceedings now or hereafter instituted on account thereof, shall be paid into the State treasury.

SEC. 3. This act, being deemed of immediate Publication. importance, shall be in force from and after its publication in the Iowa State Register and Evening Statesman, papers published at Des Moines, Iowa.

Approved February 11, 1868.

I certify that the foregoing act was published in the *Evening Statesman* February 12, 1868, and in the *Iowa State Register* February 14, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 13.

IN RELATION TO THE CHICAGO, ROCK ISLAND & PACIFIC RAILROAD.

AN ACT Providing for and Requiring the early Construction of the Chicago, Rock Island and Pacific Railroad from Davenport to Council Bluffs, Iowa, upon certain Conditions therein named. FEB. 11.

WHEREAS, The State of Iowa, by an act passed and approved on the 14th day of July, A. D. 1856, granted to the Mississippi and Missouri Railroad Company (a corporation then in existence under the laws of this State), certain lands in said act designated, to aid in building a railroad from Davenport to Council Bluffs; and

WHEREAS, Subsequently, to wit: on the 26th day of May, A. D. 1866, another corporation was formed, called the Chicago, Rock Island and Pacific Railroad Company in Iowa, to purchase (in part) and build a railroad between the same points, and along or near the line of the said Mississippi & Missouri railroad; and

WHEREAS, The said Mississippi & Missouri Railroad Company became insolvent, and the said Chicago, Rock Island & Pacific Railroad Company became the purchaser, at a judicial sale, of all the rights of the said Mississippi & Missouri Railroad Company; and,

WHEREAS, The said Chicago, Rock Island and Pacific Railroad corporation subsequently, to wit: on the 20th day of August, A. D. 1866, consolidated its stock and corporate rights with that of the Chicago and Rock Island Railroad Company, a corporation existing by

virtue of the laws of the State of Illinois, with a stipulation and agreement between the said consolidated companies that the whole line would adopt the corporate name of the Chicago, Rock Island and Pacific Railroad Company; and,

WHEREAS, The said consolidated company has completed the said line of road as far as the city of Des Moines, and desire to complete the same to the Missouri river as rapidly as possible, and for this purpose desire the use of said lands so granted to aid in the completion of the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the consolidation of the Consolidat'n of C. & R. I. & C. R. I. & P. R. R. recognized. Chicago & Rock Island Railroad Company, a corporation created by the laws of the State of Illinois, with the Chicago, Rock Island and Pacific Railroad Company of this State, under the name of the last-named corporation, be and the same is hereby recognized for the purposes named in their articles of consolidation as recorded in this State.

Sec. 2. The said consolidated company is hereby required to construct, complete and operate its railroad from the city of Des Moines to a point at or near Council Bluffs, on the Missouri river, as required by the articles of incorporation of the said Chicago, Rock Island and Pacific Railroad Company, in this State, so as to enable it to connect its line of road with the Union Pacific railroad, at as early a period as practicable, and within two years from the passage of this act, and to apply the lands heretofore granted by the General Assembly to the Mississippi and Missouri Railroad Company to the building and completion of said line of railroad, for which purpose the State of Iowa hereby grants unto the said consolidated railroad company, all right or interest the State may have in said land: *provided*, said railroad company, accepting the provisions of this act, shall at all times be subject to such rules, regulations and rates of tariff for transportation of freight and passengers, as may from time to time be enacted, and provided for by the General Assembly of the State of Iowa, and further subject to the conditions, limitations, restrictions and provisions contained in this act and in the acts of Congress granting the same to the State, and extending the time for the completion of said road: *provided*, said consolidated railroad company shall also apply to such construction, completion and the equipment thereof, all the proceeds of forty-nine thousand shares of said

Road to be completed to Mo. river within 2 yrs.

The land grant.

Proviso in regard to restrictions.

Proviso requiring proceeds of 49,000 shares to be applied to work.

capital stock, issued and sold by said consolidated company, or for it, by or under the direction of its executive committee, or the agents thereof, since the 13th day of September last, or so much thereof as may be necessary for that purpose; and the issuing and sale of said shares of the capital stock of said consolidated company as full-paid shares, and sale of the same for less than the sum of one hundred dollars per share, by its officers, are hereby confirmed and declared valid, and the same are and shall be deemed and taken to be full-paid shares of said consolidated company, issued and sold for the purpose of completing said line of road from Des Moines to Council Bluffs, and not liable to any calls or assessment: *and provided, further,* that the board of directors of said consolidated company shall postpone the annual meeting of the stockholders for the election of directors thereof, until the first Wednesday of June, A. D. 1869; and that said board of directors shall make and file with the Secretary of this State, on or before the first days of July and January until said road is completed, a report in writing verified by the president or engineer, showing the progress of the work, the portions of the road finished, how much under contract, and the amount expended thereon: *and provided, further,* the said consolidated railroad company shall signify their acceptance of the provisions of this act, by filing in the office of the Secretary of State of this State, a written acceptance thereof by the president and secretary of said company, within ninety days from the passage of this act.

Issue of said shares for less than par confirmed.

Proviso for postponement for 1 year of directors.

Board to make semi-annual reports.

Proviso requiring acceptance of this act within 90 days.

SEC. 3. In case said consolidated company shall neglect to comply with any of the requirements of this act, it shall forfeit to this State all its franchises and corporate rights acquired by or under the laws of this State; and all lands in such case which have been granted to aid in the construction of said road, or any part thereof, by this State or the United States, held by said consolidated company, or by any person or persons by, through, or under them, shall be forfeited, and shall revert to this State, any conveyance or incumbrance by said company to the contrary notwithstanding.

Penalty for non-compliance.

Land grant to be perfected, &c.

SEC. 4. Any person who, at the date of the filing in the proper department at Washington of the maps showing the location of the route or line of the Mississippi and Missouri railroad, in compliance with the requirements of section six, chapter one of the acts of

Certain described occupants of land claimed.

the extra session of the Fifth General Assembly, was in the actual occupation, and had made improvements on any of said lands, and has remained in the continuous occupation of the same to the date of the taking effect of this act, and the grantees of any person having such occupancy with improvements when such grantee and his grantor have been in such continuous occupation, shall have the right to purchase one hundred and sixty acres of the land thus occupied and improved upon the terms and conditions hereinafter provided.

[Ex.'56, ch.1]

to have the right to purchase 160 ac. each.

Such occupants to apply within 90 days to court. What must be proved.

Service how made. Applicant must not have purchased certain other lands.

Court to issue certificate; copy to be served on sec. of Co. Applicant in 90 days after certificate to pay Treas. of State \$1.25 per acre. Treas. State to execute receipts, which have dis. of. Appeal to the dist. ct. may be made in 90 days; to be triable by the first method of trying equity causes. Ct. to make order touching title and moneys.

SEC. 5. Any person wishing to avail himself of the preceding section shall, within four months from the taking effect of this act, file his application for such purchase in the county court of the county in which such lands may be situated, with the proofs in writing, showing his right to make such purchase under the provisions of the preceding section, and showing that he has never directly or indirectly received any of the benefits secured to actual settlers, on any lands embraced in said grant, either by this act or by the provisions of sections ten, eleven and twelve, of an act in the preceding section mentioned; a copy of which application and proofs shall be personally served upon the secretary of said company. If such proofs shall establish the right of the applicant to make such purchase, and that he has not, either directly or indirectly, purchased any other lands embraced in said grant under the provisions of this act or of the act above mentioned, the Court shall give him a certificate setting forth such facts, a copy of which shall be personally served upon the secretary of said company. The applicant shall, within ninety days after the execution of such certificate, pay to the Treasurer of State, for the use of said company, one dollar and twenty-five cents per acre for the lands described in the certificate, for which the Treasurer shall execute duplicate receipts, one of which shall be indorsed on said certificate, and the other shall be delivered to the secretary of said company. Either party shall have the right to appeal from the decision of the county court to the district court, in the same manner as appeals are taken from the judgments of justices of the peace, within ninety days after the decision of the county court; and the same shall be tried in the district court as a cause triable by the first method of trying equity causes, the applicant being the plaintiff, and the company the defendant; and the court, in its final decree, shall make such order touching the title and the disposition

of the moneys deposited with the State Treasurer as the law and the facts require. When no appeal is taken in the time above described, the title shall vest in the applicant, and the moneys so paid to the Treasurer of State shall be held by him and paid to said company, when it shall have been vested with a complete title to said lands under this act.

SEC. 6. That nothing contained in this act shall be so construed as to *effect* [affect] any rights heretofore acquired by third parties to any lands claimed under said grant; and the provisions of an act of the General Assembly of Iowa, entitled "An Act of Iowa, to individuals, as part of the Des Moines River grant," approved April 2, 1866, are hereby ratified and confirmed: *Provided*, That said consolidated railroad company shall relinquish to the county of Pottawattamie all right or claim which it now has or may hereafter acquire to any bonds or agreements to take stock or indebtedness heretofore voted by the county of Pottawattamie to or in aid of the construction of the Mississippi and Missouri railroad, so far as said consolidated railroad company is concerned, all acts, votes, decrees or agreements on the part of Pottawattamie county to issue bonds to the Mississippi and Missouri Railroad Company, are hereby declared null and void.

SEC. 7. 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 Iowa Evening Statesman, newspapers published at Des Moines, Iowa.

Approved February 11, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* February 12, 1868, and in the *Daily State Register* February 13, 1868, and that it was republished with some verbal corrections in *The Iowa Evening Statesman* February 26, 1868, and in the *Daily State Register* February 27, 1868.

ED WRIGHT, *Secretary of State.*

When no appeal is taken, title to vest in applicant, and moneys to be paid to co. when it obtains title.

Rights third parties not affected.

Ch. 121, 1866, ratified and confirmed.

Proviso: requiring Co. to relinquish to Pottawattamie co. all claims for bonds or agreements to take stock.

Taking effect.

CHAPTER 14.

COUNTIES DETACHED FROM DAVENPORT ARGUMENT TERM
OF THE SUPREME COURT.

FEB. 12. AN ACT to Amend Section 2642 of Chapter 109, of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section twenty - six hundred and forty - two, of chapter one hundred and nine of the Revision of eighteen hundred and sixty, be and the same is hereby amended by striking out the words Lee, Jefferson, Henry and Des Moines, in the fifth and sixth lines of said section.

SEC. 2. All causes now pending in the Supreme Court at Davenport, from the counties above named, and all causes appealed to said court from said counties, before this act shall take effect, shall be heard at the term at Des Moines, unless the Supreme Court shall otherwise order. But all appeals taken by parties from the courts of said counties, to the Supreme Court of Iowa, after the taking effect of this act, shall go to, and be disposed of, by the Supreme Court at Des Moines.

SEC. 3. This act, being deemed by the General Assembly of the State of Iowa, of immediate importance, shall take effect, and be in force, from and after its publication in the State Register and Iowa Homestead, newspapers published at Des Moines, Iowa.

Approved February 12, 1868.

I hereby certify that the foregoing act was published in the *State Register* February 15, 1868, and in *The Iowa Homestead* February 26, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 15.

SECURING TO CERTAIN RESIDENTS OF HARRISON COUNTY
THEIR HOMES.

FEB. 12. AN ACT to Secure to certain Persons, Residents of Harrison County, their Homes on Lands known as the Excess of the 500,000 - Acre Grant, at the price of One Dollar and Twenty-five Cents per acre.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That certain persons herein

named be permitted, and are hereby entitled, to purchase of this State, at the rate of one dollar and twenty-five cents per acre, such parcels of land as are herein described and set opposite their respective names, to wit: Josiah Crom,—the north-west quarter of section number twenty-nine, township number eighty, north of range number forty-three west; Ezra Vincent,—the north-west quarter of the north-east quarter of section number eighteen, township number seventy-nine, north of range number forty-three west; John Mathews,—the west half of the north-east quarter, and the east half of the north-west quarter, of section number twenty-four and the north-east [quarter] of the north-east quarter of section number thirteen, all in township number seventy-nine, north of range number forty-four west; Matilda P. Ratliffe,—the south-east quarter of the south-west quarter of section number thirteen, township number seventy-nine, north of range number forty-four west: *provided*, that the persons herein named avail themselves of the benefit of this act, within six months from and after its passage.

Certain persons permitted to purchase lands at \$1.25 per acre:

Josiah Crom, nw $\frac{1}{4}$ §29, T. 80

R. 43;

Ezra Vincent, nw $\frac{1}{4}$ ne $\frac{1}{4}$ §18, T. 79, R. 43;

Jno. Mathews w $\frac{1}{2}$ ne $\frac{1}{4}$ and e $\frac{1}{2}$ nw $\frac{1}{4}$ §24, and

ne $\frac{1}{4}$ ne $\frac{1}{4}$ §13, T. 79, R. 44;

Matilda P. Ratliffe, se $\frac{1}{4}$ s w $\frac{1}{4}$ §13, T. 79,

R. 44.

Proviso requiring person to avail themselves of act in 6 mos.

SEC. 2. *And be it further enacted*, That the payment on said lands, when purchased according to the provisions of this act, shall be at the time and in the manner as provided by law for the payments on other school lands in this State.

Paym't to be made same as for other school lands.

SEC. 3. All acts and parts of acts, inconsistent with this act, are hereby repealed.

Repealing clause.

SEC. 4. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa Homestead, papers published at Des Moines, Iowa, without expense to the State.

Taking effect. No expense to State.

Approved February 12, 1868.

I hereby certify that the foregoing act was published in the Iowa State Register February 18, 1868, and in *The Iowa Homestead* February 26, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 16.

LAND-GRANT TO M'GREGOR WESTERN RAILWAY COMPANY
RESUMED.

FEB. 27. AN ACT to Resume all the Lands and Rights conferred upon the McGregor Western Railroad Company, by or under an Act of Congress approved May 12, A. D. 1864.

Preamble,—: WHEREAS, By an act of Congress approved May 12th, A. D. 1864, entitled "An act for a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," certain lands were granted to the State of Iowa for the use and benefit of the McGregor Western Railroad Company, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction, by the most practicable route, on or near the forty-third parallel of north latitude, until it shall intersect the proposed railroad running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State of Iowa, which said grant was made to and accepted by the State of Iowa, upon the conditions, restrictions and qualifications therein named; and

in certain contingency, right of State to resume land-grant;

WHEREAS, Said act of Congress farther provides that in the event of the failure of said McGregor Western Railroad Company to build twenty miles of said road during each and every year from the date of its acceptance of said grant, then the State may resume said grant, and so dispose of the same as to secure the completion of a road on said line; and

failure of McG. W. R. R. Co. to comply with act of Congress;

WHEREAS, Said McGregor Western Railroad Company has wholly failed to build said railroad as therein required, and to perform the conditions of said grant, and has forfeited all right to the benefits of said grant: now, therefore,

All lands granted to McG. W. R. R. Co. absolutely resumed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all lands and all rights to said lands, granted or intended to be granted to the McGregor Western Railroad Company by said act, be and the same are hereby absolutely and entirely resumed by the State of Iowa, and that the same be and are as fully and absolutely vested in said State as if the same had never been granted to said railroad company.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its Taking effect.

publication in the Iowa State Register and Iowa Statesman, newspapers published at Des Moines, Iowa.

Approved February 27, 1868.

I hereby certify that the foregoing act was published in *The Iowa Statesman* February 28, 1868, and in the *Iowa State Register* February 29, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 17.

ADJUTANT - GENERAL'S REPORT.

AN ACT Providing for the Publication of the Adjutant-General's Report, January 1, 1867, to January 14, 1868. FEB. 27.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* The State Printer shall print five thousand copies of said report, which, when bound at a price not to exceed the price this legislature shall pay for binding such documents, shall be delivered to the Secretary of State. 5,000 copies to be printed, and delivered to Secretary of State.

SEC. 2. The Secretary of State shall distribute said report as follows: One hundred copies to the Governor of the State, for exchange with the Governors of other States, and for his own use; ten copies to the Lieutenant-Governor; twenty copies to ex-Governor Stone; five copies to ex-Lieutenant-Governor Gue; one hundred copies to the State library, to be used so far as necessary for exchange with other State libraries, and the balance of said one hundred copies to be kept in the State library; fifty copies to the State Historical Society; five copies to each of the Soldiers' Orphans' Homes; one copy to each county judge, clerk of the district court, recorder, treasurer, sheriff, and superintendent of common schools of each organized county in the State, to be kept for their respective offices and to be delivered over to their successors in office; three copies to each incorporated library association, college and university in this State. Secretary to distribute copies to: Gov., 100; Lt.-Gov., 10; Ex-Governor Stone, 20; Ex-Lt.-Gov. Gue, 5; State library, 100; State Historical Soc., 50; Orph. Homes each 5; County officers, 6; Libraries, colleges and universities, each 1.

SEC. 3. There shall be sent to the county clerk of each county in this State a sufficient number of copies of said report to enable him to furnish one copy to each township clerk in his county, to be kept in the office of said clerk, and by him delivered over to his successor in office. Co. clerks to furnish township clerks 1 copy each.

Adj.-G., 1500 copies for distribution, and exchanges.

Adj.-G., 20; State officers and Judges S. C., each 3.

Members of G. A., each 4. Balance.

Reports to be forwarded at State's exp.

Taking effect.

SEC. 4. The Adjutant-General shall be furnished with fifteen hundred copies, to be distributed among such officers, discharged or otherwise, as may be by him deemed best for public service, and for exchange with Adjutant-Generals and Quartermaster-Generals of other States, and for officers of the United States; twenty copies to the Adjutant-General; three copies each to the Secretary of State, Auditor of State, State Treasurer, Register of State Land-Office, Superintendent of Public Instruction, and Judges of the Supreme Court; four copies to each member of the present General Assembly, and one copy to each sworn officer of the present General Assembly, and the balance to be kept by the Secretary of State, to be distributed as future legislation may direct.

SEC. 5. The Secretary of State is hereby directed to forward said reports, in accordance with the distribution herein designated, at the expense of the State, so soon as said reports are printed and bound.

SEC. 6. 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 Iowa Statesman, newspapers published at Des Moines, Iowa.

Approved February 27, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* February 29, 1868, and in *The Iowa Statesman* February 29, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 18.

LEGALIZING ORGANIZATION OF CITY OF MOUNT PLEASANT.

FEB. 27. AN ACT to Legalize the Organizations and Acts of the City of Mount Pleasant, as a City of the Second Class.

Preamble.

1862, ch. 25. WHEREAS, Mount Pleasant, an incorporated town, did, by an ordinance passed by the common council, February 20th, 1865, and under an election held in pursuance of said ordinance, at the annual election in March following, assume the powers and functions of a city of the second class, without having fully complied with the provisions of chapter twenty-five of the

laws of the extra session of the Ninth General Assembly; and

WHEREAS, The council of said city, as aforesaid, was for a long time presided over, and all its ordinances and other proceedings signed by the mayor of said city, instead of the president *pro tempore*: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the organization of said city as a city of the second class, and all the ordinances and acts of said city, including their book of ordinances published by order of council in 1867, entitled "Revised Ordinances of 1867, of the City of Mount Pleasant, Iowa," from the date of its assumption of the powers and functions aforesaid, be and the same are hereby declared to be legal and valid, to all intents and purposes, as fully and completely as if the provisions of chapter twenty-five of the laws of the extra session of the Ninth General Assembly had been strictly complied with, and the meetings of the council presided over, and the ordinances and other proceedings of said council signed by the president *pro tempore*.

Organizati'n, ordinances, &c. of Mount Pleasant as city of second class legalized.

1863, ch. 25.

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 Mount Pleasant Journal, a newspaper published in Mount Pleasant, and the Weekly State Register, a newspaper published in the city of Des Moines.

Taking effect.

Approved February 27, 1868.

I hereby certify, that the foregoing act was published in the *Weekly Iowa State Register* February 29, 1868, and in the *Mount Pleasant Journal* March 6, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 19.

RELATING TO CHARLESTON TOWNSHIP, LEE COUNTY.

AN ACT to Amend an Act of the Twelfth General Assembly of the State of Iowa, by which Section 1, Chapter 36, of the Acts of the Eleventh General Assembly, was amended.

FEB. 28.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the act approved February 5th, A. D. 1868, amending an act to amend section 1,

Ch. 6, 12th G. chapter 36, of the acts of the Eleventh General Assembly of the State of Iowa, entitled "An act to annex the township of Charleston, in the county of Lee, to the townships of Jackson, Montrose, Des Moines, and Van Buren, in said county, for judicial purposes," be and the same is hereby amended so as not to take effect before the 1st day of November, A. D. 1868.

Repealing clause. SEC. 2. All acts and parts of acts in contravention with the provisions of this act, are hereby repealed.

Taking effect. SEC. 3. This act to be in force from and after publication in the daily Constitution and Daily Register, newspapers published at Keokuk and Des Moines, Iowa, without expense to the State.

No expense to State.

Approved February 28, 1868.

I hereby certify that the foregoing act was published in *The Constitution*, at Keokuk, March 3, 1868, and in the *Daily State Register*, at Des Moines, March 6, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 20.

COURTS IN THIRD JUDICIAL DISTRICT.

FEB. 28. AN ACT Changing the Time of holding Courts in the Third Judicial District.

Ch. 11, 11th Gen. Asser. bly amended. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That an act entitled "An act to define the time of holding courts in the third judicial district," in the State of Iowa, approved February 23, 1866, be so amended as to read as follows: That the district courts within and for the 3d judicial district in the State of Iowa shall be held at the times and places herein designated.

Pottawat'm'e co. Jan. & July At Council Bluffs city, in Pottawattamie county, on the fourth Monday in January and July in each year.

Mills co. Feb. & Aug. At Glenwood, in Mills county, on the third Monday after the fourth Monday in January and July in each year.

Fremont co. At Sidney, in Fremont county, on the fifth Monday after the fourth Monday in January and July in each year.

Page co. Mar. & Sept. At Clarinda, in Page county, on the seventh Monday after the fourth Monday in January and July in each year.

At Bedford, in Taylor county, on the eighth Monday Taylor co. after the fourth Monday in January and July in each Mar. & Sept. year.

At Mt. Ayr, in Ringgold county, on the ninth Mon- Ringgold co. day after the fourth Monday in January and July in each year.

At Leon, in Decatur county, on the tenth Monday Decatur co. after the fourth Monday in January and July in each Apr. & Oct. year.

At Osceola, in Clark[e] county, on the twelfth Mon- Clarke co. day after the fourth Monday in January and July in Apr. & Oct. each year.

At Afton, in Union county, on the fourteenth Mon- Union co. day after the fourth Monday in January and July in each year.

At Quincy, in Adams county, on the fifteenth Mon- Adams co. day after the fourth Monday in January and July in May & Nov. each year.

At Red Oak Junction, in Montgomery county, on Montgomery the sixteenth Monday after the fourth Monday in Janu- co. May & Nov. ary and July in each year.

SEC. 2. All suits, pleadings, processes and proceed- Suits, plead- ings, pending in and of said courts, and returnable at ings, &c., re- the term now fixed by law, shall be deemed pending turnable at and returnable at the term as fixed by this act; and no new term. suit, notice, recognizance, indictment or other proceed- ings, shall be quashed or held to be invalid, by reason of this act, or by reason of the change in the time of holding court hereby made.

SEC. 3. All acts, and parts of acts, inconsistent with Repealing this act, *is* [are] hereby repealed. clause.

SEC. 4. This act, being of immediate importance, shall become a law and be in force from and after its Taking effect. publication in the Iowa State Register, and The Home- stead, papers published at Des Moines, Iowa.

Approved February 28, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 1, 1868, and in *The Iowa Homestead* March 11, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 21.

INDEPENDENT SCHOOL-DISTRICT OF EPWORTH, DUBUQUE COUNTY.

MARCH 6. AN ACT to Legalize the Organization of the Independent School-District of Epworth, County of Dubuque, Iowa.

Preamble.

WHEREAS, On the 9th day of April, 1866, the trustees of the township of Taylor, Dubuque county, Iowa, in accordance with the result of an election held by the electors of sub-district number four, of the district-township of Taylor, did declare the said sub-district to be an independent school-district, having the same boundaries as said sub-district number four; and

WHEREAS, Doubts have arisen as to the legality of the organization of said independent school-district: therefore,

Ind. school-district of Epworth declared legally organized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That said independent school-district of Epworth, county of Dubuque, Iowa, be and the same is hereby declared to be fully and legally organized and incorporated, with the boundaries as established by said trustees of Taylor township, the same as though all the provisions of the statute regulating the organization of independent school-districts had been fully complied with; and the said district is hereby declared to have all the powers, rights and privileges that would have belonged to said district, had the same been legally organized on the 9th day of April, A. D. 1866.

Acts of officers confirmed.

SEC. 2. All the acts of the *de facto* officers of said independent district of Epworth are hereby confirmed, and are declared to have the same force and effect as though said organization had been fully and legally completed on the 9th day of April, 1866.

Taking effect.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after the date of its publication in the *Des Moines Register* and *Dubuque Daily Times*, without expense to the State.

No expense to State.

Approved March 6, 1868.

I hereby certify that the foregoing act was published in the *Des Moines Register* March 7, 1868, and in *The Dubuque Daily Times* March 11, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 22.

DISTRICT COURT OF HARDIN COUNTY.

AN ACT to Amend an Act entitled "An Act fixing the Time of holding Courts in the Eleventh Judicial District," approved March 23, 1866. MARCH 9.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the last paragraph of section one, of chapter 45 of the acts of the Eleventh General Assembly be, and the same is hereby repealed, and the following enacted in lieu thereof; "and in Hardin county on the fourth Monday in March and August."

Ch. 45, 1866, amended. D. C. in Hardin county changed from June & Nov. to March & August.

SEC. 2. Being of immediate importance, this act shall take effect and be in force from and after its publication in the Iowa State Register and Iowa Falls Sentinel. Taking effect.

Approved March 9, 1868.

I hereby certify that the foregoing act was published in the Iowa State Register March 10, 1868, and in the Iowa Falls Sentinel March 18, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 23.

APPROPRIATION FOR STATE UNIVERSITY OF IOWA.

AN ACT to Appropriate Money for the Use of the State University. MARCH 9.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated, out of any money not otherwise appropriated in the treasury, the sum of twenty thousand dollars, for the purpose of making necessary repairs upon the buildings belonging to the State University, and giving such aid to the scientific and such other departments as the trustees may deem proper to establish, and increase their efficiency: *Provided,* That the money herein appropriated shall only be drawn from the State treasury in such sums as may be necessary to meet the actual expenditure from time to time, and upon vouchers on file with the Auditor of State.

\$20,000 appropriated — for repairs on buildings, and aiding departments of university. Money to be drawn as needed, and on vouchers filed with Auditor.

SEC. 2. This act to be in force from and after its

Taking effect. publication in the Iowa State Register and Iowa Evening Statesman, newspapers published at Des Moines, Iowa.

Approved March 9, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 10, 1868, and in the *Iowa Evening Statesman* March 10, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 24.

DISTRICT COURT OF POTTAWATTAMIE COUNTY.

MARCH 10. AN ACT Fixing the Time of holding District Courts in Pottawattamie County, in the Third Judicial District.

Time of holding district court in Pottawattamie Co. changed from July and Jan. to June and Dec.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the district courts within and for the county of Pottawattamie, in the third judicial district of this State, shall hereafter be held at Council Bluffs, in the county of Pottawattamie, on the first Tuesday of June and December of each year.

Writs, processes, &c., returnable at new term.

SEC. 2. All writs, processes, and proceedings pending in said court, and returnable at the terms now fixed by law, shall be deemed pending and returnable at the terms as fixed by this act.

Taking effect. SEC. 3. 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 Council Bluffs Bugle and Council Bluffs Nonpareil, any thing in the laws of this State to the contrary notwithstanding.

Approved March 10, 1868.

I certify that the foregoing act was published in the *Council Bluffs Bugle* March 13, 1868, and in the *Council Bluffs Nonpareil* March 14, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 25.

RELATING TO SCHOOL-DISTRICTS IN DES MOINES COUNTY.

AN ACT for the Annexation of the East Half of Section No. One, and the North-East Quarter of Section No. Twelve, in Township No. Sixty-nine, North of Range No. Three West, in Des Moines county, State of Iowa, to Sub-District No. Three, in Burlington Township, in said County and State. MARCH 10.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the east half of section number one, and the north-east quarter of section number twelve, in township number sixty nine, north of range number three west, located in Des Moines county, State of Iowa, shall be annexed to sub-district number three in Burlington township, Des Moines county, State of Iowa, for all school or school-house purposes. E 1§1ne 1§12 T. 69, R. 3 w. annexed to S. D. 3, Burlington tp., D. M. co., for school purposes.

SEC. 2. This act shall take effect and be in force from and after its publication in the Daily State Register, Des Moines, Iowa, and the Daily Hawk-Eye, Burlington, Iowa. Taking effect.

Approved March 10, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register*, March 11, 1868, and in the *Burlington Daily Hawk-Eye*, March 27, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 26.

DUBUQUE AND SIOUX CITY LAND - GRANT.

AN ACT Resuming certain Rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company, by an Act approved July 14, 1856, and Acts amendatory thereof, and to Repeal certain Laws in relation thereto. MARCH 10.

WHEREAS, By an act of Congress, approved May 15, 1856, there was granted to the State of Iowa, certain land to aid in the construction of certain railroads in said State, upon certain terms, conditions and restrictions under which said lands might be disposed of; and

WHEREAS, The General Assembly of the State of Iowa, by an act approved July 14, 1856, accepted said grant of lands upon the terms, conditions and restrictions contained in said act of Congress, and transferred 1856 ex., ch. 1.

and granted to the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company that portion of said lands granted by said act of Congress, to aid in the construction of a railroad from the city of Dubuque to a point on the Missouri river, at or near Sioux City, with a branch from the mouth of the Tete Des Morts, to the nearest point on said road, in consideration on the part of said company that it would complete and equip within the time therein specified; and

WHEREAS, Said Company having failed to complete and equip said road, as required in said act, obtained by an act of the General Assembly of Iowa, approved 1862, ch. 153. April 7, 1862, an extension of time for the completion of said road in further consideration of the release of certain lands in said last mentioned act described; and

WHEREAS, The said Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company, has failed and refused to execute the said releases; and has failed to complete and equip the number of miles of their said road as by said acts of transfer and extension they were required to have completed and equipped at this time; thereby, at the option of the State, annulling all their right and title to the lands so transferred to said company by said act of July 14, 1856, excepting only one hundred and twenty sections of said land for each twenty miles of said road, now completed and equipped, whereby the State has the right to resume all the right, title and interest in and to the remainder and residue of the land originally granted to said company; and

WHEREAS, The good faith of the State, in carrying into execution the trust conferred upon her by said act of Congress, requires that the remaining land and all title to the same should be resumed, to the end that the road, to aid which the same was granted, may be speedily completed: now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the right, title or interest in and to the land heretofore granted, or intended to be granted, to the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company, by an act approved July 14, 1856, entitled "An act to accept the grant and carry into execution the trust conferred upon the State of Iowa by an act of Congress, entitled 'An act making a grant of land to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State, approved May 15, 1856,'" and acts amendatory and supplementive of the same, be and the same are hereby absolutely and entirely resumed by the State:

Lands granted by ch. 1, 5th G. A. ex., to Dub. & Pac. R. R. Co. resumed.

provided, however, that nothing in this act contained shall be construed to affect or in any manner impair the title of said company to the one hundred and twenty sections of said land for each and every twenty miles of their road which is now completed and equipped.

Proviso.
Title of co. to 120 sections for each 20 miles of road not affected.

SEC. 2. The fifth section of said act, approved July 14, 1856, and all other acts and parts of acts inconsistent with this act, 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 Iowa State Register, published at Des Moines, and The Iowa North - West, published at Fort Dodge, Iowa.

Taking effect.

Approved March 10, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 12, 1868, and in *The Iowa North - West* March 18, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 27.

ADDITIONAL ARGUMENT TERM OF THE SUPREME COURT.

AN ACT to Provide for an Additional Argument Term of the Supreme Court. MARCH 10.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Supreme Court shall hold argument terms at the city of Dubuque twice a year, viz.: on the third Mondays in April and October in each and every year.

Sup. Court to hold two terms a year at Dubuque.

SEC. 2. All the causes on the docket shall be heard each term, unless continued by the parties, or for good cause shown, and such as are thus continued shall go to the succeeding term at the capitol.

All causes on docket to be heard, unless continued to D. M. term.

SEC. 3. From the counties of Dubuque, Clayton, A[ll]amakee, Winneishiek, Hancock, Mitchell, Chickasaw, Floyd, Worth, Cerro Gordo, Tama, Hardin, Bremer, Butler, Black Hawk, Grundy, Buchanan, Delaware, Fayette, Jones, Linn, Benton and Howard, causes must be taken thereto. But with the consent of the appellee, expressed in writing on the notice of appeal, the appellant may take such appeal to the capitol.

Causes from what counties to go to Dubuque.

By consent, appeals to D. M.

SEC. 4. Appeals from the other counties of the

Appeals from other co's. State shall not go to the Dubuque term, unless by consent of parties expressed in the notice of appeal.

Compensat'n of judges. SEC. 5. Each Judge of the Supreme Court shall have mileage for the Dubuque term, going and returning, fifteen cents for each mile, and by the nearest practicable route, to be reckoned from the capitol; and the clerk of said court shall have the same compensation as is now allowed for attendance at the Davenport term.

Of clerk. Repealing clause. SEC. 6. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Taking effect. SEC. 7. This law shall take effect from and after its publication in the Daily Register, Daily Dubuque Times, and Herald.

Approved March 10, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 11, 1868, in *The Dubuque Daily Times* March 14, 1868, and in the *Dubuque Daily Herald* March 14, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 28.

INDEPENDENT SCHOOL-DISTRICTS.

MARCH 11. AN ACT in Relation to Independent School-Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the provisions of section 1862, ch. 172. 84 of chapter 172 of the acts of the Ninth General Assembly, approved April 8, 1862, and of the acts Independent school dists. amendatory thereto, shall apply only to towns or cities containing, with the territory contiguous thereto, to consist not less than three hundred inhabitants: *Provided,* only of towns or cities, &c. that this act shall not *effect* [affect] independent districts already organized.

Certain duties to be performed by bd. directors. SEC. 2. The duties imposed upon the township trustees by the provisions of sections 85, 86, and 88 of said chapter [172], shall hereafter be performed by the board of directors of the district township.

§ 9 & 10, ch. 143, 11 G. A. repealed. SEC. 3. Sections 9 and 10 of chapter 143 of the acts of the Eleventh General Assembly, approved April 3, 1866, are hereby repealed.

SEC. 4. This act, being deemed of immediate importance, shall be in force and full effect from and after its publication in the Daily State Register and Iowa Evening Statesman, newspapers published at Des Moines, Iowa. Taking effect.

Approved March 11, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* March 12, 1868, and in the *Daily State Register* March 13, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 29.

COUNTY TREASURERS AND INDEPENDENT SCHOOL-DISTRICTS.

AN ACT to Amend an Act entitled the General School Act, MARCH 14.
passed April 8, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 58 of the act entitled, 1862, ch. 172. An act to amend and consolidate an act passed by the Board of Education December 24th, 1859, entitled "An act to amend an act to provide for a system of common schools," and the amendments thereto,—be amended by adding the following thereto, to-wit: He shall, in all counties wherein independent school-districts are organized, keep a separate account with said independent school-districts in which the receipts shall be daily entered, which books shall at all times be open to the inspection and examination of the district board of directors, and shall pay over to the said independent school-districts the amount of school-taxes in his possession, on the order of the board, on the first day of each and every month.

Co. treasurers to keep acct. with ind. dis. Books to be open to inspection of directors. Treasurer to make monthly payments to ind. dists.

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 Daily State Register and The Iowa Evening Statesman, newspapers published at Des Moines. Taking effect.

Approved March 14, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* March 16, 1868, and in the *Daily State Register* March 17, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 30.

RELINQUISHING AN ESCHEAT IN SCOTT COUNTY.

MARCH 14. AN ACT to Relinquish to William Geddes, all Title of the State of Iowa, by Escheat, to certain Lands in Scott County, Iowa.

Preamble.

WHEREAS, About the year 1844, one William L. Jones, of England, emigrated to the United States, and settled in the State of Iowa; and

WHEREAS, He afterwards, on the 11th day of October, 1844, purchased of the United States the east half of the south-west quarter of section number one, township seventy-eight, north of range number four, east of the 5th principal meridian, and also on the 28th day of January, 1845, he purchased the east half of the north-west quarter of section twelve, in the same township and range, and that he subsequently became the owner of the east half of the east half of the north-east quarter of said section one in the said township and range; and,

WHEREAS, Being the owner of said lands, the said William L. Jones, in or about the year 1854, died in Scott county, in this State, leaving no wife or child, but a father, then resident in England; and,

WHEREAS, William Geddes, believing the father, John Wm. Jones, to be the sole heir of the said William L. Jones, did in good faith, on the 19th day of May, 1854, purchase the said lands of the said father, and has since that time lived upon and improved the same, and has continuously paid all taxes assessed thereon, and is now old, and would be reduced to poverty by a failure of the title thereto: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all right, title, or claim of the State of Iowa, in and to the following described lands in Scott county, Iowa, to-wit: The east half of the south-west quarter of section number one; the east half of the north-west quarter of section number twelve, and the east half of the east half of the north-east quarter of section number one, all in township number seventy-eight, north of range number four, east of the principal meridian, by reason of any supposed escheat in consequence of the alienage of William Lewis Jones, deceased, or of the person or persons who, but for their alienage, would be entitled to inherit said lands as the heir or heirs of said William L. Jones, deceased, be and the same are hereby relinquished to the said William Geddes of Scott

Title of State
to e $\frac{1}{2}$ sw $\frac{1}{4}$ § 1,
e $\frac{1}{2}$ aw $\frac{1}{4}$ § 12,
and e $\frac{1}{2}$ e $\frac{1}{2}$ ne $\frac{1}{4}$
§ 1, T. 78, R.
4e, by escheat

relinquished
to William
Geddes, of
Scott county.

county, that he may hold the said lands by as perfect a title as he would now hold the same, had the said John William Jones at the time of the death of the said William Lewis Jones, and at the time of his subsequent conveyance to the said William Geddes, been a citizen of the United States, and of the State of Iowa.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, a newspaper published in Des Moines, Iowa, and The Davenport Gazette, a newspaper published in Davenport, Iowa, provided the same be done without expense to the State.

Approved March 14, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 17, 1868, and in *The Davenport Daily Gazette* March 17, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 31.

PUBLICATION OF THE LAWS OF THE TWELFTH GENERAL ASSEMBLY.

AN ACT to Provide for the Publication and Distribution of the Laws of the Twelfth General Assembly of the State of Iowa. MARCH 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Secretary of State and is hereby required to prepare a manuscript copy of all the laws, joint resolutions, and memorials passed at the regular session of the Twelfth General Assembly of the State of Iowa, arranged in chapters, and numbered in the order of their approval, with notes, and a full and complete index, and deliver the same to the State Printer, and superintend the printing and binding of the same.

SEC. 2. It is hereby made the duty of the State Printer to print twenty - three thousand copies of said laws, and have the same completed within thirty days from the time the manuscript is placed in his hands by the Secretary of State.

State binder to complete binding in 30 days. SEC. 3. It shall be the duty of the State Binder to complete the binding of the laws within thirty days from the time that the State Printer completes his part of the work, and deliver the same to the Secretary of State: *Provided*, however, that the State Binder shall complete the binding of one-fourth of said twenty-three thousand copies within twenty days from the time he receives the same from the State Printer.

Proviso requiring $\frac{1}{4}$ in 20 days. SEC. 4. The Secretary of State shall distribute the laws aforesaid as follows: To the Librarian of each State and Territory, two copies; to the Governor of each State and Territory, one copy; to the State Universities, 2 each; Gov's, 1 each; University, Hosp. Soldiers' Orphans' Homes, and State Penitentiary, each one copy; to each State officer, one copy; to the State Asylum, D. & Blind, one copy; to the State Historical Society, D. Inst., Orph. eighty copies; to the State Agricultural Society, two copies; to the State Agricultural College, two copies; to each officer and member of the Twelfth General Assembly, two copies; to each publisher of a newspaper or periodical in this State, one copy; (all the foregoing to be bound in "sheep;") eighteen 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 delivered to the clerk of the board of supervisors, and his receipt taken therefor in duplicate, one of which shall be filed with the Auditor of State.

Sec'y of state to distribute copies to: State & Ter. Libraries, 2 each; Gov's, 1 each; University, Hosp. Insane, Blind Asylum, D. & D. Inst., Orph. Home, Penitentiary; State officers; Library, 50; Hist. Soc., 8; Agr. Soc., 2; Agr. College, 2; Officers and members 12 G. A., 2 each; newspapers, 1 each.

Clerk's rec'pt filed with the Auditor. SEC. 5. The clerk of the board of supervisors shall set apart a sufficient number of said laws to give to each county officer one copy, and one copy to each member of the board of supervisors; one copy to each township trustee; one copy to each township clerk; one copy to each justice of the peace and constable; and one copy to each township assessor; and report to the Auditor of State the number remaining in his hands, together with the number of copies of laws of former sessions.

Clerk bd. sup. to give 1 copy each to county officers; supervisors; trustees; tp. clerk; justices; constables. SEC. 6. The Secretary of State and the clerk of the board of supervisors of the several counties are hereby authorized to sell the copies of said laws so remaining in their hands at fifty cents per copy, and pay over the proceeds in the same manner as the proceeds of the sale of the Revision of 1860 are accounted for and paid over.

Sec. of State and clerk bd. copies to sell at 50c.

How accounted for

SEC. 7. The Secretary of State shall be paid, for Compensat'n preparing the manuscript, making the marginal notes of Secretary and index, superintending the printing and binding, of State, and for the distribution of the laws to the several counties under the provisions of this act, the sum of fifteen hundred dollars, to be audited, and warrants drawn on the Treasurer, as follows: five hundred dollars when the laws are bound ready for distribution, five hundred dollars when the laws are distributed to at least fifty counties, and the remaining five hundred dollars when the distribution of said laws is complete. \$1500.
How drawn.

SEC. 8. 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 Iowa Homestead, newspapers published at Des Moines. Taking effect.
Approved March 14, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 17, 1868, and in *The Iowa Homestead* March 25, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 32.

BELIEF OF JOSEPH D. HOAG.

AN ACT relative to the Claim of Joseph D. Hoag, as Commissioner to Locate a Permanent Seat of Government. MARCH 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Joseph D. Hoag be allowed the sum of four hundred and twenty-three $\frac{5}{8}$ dollars, as a balance on per diem, as commissioner appointed to locate a permanent seat of government of the State of Iowa, under an act approved February 22d, 1847, and for moneys by him paid on lots purchased at the sale of lots in said seat of government, and that the said sum of four hundred and twenty-three $\frac{5}{8}$ dollars be and the same is hereby appropriated out of any money not otherwise appropriated, in the hands of the Treasurer of State, to pay the same: *Provided,* Before he shall be paid anything under this act he shall relinquish to the State all claim which he has to lots in Monroe City, and restore the State, as fully as when he purchased said lots, to her title in the same. Joseph D. Hoag allow'd \$423.56.
1847, ch. 71.
Provide: Hoag to relinquish lots in Monroe City.

Approved March 14, 1868.

CHAPTER 33.

IN RELATION TO THE GRAVES OF DECEASED SOLDIERS.

MARCH 14. AN ACT Making it the Duty of the Clerk of the Board of Supervisors to make Return to the Governor of the Location of the Graves of Deceased Iowa Soldiers in their respective Counties, and for other Purposes.

Preamble.

WHEREAS, The United States Government has through the quartermaster's department signified its intention to provide head - blocks for the graves of all deceased Union soldiers, whether buried in national or other cemeteries, upon information of the locality of the graves being communicated to that department: therefore, in order that accurate information may be furnished of the locality of such graves within the State of Iowa,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be the duty of the clerk of the board of supervisors of the various counties of the State (where the same has not already been done) to report to the Governor of the State a list of the names, rank, company; regiment, time and place of death, and place of burial, of all deceased soldiers who were in the military service of the United States Government, as the same may have been returned by the various township assessors, under section 13, chapter 92, of the laws of the Eleventh General Assembly; and in cases where the necessary returns to make such lists have not been made, it shall be the duty of the board of supervisors to cause the same to be made as speedily as can be done, except in such counties where the county judges have already furnished such lists in response to a request heretofore made by the Governor. The board of supervisors may make such compensation for the services herein required as to them may seem just and equitable to be paid by the county.

SEC. 2. When such lists shall be returned to the Governor, it shall be his duty to communicate the information therein contained to any duly authorized agent of the quartermaster's department, to whom may be assigned the duty of erecting head - blocks and otherwise protecting the graves of deceased Iowa soldiers.

SEC. 3. This act, being deemed of immediate importance by the General Assembly, shall take effect from and after its publication in The Iowa Homestead

Duty of clerk of board supervisors.

List of names &c. and burial places of soldiers.

1866, ch. 92.

Duty of board of supervisors in certain cases.

Compensation of clerk.

Duty of the Governor.

Taking effect.

and State Register, newspapers published in Polk county, Iowa.

Approved March 14, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 17, 1868, and in *The Iowa Homestead* March 25, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 34.

IN RELATION TO THE TREASURY VAULT.

AN ACT to Authorize the State Treasurer to provide Iron Shelving MARCH 17.
and other Repairs upon the Vault in his Office.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the State Treasurer be and is hereby authorized to provide the necessary and proper iron shelving and receptacles for papers and documents in the vault in said State Treasurer's office, and for the necessary repairs for the safe-keeping and preservation of the records, papers, and other property in said office. Treas. of State may provide iron shelving for vault, and make repairs.

SEC. 2. There is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of three thousand dollars, to pay for such iron shelving and repairs in said vault; and the Auditor is hereby authorized to draw his warrant upon the treasury in favor of the Treasurer, for the amount of the cost of said shelving and repairs, and the necessary expenses actually incurred in carrying out the provisions of this act, not exceeding the said sum of three thousand dollars. Appropriation, \$3,000. Auditor to draw warrant.

Approved March 17, 1868.

CHAPTER 35.

IN RELATION TO COUNTY ROADS.

AN ACT to Legalize the Establishment of County Roads. MARCH 17.

WHEREAS, In many counties in this State, the Boards Preamble.

of Supervisors thereof have delegated to their respective clerks authority to receive notices and petitions for the establishment of roads, to appoint commissioners to view the same, to receive the reports of such commissioners, and to set the days of final hearing thereon; and

WHEREAS, Such clerks have exercised said powers, and a great many county roads have been established in pursuance of such acts by said clerks; and

WHEREAS, The Supreme Court has decided that said Board[s] of Supervisors have not the power under the law to delegate such authority to their clerks: therefore, to the end that trouble and litigation may be prevented,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all county roads heretofore established in the manner aforesaid, by delegating all or any of the powers aforesaid to said clerks, or by said clerks exercising all or any of said powers, be and the same are hereby legalized, and declared to be of the same validity as if all the powers aforesaid delegated to said clerks and exercised by them, had been exercised by the said Board[s] of Supervisors according to law:

Co. roads established, by county clerks acting for the board of supervisors, legalized.
Not to apply to cases in district court to the injury of parties.

Provided, This act shall not apply to cases now in the district court, to the injury of the litigants.

Taking effect.

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 Evening Statesman, newspapers published in Des Moines, Iowa.

Approved March 17, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 19, 1868, and in *The Iowa Evening Statesman* March 23, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 36.

FOR SETTLEMENT OF CLAIMS CONNECTED WITH CROTON AND PLYMOUTH DAMS, DES MOINES RIVER.

MARCH 18. AN ACT supplemental to Chapter 23 of the Laws of the Eleventh General Assembly, providing for the Settlement of Contracts and Claims growing out of the Des Moines River Improvement.

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

of the State of Iowa, That there is hereby appropriated out of any moneys in the hands of the Treasurer of State arising from the sales of the lands mentioned in section four, chapter 108 of the laws of the Tenth General Assembly, the sum of twenty-six thousand three hundred and nineteen dollars and thirty cents, for the payment of the following claims, to wit: Wells & Co., for repairs on the Croton dam, in the fall of 1861, the sum of fifteen hundred dollars; Gray & Co., for repairs upon said dam, in the years 1862 and 1863, the sum of two thousand dollars; Wells & Co., for repairs upon said dam, in the year 1866, the sum of twenty-eight hundred and sixteen dollars; Hogsett & Chidister, for repairs on said dam in the year 1866, one hundred and seventy-four $\frac{2}{100}$ dollars; and to Wells & Co., the further sum of eight thousand five hundred and nine dollars and seventy-five cents, in consideration and for the purpose of rebuilding said dam at Croton, and for the releases as hereinafter stipulated; and to O. H. P. Scott for the cancellation and surrender of the original contract, of the State of Iowa, made through H. W. Sample, as President of the Board of Public Works, with John McCune and Charles F. McCune, dated 5th of March, 1849, for the construction of a lock and dam at Plymouth, together with all the supplemental contracts respecting said lock and dam, (which original and supplemental contracts are now held by said Scott as assignee,) and also for the surrender of all rights to him (Scott) accruing as assignee of the contract of the State of Iowa, made to Jonas Houghton for the lease of water-power for twelve run of stone at Plymouth, and for the releases hereinafter provided, and for the building of the dam at Plymouth, as hereinafter stipulated, the sum of eleven thousand dollars; and to the estate of E. Mayne the sum of one hundred and sixteen and $\frac{8}{100}$ dollars; to Ed. Johns[t]on the sum of ninety-one and $\frac{5}{100}$ dollars; to J. E. Jewett, ninety dollars; and to Sample and Kenley twenty dollars; with interest from March 28th, 1864, on each of the four last mentioned sums, the same having been allowed to said parties respectively by section 9, chapter 108, acts of the Tenth General Assembly, and the Auditor of State is hereby required to draw warrants therefor, upon the written application of the said parties or their assignees, which warrants shall be payable out of the moneys mentioned in section one, chapter 22 of the laws of the Eleventh

Appropriat'n for certain claims.
 1864, ch. 108. \$26,319.30
 appropriat'd.
 Croton dam, Wells & Co., \$1,500.
 Gray & Co., \$2,000.
 Wells & Co., \$2,816.
 Hogsett & Chidister, \$174.25.
 Wells & Co., \$8,509.75,
 Rebuilding dam.
 Plymouth dam.
 O. H. P. Scott for surrender of contracts of State with J. & C. F. McCune for lock and dam,
 and with J. Houghton for lease of water power, and for releases, and building dam, \$11,000.
 Estate of E. Mayne, \$116.80;
 Ed Johnson, \$91.50;
 J. E. Jewett, \$90.
 Sample & Kenley, \$20.
 Interest.
 1864, ch. 108. Aud. to draw warrants.

1866, ch. 22. General Assembly, and shall draw interest at the rate of seven per cent. per annum.

SEC. 2. The warrants issued under the provisions of this act shall be receivable in payment for lands sold under the provisions of the various acts relating to the sale of lands mentioned in section one of this act.

SEC. 3. Before the said parties mentioned in section one of this act shall be entitled to receive any of the

Parties to surrender leases, and release State and D. M. V. R.R. Co. from liabilities for Croton dam. warrants hereinbefore provided for, they shall surrender to the State of Iowa, all leases held by them, of every kind and description, and shall release the State of Iowa and the Des Moines Valley Railroad Company from all present and future liabilities growing out of or incident to any of the matters, by lease or otherwise, pertaining to the Croton dam. And before said O. H. P. Scott shall be entitled to receive the warrants coming to him as hereinbefore provided, he shall surrender to the State of Iowa, and release the State of Iowa and the Des Moines Valley Railroad Company from all liability upon, the original contract of the State of Iowa, and all supplemental contracts for the building a lock and dam at Plymouth, and shall also surrender to the State of Iowa all rights arising thereunder, and release the State and the Des Moines Valley Railroad Company from all past, present and future liability upon or on account of the contract or lease of water-power originally made by the State to Jonas Houghton for twelve run of stone at Plymouth, and from all liability present and future growing out of or connected with said dam and water-power at Plymouth, and shall also file in the Register's office satisfactory evidence of the assignments of the same to him, and shall complete the dam at Plymouth at his own cost and expense, within five years from the passage of this act.

O. H. P. Scott to surrender contract, and release State and D. M. V. R.R. from liability for contracts for Plymouth lock and dam; release same for liability for lease of water power at Plymouth, and from liability for Plymouth dam & water power; file evidence of assignm'ts with Register State L. O.; and complete dam in 5 yrs.

SEC. 4. Upon the execution of the releases provided for in section three of this act to the State of Iowa, and the Des Moines Valley Railroad Company, and upon filing satisfactory evidence of such releases in the Register's office of the State of Iowa, the Governor shall upon the written request of the said railroad company execute a conveyance, in the name of the State of Iowa, to said Wells and Company, without warranty, of the lock and dam at Croton, and of the lands appurtenant on either side of the river, and the water-power thereto belonging. And when said O. H. P. Scott shall surrender to the State of Iowa the original and supplemental contracts aforesaid for the construction of a lock and dam at Plymouth, and shall discharge the State

Governor to execute conveyance to Wells & Co, of Croton lock & dam, &c.

and the Des Moines Valley Railroad Company from all liability arising thereunder, and when he shall discharge the State and said railroad company from all past and future liability upon the lease of water-power at Plymouth aforesaid, and from all past and future liability growing out of or connected with said lock, dam, water-power or leases, and shall file satisfactory evidence of such releases and discharge and surrender in the Register's office of said State, the Governor shall upon the certificate of the Register of the State Land-Office of the completion of said dam execute a conveyance, without warranty, in the name of the State of Iowa, to said O. H. P. Scott, of the lock and dam at Plymouth, and of the lands appurtenant on either side of the river, bought by the State of Iowa, for the use of mill-yards, being about eight acres in all, with the exclusive right to the said Scott, to use the water-power created by the construction of such dam, and any other privileges connected therewith; and the State of Iowa is hereby released from all liability to keep said dam in repair.

SEC. 5. Whereas all liabilities past, present and future, of every kind and description growing out of or connected with the water-leases or water-power and with building of the locks and dams at Keosauqua, Bentonsport and Bonaparte, have heretofore been adjusted and settled, and the State of Iowa and the said railroad company have been released therefrom; now, therefore, this act is intended to be, and is a full complete and final settlement of all claims and liabilities, present and future, against the State of Iowa and said railroad company, growing out of or connected with the water-leases and the building the locks and dams at Plymouth and Croton.

SEC. 6. 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 Iowa Statesman, newspapers published at Des Moines, Iowa.

Approved March 18, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 21, 1868, and in *The Iowa Evening Statesman* March 23, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 37.

SWAMP - LANDS OF HOWARD COUNTY.

MARCH 23. AN ACT to Legalize certain Acts of the Board of Supervisors of Howard County, Iowa.

Preamble.

WHEREAS, At a special election held in the county of Howard, Iowa, for that purpose, on the 20th day of November, 1865, in pursuance of an order of the board of supervisors of said county, and of published proclamation, it was determined, by a large majority of the votes cast, that the swamp and overflowed lands and the proceeds thereof of said county should be donated upon certain conditions to the McGregor Western Railway Company, to aid in the construction of said railway; and

WHEREAS, The said board of supervisors on the 12th day of January, 1867, after hearing proof, holding that the conditions aforesaid had been fully complied with, ordered the chairman and clerk of said board to execute and deliver to said company a conveyance of said lands, and the proceeds, which being accordingly done, and being afterwards read and submitted to said board, was ratified and confirmed by resolution of record; and

WHEREAS, Doubts exist as to the validity of such conveyance, and the technical regularity of the proceedings: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the said conveyance or deed so executed as aforesaid be and is hereby declared valid, legal and effectual, and that said conveyance be held to invest the said McGregor Western Railway Company with a good and indefeasible title to the lands, rights and interests therein intended to be conveyed, and to convey to said company the property, rights and interests, which the same purports to convey as fully to all intents and purposes, as if all the proceedings in the premises had been regular and lawful: *Provided,* That this conveyance shall not interfere with the rights of private individuals, who may have settled on and improved any of said lands prior to said conveyance.

Deed by Howard co. of swamp-lands to McG. W. R. R. Co. legalized.

Proviso saving private rights.

Settlers may purchase at \$1.25.

Taking effect.

SEC. 2. Any individual who may have settled on and constituted a home on any of said lands, shall have the right to purchase of said railway company, to the amount of one hundred and sixty acres, at the sum of one dollar and twenty-five cents per acre.

SEC. 3. This act, being of immediate importance,

shall take effect from and after its publication in The Iowa Homestead and Iowa State Register, newspapers published in Des Moines, Iowa.

Approved March 23, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 26, 1868, and in *The Iowa Homestead* April 1, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 38.

RELINQUISHING AN ESCHEAT IN WASHINGTON COUNTY.

AN ACT to Amend an Act for the Relief of the Widow and Indigent Children of Joseph Ketterer. MARCH 23.

WHEREAS, By the act entitled An Act for the relief Preamble. of the widow and indigent children of Joseph Ketterer, passed at the Ninth General Assembly, the 1862, ch. 149. State of Iowa has relinquished to Crescent Ketter[er], wife, and to Joseph and Ferdinand Ketterer, children, of said Joseph Ketterer, deceased, the escheat in and to the s. e. $\frac{1}{4}$ of n. e. $\frac{1}{4}$ of section number 5, and the s. w. $\frac{1}{4}$ of n. e. $\frac{1}{4}$ of section number 8, all in township 74, n. of range number 9 west; and,

WHEREAS, It appears that the land was, in the petition directed to said General Assembly, erroneously described, and was not the land of which the said Joseph Ketterer died seized; and,

WHEREAS, It appears that said Joseph Ketterer died seized of the following described tracts of land, to-wit: the n. w. $\frac{1}{4}$ of n. e. $\frac{1}{4}$ of section number 8, township 74 n. of range number 8 west; and of a piece described as follows: beginning at the s. e. corner of the n. e. $\frac{1}{4}$ of section number 5, township 74 n. of range number 9 west, running thence north 6 chains, thence n. 68° w. 20 chains and 33 links, thence n. $70\frac{1}{2}^{\circ}$ w. 14 chains, thence s. 10° w. 17 chains and 21 links, to a point 3 chains and 25 links east of the center of said section, thence east to the place of beginning, containing $39\frac{3}{10}$ acres: therefore,

SECTION 1. *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 Title to nw $\frac{1}{4}$ ne $\frac{1}{4}$ § 8, T.

74, R. 8 W. to the two last described tracts of land situated in Washington county, Iowa, or any title she may have in § 5, T. 74, R. 9, relin'sh'd and relinquishes her right therein to the said Crescent Ketterer.

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. All acts and parts of acts inconsistent with the present act are hereby repealed.

Taking effect. 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 Washington County Press, a newspaper published in Washington, Washington county, Iowa.

Approved March 23, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 27, 1868, and *The Washington County Press* April 1, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 39.

PAYMENT OF AGENTS FOR ARREST OF FUGITIVES.

MARCH 23. AN ACT in Relation to the Payment of the Expenses of Agents appointed to demand Fugitives from Justice.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That upon the appointment of any agent for the arrest of a fugitive from justice, under the provisions of chapter 191, of the Revision of 1860, the Governor be, and he is hereby authorized to make it a condition upon such appointment, and the issue of the writ, that the same shall be executed without expense to the State, if in his opinion justice and equity so require.

SECTION 2. When, in the opinion of the Governor, expenses incurred in the arrest of fugitives from justice should be paid by the State, such expenses shall be made out by items in detail, and sworn to, and approved by him, and at least two other members of the Census Board, and when so approved, shall be audited and

Gov'nor may provide arrest of fugitives shall not beat State's expense.

Expenses to be paid by State how approved; to come out of gen'l rev'nue.

paid out of the general revenue of the State, and this act shall be sufficient authority for the payment of the same.

SEC. 3. This act, being deemed of immediate importance, shall be in force from and after its publication ^{Taking effect.} in the Iowa State Register and The Iowa Evening Statesman, newspapers published at Des Moines, Iowa. Approved March 23, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* March 24, 1868, and in the *Daily State Register* March 26, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 40.

LEGALIZING THE INCORPORATION OF A RELIGIOUS SOCIETY IN CERRO GORDO COUNTY.

AN ACT Legalizing the Incorporation of "First Congregational Society of Mason City," Cerro Gordo County, Iowa. MARCH 24.

WHEREAS, On the 29th day of March, A. D. 1866, ^{Preamble.} John V. Mumford, Henry Martin, A. Garner, L. Hill, Henry Senoir, James D. Mason, Jarvis S. Church, Wellington Benton, A. B. Tuttle, S. G. Parker and John Decter, did form themselves into a body corporate, under the name of "First Congregational Society of Mason City," and filed a certificate of such organization in the office of the recorder of Cerro Gordo county, Iowa, on the 25th day of April, A. D. 1866, but failed to file the same in the office of the Secretary of State until the 27th day of February, 1868; and

WHEREAS, Said certificate fails to set forth the facts that said persons were of full age, and citizens of the United States and of the State of Iowa; and

WHEREAS, The said persons and their associates have continued to act from said 25th day of April, A. D. 1866, as such body corporate, and as such have acquired property and made contracts; and

WHEREAS, The articles of incorporation of said society have been lost, and the acting members of said society did, on the 7th day of February, 1868, supply and substitute articles of incorporation, declaring such substituted articles in force and effect from said 25th day of April, 1866: now, therefore,

Articles of incorporation made valid. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the aforesaid substituted articles of incorporation, adopted February 7th, 1868, be and the same are hereby declared legal and valid to the same extent as if adopted on the said 25th day of April, A. D. 1866; and no informality, irregularity, or illegality in the formation of said corporate body, or in the proceedings touching the said articles of incorporation, shall in any manner invalidate any rights acquired, acts performed, or obligations assumed by the said corporation.

First Congr. Soc. Mason City declared body corporate from Apr. 25, 1866. SEC. 2. That said "First Congregational Society of Mason City" be and the same is hereby declared a body corporate organized and created on said 25th day of April, A. D. 1866, and all conveyances to said society and its officers for its benefit, and all contracts made with and by the said society are hereby declared legal and binding to the same extent as if said society had been fully and legally incorporated on said 25th day of April, A. D. 1866.

Taking effect. Acts leg'liz'd. No expense to State. SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Cerro Gordo Republican, free of expense to the State.

Approved March 24, 1868.

I hereby certify that the foregoing act was published in the *State Register* March 28, 1868, and in the *Cerro Gordo Republican* 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 41.

RELIEF OF HARDIN COUNTY.

AN ACT for the Relief of Hardin County, Iowa, for Money stolen from the County Safe, September 14, 1865.

MARCH 24.

WHEREAS, On the night of the 14th of September, A. D. 1865, the safe of the county treasurer of Hardin county, Iowa, was burglariously broken open and robbed of valuable papers and a large sum of money, a part of which belonged to the State, as follows: State fund, one thousand nine hundred and fifty-one dollars

* See addenda.

and thirty cents; Federal fund of 1861, two hundred and fifty-five dollars and twenty-three cents; permanent school fund, one thousand four hundred and sixty dollars and seventeen cents; making an aggregate of three thousand six hundred and sixty-six dollars and seventy cents: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Auditor of State be and he is hereby authorized and directed to place to the credit of the said Hardin county, in its accounts of the several funds hereinafter mentioned, as follows: of State fund, the sum of one thousand nine hundred and fifty-one dollars and thirty cents; of Federal fund of 1861, the sum of two hundred and fifty-five dollars and twenty-three cents; of permanent school fund, the sum of one thousand four hundred and sixty dollars and seventeen cents: *provided,* that the Auditor of State is fully satisfied of the truth of the averments recited in the preamble to this act.

Auditor to credit Hardin county with, \$1,951.30 State fund, \$255.23 Federal fund, \$1,460.17 permanent sch. fund.

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published in Des Moines, Iowa, and in the Iowa Falls Sentinel, published in Iowa Falls, Iowa.

Taking effect.

Approved March 24, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 24, 1868, and in the *Iowa Falls Sentinel* April 1, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 42.

CORRECTING AN ERROR IN A FORMER LAW.

AN ACT to Amend an Act approved April 20, 1866, entitled "An Act to accept the Grant of Land to the State of Iowa, made by Act of Congress of May 12, 1864, and to carry out the Provisions of said Act, entitled an Act for a Grant of Land to the State of Iowa, in Alternate Sections, to aid in the Construction of a Railroad in said State," and to Make Effectual the Acceptance by the State of Iowa to said Grant of Land. MARCH 24.

WHEREAS, In said Act of the General Assembly of the State of Iowa, approved April 20, 1866, the word "July" occurs in the first section thereof by mistake, instead of the word "May": therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That said act, approved April 20, 1866, is hereby amended by striking out of the first section thereof the word "July," and by substituting instead thereof the word "May," so that the date of approval of the act of Congress therein referred to, will be correctly stated as having been May 12, 1864, and which was intended to have been therein stated; and the acceptance of said grant of land, intended to be made by said act approved April 20, 1866, is hereby ratified and confirmed.

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 Iowa State Register and Iowa Homestead, newspapers published at Des Moines, Iowa.

Approved March 24, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 27, 1868, and in *The Iowa Homestead* April 1, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 43.

LEGALIZING ORGANIZATION OF MONTANA.

MARCH 24. AN ACT to Legalize the Action of the Officers of the corporate Town of Montana, in Boone County, in organizing a City of the Second Class.

Preamble. WHEREAS, The town of Montana, in Boone county, Iowa, by a recent census taken for that purpose, has been found to contain within its corporate limits over two thousand inhabitants, and did on the tenth day of February, A. D. 1868, hold an election, at which election a majority of the voters of said town voted in favor of an abandonment of their town organization for the purpose of being organized as a city of the second class: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That said election held in said town, and the action of the officers of said corporate town in relation thereto, be and the same are hereby

Vote for city organization, based on spe-

legalized and made binding as though the proceedings had been taken under a regular census of the State. cial census, legalized.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, published at Des Moines, and in The Montana Standard, published in Montana, Iowa. Taking effect.

Approved March 24, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 26, 1868, and in *The Montana Standard* March 28, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 44.

AN ACT Fixing the Time of holding Courts in the Second Judicial District. MARCH 24.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the district courts within and for the counties composing the second judicial district of this State shall be held at the times and places following: Dist ct. in 2d J. D., when held.

At Keosauqua, in Van Buren county, on the second Monday of January and third Monday of August, in each year. Van Buren co. Jan. and Aug.

At Ottumwa, in Wapello county, on the second Monday after the second Monday of January, and on the second Monday after the third Monday of August, in each year. Wapello co. Jan. & August or Sept.

At Centerville, in Appanoose county, on the first Monday of March and October, in each year. Appanoose co., March and October.

At Corydon, in Wayne county, on the third Monday of March and October, in each year. Wayne co., Mar. & Oct.

At Chariton, in Lucas county, on the second Monday after the third Monday of March and October, in each year. Lucas co.

At Albia, in Monroe county, on the fourth Monday after the third Monday of March and October, in each year. Monroe co., April & Nov.

At Bloomfield, in Davis county, on the fourth Monday of May, and on the sixth Monday after the third Monday of October, in each year. Davis co. May & Nov. or Dec.

Proviso.

Sec. 2. *Provided*, that the first term of said courts held in the year 1868 shall be held at the times now now provided by law therefor.

Approved March 24, 1868.

CHAPTER 45.

ACCIDENTS BY THRESHING MACHINES.

MARCH 24. AN ACT to Amend Chapter 135 of the Acts of the Eleventh General Assembly, entitled "An Act to require Owners of Threshing Machines to guard against Accidents."
1866, ch. 135.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any person running a threshing machine in this State, and not complying with the requirements of section one, of chapter 135, of the acts of the Eleventh General Assembly, shall be deemed guilty of a misdemeanor, and is liable to be punished by a fine of not less than ten nor more than fifty dollars, for every day, or part of a day, he shall so violate the provisions of said act—said penalty to be enforced as provided by law for other misdemeanors.

Approved March 24, 1868.

CHAPTER 46.

PERFECTING A TITLE IN WINNESHIEK COUNTY.

MARCH 26. AN ACT to Perfect the Title of Peter Olesen and Magnus Rangoin in and to certain Lands.

Preamble.

WHEREAS, One Steiner Larson, late a resident of Winneshiek county, Iowa, died on or about the 15th day of August, A. D. 1866, seized as was supposed of the following real estate, situate in said county, viz.: the ne. $\frac{1}{4}$ of the se. $\frac{1}{4}$ of section 16, in township 97, north of range 9 west of the 5th p. m., which *were* [was] afterwards sold, under an order of the county court of said county, to Peter Olesen and Magnus Rangoin, by the administrator of the estate of said deceased, his

widow joining in the conveyance; and subsequent developments have shown that the said real estate was purchased for a valuable consideration by said deceased in his lifetime from the non-resident alien heirs of one Andres Larson, who died seized of the same, leaving no heirs other than the said aliens; and,

WHEREAS, The widow and children of said deceased Steiner Larson are in straightened circumstances, and the enforcement of any claims the State may have to the said real estate will be the means of distressing them: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the title of the said Peter Olesen and Magnus Rangoin in and to the said real estate be and the same is hereby confirmed, and any interest the State of Iowa may have in and to said lands is hereby released to them.

Title of P. Olesen and M. Rangoin to ne $\frac{1}{2}$ ss $\frac{1}{2}$ § 16, T. 97, R. 9 w, confir'd.

Approved March 26, 1868.

CHAPTER 47.

IN RELATION TO LAYING OUT STATE AND COUNTY ROADS.

AN ACT to Amend Chapter 46 of the Revision of 1860, in Relation to State and County Roads.

MARCH 26.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 830 of chapter 46, of the Revision of 1860, be and the same is hereby amended by adding thereto, after the word "execution," nor through any garden, orchard or ornamental ground contiguous to any dwelling-house, so as to cause the removal of any dwelling-house, or other building, without the consent of the owner; *provided*, that such garden, orchard or grounds are of more than two years' establishment or growth.

Rev. § 830.

Co. roads not to be run through gardens, &c., without consent of owner.

SEC. 2. That section 867 of chapter 46 is hereby amended by striking out all of said section after the word "provided," and inserting the following, to wit: That no road hereafter located shall pass through any burying-ground, nor through any garden, orchard, or ornamental grounds, contiguous to any dwelling-house, so as to cause the removal of any dwelling-house or

Rev. § 867.

State road, same.

other building, without the consent of the owner; *provided*, that such gardens, orchard, or grounds, are of more than two years' establishment or growth.

Approved March 26, 1868.

CHAPTER 48.

LOCAL TAX TO AID RAILROADS.

MARCH 27. AN ACT to Enable Townships and Incorporated Towns and Cities to aid in the Construction of Railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be lawful for any township, incorporated city or town in this State, through which any railway has been or hereafter may be located, or to which it may be contiguous, to aid in the construction thereof, as hereinafter provided.

Townships, towns, &c., may aid railroads.

Petition.

SEC. 2. Whenever a petition shall be presented to the council or trustees of any incorporated city or town, or any township, signed by one-third of the resident tax-payers of such township, city or town, asking the question of aiding in the construction of any railway to be submitted to the voters thereof, it

Duty of trustees, &c.; special election.

Questions submitted.

Trustees or councils to fix rate of tax.

Maximum.

How collected.

shall be the duty of the trustees or council, or boards of trustees, to immediately give notice of a special election, such notice to be given in the manner of notices of general elections, which notices shall specify the rate of tax to be raised, at which election the question of "taxation" or "no taxation" shall be submitted; and if a majority of the votes polled be "for taxation," then in that case the township trustees and councils, or trustees of cities and towns, shall at once determine the *per centum* of the same, and cause their respective clerks or recorders to prepare and certify to the clerk of the board of supervisors, as soon as practicable, lists of the same, which shall be an equal percentage on the taxable property in such township, city or town, but said rate shall not exceed five per cent. upon the assessed value of the property therein.

SEC. 3. That so soon as such tax-lists are prepared, the tax herein provided for shall be due and collectable in the same manner as the county tax is collected; and

it shall be the duty of the treasurer of the county to proceed by himself or deputy to collect the same, and to pay it into the treasury of such county; and the same shall be paid out by such treasurer upon the order of the president or managing director of the railroad company, whose road such tax is voted to aid; Moneys paid which order shall be accompanied by estimates of the engineer in charge of the work on such road, showing that an equal amount has been expended for the construction of such work within such county; and it is hereby provided that the tax so raised by any township, city or town shall be only expended to aid in the construction of such road within such township, or the one contiguous thereto, as near as practicable: *provided*, that any tax-payer producing to the county treasurer, prior to the collection of the tax, a voucher of the proper officer of the railroad company, showing that his tax has been paid to the satisfaction of the company, shall, on filing the same with the county treasurer, be discharged from the tax. Moneys paid to R. R. co. Company must spend equal am't. Restriction. Proviso. Tax may be paid to R. R. Company.

SEC. 4. All acts or parts of acts conflicting with the provisions of this act are hereby repealed. Repealing clause.

SEC. 5. 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 Iowa Evening Statesman, newspapers published in Des Moines, Iowa. Taking effect.

This bill having remained with the Governor three days (Sunday excepted), the General Assembly being in session, has become a law this 27th day of March, A. D. 1868.

ED WRIGHT, *Secretary of State.*

I hereby certify that the foregoing act was published in the *Daily State Register* March 29, 1868, and in the *Iowa Evening Statesman* March 30, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 49.

RELINQUISHING AN ESCHEAT IN HAMILTON COUNTY.

AN ACT for the Relinquishment of an Escheat.

MARCH 27.

WHEREAS, One James Kelly, late of Hamilton county, died intestate on the 12th day of July, 1865, and

at the time of his decease was seized of the following described lands, to-wit: the south-east quarter of section number thirteen, and the north-east quarter of the north-east quarter of section number twenty-four, all in township eighty-eight, north of range number twenty-six, west of the fifth principal meridian, Iowa; and also a part of lot number four, in block number sixteen, in the village of Webster City, Iowa, commencing at the north-west corner of said lot, thence south twenty-one feet, thence east forty-four feet, thence north twenty-one feet, thence west forty-four feet to place of beginning: and also lot number twenty-two, in block L, in the Railroad addition to the village of Webster City, Iowa; and,

WHEREAS, Bernard Kelly, brother to said James Kelly, has become a *bona fide* resident of the State of Iowa, has made declaration of his intention to become a citizen of the United States, by taking the oath required by law, and has made valuable improvements upon a portion of the lands hereinbefore described: Therefore,

SECTION 1. *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 south-east quarter of section number thirteen, and the north-east quarter of the north-east quarter of section number twenty-four, all in township number eighty-eight, north of range number twenty-six, west of the fifth principal meridian; and part of lot number four, in block number sixteen, in the village of Webster City, Iowa; commencing at the north-west corner of said lot, thence south twenty-one feet, thence east forty-four feet, thence north twenty-one feet, thence west forty-four feet, to place of beginning; and lot number twenty-two, in block L, in Railroad addition to the village of Webster City, Iowa,—or any title or claim said State may have to said lands, to the said Bernard Kelly, and to his heirs, assignees, and vendees.

Taking effect. SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in *The Hamilton Freeman* and the Iowa State Register, provided such publication shall be made without expense to the State of Iowa.

No expense to State.

Approved March 27, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* March 29, 1868, and in *The Hamilton Freeman* April 1, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 50.

QUIETING A TITLE IN IOWA CITY.

AN ACT to Quiet the Title of Margaret Enk and Others to certain MARCH 31.
Real Estate.

WHEREAS, One Jacob Stritmatter, on the 24th day Preamble.
of November, 1863, died intestate, seized in fee of lot
number two in block no. twenty-eight, in Iowa City,
Johnson county, in the State of Iowa, leaving as his
widow Margaret Stritmatter, now Margaret Enk, and
without any heirs in the United States, whereby the
undivided half interest in and to said premises is liable
to escheat to the State of Iowa; and

WHEREAS, The said Margaret Enk, and her husband
Henry Enk, did sell and by deed of warranty convey
said lot to John Goetz, and said Goetz did in like man-
ner sell and convey said premises to one Theodore
Knop, w^o has brought an action in the district court
of said Johnson county against said Goetz, on the said
covenants of warranty in his deed; now for the purpose
of enabling the said Margaret Enk to make and keep
good her covenant, and to vest in the said Knop all the
interest in said premises of which the said Jacob Strit-
matter died seized, therefore,

SECTION 1. *Be it enacted by the General Assembly*
of the State of Iowa. That the State of Iowa hereby Title to lot 2,
releases and relinquishes to the said Theodore Knop, as block 28,
the person holding through and under the widow of Iowa City, re-
leased to T.
the said Jacob Stritmatter, deceased, all the right, title, Knop.
and interest of the said State in and to lot no. one, in
block twenty-eight, in Iowa City, Johnson county,
Iowa: *Provided, however,* That this release is made Proviso.
upon the express condition that the said Margaret Enk Margar't Enk
will pay all costs in the said cause and an attorney's fee to pay costs
of twenty-five dollars, to the clerk of the district court and attor-
of said Johnson county, for the use of the said Knop. ney's fee.

Approved March 31, 1868.

CHAPTER 51.

LEGALIZING AN ACKNOWLEDGMENT.

MARCH 31. AN ACT to Legalize the Acknowledgement, and Entitle to Record a Deed from George J. Meredith and Wife to William Haldeman.

Preamble.

WHEREAS, On the 28th day of October, 1865, George J. Meredith and Elizabeth Meredith, his wife, of Butler county, in the State of Ohio, executed and delivered to one William Haldeman a deed of warranty for the south-east quarter of the north-east quarter, and the north-east quarter of the south-east quarter, all in section one, in township number seventy-eight north of range number five west of fifth principal meridian; which instrument was acknowledged in accordance with the laws of the State of Ohio, before James Crawford, mayor of the incorporated village of Oxford, in said Butler county, but not in accordance with the laws of Iowa; and,

WHEREAS, The said George J. and Elizabeth Meredith are now dead, and it is impossible to procure such an acknowledgement of said deed as will entitle it to record: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the certificate of acknowledgement to said deed be and is hereby declared valid; that said instrument be entitled to record, and be read in evidence in any court in this State, the same as if acknowledged in accordance with the laws of Iowa.

Ackt. of deed
to se $\frac{1}{4}$ ne $\frac{1}{4}$
ne $\frac{1}{4}$ se $\frac{1}{4}$, § 1,
T. 78, R. 5,
made valid.

Approved March 31, 1868.

CHAPTER 52.

SUPREME COURT REPORTER TO ATTEND DUBUQUE TERM.

MARCH 31. AN ACT Requiring the Reporter of the Supreme Court to attend the Argument Term at Dubuque.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it is hereby made the duty of the Reporter of the Supreme Court to attend the argument terms thereof, to be held at Dubuque as provided by act of the present General Assembly, and

Duty of Re-
porter S. ct.

perform the duties required of him by law, for which he shall receive the same *per diem* now allowed him by law for attending the argument term at Davenport.

SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and The Iowa Evening Statesman, newspapers published at Des Moines.

Approved March 31, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* March 31, 1868, and in the *Daily State Register* April 1, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 53.

COMPENSATION OF THE ATTORNEY - GENERAL.

AN ACT to Fix the Compensation of the Attorney - General for MARCH 31. certain Services.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where the Attorney - General, either by the duties of his office, as now provided by law, or by direction of the Governor or the General Assembly, is required to attend any of the district courts of this State, or the courts of the United States in this or any other State, or the sessions of the Supreme Court at any place other than Des Moines, he shall receive for the time necessarily spent therein, in addition to his salary as now fixed by law, five dollars per day.

When Att'y-Gen. attends U. S. courts, &c., to be p'd \$5 a day.

SEC. 2. The Attorney - General shall furnish to the Auditor of State satisfactory evidence of the rendition of such services, and the Auditor shall audit and allow for said services quarterly.

Auditor to allow Att'y-Gen. quarterly.

SEC. 3. This act to be in force from and after its publication in the Daily State Register and Iowa Homestead, newspapers published at Des Moines.

Approved, March 31, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 1, 1868, and in *The Iowa Homestead* April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 54.

LEGALIZING TOWN-PLAT OF SABULA.

MARCH 31. AN ACT to Legalize the Plat of the Town of Sabula, in Jackson County, Iowa, and to Legalize all Conveyances of Lots heretofore made, by the Number of Lots and Blocks, as now specified in said Plat.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the survey and plat of the town of Sabula, in Jackson county, and State of Iowa, made and completed on the 19th day of February, 1868, by A. C. Simpson, county surveyor of said county, and filed for record in the office of the recorder of said county, on the 21st day of February, 1868, at 9 o'clock, A. M., and recorded in book "E" of town lots, on pages 144, '5, '6, '7 and '8, be and the same are hereby legalized, and declared to be legal and binding upon all parties concerned, and that said plat, and the record thereof, are hereby legalized and declared to be a legal plat and record, the same as if said survey, plat, and record had been made in every particular as required by law.

Conveyances legalized. SEC. 2. That all conveyances heretofore made, of any lots in said town, by the number of lots and blocks, as shown on said plat, are hereby legalized and declared legal and binding upon the parties as if a legal plat, like the one mentioned and described in section 1, of this act, had been on record in said county at the time such conveyances were made.

Taking 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 State Register and National Platform, papers published at Des Moines, Iowa, without expense to the State.

Approved March 31, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 1, 1868, and in *The National Platform* April 4, 1868.

ED WRIGHT, *Secretary of State*.

CHAPTER 55.

LEGALIZING THE ERECTION OF A BRIDGE IN WASHINGTON COUNTY.

AN ACT to Legalize Certain Acts of the Board of Supervisors of Washington County, Iowa. MARCH 31.

WHEREAS, The board of supervisors of Washington county, Iowa, during the year 1867, contracted for, and caused to be constructed, an iron bridge over Skunk river, near Brighton, in said county, on the road leading from Washington to Fairfield; and,

WHEREAS, The cost of said bridge, according to said contract, exceeded the sum of five thousand dollars; and,

WHEREAS, The proposition therefor was not by said board of supervisors submitted to the legal voters of said county, as required by law: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the acts of the board of supervisors of Washington county, Iowa, in contracting for, and causing to be constructed, said bridge, as recited in the preamble thereto, be and the same are hereby legalized and confirmed, and shall have all the binding force and effect that such acts and contract would have had if said board of supervisors had proceeded according to the provisions of subdivision 23 of section 312, Revision of 1860, as amended by chapter 87 of the laws of the Eleventh General Assembly. Acts of board supervisors Washington co. in build'g bridge cost'g over \$5,000 legalized. Rev. § 312, 1866, ch. 87.

SEC. 2. This act shall take effect and be in force from and after its publication in The Record and in The Washington County Press, newspapers published at Washington, Iowa, without expense to the State. Taking effect. No cost to State.
Approved March 31, 1868.

I hereby certify that the foregoing act was published in *The Record* April 4, 1868, and in *The Washington County Press* April 8, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 56.

ALLOWING ALIENS TO POSSESS AND DISPOSE OF PROPERTY.

AN ACT Abolishing Distinctions between Foreigners and Citizens as to the Acquisition, Enjoyment, and Transfer of property. MARCH 31.

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

Aliens may acquire, hold, and dispose of property. *of the State of Iowa*, That all aliens, whether they reside in the United States or in any foreign country, may in this State acquire, hold, and enjoy property, personal or real, or any interest therein, by purchase, gift, devise, or descent, and may convey, mortgage, or devise the same in a like manner, and with the same effect, as if such aliens were native-born citizens of the United States. And all property, real or personal, situated in this State and belonging to a foreigner, shall, if not disposed of by will, after the death of the owner descend to the heirs of such foreigner, whether the same reside in the United States or in any foreign country. Such heirs shall be the same as the heirs-at-law of native-born citizens.

Descent.

Alien heirs.

Distinctions between citizens & aliens abolished.

Dower.

Previous conveyances not to be questioned.

Retroactive. Proviso.

Relinquishments by State not affected.

SEC. 2. All the distinctions heretofore made by laws between citizens and resident and non-resident foreigners, in reference to the acquisition, possession, enjoyment, and transfer of property, real and personal, by conveyance, gift, devise, descent, or otherwise, are hereby abolished. A non-resident alien shall be entitled to dower in lands situated in this State, the same as resident citizens except as against a purchaser from the decedent, or a purchaser under execution against the decedent, but as against such purchaser an alien not residing in the State of Iowa shall not be entitled to dower.

SEC. 3. The title to any land heretofore conveyed by purchase or gift, or transferred by devise or descent, shall not be questioned, nor in any manner affected by reason of the alienage of any person, from or through whom such title may have been derived.

SEC. 4. This law shall be retroactive; *provided*, however, that thereby no vested rights of private persons shall be violated; neither shall the title of any person or persons to whom the General Assembly has made any relinquishment of an escheat be hereby impaired or affected. The State relinquishes generally her claims to such escheated property as is transferred to foreigners by purchase, gift, devise, or descent, or otherwise.

SEC. 5. All laws conflicting with these provisions are hereby abolished.

SEC. 6. This act shall take effect and be in force from and after its publication in the State Register and Iowa Homestead, newspapers published in the city of Des Moines, Iowa.

Approved March 31, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 3, 1868, and in *The Iowa Homestead* April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 57.

DES MOINES VALLEY RAILROAD AND LANDS.

AN ACT Prescribing the Terms and Conditions on which the State will relinquish and convey to the Des Moines Valley Railroad Company certain Rights and Privileges in respect to the Resumption of Lands heretofore granted to said Company. MARCH 31.

WHEREAS, By act of Congress approved August 8, 1846, there was granted to the then Territory of Iowa certain lands to aid in the improvement of the Des Moines river, in said Territory; which grant the State of Iowa, by joint resolution of the General Assembly, approved January 9, 1847, accepted for the 1847, J. R. 2. purposes therein specified; and,

WHEREAS, The General Assembly of this State, by an act approved March 22, 1858, granted such portion of said lands as had not been previously disposed of, to the Keokuk, Fort Des Moines and Minnesota Railroad Company, to aid in the construction of a railroad from the city of Keokuk up and along the valley of the Des Moines river by the way of the city of Des Moines to the northern line of the State, in the direction of the southern bend of the Minnesota or St. Peter's river, and providing that said grant should become operative when the consent of Congress to the diversion of said lands should be obtained, or the title thereto vested in the State; and also imposing upon said company, in case of its acceptance of said grant, certain conditions and restrictions, among which it was provided that said company would complete seventy-five miles of said road within three years, and thirty-three miles each year thereafter for five years, and the whole line on or before the first day of December, 1868; and,

WHEREAS, Such consent of Congress to the diversion was given by an act approved July 12, 1862, and said company afterward accepted said grant; and,

WHEREAS, Said Keokuk, Fort Des Moines and Minnesota Railroad Company is now known as and called the Des Moines Valley Railroad Company; and,

WHEREAS, Said railroad [company] is in default in respect to the time of construction of said road, and in the performance of other conditions of said grant, whereby the State has the right to resume the whole or a part of said lands: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the reserved rights and interests of the State in respect to the resumption and disposal of said lands are hereby relinquished to and conferred upon said Des Moines Valley Railroad Company, in the manner and upon the performance of the conditions precedent by said company, as hereinafter set forth, and not otherwise, viz.:

Relinquishment to D. V. R. R. Co.

Duty of Register S. L. O.

100,000 acres to pay claims.

Sale of lands at not less than \$1.50 per acre. Proviso: advertisement.

First— That it shall be the duty of the Register of the State Land Office, as soon as practicable, and before the first day of July, 1868, to set apart and reserve from the remaining river lands within the grant, and lying in place next north of township number ninety, and upon which there are no settlers claiming homestead rights, and exclusive, also, of the ten sections set apart and sold to S. H. Taft, one hundred thousand acres of said lands, which shall be especially held to secure the payment of the claims described in sections 1 and 2 of chapter 22 of the laws of the Eleventh General Assembly of Iowa, and also of such claims as have been or may be allowed by the present General Assembly.

Second— That if the said Des Moines Valley Railroad Company shall fail to pay in full and discharge all the claims in the preceding paragraph mentioned, by or before the first day of July next, then it shall be the duty of the Register of the State Land Office, and he is hereby required to proceed immediately to sell at his office in Des Moines, for cash, to the highest bidder, for not less than one dollar and fifty cents per acre, all the lands reserved by the preceding paragraph, or so much thereof as shall produce the amount of money remaining due and unpaid on such claim: *Provided*, That he shall first advertise the sale of such lands for not less than sixty days in four different newspapers published, one in Springvale, one in Fort Dodge, one in Des Moines, and one in Keokuk, Iowa; and *provided further*, That such lands shall be sold by him in quantities not less than forty acres nor more than one hundred and sixty acres each, and that the warrants issued by the State Auditor on account of the claims aforesaid

shall be received as cash in payment of lands bought at such sale; and *provided further*, that said company shall have the right to pay said claims at any time before such sale of the lands.

Co. may pay claims.

Third — That upon such sale and payment of the purchase money, the Register shall issue a certificate to the purchaser, showing the land purchased by him and the amount paid therefor; and upon the presentation thereof to the Governor he shall execute to the purchaser a deed in the name of the State of Iowa, without warranty, conveying the lands so purchased, which deed shall be effectual to pass all the right and title thereto now held by the State, or which may hereafter be acquired by the State from the United States; and all moneys, the proceeds of the sales of lands as aforesaid, shall be by the Register paid into the State treasury for the use of the holders of the unpaid claims herein provided for; which shall be paid in the order specified in section 1 of chapter 22 of the laws of the 11th General Assembly, upon the production and surrender of the warrants therefor; and if there should be an amount insufficient to pay the same in full, then the same shall be paid *pro rata*; and if there shall remain a balance after paying the same in full, such balance shall be paid over to said railroad company.

Register to certify.

Gov. to execute deeds.

Moneys for lands to be paid claimants—how. 1866, ch. 22.

Comp. to get balance.

Fourth — That the Register of the State Land - Office shall, as soon as practicable and prior to the first day of July next, select from the lands embraced in the said act of Congress, approved July 12, 1862, excluding the lands reserved and described in the first paragraph hereof, one hundred thousand acres of said land of average value as near as practicable, and embracing the ten sections sold to S. H. Taft; and the lands so selected, as well as the proceeds of any portion thereof now sold, shall be held and applied exclusively for the construction of said railroad above Des Moines as now provided by law, and shall be conveyed and patented to said railroad company, or to such person or persons as they shall direct, only upon the completion of said railroad into the town of Fort Dodge, situated on the east side of the Des Moines river, within the year 1870, which said company agrees to do; and the evidence of such completion shall be the running of trains into said town within the time specified, and none of said lands shall be patented until such completion, and the proceeds of any portion thereof sold under provisions of existing law shall be at the same time paid over to said railroad company. The said railroad company shall

Register of S. L. O. to select 100,000 acres for road above D. M. Lands and proceeds to be turned over when road is completed to Ft. Dodge, in 1870. 65 miles to be graded in 1868-'69.

also have not less than sixty - five miles of said road from their present terminus graded during the present and the ensuing calendar year.

Fifth — That so soon as satisfactory evidence shall be furnished to the Governor that all the claims herein provided for have been settled and paid, or fully discharged, whether by the sale of the land, or by payments made by said railroad company, he shall execute and deliver to the Des Moines Valley Railroad Company, or to their assigns, a deed or deeds in the name of the State of Iowa, without warranty, for all the lands embraced in the said act of Congress, approved July 12, 1862, save and except the one hundred thousand acres hereinbefore reserved for the construction of said road above the city of Des Moines to Fort Dodge; and except also any lands embraced in said grant which may have been reserved by any act passed prior hereto by the State of Iowa for the protection or benefit of settlers or persons claiming homesteads thereon; and the settlement made and approved June 20th, 1866, by the Census Board of the State of Iowa with the Des Moines Valley Railroad Company, and the settlement with the United States therein referred to, are hereby ratified and confirmed.

Governor to deed lands to Company.

Exceptions.

Settlements with D. M. V. R. R. Co. and U. S. ratified.

SEC. 2. In case of non-compliance by said railroad company with the foregoing conditions by it to be performed, then, without further legislation, this act shall have the force and effect of an act of resumption, and all rights of said company in and to said lands or any part thereof, heretofore or hereby granted to said company, and not at the time of such failure actually conveyed by the State to said company, shall be forfeited to and revested in the State of Iowa, as full[y] as if the grant thereof had never been made by the State.

In case of non-compliance, co. to forfeit land-grant.

SEC. 3. This act shall be accepted by the said railroad company, and evidenced by the signature of the president and secretary of said company, with the corporate seal thereof, within thirty days from the approval of this act, but the non-acceptance by the said Des Moines Valley Railroad Company of this act shall not prevent all the foregoing provisions thereof from having the same operation and effect as if the same had been accepted by said company. The company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff for transportation of freight and passengers as may

To be accepted in 30 days.

Restrictions on tariffs.

from time to time be enacted by the General Assembly of the State of Iowa.

SEC. 4. So much of section three of chapter one 1864, ch. 108. hundred and eight, of the laws of the Tenth General Assembly, and of other laws and provisions relating thereto, including section five of said chapter, as requires the lands hereinbefore referred to, or any part thereof, to be classified or graded by commissioners, and all other acts and parts of acts inconsistent with this act, are hereby repealed. Law for grading lands by commissioners repealed.

SEC. 5. This act shall be in force and have effect from and after its publication in the State Register and Evening Statesman, papers published in Des Moines, Iowa. Taking effect.

Approved March 31, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 1, 1868, and in the *Daily State Register* April 2, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 58.

LANDS GRANTED TO THE M'GREGOR & SIOUX CITY RAILWAY COMPANY.

AN ACT Making a Grant of Land to the McGregor & Sioux City Railway Company, or, in Case of their Failure to accept the same, to the Forty-Third Parallel Company, and to Execute the Trust conferred by Act of Congress entitled "An Act for a Grant of Land to the State of Iowa, in Alternate Sections, to aid in the Construction of a Railroad in said State," approved May 12, 1864. MARCH 31.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the lands, rights, and privileges that are granted to the State of Iowa by an act of Congress, approved May 12, 1864, for the purpose of aiding in the construction of a railroad from a point at or near the foot of Main street, South McGregor, in said State, in a westerly direction, by the most practicable route, at or near the forty-third parallel of north latitude, until it shall intersect the proposed railroad running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State of Iowa, are hereby granted and conferred to and upon Land-grant for R. R. from McGregor to O'Brien co. given to McG. & S. C. Railway Co.

the McGregor & Sioux City Railway Company, a corporation organized under the laws of the State of Iowa: *Provided*, Said railroad company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff for the transportation of freights and passengers, as may from time to time be enacted and provided for by the General Assembly of the State of Iowa, and further subject to the conditions, limitations, restrictions, and provisions contained in this act, and in the acts of Congress granting said lands to the State of Iowa.

Conditions. SEC. 2. This grant is made upon the express condition that said railway company shall have constructed and in running order a line of railway as required by the provisions of the act of Congress making said grant to the State, and of this act, upon the most practicable route, on or as near as practicable to the forty - third parallel of north latitude, running within one mile of New Hampton, in Chickasaw county, and running from thence by way of, and within one mile of, St. Charles City, Mason City, and Algona, until it shall intersect, in the county of O'Brien, in this State, the proposed railroad running from Sioux City to the Minnesota State line.

Route.

Points.

Terminus.

Further conditions. SEC. 3. This grant is conferred on the McGregor & Sioux City Railway Company on the further express conditions that in case said company shall fail to have its railway built and completed in good running order as far west as to Chickasaw, in range fourteen, in Chickasaw county, by the first day of September, 1869; or in case said company shall fail to build and complete in good running order at least twenty miles in addition in each and every year thereafter, and the whole of said road by the first day of December, 1875; then, and in case of any such failure, or on failure to comply with any of the conditions of this act, the State of Iowa may at any time resume all rights conferred by this act, and resume all rights to the lands hereby granted, and which may remain undisposed of to said company on account of road actually built in compliance with the terms of this act; *provided*, that if in any one year more road shall be built than is required by this act, it shall be regarded and treated as road built in the next succeeding year or years.

Road to Chickasaw, Sept. 1869.

20 miles a year.

Whole road in 1875.

State may resume.

Proviso.

Construction. SEC. 4. This railway shall be constructed upon the usual gauge of other first - class railroads in this State, and shall be constructed and finished in a style and of

Gauge.

a quality equal to the average of other first-class western railroads.

Sec. 5. The said company shall be entitled to the benefit of the selections of land already made under the grant to the State of Iowa, of lands to aid in the construction of a railroad from McGregor westward on or near the forty-third parallel, approved May 12th, 1864; and the line located under said grant shall be binding only so far as applicable to said selections.

Co. to have benefit of selections already made.

Sec. 6. It is hereby made the duty of the Governor when ten consecutive miles of railroad has been built in accordance with the provisions of this act, to certify that fact to the Secretary of the Interior, and so on for each consecutive ten miles thereof, as the same shall be completed, and whenever the said McGregor and

Duty of Governor.

SiouX City Railway Company shall have completed in good running order, according to the provisions of this act, its railway to a point within one mile of St. Charles City, in Floyd county, it shall be the duty of the Governor of this State to cause patents to be issued to said railway company for one hundred and fifty sections of said land, and when the said railway company shall in like manner have completed its railway to the east line of range twenty-two, in Cerro Gordo county, then the said Governor shall cause patents to be issued to said railway company for one hundred and fifty sections of land; and when the said railway company shall in like manner have completed its railway to a point within one mile of Algona, in Kossuth county, then the Governor shall cause patents to be issued to said company for one hundred and fifty sections more of said lands; and when the said railway company shall in like manner have completed its railway to the Little Sioux river, then the said Governor shall cause patents to be issued to said company for

Certify building of road.

all the balance of the lands granted for that purpose; *provided*, that the said railway company shall not convey or encumber any of said lands prior to the time it shall be entitled to patents therefor, as provided in this act; and this act shall not be so construed as to grant to said railway company, or any person or persons whomsoever, any of said lands for any railroad heretofore built.

Patents to issue.

Same.

Same.

provided, that the said railway company shall not convey or encumber any of said lands prior to the time it shall be entitled to patents therefor, as provided in this act; and this act shall not be so construed as to grant to said railway company, or any person or persons whomsoever, any of said lands for any railroad heretofore built.

Proviso: co. not to encumber lands before issue of patents.

Sec. 7. All lands embraced in said grant which were entered prior to January 1, 1866, under the homestead laws of the United States, shall be patented by the Governor of this State to the parties by whom

Settlers under homest'd laws before 1866 may purchase lands.

the same were so entered, or to their heirs or grantees, upon the payment by them into the State treasury, within two years from the passage of this act, of the price of such lands as homesteads under the laws of the United States; and the money so paid for such lands shall be held for and paid over to said railway company when such lands would have been earned by said company by the extension of said road as required in this act.

Sec. 8. It is further expressly provided that if said McG. & S. C. Co. do not accept, 48d Parallel Co. may. McGregor and Sioux City Railway Company shall fail or refuse to accept of this grant upon the conditions hereby imposed, and in time and manner as herein required, the Forty-Third Parallel Railway Company may accept the grant within sixty days thereafter, and shall thereby become substituted to all the rights and subject to all the conditions hereinbefore mentioned, to the same extent as if said Forty-Third Parallel Railway Company had been mentioned in this act in the place of the McGregor and Sioux City Railroad[way] Company, wherever the same occurs therein.

Sec. 9. The said McGregor and Sioux City Railway Company shall assent to and accept the provisions of this act by a written instrument under the seal of such corporation, with the signatures of the proper officers, within sixty days after the passage of this act; which said acceptance shall be filed in the office of the Secretary of State, and be by him recorded in the book by him kept for the recording of articles of association. And, as a further condition of this grant, and at the time of the acceptance hereinbefore required, and as a part thereof, the said McGregor and Sioux City Railway Company shall procure and file with the Secretary of State, a full, absolute, legal, and effectual waiver, release, and surrender of all claim, right, or interest, or pretended claim, right, or interest of the McGregor Western Railroad[way] Company, its successors or assigns, in or to any of the lands granted to this State by act of Congress approved May 12th, A. D. 1864, which claim, right, or interest arises out of or is on account of any railroad already constructed: *provided*, That if the Congress of the United States shall make any additional grant of land to the State of Iowa, to aid in the construction of a railroad from McGregor or any intermediate point to a point in O'Brien county, and the said McGregor and Sioux City Railway Company, their successors or assigns, shall comply with all the provisions of this act, and shall construct their railroad

McG. & S. C. R. Co. must accept in 30 days.

Further conditions.

Co. must obtain release of McG. W. Co.

Proviso: addition'l grant.

to O'Brien county, in the manner and time as provided in this act, then this release shall not operate to deprive said last named company, their successors or assigns, of land in said contemplated additional grant for any railroad constructed on said line between McGregor and O'Brien county.

SEC. 10. 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 Iowa Evening Statesman. Taking effect.

Approved March 31, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 2, 1868, and in the *Daily State Register* April 3, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 59.

REFORM SCHOOL ESTABLISHED.

MARCH 31.

AN ACT to Establish and Organize a State Reform School for Juvenile Offenders.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That a Reform School be established in this State for the reformation of such boys and girls, under the age of eighteen years, who may be committed to it as hereinafter provided. Reform Schl. established.

SEC. 2. There shall be a board of trustees whose name and style shall be the Board of Trustees of the Iowa Reform School, and shall consist of one person from each congressional district, who shall be appointed by the General Assembly, and shall be classified so that two trustees shall go out of office every two years, and for the purpose of determining such classification, the persons appointed trustees shall meet and determine by lot, in such manner as they may agree upon, the term each shall hold his office. A certificate of such classification, stating the term of office of each of said trustees, shall be signed by the persons so appointed as trustees, and filed with the Secretary of State, and by him recorded. And thereafter the General Assembly, at every regular session, shall appoint two persons as Bd. trustees appointed by Gen. Assembly. Classification of do. Term of of- fice.

- Vacancies.** trustees for the term of six years each, and until their successors are appointed and qualified. All vacancies occurring in said board by death, resignation, or otherwise, shall be filled by appointment by the Governor of the State.
- Oath.** SEC. 3. Said trustees shall, before entering upon the discharge of their duties, take and subscribe an oath or affirmation to support the constitution of the United States and of this State, and faithfully discharge the duties required of them by law.
- Mileage.** SEC. 4. The members of said board shall receive no compensation except the same mileage, going to and returning from the place of meeting, as members of the General Assembly, computed for the actual distance from their residence to the place of meeting.
- Officers of board.** SEC. 5. Said board of trustees shall, from their board, appoint a president, secretary, and treasurer, and shall take charge of the general interests of the institution; shall have power to enact by-laws and rules for the regulation of all its concerns, not inconsistent with the constitution and laws of this State; see that its affairs are conducted in accordance with the requirements of law, and that strict discipline is maintained therein; provide employment and instruction for the inmates; appoint a superintendent, a steward, a teacher or teachers, and such other officers as in their judgment the wants of the institution may require, and prescribe their duties; exercise a vigilant supervision over the institution, its officers and inmates; remove such officers at pleasure, appoint others in their stead, and determine the salaries to be paid to the officers; and shall also require the treasurer to execute a bond to the State of Iowa in such sum as they may deem necessary, which bond shall be approved by said board and filed in the office of the Secretary of State.
- Powers of the board.**
- Officers of School.**
- Instruction.** SEC. 6. They shall cause the boys and girls under their charge to be instructed in piety and morality, and in such branches of useful knowledge as are adapted to their age and capacity, and in some regular course of labor, either mechanical, manufacturing, or agricultural, as is best suited to their age, strength, disposition, and capacity, and as may seem best adapted to secure the reformation and future benefit of the boys and girls.
- Binding out.** SEC. 7. The trustees, with the consent in writing of their parents *and* [or] guardians, as the case may be, or in case they have no parents or guardians, may bind out boys and girls committed to the school, until they attain their majority, or for any less time, stipulating

in the indentures for the needful amount of education, and from time to time, as the rightful guardians of the boys and girls, ascertain whether the duties and obligations of the person to whom the boy or girl is bound, are faithfully performed, and if not cancel the indenture and receive the boy or girl into the school again.

In certain cases, board may cancel indenture.

SEC. 8. When there shall be twenty or more boys and girls in the school, one or more of the trustees shall visit the school once in every month and examine the boys and girls in their school-room and labor, and inspect the register and accounts of the superintendent. A record shall be kept of these visits in the books of the superintendent. (Once in every year, or oftener, if the trustees think it necessary, they shall examine the school in all its departments, including the accounts, vouchers, and documents of the superintendent, and prepare a report on the condition of the institution on the first Monday in November next preceding the meeting of the General Assembly, which, together with a full report of the superintendent, and a list of the officers and their salaries, with an estimate of the value of the personal property of the State in connection with the school, shall be laid before the General Assembly.

Trustees to visit school.

Record of visits.

Trustees to examine sch. annually.

Biennial rep't of trustees & superintendent.

SEC. 9. The superintendent, with such subordinate officers as the trustees may appoint, shall have the charge and custody of the boys and girls; he shall discipline, govern, instruct, employ, and use his best endeavors to reform, the inmates in such manner as, while preserving their health, will secure the promotion, as far as possible, of moral, religious, and industrious habits, and regular, thorough progress and improvement in their studies, trades, and employment.

Powers and duties of superintendent.

SEC. 10. He shall, before entering upon his duties, give a bond to the State, with sureties, the amount and sureties to be satisfactory to the board of trustees, conditioned that he shall faithfully perform all his duties, and account for all money received by him as superintendent, which bond shall be filed in the office of the Secretary of State; he shall have charge of all the property of the institution within the precincts thereof; he shall keep in suitable books, complete accounts of all his receipts and expenditures, and of all property intrusted to him, showing the income and expenses of the institution, and in such manner as the trustees may require, for all money received by him. His books and documents relating to the school shall at all times be open to the inspection of the trustees. He shall keep

Same—bond.

Register of children. a register containing the name, age, and circumstances connected with the early history of each boy and girl, and shall add such facts as shall come to his knowledge, relating to his or her history while at the institution and after leaving it.

Convicts under 18, except murderers, may be sent to Reform School. SEC. 11. When a boy or girl, under the age of eighteen years, shall, in any court of record, be found guilty of any crime, excepting murder, the said court may, if in its opinion the accused is a proper subject therefor, instead of entering judgment, cause an order to be entered, that said boy or girl be sent to the State Reform School, pursuant to the provisions of this act, and a copy of said order, duly certified by the clerk, under the seal of said court, shall be a sufficient warrant for carrying said boy or girl to the said school, and for his or her commitment to the custody of the superintendent thereof.

Order of court. SEC. 12. When a boy or girl under the age of eighteen shall be convicted before a justice of the peace, or other inferior court, of any crime, or of being a disorderly person, it shall be lawful for the magistrate before whom he or she may be convicted, to forthwith send said boy or girl, together with all the papers filed in his office on the subject, under the control of some officer, to the county judge, or a judge of a court of record, who shall then issue an order to the parent or guardian of said boy or girl, or such person as may have him or her in charge, or with whom he or she has last resided, or one known to be nearly related to him or her, or if he or she be alone or friendless, then to such person as said judge may appoint to act as guardian *ad litem*, requiring him or her to appear at a time and place stated in said order, to show cause why said boy or girl should not be committed to the Reform School for reformation and instruction.

Proceedings in court. SEC. 13. Said order shall be served by the sheriff, or other officer, by delivering a copy thereof, personally, to the party to whom it is addressed, or leaving it with some person of full age at the place of residence or business of said party, and immediate return shall be made to the said judge of the time and manner of such service. The fees, of judge, sheriff, or other officer under this act, shall be the same as now allowed by law for like services.

Service. SEC. 14. At the time and place mentioned in said order, or at the time and place to which it may be adjourned, if the parent or guardian to whom said

Fees.

order may be addressed shall appear, *there* [then] in his or her presence, or if he or she shall fail to appear, then in the presence of some suitable person whom the said judge shall appoint as guardian *ad litem*, it shall and may be lawful for said judge to proceed to take voluntary examination of said boy or girl, and to hear the statements of the party appearing for him or her, and such testimony in relation to the case as may be produced, and if upon such examination and hearing Examination the said judge shall be satisfied that the boy or girl is and hearing. a fit subject for the State Reform School, he may com- Commitment. mit him or her to said school by warrant.

SEC. 15. The judge shall certify, in the warrant, What the place in which the boy or girl resided at the time of his or her arrest, also his or her age as near as can be ascertained, and command the said officer to take the said boy or girl, and deliver him or her, without delay, to the Superintendent of said school, or other person in charge thereof, at the place where the same is established; and such certificate, for the purpose of this act, shall be conclusive evidence of his or her residence or age. Accompanying this warrant the judge shall transmit to the superintendent, by the officer executing it, a statement of the nature of the complaint, together with such other particulars concerning the boy or girl as the judge is able to ascertain. Judge's certificate conclusive as to residence or age. Statement.

SEC. 16. If the judge is of the opinion that the boy or girl is not a fit subject for the school, or if said boy or girl shall appeal from the decision of the court in which the conviction was had, he shall remand him or her to the custody of the officer who had him or her in charge, to be returned to the magistrate before whom the conviction was had, to be dealt with according to law. Appeal. Remanded.

SEC. 17. If any parent or guardian shall make complaint to a county judge or judge of a court of record, that any boy or girl, the child or ward of such parent or guardian, is habitually vagrant or disorderly, or incorrigible, it shall and may be lawful for said judge to issue a warrant to the sheriff or constable to cause said boy or girl to be brought before him at such time and place as he may appoint, when and where said judge shall examine the parties, and if in his judgment the boy or girl is a fit subject for the Reform School he may issue an order with the consent of the said parent or guardian indorsed thereon, to be executed by a sheriff or constable, committing said boy or girl to the custody of the superintendent of said school Vagrant, &c., youth, on complaint of parent or guardian, may be sent to school.

for reformation and instruction till he or she shall attain the age of majority: *Provided*, That security for the payment of the expenses of said complaint, commitment, and of carrying said boy or girl to the Reform School, and the expenses of board at such school, may, in the discretion of said judge, be required of said parent or guardian.

Commitment not to extend beyond majority. SEC. 18. No boy or girl shall be committed to said Reform School for a longer term than until he or she attain the age of majority, but the said trustees, by their order, may at any time, after one year's service, discharge a boy or girl from said school, as a reward of good conduct in the school, and upon satisfactory evidence of reformation.

Discharge for good conduct. SEC. 19. Any boy or girl committed to the State Reform School shall be there kept, disciplined, instructed, employed, and governed, under the direction of the trustees, until he or she arrives at the age of majority, or is bound out, reformed, or legally discharged. The binding out or discharge of a boy or girl as reformed, or as having arrived at the age of majority, shall be a complete release from all penalties incurred by conviction of the offense for which he or she was committed.

Care of inmates of school. SEC. 20. If any boy or girl, convicted of a felony, committed to the Reform School, shall prove unruly or incorrigible, or if his or her presence shall be manifestly and persistently dangerous to the welfare of the school, the trustees shall have power to order his or her removal to the county from which he or she came, and delivery to the jailor of the said county, and proceedings against him or her shall be resumed, as if no warrant or order committing him or her to the Reform School had been made.

Release from penalties. SEC. 21. Every person who unlawfully aids or assists any boy or girl lawfully committed to the Reform School in escaping or attempting to escape therefrom, or knowingly conceals such boy or girl after his or her escape, shall be punished as provided by section 4293 of the Revision of 1860.

Trustees may remand incorrigible youth to co. SEC. 22. For the purpose of immediately opening said school, the trustees thereof shall accept the proposition of the trustees of White's Iowa Manual Labor Institute made to the General Assembly, and lease for such term as they shall agree, not more than ten years, the lands, buildings and appurtenances belonging to said Manual Labor Institute, and at once proceed to prepare for and open a Reform School thereon as soon as possi-

Trustees to lease White's Manual Labor Institute.

ble, as a temporary establishment; and when so open, the fact shall be published by said trustees in one newspaper in each county in the State in which a newspaper is printed, whereupon those provisions of this act authorizing the commitment of persons to said school shall take effect; and it shall be lawful for the trustees of said Reform School and warden of the Penitentiary, in their discretion, upon the consent in writing of any convicts in said Penitentiary, of the proper age, to remove such convict to said Reform School; and when the permanent school shall be established and ready for opening, the said trustees shall remove and transfer those persons at the temporary establishment to the permanent school, and all subsequent commitments shall be made to said permanent school; and for the purpose contemplated by this section there is appropriated the sum of fifteen thousand dollars, or so much thereof as may be found necessary, to be expended in discharging the expenses incurred, and in repairs and improvements made on, and liquidating a small indebtedness, not exceeding the sum of twenty-five hundred dollars, of said Manual Labor Institute, incurred in building the school edifice on said lands: *Provided*, That the making of the improvements and payment of the money contemplated by this act shall be under the exclusive control of the trustees of the Reform School.

Advertisement of opening of school to be made in counties.

Removal of convicts from penitentiary.

Removal to permanent school.

Appropriation: \$15,000. Proviso.

SEC. 23. This act shall take effect and be in force from and after its publication in the Daily State Register and Iowa Evening Statesman.

Taking effect.

Approved March 31, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 4, 1868, and in *The Iowa Evening Statesman* April 4, 1868.

ED WRIGHT, *Secretary of State*.

CHAPTER 60.

NOTARIES PUBLIC.

AN ACT Relating to the Qualification of Notaries Public.

APRIL 1.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the certificate of the clerk of the district court to the Secretary of State, showing

Certificate of the qualification of a notary public, shall have thereon an impression of the seal of such notary, and the Secretary of State shall acknowledge the receipt of such certificate, and in such acknowledgment shall state whether such seal conforms to the law; and the clerk, on receiving such acknowledgment, with a statement that such seal does not conform to the law, shall notify such notary of that fact, and it shall be the duty of such notary to procure a seal in accordance with the law; and until he procure such seal he shall not act as a notary public.

Approved April 1, 1868.

CHAPTER 61.

INCORPORATION OF TOWNS AND CITIES.

APRIL 1. AN ACT to Provide for the Incorporation of Towns or [and] Cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no town or city shall hereafter be incorporated in the State of Iowa in any other manner than as herein provided. None of the provisions of this act shall apply to cities or towns already incorporated.

SEC. 2. When the inhabitants of any part of any county, not embraced within the limits of any city or incorporated town, shall desire to be organized into a city or incorporated town, they may apply by petition in writing, signed by not less than thirty of the qualified voters of the territory to be embraced in the proposed city or incorporated town, to the county court of the proper county, which petition shall describe the territory proposed to be embraced in such city or incorporated town, and shall have annexed thereto an accurate map or plat thereof, and state the name proposed for such city or incorporated town, and shall be accompanied with satisfactory proofs of the number of inhabitants within the territory embraced in said limits.

SEC. 3. When such petition shall be presented, the court shall forthwith appoint five commissioners, who shall at once call an election of all the qualified electors residing within the territory embraced within said limits, as described and platted, to be held at some con-

venient place within said limits, the notice for which shall be given by publication in some newspaper published within said limits (if any there be), and by posting notices in five public places within said limits, not less than three successive weeks preceding such election. Such notices shall specify the place and time of such election, and a description of the limits of said proposed town or city, and that a description and plat thereof are on file in the office of the county judge. Said commissioners shall act as judges and clerks of election, and shall qualify as required by law for judges and clerks of township elections, and shall report the result of the ballot to the county judge aforesaid. The ballot used at such election shall be, "For incorporation," "Against incorporation."

Notice published.

What notice must specify.

Conduct of election.

Sec. 4. If at said election a majority of said ballots shall be cast for incorporation, the county judge shall immediately give notice of the result in a newspaper, (or if there be none, by posting) as aforesaid, and shall state in such notice to which of the classes, as named in section 1078 of the Revision of 1860, said incorporated town or city belongs; and said county judge shall indorse on said petition the substance of the last-mentioned notice; and said petition so indorsed, together with the description and plat, shall be filed and recorded in the recorder's office of the proper county, and also a copy of the same shall be deposited with the Secretary of State.

Co. judge to publish notice of favorable result.

Rev. § 1078. Class.

Notice indorsed on petition.

Filed in recorder's office.

Filed in Secretary's office

Sec. 5. So soon as said record shall be made, and said copy deposited as required in section four, and the election and qualification of officers hereinafter provided shall have taken place, the inhabitants within the limits described in said petition shall be deemed an incorporated town or city, as the case may be, and notice of its existence as such shall be taken in all judicial proceedings in the State.

Commencement of incorporation.

Sec. 6. When the record mentioned in section four hereof shall have been made, said commissioners shall immediately give public notice by publication two consecutive weeks in some newspaper (if any there be) published within the limits of such town or city, and also by posting up notices in five public places in said town or city, of the time and place of holding the first election for officers thereof. Said commissioners shall preside at said election in the same manner as judges and clerks of township elections, and said election shall be conducted and the officers elected and qualified in the

Notice of election of officers.

Conduct of election.

Qualification of officers. Proviso: officers to be elected. Term of office. manner prescribed by law for the election and qualification of township officers: *Provided*, The officers to be elected shall be the same required by chapter fifty-one of the Revision of 1860, for the class to which said town or city shall belong, as shown by the certificate and notices of the county judge required by section four hereof, and they shall continue in office only until the time of the regular election of said officers and until their successors are elected and qualified.

§§ 1030-1037 Rev. of 1860, repealed. SEC. 7. Sections 1030, 1031, 1032, 1033, 1034, 1035, 1036, and 1037, of the Revision of 1860, and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Taking effect. SEC. 8. This act being deemed of immediate importance shall be in force from and after its publication in the State Register and Iowa Statesman, published in Des Moines.

Approved April 1, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 7, 1868, and in *The Iowa Evening Statesman* April 7, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 62.

ACTS OF COUNCIL OF CEDAR FALLS LEGALIZED.

APRIL 2.

AN ACT to Legalize the Acts of the City Council and Officers of the City of Cedar Falls, and the Incorporation of said City.

Assessments, taxes, & acts of Cedar Falls council legalized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all assessments heretofore made, and taxes levied, in the city of Cedar Falls, and all acts of the city council, and other officers in said city, and the incorporation of said city, as a city of the second class, is hereby legalized and declared valid, to the same extent and with the like effect, as though a president *pro tempore* of the city council, and a city assessor, had been duly elected, and acted, and as though the law in regard to the incorporation of cities of the second class, and the election and appointment of officers therein, had been fully and completely complied with.

Taking effect. SEC. 2. This act, being deemed of immediate importance, shall be in force and effect from and

after its publication in the Daily State Register and Iowa Evening Statesman, newspapers published in Des Moines, Iowa, said publication to be without expense to the State.

Approved April 2, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 4, 1868, and in the *Daily State Register* April 5, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 63.

LEGALIZING ACTS OF HENRY TEMPLE, N. P.

AN ACT to Legalize the Official Acts of Henry Temple, a Notary Public of Cass county, Iowa. APRIL 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the official acts of Henry Temple, a notary public of Cass county, done and performed by him, after the expiration of his commission, be and the same *is* [are] hereby declared legal and binding, and as valid as if the said commission had remained and been in full force at the time the acts were done. Henry Temple's notarial acts legalized

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa Homestead, without costs to the State of Iowa. Taking effect.

Approved April 2, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 8, 1868, and in *The Iowa Homestead* April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 64.

FURNACES FOR A. G. O. AND STATE ARSENAL.

APRIL 2. AN ACT Making Appropriations for Two Lawson Wood Furnaces, Pipes, and Register[s], furnished and put in the Adjutant-General's Office and State Arsenal, by Fuller, Warren & Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be and is hereby appropriated out of any moneys in the State treasury not otherwise appropriated the sum of seven hundred and fifty - one dollars and eighty cents, or so much thereof as may be necessary to pay Fuller, Warren & Co., for furnishing and putting up, in the Adjutant-General's office and State arsenal, two Lawson wood furnaces, pipes, and registers.

Appropriation. \$751.80 to Fuller, Warren & Co. for furnaces, &c. in A. G. O. and arsenal.

SEC. 2. That upon the presentation of the bill for said services, sworn to by the said Fuller, Warren & Co., or either of them, or their agent, and the correctness thereof certified by the Adjutant-General of the State, the Auditor of State is hereby authorized to audit the amount of said claim, and draw his warrant for the amount thus audited.

Bill sworn to. Certified by Adj't-Gen. Auditor authorized to audit claim.

SEC. 3. This act shall take effect and be in force from and after its publication in the Iowa State Register and The Iowa Homestead, two newspapers published at Des Moines.

Taking effect.

Approved April 2, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 7, 1868, and in *The Iowa Homestead* April 9, 1868.
ED WRIGHT, *Secretary of State.*

CHAPTER 65.

JACKSON COUNTY ATTACHED TO DUBUQUE ARGUMENT TERM.

APRIL 2. AN ACT to Amend Section 3d, of Chapter 27, of the Acts of the Twelfth General Assembly of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 3d, of chapter 27, of the acts of the present General Assembly, be and the same is hereby amended, so as to insert in said section

1868, ch. 27.

the word "Jackson" after the word "Howard," and to require cases appealed to the Supreme Court from the said county of Jackson to be taken to the argument term, subject to the provisions contained in said section. Jackson co. causes to Dubuque argument term.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed. Repealing clause.

SEC. 3. This law shall take effect from and after its publication in the Daily Register and daily Evening Statesman, newspapers published in Des Moines, Iowa. Taking effect.

Approved April 2, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 4, 1868, and in the *Daily State Register* April 5, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 66.

APPROPRIATION FOR IOWA SOLDIERS' ORPHANS' HOME.

AN ACT to Amend Chapter 92, of the Acts of the Eleventh General Assembly, and to Provide for the Iowa Soldiers' Orphans' Home. APRIL 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That for the support of the several Orphans' Homes there is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of ten dollars per month for each orphan actually supported, counting the average number sustained in the several homes for the month, and upon the presentation to the Auditor of State each month of a sworn statement of the average number of orphan children, supported by the institution for the preceding month, it shall be the duty of the Auditor to draw his warrant upon the Treasurer of State in favor of the treasurer of the board of trustees of the Iowa Soldiers' Orphans' Home, for the sum hereinbefore provided. Appropriations for Orphans' Home. \$10 pr month each orphan. Duty of Auditor.

SEC. 2. For making improvements and repairs upon the buildings and grounds of the Orphans' Home at Davenport and for replacing furniture therein, there is hereby appropriated the sum of twelve thousand dollars, or so much thereof as may be necessary. Improvements and repairs at Davenport, \$12,000.

SEC. 3. For erecting and furnishing buildings and improving buildings and grounds at Cedar Falls for the Orphans' Home there located, there is hereby appropriated the sum of twenty-five thousand dollars, or so much thereof as may be necessary, upon condition that at least twenty acres of land, suitable therefor, shall be deeded to the State, in fee simple, without expense to the State.

SEC. 4. For the erection and furnishing of buildings and improvement of buildings and grounds of the Orphans' Home, located at Glenwood, there is hereby appropriated the sum of fifteen thousand dollars, or so much thereof as may be necessary, upon condition that the sixteen acres of land upon which the said Home is now situated shall be deeded to the State, in fee simple, without expense to the State.

SEC. 5. The money appropriated by the preceding sections shall be drawn from the State treasury upon the Auditor's warrants, issued upon the orders of the president of the board of trustees, attested by the secretary of the board, only as it shall be needed for the purposes for which the same is appropriated, and the sums appropriated for erecting buildings shall not be drawn faster, nor in greater sums, than shall be needed to provide the buildings necessary for the accommodation and comfort of *these* [those] desiring admission to the homes and entitled thereto; and the amounts drawn shall be expended for the purposes designated under the direction of the board of trustees.

SEC. 6. In the enumeration of persons between the ages of five and twenty-one years as provided by sections 41 and 50 of chapter 172 of the acts of the Ninth General Assembly, the orphans at the several homes shall in no case be enumerated in the school-district in which such homes are located, except in cases where the mother, guardian, or other person having the legal charge or control of such child, other than the officers of the Home, shall reside in such district.

SEC. 7. Any child in either of the Orphans' Homes may, with the consent of the parent or guardian of such child, be adopted by any citizen of this State, but no article of adoption shall be of any force or validity until approved by the board of trustees, nor shall any child so adopted be removed from the Home until articles of adoption are so approved. The board of trustees shall have power, and it shall be their duty to discharge from the Homes, all children who are of proper age, or have sufficient means to provide for

themselves, or whose mothers have sufficient means and are competent to take care of them. Any child adopted from either of the Homes shall be returned to the Home from which it was taken upon the order of the board of trustees, and the board shall make such order, whenever they are satisfied that such child is not properly trained, educated, and provided for by the person by whom it was adopted. Such order shall be entered on the minutes of the proceedings of the board of trustees, and shall discharge and cancel the articles of adoption.

SEC. 8. The eighth, tenth, and eleventh sections of chapter ninety-two of the acts of the Eleventh General Assembly are hereby repealed, and all other laws or parts of acts inconsistent with this act are so modified as to conform herewith.

SEC. 9. This act, being deemed of immediate importance, shall be in force after publication in the State Register and Iowa Evening Statesman, newspapers published at Des Moines, Iowa.

Approved April 2, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 4, 1868, and in the *Daily State Register* April 5, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 67.

ENABLING PUBLIC CORPORATIONS TO SETTLE INDEBTEDNESS.

AN ACT to Enable Municipal and Public Corporations at their Election to settle, adjust and compound their Indebtedness, and to Provide for the Issue of New Bonds, and for the Payment of such New Bonds by the Levy of Specific Taxes, and for this Purpose Altering and Amending Existing Charters and Laws. APRIL 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That municipal and public corporations, including cities, towns, and counties, are hereby authorized to settle, adjust, and compound debts owing by or claimed against them, evidenced by the bonds or other promissory instruments of such corporations; and such corporations, upon such settlement and composition, are hereby authorized to issue

New bonds. new bonds in the place of the old or former bonds, and
Illegality of such new bonds shall be legal and valid to all intents
old bonds no and purposes, and no corporation issuing such new
defense bonds shall be allowed to plead in defense thereto any
against new. matter which might have been pleaded in defense of
Proviso: ap- the old or former bonds: *Provided*, That no compromise
proval by shall be made without first submitting the question
people. whether such compromise shall be made to the people,
 and shall be by them authorized by a majority of the
 votes.

Application This act is intended to apply only to cases where
of act. cities, towns, and counties have heretofore issued bonds
 or securities for money on account of any subscription
 to the capital stock of any railroad company, or on
 account of or in aid of any public improvement, and
 the same remain outstanding, and any alleged debt
 arising therefrom remains unpaid. But this act is

Limited to limited to the settlement of bonds and securities here-
debts already tofore issued and outstanding at the time of the passage
existing. and approval hereof; that is to say, the power herein
 given to settle, adjust, and compound debts is given, with
 respect to debts already existing, and to enable the
 debtor corporations to settle the same in accordance with
 the provisions of this act. And nothing herein contained
 shall be construed to give the holders of existing
 bonds or securities the right to compel the debtor
 corporation to issue such new bonds, or to settle, in
 the absence of an agreement on its part to do so. And
 nothing herein contained shall be construed to legalize
 or render valid, or binding, or in any manner to *effect*
 [affect] existing bonds or evidences of indebtedness of
 any character contemplated in this act.

Issue of new corporation to issue such new bonds, or to settle, in
bonds can the absence of an agreement on its part to do so. And
not be com- nothing herein contained shall be construed to legalize
elled. or render valid, or binding, or in any manner to *effect*
No bonds le- [affect] existing bonds or evidences of indebtedness of
galized. any character contemplated in this act.

Applies to This act applies to counties, and to cities and towns,
counties, and whether acting under special charters or under the
all cities and general incorporation law.
towns.

Maximum of New bonds issued, by virtue hereof, shall in no case
bonds. be for a greater sum than the principal and accrued or
Interest; may earned interest unpaid on the bond or debts, in
be payable at place of which they shall be given, nor bear a
N. Y. greater rate of interest than seven per cent. per
 annum, which interest may be made payable at New
 York, N. Y., or at the treasury of the corporation;
 and such new bonds shall show on their face that they
 are issued under this act, and if so agreed, may provide

5 per cent. of for the annual payment of five per cent. of the prin-
principal an- cipal thereof, in addition to the annual interest, until
nually. said new bonds are fully paid. Said new bonds shall
 be made payable at the treasury of the corporation;

shall be canceled when paid, and destroyed in the presence of the council of supervisors, who shall cause to be kept a register of all new bonds issued, and all coupons or bonds which are canceled and destroyed. Such new bonds may be in such form, for such amount not exceeding principal and interest then due on the old bonds or securities, and upon such time, not exceeding twenty-five years, as may be agreed upon with the holder or owner. Such new bonds shall only be signed in open session; a register shall be kept thereof, the bonds at once delivered to the *treasury* [treasurer] of the city, town, or county, who shall be liable on his official bond for the safe keeping thereof, and for the proceeds thereof, until he parts therewith under the direction of the council or board of supervisors.

Bonds payable.

Registered bonds.

Not longer than 25 years.

Treasurer liable for bonds.

SEC. 2. The council or trustees of incorporated towns or cities, or the board of supervisors of counties, are hereby invested with full power to bind their respective corporations by settlements made pursuant to and in virtue of this act. But they are directed and required, before any such settlement shall be entered upon, to ascertain the whole amount due by such debtor corporation, and they are invested with power to ascertain this in such way and manner as they may deem best. And the holders of existing bonds shall, if required by public proclamation of the board of supervisors or proper city or town council, as therein required, present their bonds to the proper clerk of the county or city or town, and allow such clerk to make a register of such bonds, showing their date, number, amount, maturity, and rate of interest; and no old bond or evidence of debt shall in any case be allowed, audited, paid, or settled until the same shall be actually produced and surrendered, or established by the judgment of a competent court. If it elects to act hereunder, the city, town, or county, by its proper governing body, shall appoint not less than three nor more than five of its citizens, a board of commissioners to execute the powers and duties required by this act, of which board of commissioners the mayor of the city or town, or the chairman of the board of supervisors, shall be *ex officio* a member; but no act of the board of commissioners in auditing or allowing bonds or debts, or in settlement thereof, shall bind the corporation until such act is reported to the proper governing body of the corporation and approved by it. And said board of commissioners shall keep a record of their acts and

Powers of local authorities.

To ascertain amount due.

Register of old bonds.

Old bonds.

Board of commissioners to be appointed.

Commissioners' record.

doings, which shall at all times be open to public inspection. And the city, town, or county incorporation shall likewise keep a record of all its acts and doings in the premises, which shall also be open to public inspection.

Corporation record.

Appropriation of tax;

not to be diverted.

Current expenses.

Specific tax.

No lien to be obtained.

Deficit.

Surplus.

Sec. 3. If new bonds or obligations are issued pursuant to the power given by this act, the said corporations named in the first section hereof are hereby authorized, at the time they make their annual levy of general taxes for general revenue, to appropriate and set apart for the ensuing year, or for a given number of years, a specific portion or percentage of the general tax so levied, to pay or apply on the new bonds herein authorized, and on such portion of the principal, if any, as has been agreed to be paid each year. When thus appropriated, (which may be by ordinance, contract, or resolution,) the amount thus appropriated shall be specifically applied to the purpose above named, and shall not be diverted to or used for any other purpose, and shall not be liable to be attached, garnished, seized, or taken on execution, by any creditor of the corporation, and such appropriation shall be to all intents and purposes a mortgage or pledge of the portion or percentage thus appropriated in favor of the parties holding such new bonds. The current expenses of the corporation must be paid out of the yearly or annual general revenue not thus specifically pledged. If the general revenue thus set apart and pledged is not sufficient to pay the interest and principal, if any, of the bonds issued by virtue hereof, the governing body shall levy a specific tax, as provided herein, sufficient to supply the deficiency not provided for by the portion of the general revenue thus set apart and pledged. And it shall not be in the power of any creditor, by any process, suit, judgment, or otherwise, to obtain a lien, right, or priority upon or to such general fund, so as to prevent the corporation from thus appropriating, or setting apart, or pledging such portion of its general revenue as is not necessary for the payment of its current expenses. If for any reason the revenue raised by any one year shall not be fully sufficient to pay the interest or any part of the principal of the new bonds falling due any given year, a specific levy to pay such deficit shall be included in a levy for the next year. If there is a surplus of the specific levy for any year, such surplus shall be exclusively applied on the bonds herein authorized to be issued.

Sec. 4. If new bonds or obligations are issued pur-

suant to the power given by this act, the corporations named in the first section thereof are hereby authorized, and it is hereby made the duty of the governing body of said corporations to provide annually in the manner herein prescribed for the payment of the interest of such new bonds, and such portion of the principal, if any, as has been agreed to be paid each year. When any portion of the general tax is appropriated and set apart as provided for in section three of this act, or when any specific additional tax is levied under the provisions of this act, the same shall be from that time forward a specific tax for the purpose of applying on or paying said new bonds or the interest thereon, and for no other purpose, and neither said taxes nor the money raised thereby shall ever be diverted or used for any other object or purpose until the whole of the compromise bonds issued under the provisions of this act are paid in full, both principal and interest. Nor shall the money so raised, or the proceeds of new bonds acquired to settle and pay the old bonds or debts, or be subject to attachment, garnishment, levy, or appropriation by the holders of debts or judgments against the corporation unless such judgments are obtained on the new bonds issued by virtue of this act. Money thus raised shall be kept as a distinct fund to be sacredly and exclusively applied to the sole purpose of paying the debts of the corporation as provided in this act.

Duty of authorities of corporations.

Appropriation and tax not to be diverted till bonds are paid.

Money not liable to attachment.

If the corporation agrees to pay, in addition to the annual interest, some specific portion of the principal each year, such new bonds shall be in such form as to enable this to be done and the amount paid from year to year to be detached from the bonds and canceled. Said specific tax hereby authorized shall be levied at the same time that other taxes are levied, and shall be collected in the same manner, but nothing but money shall be receivable in payment of such tax. And this act shall be construed as an amendment to the charter of cities and to the general incorporation act, being chapter fifty-one of the Revision, and also as enlarging the powers now given by law to the counties of the State. But no creditor of any public or municipal corporation who refuses to settle or compound his debt, and refuses to receive and does not receive new bonds or obligations, shall be entitled to the benefit of this act, or to the specific tax levy herein authorized.

New bonds to allow part of principal paid to be detached.

Act amendatory to ch. 51 Rev.

Creditors refusing to settle not entitled to benefit.

And if the court is satisfied that there is any evasion or delay in the performance of this duty on the part of the corporation, it is hereby invested with the power,

Delay.

- Duty of court.** and it is hereby made the duty of the court itself, to enter an order levying such tax and to charge its own officers with the duty of collecting it, and for this purpose they shall have all the powers, and be substituted in the place, of the corporate officers. And if judgments are obtained upon such new bonds or for the interest thereon, and are not paid, the corporate
- Property and general revenue liable for judgments on bonds.** property of all kinds, without any exemption, shall be subject to seizure and sale on execution, issued upon such judgments; the general revenue of the corporation shall be liable to pay such judgments, and officers subject
- Garnishment.** to garnishment. But it shall not be held to authorize the levy of any specific or other tax than such as may be levied by virtue hereof and for the purposes of paying the new bonds herein authorized. And this act shall
- Taxing power.** not be construed to enlarge the taxing power of cities, towns, or counties as respects old bonds or debts, nor to validate such bonds or debts in case they are not adjusted under the provisions of this act. Its benefits
- Design.** are designed for and limited to the [o]se who voluntarily make an adjustment under its provisions.
- Act a contract.** SEC. 5. This act shall be deemed to be a contract in favor of any creditor who accepts of its provisions, and to such creditor or holder of the new bonds herein authorized shall be irrevocable.
- Application of act.** SEC. 6. The benefits and provisions of this act only apply to creditors who shall receive new bonds in settlement of prior debts or bonds, nor does this act apply to corporations not indebted, or which do not issue new bonds in settlement of former ones.
- Bonds may be paid before due.** SEC. 7. The provisions of this act shall be deemed incorporated in the new bonds issued by virtue hereof. Any of the bonds hereby authorized may at the pleasure of the corporation be paid prior to the time therein fixed for payment, in which case the holder can only demand the principal and interest up to the time of payment.
- Advertisement.** SEC. 8. Power is hereby given to the board of commissioners, provided for in this act, to advertise from time to time in such papers as they may think best, and invite the existing bond-holders of the corporation
- Bondholders invited to make proposals.** to state to the commissioners: 1st. The terms on which they will exchange old bonds or debts for new bonds to be issued under this act. 2d. The terms on which they will surrender to the city, town, or county, (as the case may be,) old bonds or debts for new bonds to be issued under this act. 3d. The terms on which they will surrender to the city, town, or county (as the

case may be) old bonds for cash. The result shall be reported from time to time to the proper governing body of the corporation, for such action as it may see proper to take on the premises under the provisions of this act. If it is ascertained that the offers to surrender for ready money are the most advantageous, the new bonds herein authorized may be sold for cash, but in no case at less than par, and to no greater extent than is necessary to accept offers from time to time actually received. Money thus obtained shall be paid to and kept by the proper city, town, or county treasurer, and paid out only upon the direction of the council or board of supervisors; for the safe keeping of which the said treasurers shall be liable on their official bonds, the amount of which may be increased from time to time if necessary to secure the corporation from loss. Money thus obtained shall be exempt from attachment, garnishment, or levy; and if garnished the corporation, its officers and commissioners, shall not be held liable thereon.

Action of corporation.

Bonds not to be sold below par.

Treasurers to keep money.

Exemption.

SEC. 9. City and town corporations are invested with power to pass resolutions and ordinances, and counties to pass resolutions and orders, necessary to carry into execution the powers herein given.

Corporations invested with powers.

SEC. 10. No compromise shall be made under the provisions of [this] act until the proper council or board of supervisors shall submit the question whether the powers given by this act shall be exercised by such town, city, or county, and it shall be the duty of the town, [city,] or county authorities to submit the question to the voters of said town, city, or county (as the case may be), at some general or special election. The form of the question submitted may be substantially as follows: "Shall the city of (or county of, or town of, as the case may be,) settle its debts under and by virtue of the provisions of the act (giving its title and date of passage)?" The answer on the ballot containing the question shall be "yes" or "no." If the majority of the votes cast are "yes," then the proper city or town council, or board of supervisors, may exercise the powers given by this act in the manner herein prescribed; but no creditor can in any event compel them to exercise the powers. If the majority of the votes cast are "no," then the powers given by this act shall not be exercised by such town, city, or county. The question may be re-submitted to the voters after having been voted "no," but such re-submission must not be within twelve months

Submitted to the people.

Form of question.

Authorities may act.

Creditor can not compel.

Resubmission.

- of first submission. If adopted on such re-submission by a majority of the votes cast, then it shall be lawful for such town, city, or county to exercise the powers given by this act. The notice of the submission, in this section provided for, shall be such as the board of supervisors, or proper city or town council, may prescribe. The result, after being canvassed, shall be entered of record on the proper books of the county, town, or city.
- Notice of election. Result recorded. Counties of less than 5,000. Cities less than 3,500. Proviso. SEC. 11. The provisions of this act shall not apply to counties having a population of less than five thousand inhabitants; nor to cities having a population of less than three thousand five hundred inhabitants as shown by the census of 1867: *Provided*, That any action or proceeding under the provisions of this act shall be commenced within two years from the taking effect of this act, and not after.
- Other modes of settlement. Additional provisions. SEC. 12. Nothing herein contained shall be construed to prevent the corporations herein named from settling their debts without a resort to the powers contained in this act; and no bond shall be regarded as having been issued under this act unless it is so stated on the face thereof; and none of the powers herein given shall apply to bonds which are not issued, or which on the face thereof do not profess to have been issued under the provisions hereof.
- Another course. New bonds to take up old bonds; security with Treasurer. SEC. 13. A debtor corporation, instead of pursuing the course above authorized, may, if it resolves to do so, adopt the following course: It may issue the new bonds herein authorized and take up therewith old bonds (on such terms as may be agreed upon), and then deposit the old bonds with the treasurer of the State of Iowa, in his official capacity, as security for the payment of said new bonds and coupons. If the new bonds and coupons are paid, then the old bonds and coupons are to be surrendered to the proper debtor corporation upon such payment. If said new bonds or coupons are not paid, then the holder thereof may elect to surrender the new bonds and take back the old bonds; but the old bonds cannot be sold to pay the new bonds or coupons. The deposit of old bonds above authorized may be with or without the benefit of the specific levy herein authorized, as may be agreed upon by the parties.
- Agreement.

SEC. 14. This act, being deemed of immediate importance, shall go into effect when published in the Iowa State Register and Iowa Evening Statesman.

Approved April 2, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 4, 1868, and in *The Iowa Evening Statesman* April 4, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 68.

ELECTION ON AMENDMENTS TO THE CONSTITUTION.

AN ACT Providing for the Submission of certain proposed Amendments to the Constitution of the State of Iowa, to the People thereof, at the next General Election therein. APRIL 2

WHEREAS, The Eleventh General Assembly of the State of Iowa did propose certain amendments to the constitution of said State, and did, by a majority of the members elected to each of the two houses thereof, agree to the same; and did cause the same to be entered on their journals with the yeas and nays taken thereon, and did refer the same to the legislature chosen at the general election now last past, and did cause the same to be published, as provided by law, for three months previous to such election; and

WHEREAS, The legislature chosen at such election, to-wit, the 12th General Assembly of the State of Iowa, has, by a majority of all the members elected to each house thereof, agreed to the following of said proposed amendments to the constitution of the State of Iowa, to-wit:

- 1st. Strike the word "white" from section one of article two thereof. Constitution, art. 2, § 1.
- 2d. Strike the word "white" from section thirty-three of article three thereof. Constitution, art. 3, § 33.
- 3d. Strike the word "white" from section thirty-four of article three thereof. Constitution, art. 3, § 34.
- 4th. Strike the word "white" from section thirty-five of article three thereof. Constitution, art. 3, § 35.
- 5th. Strike the word "white" from section one of article six thereof. Constitution, art. 6, § 1.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That said amendments are hereby

Amendm'ts submitted to the people of the State of Iowa for their approval and ratification at the next general election ; and it shall be the duty of the Governor to set forth said amendments and the submission thereof in his proclamation of such election.

Vote on 1st amendment: suffrage. Sec. 2. Those electors voting to approve and ratify the first of said amendments, shall have written or printed on their ballots the words, "For the first amendment." Those electors voting not to approve and ratify said first amendment, shall have written or printed on their ballots the words, "Against the first amendment."

Vote on 2d amendment: enumeration of persons of color. Sec. 3. Those electors voting to approve and ratify the second of said amendments, shall have written or printed on their ballots the words, "For the second amendment." Those electors voting not to approve and ratify said second amendment, shall have written or printed on their ballots the words, "Against the second amendment."

Vote on 3d amendment: counting persons of color in apportioning senators. Sec. 4. Those electors voting to approve and ratify the third of said amendments, shall have written or printed on their ballots the words, "For the third amendment." Those electors voting not to approve and ratify said third amendment, shall have written or printed on their ballots the words, "Against the third amendment."

Vote on 4th amendment: counting persons of color in representative apportionment. Sec. 5. Those electors voting to approve and ratify the fourth of said amendments, shall have written or printed on their ballots the words, "For the fourth amendment." Those electors voting not to approve and ratify said fourth amendment, shall have written or printed on their ballots the words, "Against the fourth amendment."

Vote on 5th amendment: including persons of color in militia. Sec. 6. Those electors voting to approve and ratify the fifth of said amendments, shall have written or printed on their ballots the words, "For the fifth amendment." Those electors voting not to approve and ratify said fifth amendment, shall have written or printed on their ballots the words, "Against the fifth amendment."

Canvass of votes. Duplicate. Where filed. Sec. 7. The votes cast for and against the approval and ratification of each of said amendments, in the manner aforesaid, shall be canvassed and returned in all respects as the vote for the office of Secretary of State is canvassed and returned, except that the result shall be certified in duplicate by the board of State canvassers, one certificate being deposited in the office of the Governor, and the other in the office of the Secretary of State.

SEC. 8. In case either of said amendments shall be approved and ratified by a majority of the electors qualified to vote for members of the General Assembly voting thereon, the Governor shall forthwith issue his proclamation setting forth such approval and ratification, and declaring such amendment, so approved and ratified, to be a part of the Constitution of the State of Iowa, which proclamation shall be transmitted and published the same as proclamations of election.

Proclamation of ratification.

Approved April 2, 1868.

CHAPTER 69.

APPROPRIATION FOR THE PENITENTIARY.

AN ACT to Provide for the Payment of Salaries of Officers and Wages of Employees of the Penitentiary, and for the General Support of the Convicts. APRIL 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, so much as may be necessary to pay monthly to the persons herein named the following sums, viz.: To the warden one hundred and twenty-five dollars, to the deputy-warden eighty-three and one-third dollars, to the clerk sixty-two dollars and fifty cents, to the chaplain fifty dollars, to the surgeon fifty dollars, to each night-guard fifty-five dollars, to each day-guard fifty-five dollars, to the hospital-steward fifty dollars, to the turnkey fifty dollars.

Appropriat'n for Penitentiary.
 Monthly:
 warden, \$125;
 dep. do. \$83½;
 clerk, \$62½;
 chaplain, \$50;
 surgeon, \$50;
 night-guard, \$55;
 day-guard, \$55;
 hospital-steward, \$50;
 turnkey, \$50.

SEC. 2. The above sums shall be paid to the warden on his requisition monthly, accompanied with a detailed statement, in such form as the Auditor shall prescribe, of the number and kinds of guards employed; and each statement shall also exhibit the payments made by the money drawn on the previous requisition.

How paid.
 Statement by warden.

SEC. 3. That for the general support of the convicts there is hereby appropriated the monthly sum of eight and one-third dollars, or so much thereof as may be necessary to each convict in said prison, to be estimated by the average number for the preceding month, subject however to a deduction from the whole amount for the month of the sum charged to the contractors for convict labor for that month.

Support of convicts, \$8½ each, monthly.
 How estimated.
 Deduction for labor.

How paid. **Statement.** **Sec. 4.** The sum appropriated by the last section shall be paid on the requisition of the warden, accompanied with a statement of the number of convicts in his charge, and the amount charged to the contractors for that month, all in such form as the Auditor shall prescribe.

Amount not collected from contractors — how supplied. **Sec. 5.** If for any reason the amount charged to the contractors for any month can not be collected in time to be available for such support, the Governor may, by his order, direct the payment of the whole or any part of the eight and one-third dollars per month.

Auditor to collect debts to Penitentiary. **Sec. 6.** The State Auditor is required to take immediate steps to cause to be collected and accounted for all those debts owing to the State on account of the penitentiary, or in any manner connected therewith, and all outstanding claims of whatever nature which the State may have on that account, and to that end he may, if he finds it necessary, place any claim in the hands of the Attorney - General for prosecution.

Approved April 2, 1868.

CHAPTER 70.

AN ACT to Amend An Act Fixing the Time of holding Court in the County of Hardin, and State of Iowa, approved March 9, 1868.

APRIL 2.

HARDIN COUNTY DISTRICT COURT.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the first section of the Act fixing the time of holding court in the county of Hardin, and State of Iowa, approved March 9th, 1868, be amended by adding thereto the following, viz.: "And all writs, processes, proceedings, and actions pending in or returnable to the district court in said county and State, at the times heretofore fixed by law in 1868, shall be deemed pending and returnable respectively at the terms as fixed by the act hereby amended; and no suit, writ, notice, recognizance, indictment, or other proceeding shall be held invalid by reason of the provisions of the act to which this is amendatory, or of the changes made by said act in the times of holding court in said county."

SEC. 2. This act being deemed by the General

Assembly of immediate importance shall take effect ^{Taking effect.} and be in force from and after its publication in, the Iowa State Register and Eldora Ledger.

Approved April 2, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 9, 1868, and in *The Eldora Ledger* April 11, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 71.

LEGALIZING JUDGMENTS OF A JUSTICE OF THE PEACE IN LOUISA COUNTY.

AN ACT to Legalize certain Judgments rendered by Benjamin Furnace, a Justice of the Peace in and for Louisa County, Iowa. APRIL 2.

WHEREAS, Benjamin Furnace was elected justice of the peace in and for Louisa county, Iowa, for the years 1859 and 1860; and

WHEREAS, The said Benjamin Furnace rendered judgments in certain causes which were legally pending before him as such officer during said time, and failed or neglected to affix his signature thereto: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all of the said judgments ^{Judgm'ts by} which were so rendered by the said Furnace during ^{B. Furnace, J.} said time, to which he did not affix his signature, be ^{P., legalized.} and the same are hereby legalized and made as valid for all purposes as if the same had been duly signed.

SEC. 2. This act shall take effect and be in force ^{Taking effect} from and after its publication in the *Daily State Register* and *Daily Statesman*, papers published at ^{No cost to} Des Moines, without expense to the State. ^{Des State.}

Approved April 2, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 4, 1868, and in the *Daily State Register* April 5, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 72.

ADDITION TO THE TOWN OF CORYDON, WAYNE COUNTY.

APRIL 2. AN ACT to Include the Territory known as the Kincade Addition in the Limits of the Town of Corydon, Wayne County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That blocks no[s]. 1, 2, 3, 4, 5, 6, and 7, known as Kincade's Addition to the town of Corydon, be and the same are hereby declared a part of said town of Corydon, as fully and completely as though the plat of the same had been duly recorded, any informality in the original plot or survey to the contrary notwithstanding.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and the Corydon Monitor; *provided,* such publication be without expense to the State.

Approved April 2, 1868.

I hereby certify that the foregoing act was published in the *Corydon Monitor*, April 11, 1868*.

ED WRIGHT, *Secretary of State.*

CHAPTER 73.

COURTS IN FOURTH JUDICIAL DISTRICT.

APRIL 3. AN ACT Fixing the Times for holding Terms of the District Court in the Fourth Judicial District, and Attaching certain Counties to others in said District for Judicial Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the terms of the district court in the fourth judicial district for the year 1868, and each year thereafter, shall be as follows:

Shelby co. In Shelby county on the second Monday in April.
Crawford co. In Crawford county on the third Monday in April.
Sac co. April. In Sac county on the fourth Monday in April.
Calhoun co. In Calhoun county on the first Thursday after the Monday fixed for holding court in Sac county.

* For remainder of certificate, see Addenda.

In Humboldt county on the fourth Monday after the second Monday in April. Humboldt co. May.

In Kossuth county on the fifth Monday after the second Monday in April. Kossuth co. May.

In Pocahontas county on the sixth Monday after the second in April. Pocahontas co. May.

In Palo Alto county on the first Thursday after the Monday fixed for holding court in Pocahontas county. Palo Alto co. May.

In Emmett county on the seventh Monday after the second Monday in April. Emmett co.

In Dickinson county on the first Thursday after the Monday fixed for holding court in Emmett county. Dickinson co.

In Clay county on the eighth Monday after the second Monday in April. Clay co. June.

In Cherokee county on the first Thursday after the Monday fixed for holding court in Clay county. Cherokee co. June.

In Woodbury county, on the ninth Monday after the second Monday in April, and on the first Monday in December. Woodbury co. June and December.

In Monona county, on the tenth Monday after the second Monday in April, and on the second Monday in December. Monona co. June & Dec.

In Harrison county, on the eleventh Monday after the second Monday in April, and on the third Monday in December. Harrison co. June & Dec.

SEC. 2. The county of Buena Vista is hereby attached to the county of Clay, and the county of Ida is hereby attached to the county of Sac, and the county of O'Brien is hereby attached to the county of Cherokee, Cherokee, and the counties of Sioux and Plymouth are hereby attached to the county of Woodbury, for judicial purposes under this act. Buena Vista co. attached to Clay; O'Brien to Cherokee; Sioux & Plymouth to Woodbury.

SEC. 3. No judgment, rendered in any county which another is attached by this act, shall be a lien upon the real estate in the county so attached until a transcript of the judgment shall have been filed in the office of the clerk of the district court of said county, as now provided by law. Judgm't lien not to lie in co. attached till transcript is filed in co.

SEC. 4. Where counties are attached to another by this act for judicial purposes, the judge of the district court may, at each session thereof held in the county to which said counties are attached, make such order apportioning the expense of holding the court among the several counties as he may deem just and equitable. District judge may apportion expenses where cos. are attached.

SEC. 5. The district judge of said judicial district may appoint other terms of court in those counties in which but one term in each year is herein provided for, District judge may appoint special terms.

and also in those counties attached to others, whenever in his judgment the business of the county requires it.

Writs, &c., returnable at new term. SEC. 6. All writs, processes, and proceedings pending in any of said courts, and returnable at the times now fixed by law, shall be deemed pending and returnable at the terms as fixed by this act; and no suit, writ, notice, recognizance, indictment, or other proceeding shall be quashed or held invalid by reason of this act or by reason of the changes hereby made in the times for holding the courts in said district.

No legal proceedings invalidated by change. SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause. 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 and The Iowa Evening Statesman.

Taking effect. Approved April 3, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 7, 1868, and in *The Iowa Evening Statesman* April 7, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 74.

FOR THE PROTECTION OF FRUIT.

APRIL 3. AN ACT to Repeal Chapter 120 of the Laws of the Ninth General Assembly, approved April 7th, 1862, and to Enact, instead thereof, a Substitute having for its Object the better Protection of Fruit.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That if any person or persons maliciously or mischievously enter the inclosure of any person with the intent to knock off, pick, destroy, or carry away; or, having lawfully entered, do afterwards wrongfully knock off, pick, destroy, or carry away any apples, peaches, pears, plums, grapes, or other fruit or flower of any tree, shrub, bush, or vine, he shall be punished, for the first offense, by a fine not less than five dollars, nor exceeding one hundred dollars, with the costs of conviction, or by imprisonment in the county jail not exceeding thirty days; and should any person be found guilty of a second violation of this act

Injuring or stealing growing fruit punished;

1st offense—\$5 to \$100 fine and costs, or imprisonment not over 30 days;

2d offense—fine not under \$10, costs, & imprisonm't.

the fine shall not be less than ten dollars and costs of conviction, or imprisonment as above provided.

SEC. 2. If any person maliciously or mischievously enter the inclosure of any person in the night-time, and knock off, pick, destroy, or carry away any apples, peaches, pears, plums, grapes, or other fruit or flower of any tree, shrub, bush, or vine; or, if any person having entered the inclosure of another, in the night-time, with the intent to knock off, pick, destroy, or carry away any fruit or flower as aforesaid, be found therein, he shall, on conviction thereof, be punished by a fine not less than twenty-five nor to exceed one hundred dollars and costs of conviction, or by imprisonment in the county jail not exceeding thirty days.

Same offense in night time,
found in inclosure at night,
punished: fine \$25 to \$100 & costs, or imprisonment.

SEC. 3. Chapter 120 of the laws of the Ninth General Assembly, approved April 7th, 1862, and all other acts or parts of acts in conflict with this act are hereby repealed.

Ch. 120, 9th G. A., &c., repealed.

SEC. 4. *Be it further enacted*, That if any person maliciously or mischievously bruise, break, pull up, cut down, carry away, destroy, or in anywise injure any fruit or ornamental tree, shrub, or vine, being, growing, or standing on the land of another, he shall be punished by a fine not less than ten nor exceeding one hundred dollars, and costs of conviction, or by imprisonment in the county jail not exceeding thirty days.

Taking, destroying, and injuring fruit trees, &c.,
punished: fine \$10 to \$100 & costs, or imprisonment.

SEC. 5. Nothing in this act shall be construed as repealing or conflicting with any part of chapter 170 of the Revision of 1860.

Construction. Rev., ch. 170.

Approved April 3, 1868.

CHAPTER 75.

REAL ESTATE SOLD FOR TAXES AND UNREDEEMED TO BE SO DESIGNATED ON TAX-LISTS.

AN ACT Relating to Real Estate sold for Taxes, and unredeemed, and Providing that Property so sold and unredeemed shall be designated as such on the Tax - Lists.

APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of the clerk of the board of supervisors in each county, when making up the tax - book of the county, and before

Clerk board supervisors

to designate said book is placed in the hands of the county treasurer for collection of the taxes therein, to designate real estate each piece or parcel of real estate sold for the taxes, and sold for taxes and unredeemed, by writing in a plain manner, opposite to each such piece of real estate so sold and unredeemed, the word "sold."

Sec. 2. It shall be the duty of each county treasurer, when any person offers to pay taxes on any real estate marked "sold," to notify such person that such property has been sold for taxes, and to inform him for what year or years' taxes said property (was sold), and at what time said sale was effected.

Sec. 3. Any county treasurer, or clerk of the board of supervisors, who shall willfully neglect or refuse to perform the duties required by this act, shall be liable to forfeit not less than fifty nor more than five hundred dollars, to be recovered in an action brought in a court of record, by the board of supervisors, or by the party injured thereby, and the judgment entered shall be against him and his bondsmen, and the proceeds of such forfeiture shall go, one part to the school fund, and one part to the party injured.

Approved April 3, 1868.

CHAPTER 76.

NON-RESIDENT ROAD-TAX.

APRIL 3. AN ACT to Repeal Section 898, of the Revision of 1860, and to Provide a substitute therefor, in Relation to returning Non-Resident Road-Tax.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 898 of the Revision of 1860 is hereby repealed, and the following is enacted in lieu thereof: SECTION 898. That the township clerks shall, on or before the second Monday of October in each year, make out a correct list of all non-resident land and town-lots, on which the road-tax has not been paid, and the amount of tax charged on each piece of land and town-lot, designating the district in which said land or town-lot is situated, and transmit a certified copy of the same to the clerk of the board of supervisors of the proper county, who shall enter the

amount of tax on each piece of land and town - lot, on the tax - list, opposite such piece of land and town - lot respectively, in the column ruled for that purpose, the same as other taxes, and deliver the same to the county treasurer, charging him with the same, which shall be collected by such treasurer in the same manner that county taxes are collected; and in case the township clerk shall fail or neglect to make such return, he shall forfeit and pay to the use of the township, for road purposes, a sum equal to the amount of tax on said land, which may be collected by suit on his official bond, commenced in the name of the township by the trustees thereof, before any court having competent jurisdiction.

enter same on tax-list.

Co. treasurer to collect.

Neglect of tp. clerk punished.

Approved April 3, 1868.

CHAPTER 77.

UNITED STATES MAY PURCHASE PROPERTY IN DES MOINES.

AN ACT Giving the Consent of the Legislature of the State of Iowa to the Purchase by the United States of certain Real Estate. APRIL 3.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the consent of this General Assembly be and the same is hereby given to the purchase, by the United States, of those certain parcels of land known and described as lot number five, and lot number six, in block number twenty-one, in the original town of Fort Des Moines, now included within the corporate limits of the city of Des Moines, in said State.

Cons'nt given to U.S. to purchase lots 5 & 6, block 21, original town of Fort Des Moines.

Approved April 3, 1868.

CHAPTER 78.

SCHOOL - FUND AND SCHOOL - LANDS.

AN ACT in Relation to the School - Fund and the School - Lands. APRIL 3.

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

Duty of clerk the clerks of the boards of supervisors of the several board of su- counties of the State, in which lands have been bid off pervisors. on foreclosure of mortgages and contracts and conveyed to the State for the use of the school - fund, previous to the taking effect of this act, to make an abstract of

Lands con- such lands, giving their description in full, and the date veyed to State of the conveyance of the land to the State, and having for school- certified to the correctness of said abstract, immediately fund to be certified to forward the same to the Register of the State Land- Register of Office, and any such lands conveyed to the State after State L. O. the taking effect of this act shall in like manner be immediately certified to the Register of the State Land - Office.

Conveyances conveyed to the counties in which the same are situated, to counties for the use of the school - fund instead of to the State, for school- as required by law, such conveyance shall be considered fund to be valid and binding, and on the proper certificates being binding. made, as hereinbefore provided, patents shall be issued Patents to to the purchasers of said lands in like manner as in issue. cases where the conveyances were made to the State for the use of the school - fund.

Taking effect. Sec. 3. 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 Iowa Evening Statesman, newspapers published at Des Moines, Iowa.

Approved April 3, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 6, 1868, and in the *Daily State Register* April 10, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 79.

PARTIES OPERATING RAILROADS LIABLE FOR INJURIES TO LIVE - STOCK.

APRIL 3. AN ACT to amend Chapter 169 of the Acts of the Ninth General Assembly in Relation to the Duties of Railroad Companies. 1862, ch. 199.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* All companies, lessees or corporations, hereafter running or operating any railroad

within this State, shall be liable for injuring, destroying, or killing any *line* [live] stock, the same as railroad companies now are, and all the provisions of chapter 169 of the acts of the Ninth General Assembly, which apply to the putting in of cattle-guards, the fencing of the road, the injuring, destroying, or killing of live stock, the neglect of agents and employees, shall be held to apply to such companies, lessees, or corporations, as though they were specially named therein, and parties suffering injuries from the running and operation of such roads by such parties, shall have all the remedies prescribed in said chapter as fully as they now have against the railroad company.

Companies, &c., running R.R. liable for injuring, &c., live stock.
Cattleguards.
Parties injured to have remedies against lessees, &c.

SEC. 2. This act, being deemed of immediate importance, shall go into effect from and after its publication in the Daily Iowa Register and Iowa Homestead, newspapers published at Des Moines, Iowa.

Taking effect.

Approved April 3, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 8, 1868, and in *The Iowa Homestead* April 9, 1868.
ED WRIGHT, *Secretary of State.*

CHAPTER 80.

TOWNS INCORPORATED UNDER THE CODE.

AN ACT Relating to Towns Incorporated under the Provisions of Chapter 42 of the Code of 1851. APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That upon the filing in the office of the Secretary of State of a copy of the record of (any instrument purporting to be) the charter of incorporation, under chapter 42 of the Code of Iowa 1851, of any town therein named and described, duly certified, by the recorder of the county wherein such town is situate, to be a correct copy of the record of such charter as the same appears of record in his office, such town, so named and described, shall be deemed to have been, at the date therein mentioned for the taking effect of said charter, duly incorporated thereunder as such town; and such town shall be advanced to the grade of a city of the second class in like manner, and on like conditions, as provided by chapter 51 of the Revision.

Code, ch. 42.

Mode of procedure for towns incorporat'd under Code.

How advanced in grade.
Rev. ch. 51.

Co. recorders to file in Secretary's office copies of records of town charters under Code.

Fees.

Secretary of State to file. Secy's certificate evidence

Towns incorporat'd under Code, and intended to be reorganized under ch. 157, 7th G. A. deemed so organized. Rev., § 1081,

Official acts valid.

Legal proceedings now pending not affected.

What regarded as evidence of incorporation;

SEC. 2. It shall be the duty of every county recorder, in whose office there shall appear a record of any instrument purporting as aforesaid, forthwith to make, and deposit by mail in the office of the Secretary of State, a correct copy of such record as the same appears in his office, duly certified by him, in manner as aforesaid, upon the performance of which service such recorder shall be entitled to demand and receive from such incorporated town his legal fees therefor; and on receipt of such certified copy by the Secretary of State, it shall be the duty of the said Secretary to file the same in his office and to indorse thereon the date of such filing; and thereafter his certificate of such fact of filing, and of the date of the same, shall be evidence thereof in all courts and places.

SEC. 3. Any town that may have been incorporated under chapter 42 of the Code of 1851, and that since the taking effect of chapter 157 of the laws of the 7th General Assembly, entitled "An act for the incorporation of cities and towns," shall have manifested, by the election of the officers mentioned in section 51, of said act, (section 1081 of the Revision,) its intentions to organize as an incorporated town, under the provisions of said act, shall, from the time of the election of any such officers, be deemed to be thereby organized under such act as such incorporated town; and all the provisions of said act, and the amendments thereto, shall be held to apply to such incorporated town from the date of such election, as fully and in like manner as if the said town had been originally incorporated and organized under the said act; and the official acts of all persons discharging the duties of the several offices provided for in section 51 aforesaid, since the organization of such incorporated town as aforesaid, are hereby declared to be as valid and effectual, to all intents and purposes, as if the said town had been originally incorporated and organized under and in pursuance of the act aforesaid: *Provided*, That the legalizing part of this act shall not be held to in any manner affect any suit, action, or legal proceeding, now pending in any court in this State, wherein any of the supposed illegalities herein legalized are set up, either in support thereof or as defense thereto.

SEC. 4. The original of any charter aforesaid, or a duly certified copy thereof, or of the record thereof, or a printed copy of any charter aforesaid, purporting to be published by corporate authority of such town, shall be received as evidence, in all courts and places, of the

fact of incorporation and of all other matters therein contained; and a copy of the records of any election aforesaid, duly certified as a correct copy thereof by the acting recorder of any such town, as well as the original record and the certificates of election, shall be evidence in all judicial proceedings of such election.

and of election under re-organization.

SEC. 5. 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 Iowa Homestead, newspapers published at Des Moines, Iowa: *Provided*, the same be done without expense to the State.

Taking effect.

No cost to State.

Approved April 3, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 10, 1868, and in *The Iowa Homestead* April 15, 1868.

ED WRIGHT, *Secretary of State*.

CHAPTER 81.

STATE AGRICULTURAL COLLEGE AND MODEL FARM.

AN ACT Making Appropriations for the State Agricultural College and Farm. APRIL 8.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby appropriated for the purposes as hereafter specified, out of any money in the State treasury not otherwise appropriated, the following sums, or so much thereof as may be necessary, viz.: For procuring and placing a heating apparatus, cooking range, and the necessary fixtures belonging thereto, in the Iowa Agricultural College building, ten thousand dollars; for the purpose of erecting three dwelling houses for the use and occupancy of the professors employed in the College above mentioned, said buildings to be erected on the College Farm under direction of the building committee, elected by the board of trustees, twelve thousand dollars; for procuring water, constructing cisterns, and providing clocks and bell, two thousand dollars; for grading and laying out grounds, procuring and planting trees, and erecting the necessary outbuildings, one thousand dollars; to pay for extra work on the college building

Appropriations for Ag'l College:

Heating and cooking apparatus, &c., \$10,000;

houses for professors, \$12,000;

grading, trees & out-buildings, \$1,000;

extra work
on College,
&c., \$3,000;

For use of
Farm—

\$1,000,

\$300,

\$2,500,

\$750,

\$1,500,

\$500,

\$1,200,

\$1,200,

\$300.

and expenses therewith connected, three thousand dollars; for the use of the College Farm, to be expended by the board of trustees, for the following named purposes, to-wit: For tile draining of farm, one thousand dollars; for hog-house, corn-crib, and hen-house, eight hundred dollars; for stable, granary, and tool-house, twenty-five hundred dollars; for shed for farm machinery, and cellar for roots, seven hundred and fifty dollars; for furniture for farm-house, fifteen hundred dollars; for horses and harness, five hundred dollars; for safe to preserve books and records, &c., twelve hundred dollars; for farm implements, repairing, fencing, &c., twelve hundred dollars; for procuring road on south side of farm, three hundred dollars.

SEC. 2. Should the amount hereby appropriated for any of the objects named be insufficient for either of said objects, the surplus remaining from any other object, appropriated for in this act, may be used to supply such deficiency.

Surplus amts.
may be diver-
ted.

SEC. 3. The money hereby appropriated shall be expended under direction of the board of trustees of the Agricultural College and Farm, and shall be drawn from the State treasury upon warrants issued by the Auditor of State, upon the requisition of the president of the board of trustees, at such times, and in such sums as may be required in making the improvements and purchases above described.

Money—how
expended;
how drawn.

Vouchers.

SEC. 4. Vouchers shall be taken for all moneys expended by the board of trustees, or executive or building committee, in carrying out the provisions of this act, and a record shall be kept of all expenditures, showing the amount paid, to whom paid, and for what service rendered, or material purchased.

Record of ex-
penditures.

SEC. 5. In all contracts entered into by the board, or executive or building committee, good and sufficient bonds shall be required for the faithful performance of the same. The trustees shall make a full report to the next General Assembly, showing in detail the manner in which the money appropriated by this act has been expended.

Bonds req'r'd
in contracts.
Trustees to
report to G.
Assembly.

SEC. 6. The money shall be drawn from the State treasury by the treasurer of the board of trustees, and shall be paid out by him upon orders drawn by the president of the board of trustees.

Treasurer of
board to draw
from State
treasury.

SEC. 7. This act shall be in force and take effect from and after its publication in the Iowa State Register

Taking effect.

and Iowa Homestead, newspapers published in Des Moines, Iowa.

Approved April 3, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 8, 1868, and in *The Iowa Homestead* April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 82.

COMPENSATION FOR SUPPLIES FURNISHED IOWA TROOPS DURING THE REBELLION.

AN ACT for the Relief of Barton B. Dunning, of Ringgold county, Iowa. APRIL 3.

WHEREAS, In the year 1861, Colonel John Edwards was empowered, by the Governor of the State of Iowa, to organize a battalion of troops to protect the southern border of the said State; and,

WHEREAS, The said Colonel John Edwards, by and with the consent of the Governor of the State of Iowa, marched said battalion to the city of St. Joseph, Missouri; and,

WHEREAS, Barton B. Dunning, of Ringgold county, Iowa, purchased in the city of St. Joseph, Missouri, twenty-seven hundred pounds of flour, at the price and sum of fifty-four dollars; said purchase was made for the use and benefit of said battalion, and was taken in possession by C. S. Kellogg, the acting commissary for said battalion, and was issued to the men as rations: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated, out of the State treasury, the sum of seventy-five ¹⁰⁰/₁₀₀ \$75.06 appropriated for B. Dunning, and that the Auditor of State is authorized and required to issue his warrant upon the State Treasurer for the amount aforesaid. Aud. to issue warrant.

SEC. 2. This act being deemed of immediate importance shall take effect from and after its publication in Taking effect.

the State Register and Iowa Homestead, papers published at Des Moines, Iowa.

Approved April 3, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 9, 1868, and in *The Iowa Homestead*, April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 83.

LEGALIZING ACTS OF CITY COUNCIL OF CLINTON.

APRIL 3. AN ACT to Legalize the Acts of the Council of the City of Clinton.

Certain ordi-
nances of
Clinton legal-
ized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the ordinances passed by the city council of the city of Clinton on the 13th and 30th days of May, 1867, and the levy of a special tax made thereunder, and all other acts of the council of the city of Clinton, within the scope of the powers conferred by law upon cities of the second class, be and the same are hereby legalized and made valid in every respect, as fully as if the same had been done with all due form of law: *Provided*, That this act shall not impair any rights acquired or any action pending.

Not to impair
rights or pen-
ding actions.

Taking effect.

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 Daily Register and the Semi-Weekly Herald, published in Clinton city; *provided*, such publication be without expense to the State.

No cost to
State.

Approved April 3, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 10, 1868, and in the *Clinton Semi-Weekly Herald* April 11, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 84.

CORRECTION OF ERRORS IN PLAT OF WEBSTER CITY.

AN ACT to Authorize the Correction of Errors in the Plat of the Village of Webster City, in Hamilton County. APRIL 8.

WHEREAS, In the original plat of the village of Webster City, in the county of Hamilton, blocks number[s] thirteen, twenty-two, thirty-three, and forty-four, in said village, were by an omission or error not divided into lots, as designed by the proprietor of said blocks; and

WHEREAS, Walter C. Willson, sole and only proprietor of said blocks, as well as the tract of land from which the same were laid out, did thereafter divide said blocks into lots, and number the same in accordance with specifications attached to the original plat of said village; and

WHEREAS, Said Walter C. Willson did thereafter sell and convey away said lots, as by him numbered, in accordance with the specifications attached to said original plat; and

WHEREAS, Said plat of said village of Webster City, as recorded in the office of the recorder of said county, fails to show that said blocks have been divided into lots by reason of the omission or errors aforesaid: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the said Walter C. Willson be and hereby is authorized to amend the original plat of said village of Webster City, by dividing said blocks number[s] thirteen, twenty-two, thirty-three, and forty-four, into lots in accordance with the specifications attached to said plat and conveyances heretofore executed by said Willson. W. C. Willson authorized to divide blocks 13, 22, 33, and 44, Webster City, into lots.

SEC. 2. That the recorder of said county of Hamilton is hereby authorized and required, when the amendments herein authorized shall have been made by said Walter C. Wilson, to record said amendments upon the recorded plat of said village of Webster City as now on file in his office. Co. recorder to record amendments to plat.

SEC. 3. That the proceedings herein authorized, when completed in accordance with the provisions of this act, shall be of the same force, validity, and effect as if had when said village of Webster City was originally platted and recorded. Effect of proceedings under act.

SEC. 4. This act, being deemed of immediate

Taking effect. importance, shall take effect and be in force from and
 No expense after its publication in the Iowa State Register and
 to State. Hamilton Freeman, without expense to the State.

Approved April 3, 1868.

[For certificate of publication, see Addenda.—SEC. OF STATE.]

CHAPTER 85.

AN ESCHEAT IN BUCHANAN COUNTY RELEASED.

APRIL 3. AN ACT to Release to Alfred Heber Reynolds any and all Right
 of the State of Iowa, by Way of Escheat, to certain Lands
 in Buchanan County, Iowa.

Preamble. WHEREAS, One Jacob McMichael, in the year 1854,
 became owner in fee simple of the following described
 lands, to-wit: E $\frac{1}{4}$ se $\frac{1}{4}$ and s $\frac{1}{4}$ ne $\frac{1}{4}$, section 20, town-
 ship 87, r. 10; and n $\frac{1}{4}$ se $\frac{1}{4}$ and ne $\frac{1}{4}$, section 29, town-
 ship 87, r. 10; and nw $\frac{1}{4}$ ne $\frac{1}{4}$, and ne $\frac{1}{4}$ nw $\frac{1}{4}$, section
 31, township 88, r. 10,—which said land the said Jacob
 McMichael and Lovina, his wife, conveyed by deed of
 warranty to Alfred Heber Reynolds on or about the
 28th day of October, 1864; and

WHEREAS, The said McMichael, at the time of such
 purchase and sale, was an alien of the United States;
 and

WHEREAS, The said Alfred Heber Reynolds, for
 three years last past, has been and now is a resident of
 the State of Iowa, and has settled upon and improved
 said lands: therefore,

SECTION 1. *Be it enacted by the General Assembly*
of the State of Iowa, That any and all claims of the
 Claim of State to e $\frac{1}{4}$ se $\frac{1}{4}$ & s $\frac{1}{4}$ ne $\frac{1}{4}$ § 20, n $\frac{1}{4}$ se $\frac{1}{4}$ & ne $\frac{1}{4}$ § 29, nw $\frac{1}{4}$ ne $\frac{1}{4}$ and ne $\frac{1}{4}$ nw $\frac{1}{4}$ § 31, section twenty-nine; also, the north-west qr. of north-
 tp. 87, r. 10, east qr., and north-east qr. of north-west qr. of section
 thirty-one, all in township eighty-seven n. of range ten,
 to A. H. Rey- w. of 5th p. m. in Buchanan county, State of Iowa, by
 nolds. reason of any liability of the same to be escheated to
 the State, on account of the alienage of the said Jacob
 McMichael, be and the same are hereby relinquished
 to the said Alfred Heber Reynolds.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Buchanan County Bulletin and Guardian and the Iowa State Register, without expense to the State.

Approved April 3, 1868.

I hereby certify that the foregoing act was published in the Buchanan County Bulletin and Guardian April 10, 1868, and in the Iowa State Register April 15, 1868.

ED WRIGHT, Secretary of State.

CHAPTER 86.

CIRCUIT AND GENERAL TERM COURTS.

AN ACT Establishing Circuit and General Term Courts, and to Define the Powers and Jurisdiction thereof. APRIL 3.

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That Circuit Courts are hereby established throughout the State, and each judicial district, as now or hereafter constituted by law for the election of district judges, shall be divided into two circuits as hereinafter more particularly described, in each of which there shall be elected, by the qualified voters thereof, at the general election in November, 1868, and every fourth year thereafter, a Circuit Judge, the votes for whom shall be on the same ballot with that for State officers, shall be canvassed, returned, and certified in the same manner, and certificates of election issued the same, as in case of district judges.

SEC. 2. Said judges shall hold office for the term of four years, and until their successors are elected and qualified; but in case of a vacancy occurring in any circuit, the Governor shall appoint a judge who shall hold office until the next general election, and until his successor is elected and qualified.

SEC. 3. Each of the said judges shall hold at least four terms of court in each county of his circuit in each year, which court shall have original and exclusive jurisdiction in each county, severally, of the following actions and proceedings, viz.: All matters relating to the probate of wills, the appointment and supervision of executors, administrators, and guardians of minors, idiots, and lunatics, the settlement of decedents' estates,

and the care of the estates of minors and insane persons, and all others under guardianship; and all proceedings for the examination or settlement of the accounts of executors, administrators, and guardians; all applications for the sale of real estate belonging to minors or persons under guardianship; the issuing of marriage licenses; and of all actions and proceedings under article 1, chapter 57 of the Revision of 1860, and of all other actions and proceedings of which the county judge or county court now has jurisdiction.

Concurrent jurisdiction.

SEC. 4. Said court shall have jurisdiction concurrent with the district court in all civil actions at law, and of foreclosures of mortgages, trust-deeds, and contracts for the sale of real estate, and to try and determine equitable issues arising in actions at law pending in this court, and also in all actions of partition, or for the assignment of dower, all applications for the writ of *ad quod damnum*, and of all appeals in special proceedings for the assessment of damages on the establishment or location of highways, railroads, and other public improvements, or the taking of private property for public use.

Appeals from inferior cts.

SEC. 5. Said court shall have exclusive jurisdiction of all appeals and writs of error from justices' courts, mayors' courts, and all other inferior tribunals, either in civil or criminal cases; and all provisions of law now in force respecting such appeals and writs of error shall apply to this court with the same effect as if the name thereof were substituted wherever the word district court now occurs in the statutes relating thereto.

No grand jury.

SEC. 6. No grand jury shall be impaneled in this court; but when an indictment for misdemeanor has been found in the district court, and the defendant is in custody or on bail, the district court, with the consent of the defendant, may order the trial to be had at the next term of the circuit court in the same county. For the purpose of such trials, or the continuation thereof, the circuit court shall have the same powers as the court in which such indictment was found; and it shall be the duty of the district attorney to attend to the trial of all such cases therein.

District court may order criminal trials at circuit court.

Transfers between district & circuit cts.

SEC. 7. Any case pending either in the district court or the circuit court of any county may, by the consent of parties, be transferred to the other of said courts within the same county, with the same effect as if a change of venue had been granted from one county to another, and the original papers shall be transferred without costs, and without retaining copy thereof.

Whenever a change of venue shall be granted on account of prejudice or disability of the judge, the cause shall be transferred to the district court of the same county unless the same objections exist to the judge of the district court.

SEC. 8. Each circuit judge shall have the same power in regard to injunctions, writs, orders, and other proceedings out of court as are now or hereafter may be possessed by district judges; and also may administer oaths, take acknowledgments, and depositions (except depositions to be used in his own court), and solemnize marriages.

SEC. 9. The circuit court of each county shall be a court of record, and all statutes now in force respecting the venue and commencement of actions, the jurisdiction, process, and practice of the district court, pleading and mode of trial in actions of law or in equity, the relation and attendance of petit jurors, effect and lien of judgments, and the enforcement thereof by execution or otherwise, and the allowance and taxing of costs, shall be deemed applicable to said circuit court, except where the same may be inconsistent with the provisions of this act. The records and papers properly filed in a cause, in either the district or circuit court of a county, are equally evidence in the other court. Depositions taken for one court may be used in the other, with the same effect, subject to like objection, as if taken for such court.

SEC. 10. The sheriff and clerk of the district court in each county shall be the officers of the circuit court for said county, and for their services shall be entitled to the same fees as now are, or hereafter may be allowed by law for like services in the district court. The clerk shall provide and keep for the circuit court the same books which are now required by law to be kept for the district court. The district and circuit judges of any county may, by a joint order under their hands, direct that the records and minutes of both courts be kept in one set of books. But all matters touching decedents' estates, wills, administrators, guardians, and heirs, and all business relating thereto, transacted in the circuit court, and also the record of marriage licenses, shall be kept separate in proper books, prepared for that purpose, as heretofore.

SEC. 11. The circuit court of each county shall have and use its own seal, having on the face thereof the words "Circuit Court," and the name of the county and State.

- Clerk to keep ct. open for certain business.** **SEC. 12.** For the transaction of probate and all other business heretofore within the jurisdiction of the county court, and not requiring notice, and for the issuing of citations and other notices to appear upon such business, the clerk, in the absence of the circuit judge, shall, at all times, keep the said court open, by himself or deputy, and shall have all the powers heretofore exercised by the county judge out of session, subject, however, to the supervision and approval of the judge.
- Powers of clerk.**
- Judge's salary, \$1,500.** **SEC. 13.** The salary of each circuit judge shall be fifteen hundred dollars per annum, payable out of the State treasury in the same manner as the district judges are paid.
- Judge not to practice, &c.** **SEC. 14.** No circuit judge shall practice as an attorney or counselor at law, or give advice in relation to any case pending, or about to be brought, in any of the courts of this State.
- Probate fees, &c., to go into co. treasury.** **SEC. 15.** All fees for probate business and other services heretofore performed by the county judge, shall continue to be collected as now fixed by law, and shall be paid into the county treasury.
- Two to four gen'l terms in each judicial district.** **SEC. 16.** In each judicial district now or hereafter established by law for the district court, there shall be held not less than two nor more than four general terms in each year, consisting of the district judge and the two circuit judges within that district, at which term the said district judge shall preside. Said terms shall be held at such times and places as the judges may prescribe, by a joint order under their hands, made in the month of January of each year for the year then ensuing and to be filed with the clerk of the court in each county of the district. The general term shall have power to make and establish, and at pleasure alter and repeal, rules of practice in the several courts in such district.
- When to be held.**
- Rules of practice.** **SEC. 17.** All appeals from judgments or orders of the district court, or circuit court, or any judge thereof, within the said judicial district, shall be heard in the first instance by said general term, and the provisions of sections 2631, 2632, of the Revision of 1860, shall apply thereto, substituting the words, General term of the same judicial district, for the words, Supreme Court.
- Appeals go to general term first.**
- Rev., §§ 2631, 2632.**
- How taken.** **SEC. 18.** Such appeals shall be taken in the same manner, under the same rules, and with the same effect, as appeals are now taken from the district to the Supreme Court, except that no appeal to the general

Term shall be allowed after the expiration of three **No appeal**
months from the rendition or entry of the judgment **after three**
or order appealed from. **months.**

SEC. 19. The clerk of the district court in the **Clerk of D.C.**
county in which a general term shall be held, shall be **clerk of gen'l**
the clerk of such general term; and all records or **term; duties**
transcripts in cases appealed to said term shall be **similar to**
forwarded and certified to him in the same manner **those of clerk**
that they are forwarded and certified to by the Clerk of **of Sup. Ct.**
the Supreme Court in appeals taken to that court. He
shall perform the same duties for the general term that
the Clerk of the Supreme Court performs for the
Supreme Court. He shall deliver over all records to
any other clerk on the order of said general term. He
shall also certify all judgments or orders of the general
term, made on appeal, back to the proper counties, in
the same manner and with the same effect as is now
done by the Clerk of the Supreme Court. In all such
cases he shall charge and collect the same fees now
allowed to the Clerk of the Supreme Court in similar
cases.

SEC. 20. The general term may reverse or affirm **Proceedings**
the judgment or order below, or the part of either **of gen'l term**
appealed from, or may direct such judgment or order **on appeal.**
as the court or judge below should have done. It may
also, when it affirms a judgment, direct judgment
against the appellant and his sureties on the appeal
bond; and in all cases may make such order as to costs
as may be just; but in all cases where a new or modi-
fied judgment or order is directed by the general term,
its decision, with the transcript or other record upon
which it was made, shall be at once certified back to
the clerk of the court of the county from which the
appeal was taken, and such judgment shall be entered
by him, either during term or in vacation, as a substi-
tute for the original judgment or order, and process
issued for the enforcement of the same, whenever
requested by the party entitled thereto, unless stayed
upon appeal.

SEC. 21. In all cases commenced before a justice of **Decisions in**
the peace, the decision of the general term shall be **appeals from**
final, unless two or more of the judges holding said **justices' court**
term, shall certify that in their opinion a question **final, unless**
is involved in the case upon which it is desirable to **decision of**
have the decision of the Supreme Court. In all other **Supreme Ct.**
cases an appeal may be taken from judgments or orders **is desired.**
of the general term to the Supreme Court in the same
manner, under the same rules, and with the same effect

Appeals to Supreme Ct may be taken in 6 months. as appeals have heretofore been taken from the District Court, except that the time allowed for taking the same shall be six months. The notice of such appeal shall be served on, and the *superedeas* bond, if any,

Clerk of D.C. to send transcript to clerk Supreme Ct. filed with, the clerk of the court in the county in which the cause was tried, who shall transmit to the Clerk of the Supreme Court the transcript or other record upon which the cause was heard at general term, with the

Judgments of Supreme Ct certified whereto. decision of said term. The judgments and orders of the Supreme Court shall be certified back directly to the court in which the cause was tried for such further proceedings as may be necessary; but cases originally commenced before a justice of the peace shall be certified back to the circuit court.

Judges may reserve decisions for gen'l term. Sec. 22. The judges of the circuit or district courts may, in any cause they may deem of sufficient importance, reserve their decisions on questions of law for hearing and determination at the general term, and in cases where it is necessary for that purpose, may order the finding of a special verdict by the jury on questions of fact in causes tried by jury, and [in] causes tried before the court, the court may make a finding of facts; and the hearing and determination of said cause shall be, in all respects, the same, and have the same effect, as a trial of said cause on appeal.

Determinat'n of cause at general term, effect of. Evidence certified. And either party may have the evidence in the cause certified to said general term, to be there reviewed, in the hearing at the general term, the same as in the hearing of appeals in such cases.

1st circuit, 1st district. Sec. 23. The counties of Lee and Des Moines in the first judicial district shall compose the first circuit therein.

2d circuit, 1st district. The counties of Henry and Louisa, in said judicial district, shall compose the second circuit therein.

1st circuit, 2d district. The counties of Van Buren, Wapello, and Davis in the second judicial district shall constitute the first circuit therein.

2d circuit, 2d district. The counties of Appanoose, Monroe, Lucas, and Wayne shall constitute the second circuit in said judicial district.

1st circuit, 3d district. The counties of Page, Montgomery, Fremont, Mills, and Pottawattamie, in the third judicial district, shall constitute the first circuit therein.

2d circuit, 3d district. The counties of Clark[e], Decatur, Union, Ringgold, Adams, and Taylor shall constitute the second circuit in said judicial district.

1st circuit, 4th district. The counties of Harrison, Shelby, Crawford, Monona, Woodbury, Ida, Cherokee, Plymouth, Sioux, O'Brien,

Osceola, and Lyon shall constitute the first circuit in the fourth judicial district.

The counties of Sac, Calhoun, Humboldt, Pocahontas, Buena Vista, Clay, Palo Alto, Kossuth, Emmett, and Dickinson shall constitute the second circuit in said district. 2d circuit, 4th district.

The counties of Warren, Polk, and Dallas shall constitute the first circuit in the fifth judicial district. 1st circuit, 5th district.

The counties of Madison, Adair, Cass, Audubon, Carroll, Green[e], and Guthrie shall constitute the second circuit in said district. 2d circuit, 5th district.

The counties of Washington, Jefferson, Keokuk, and Poweshiek shall constitute the first circuit in the sixth judicial district. 1st circuit, 6th district.

The counties of Mahaska, Marion, and Jasper shall constitute the second circuit in said district. 2d circuit, 6th district.

The counties of Scott and Muscatine shall constitute the first circuit in the seventh judicial district. 1st circuit, 7th district.

The counties of Clinton and Jackson shall constitute the second circuit in said district. 2d circuit, 7th district.

The counties of Benton, Tama, Iowa, and Johnson shall constitute the first circuit in the eighth judicial district. 1st circuit, 8th district.

The counties of Cedar, Linn, and Jones shall constitute the second circuit in said district. 2d circuit, 8th district.

The counties of Dubnque and Delaware shall constitute the first circuit in the ninth judicial district. 1st circuit, 9th district.

The counties of Buchanan, Black Hawk, and Grundy shall constitute the second circuit therein. 2d circuit, 9th district.

The counties of Allamakee, Winneshiek, and Howard shall constitute the first circuit in the tenth judicial district. 1st circuit, 10th district.

The counties of Clayton, Fayette, and Chickasaw shall constitute the second circuit therein. 2d circuit, 10th district.

The counties of Marshall, Story, and Boone shall constitute the first circuit in the eleventh judicial district. 1st circuit, 11th district.

The counties of Hardin, Franklin, Hamilton, Wright, and Webster shall constitute the second circuit in said district. 2d circuit, 11th district.

The counties of Bremer, Floyd, and Butler shall constitute the first circuit in the twelfth judicial district. 1st circuit, 12th district.

The counties of Mitchell, Worth, Winnebago, Hancock, and Cerro Gordo shall constitute the second circuit therein. 2d circuit, 12th district.

SEC. 24. The district judge of each judicial district shall, on or before the first day of December, 1868, designate, by an order under his hand, the times for holding Dist. judge to arrange terms for 1869.

the terms of the circuit court in each circuit in his district for the year 1869, which order shall be filed with the clerk of the court in each county of the circuit. And thereafter each general term shall at the last term held for the year 1869, and every alternate year thereafter, designate by an order under their hands the times for holding the terms of each circuit court in their district for the two years next ensuing, which order shall be filed with the several clerks of each circuit.

Thereafter general term to fix times of court.

Judges interchange.

Take effect Jan. 1, 1869. Exception.

Rev. § 25.

SEC. 25. The circuit judges may interchange and hold each other's courts.

SEC. 26. This act shall take effect on the first Monday of January, A. D. 1869, except so much thereof as provides for the election of circuit judges, and fixing the times for holding the circuit courts, which shall take effect as provided by section 25, of the Revision of 1860.

Approved April 3, 1868.

CHAPTER 87.

REARRANGING CIRCUITS IN FIRST JUDICIAL DISTRICT.

APRIL 4. AN ACT to Amend the Act passed by the Twelfth General Assembly of the State of Iowa, entitled "An Act establishing Circuit and General Term Courts, and to define the Powers and Jurisdiction thereof."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the act of the Twelfth General Assembly, entitled "An act establishing Circuit and General Term courts, and to define the powers and jurisdiction thereof," be and the same is hereby amended so as to read as follows: The counties of

1st circuit, 1st district. Lee and Henry, in the first judicial district, shall compose the first circuit therein; the counties of Des

2d circuit, 1st district. Moines and Louisa, in said judicial district, shall compose the second circuit therein.

1st circuit, 1st district. Taking effect. Exception.

Rev. § 25.

SEC. 2. This act shall take effect on the first Monday of January, A. D. 1869, except so much thereof as provides for the election of circuit judges, and fixing the times for holding the circuit courts, which shall take effect as provided by section 25 of the Revision of 1860.

Approved April 4, 1868.

CHAPTER 88.

LEGALIZING ORGANIZATION OF INDEPENDENT SCHOOL DISTRICT OF MONTEZUMA.

AN ACT Legalizing the Organization of the Independent District of Montezuma, and the Election and Acts of the Officers thereof. APRIL 6.

WHEREAS, On the 30th day of March, A. D. 1867, Preamble. the territory composing sections 5, 6, 7, and 8, in township 78, range 14, and sections 1, 2, 11, and 12, in township 78, range 15, in Jackson township, Poweshiek county, Iowa, was duly constituted the Independent School-District of Montezuma; and

WHEREAS, On the 11th day of April, A. D. 1867, at a special meeting of the electors of said district, held in the court-house in said district, for the election of its officers, whereat the polls were opened at 1 o'clock P. M. and closed at 4 o'clock P. M.; S. W. Bosly was elected president, R. W. Latchem vice president, J. E. Griffith secretary, J. W. Carr treasurer, and Joseph Schell, C. W. Tenner, and John W. Cheshire directors thereof; and

WHEREAS, The polls at said meeting should have been opened at 10 o'clock A. M. of said April 11th, instead of 1 o'clock P. M.; and

WHEREAS, Said officers were qualified about May 2d, A. D. 1867, about twenty days after their election; and

WHEREAS, They should have qualified within ten days after their said election; and

WHEREAS, The records of the meeting constituting said independent district, and electing said officers thereof, have been mislaid and lost; and

WHEREAS, On about May 2d, A. D. 1867, said officers, after being qualified as aforesaid, entered upon the discharge of the duties pertaining to said officers and to the board of directors of said district, and have hired teachers, levied taxes for the year 1867, and, in concurrence with the board of directors of the district township of Jackson aforesaid, changed the boundaries of their said district, and have done other acts legally belonging to said officers: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the action of the electors thereof constituting said district independent, the election of said officers and their qualification, and all the acts and things pertaining to said officers and board of officers, Irregularities in election & qualification of officers,

of Mont'zuma school-dist., cured. of directors by said officers done, be and the same are hereby legalized to all intents and purposes as fully and effectually as if said records were preserved, said election of said officers held, and said officers qualified at the times required by law.

SEC. 2. This act, being deemed of immediate importance by the General Assembly, shall take effect from and after its publication in the Iowa State Register and The Montezuma Republican: *provided, however*, that said publication shall be without expense to the State.

No cost to State.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 15, 1868.*

ED WRIGHT, *Secretary of State.*

CHAPTER 89.

LEGALIZING AN INDEPENDENT SCHOOL-DISTRICT IN DES MOINES COUNTY.

APRIL 6. AN ACT to Legalize the Election held by the Voters in Burlington Township, Des Moines County, Iowa, to form an Independent School-District and the Official Acts of the Officers of said District.

Preamble. WHEREAS, A petition was circulated in sub-district number one, of the district township of Burlington, Des Moines county, Iowa, which sub-district did contain the number of inhabitants required by law, and signed by the legal voters, asking the township trustees to issue notices of an election for the purpose of organizing sub-districts number[s] one and four into an independent school-districts, and

WHEREAS, That notice was given, ten days previous to holding the election, of the time and place of the same, to the legal voters of sub-districts "one" and "four," which notice was posted in five conspicuous places within said territory, and duly set forth the boundaries of said proposed district; and

WHEREAS, At the election held pursuant to said notices a majority of the votes were cast in favor of such separate organization; and

* See Addenda.

WHEREAS, After this election notice was duly given of the time and place for the purpose of electing a president, vice president, secretary, treasurer, and three directors, as the law provides, for said independent organization, at which election all of said officers were duly elected; and

WHEREAS, This organization of said independent district was completed before the first of August, 1867; and

WHEREAS, It afterward appeared that a mistake had been made, inasmuch that one of the signers of the original petition was a resident of sub-district number four, in said township, but was within the territory described in said notice, contemplated in said independent district; and

WHEREAS, Certain disputes have arisen with regard to the legal existence of said independent school-district, and the legality of the proceedings forming the same, and if not legalized may embarrass the citizens thereof: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the organization of sub-districts numbers one and four in Burlington township, Des Moines county, Iowa, into an independent school-district, and the proceedings had in relation thereto, and the same *is* [are] hereby legalized and declared valid from the date of its organization.

SEC. 2. That the election of the officers of said independent district, and their acts in levying taxes to support said organization, be and the same *is* [are] hereby declared legal and valid as though all the requirements of the statu[t]e had been fully complied with, and all the official acts of the officers under said organization be and the same are hereby legalized and confirmed.

SEC. 3. This act being deemed of immediate importance by the General Assembly, the same shall take effect from and after its publication in the Iowa Daily State Register and the Burlington Hawk-Eye: *pro-vided,* that such publication be made without expense to the State.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 8, 1868, and in the *Burlington Hawk-Eye* April 10, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 90.

LEGALIZING CERTAIN CONVEYANCES IN MARION COUNTY.

APRIL 6. AN ACT to Legalize the Acts of William Van Asch and Koenraad De Yong, of Marion County, Iowa, Attorneys of Johanna J. Zeelt.

Preamble.

WHEREAS, Johanna J. Zeelt formerly was the owner in fee simple of certain tracts of land in Lake Prairie township, Marion county, Iowa, she residing in the kingdom of the Netherlands, Europe, at the time; and

WHEREAS, The said Johanna J. Zeelt executed written power of attorney to William Van Asch and Koenraad De Yong, residing in Marion county, Iowa, authorizing them to sell said tracts of land and convey the same by warranty deed to the several purchasers; and,

WHEREAS, The said William Van Asch and Koenraad De Yong severally have sold the said tracts of land, and have accounted to the said Johanna J. Zeelt for the proceeds thereof, and have executed conveyances therefor, intending *bona fide* to grant and convey unto the said several purchasers an absolute title in fee simple as fully as the same was held by the said Johanna J. Zeelt; and,

WHEREAS, Doubts have arisen as to the validity of said conveyances, more particularly in respect to the manner the same were signed by the said William Van Asch and Koenraad De Yong, or by the said William Van Asch, or by the said Koenraad De Yong, and in respect to the form and language of the certificate of acknowledgment thereunto affixed: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all of the conveyances made and executed by William Van Asch and Koenraad De Yong, or by William Van Asch, or by Koenraad De Yong, as attorneys or attorney in fact, or as agents or as agent in fact, of the said Johanna J. Zeelt, are hereby declared valid and of full effect, notwithstanding any errors there may exist in the signatures or certificates of acknowledgment thereunto affixed; and that said erroneous signatures and certificates of acknowledgment shall have the same effect in law as though they had been made and affixed in compliance with the provisions of the statutes heretofore enacted; and that the said deeds, whether now recorded or not, shall hereafter be *prima facie* evidence in any of the

Conveyances
by agents of
Johanna J.
Zeelt, in Ma-
rion co. valid.

Erroneous
signatures &
acknowledg-
ments made
effectual in
law.
Deeds evi-
dence of con-
veyance.

courts of law or equity in the State to prove the conveyance of the land therein described to the purchaser therein named from and by the said Johanna J. Zeelt.

Sec. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Pella Week Blad and State Register, papers published in Pella and Des Moines, Iowa; *provided*, such publication be without expense to the State.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in *Pella's Weekblad* April 13, 1868, and in the *Daily State Register* April 14, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 91.

PLANS FOR NEW STATE HOUSE, AND REPAIRS ON CAPITOL.

AN ACT Authorizing the Census Board to procure Plans and Specifications for a State House, and Making Appropriation for Repairs on the Capitol Building. APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Census Board of the State shall constitute a Board of Commissioners for the purposes of this act. Census Board a board of commissioners.

SEC. 2. Said board shall advertise for at least twenty days in two daily newspapers of this State, and in one newspaper in each of the cities of Chicago, New York, and Philadelphia, for plans and specifications for a State capital, to be erected on the Capitol Square, at the capitol of the State, to be built of the most fit and durable material, and to be constructed fire-proof. They are hereby authorized to offer in such proposition as they deem best, for the three most approved plans and specifications, of those that shall be submitted to them: Board to advertise for plans, &c., for new State House. Fire-proof. Estimates to be based on cost of:

- 1st. Plans based on a cost of one million dollars. \$1,000,000;
 - 2d. Plans based on a cost of one and one-half million dollars. \$1,500,000;
 - 3d. Plans based on a cost of two million dollars: \$2,000,000.
- and such plans and specifications shall become the property of the State.

Specimens of stone from quarries in State. **Stone to be tested.** **Sec. 3.** Said commissioners shall advertise that they will receive specimens of stone of such dimensions as they shall determine from such quarries within the State as is desired to be tested for that purpose, and may pay a reasonable sum for the transportation of the same to them; and, upon their reception, they may cause the said specimens to be tested as to their fitness, to their entire satisfaction, by all the known means to prove their durability, color, and quality, as well chemically *and* [as] mechanically, and by exposure to sun and freezing; and shall give the relative cost of the different kinds or specimens, in respect to first cost and cost of transportation, with any other facts they may deem necessary.

\$5,000 appropriated. **Sec. 4.** There is hereby appropriated the sum of five thousand dollars, or so much thereof as may be necessary, for the purposes contemplated in the second and third sections of this act.

\$15,000 appropriated for fire-proof vault and repairs on capitol. **Sec. 5.** There is hereby appropriated the further sum of fifteen thousand dollars, or so much thereof as may be necessary for the construction of a fire-proof vault, and making such other repairs as in their judgment may be necessary and requisite to render the present capitol building fit for the purposes for which it is used, until a new capitol building shall be erected and completed.

Board to report to next General Assembly. **Sec. 6.** Said board shall report to the next General Assembly all their doings under the provisions of this act, together with the plans and specifications selected by them.

Approved April 6, 1868.

CHAPTER 92.

ENCOURAGING GROWTH OF TREES AND HEDGES.

APRIL 6. AN ACT to Encourage the Planting and Growing of Timber, Fruit Trees, Shade Trees, and Hedges.

Exemption from taxation. **SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That there shall be exempt from taxation, [of] the real or personal property of each taxpayer, who shall, within the State of Iowa, plant and suitably cultivate one or more acres of forest trees for

timber, the sum of one hundred dollars, for ten years, for each acre so planted and cultivated: *Provided*, That the trees on said land shall not exceed eight feet apart, and shall be kept in a healthy and growing condition.

For forest trees, \$100 per acre.
Proviso.

SEC. 2. That there shall be exempt from taxation [of] the real or personal property of each tax-payer, who shall within the State, plant and suitably cultivate one or more acres of fruit trees, the sum of fifty dollars for five years, for each acre so planted and cultivated: *Provided*, That the trees on said land shall not exceed thirty-three feet apart, and shall be kept in a healthy condition.

For fruit trees, \$50 per acre.
Proviso.

SEC. 3. Persons claiming the benefit of such exemption shall at the time of making the annual assessment, upon showing, to the satisfaction of the assessor of the township in which he resides, that he has complied with the provisions of sections one or two of this act, be entitled to have deducted from the valuation of his real or personal property, by the said assessor, the amount as hereinbefore provided; and it is hereby made the duty of said assessor to make return to the board of supervisors of his county, the name of each person claiming exemption, the quantity of lands planted to timber, or fruit trees, and the amount deducted from the valuation of his property.

To be deducted from valuation of property.
Assessor to make return to board of supervisors of exemptions.

SEC. 4. If any person claiming exemption under the provisions of this act shall feel himself aggrieved by the decision of the assessor in the rejection of his claim, then the said owner or applicant may apply to the board of supervisors of his county at their meeting in June, to have the same corrected in the same manner as other erroneous assessments.

Claimant for exemption may apply to board of supervisors.

SEC. 5. The board of supervisors of each county in this State, is hereby empowered, at their June meeting, A. D. 1868, and at their January meeting in each year thereafter, to exempt from taxation, except for State purposes, the real or personal property of each tax-payer, who shall within the county, within such year, plant and suitably cultivate or, having within such year or the two preceding years planted, shall suitably cultivate one or more acres of forest trees for timber, to an amount not exceeding \$500 for each acre: *Provided*, That said board may fix the minimum

Board supervisors may exempt from taxation, except State, for forest trees planted in 2 years, \$500 per acre.

number of trees which shall be grown on each acre.

Proviso.

SEC. 6. Such board is also empowered at the same time to make a similar exemption, for every half mile of hedge, and for every mile of shade trees along the public highway, and for every acre of fruit trees so

Board supervisors may make similar exempti'n for hedges, and

shade & fruit trees. planted and cultivated, and to establish the rules and regulations in reference to the planting and cultivating of hedges, shade and fruit trees, and the distance at which they shall be planted, which shall be complied with by persons asking such exemption.

Mode of obtaining benefit of exemption by board supervisors. SEC. 7. Any person claiming the benefit of such exemption may appear before the board of supervisors of the county, at any regular meeting, and upon making proof by sworn evidence, showing, to the satisfaction of said board, that he has complied with the requirements which entitle him to such exemption, he shall receive from the clerk of the board a certificate stating the amount of the exemption, which shall be received by the county treasurer in satisfaction of the taxes exempted.

Clerk's certificate a receipt for taxes exempted.

Taking effect. SEC. 8. 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 Iowa Homestead, newspapers published at Des Moines, Iowa.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 23, 1868, and in *The Iowa Homestead* April 23, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 93.

AMENDING LAW FOR DISTRIBUTION OF PUBLIC DOCUMENTS.

APRIL 6. AN ACT to Amend Section Two, Chapter 114, of the Acts of the Tenth General Assembly of the State of Iowa.

1864, ch. 114. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section two, of chapter one hundred and fourteen, of the acts of the Tenth General Assembly of the State of Iowa, be amended by inserting after the word "member" in twentieth line, the words "and officers," and by inserting after the word "law," in the twenty-fourth line, the word[e] "one hundred copies, or so many thereof as may be needed, to the Secretary of State, for exchange with other States, and for distribution to the public libraries of the State, as provided by law."

Bound copies legislative documents for officers G. A. 100 copies do. to be distributed by Sec'y State.

SEC. 2. This act, being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after the publication of the same in the Daily Iowa State Register and Iowa Evening Statesman, newspapers published at Des Moines.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 15, 1868, and in *The Iowa Evening Statesman* April 20, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 94.

IN RELATION TO THE ASYLUM OF THE BLIND.

AN ACT to Constitute the Principal a Member of the Board of Trustees, Enlarge and Furnish the Buildings, and Support the Institution for the Education of the Blind. APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the principal of the institution for the education of the Blind shall be *ex-officio* member of the board of trustees, but shall have no vote on any question relating to his own salary or office as principal.

SEC. 2. The board of trustees shall fix the compensation of all the officers and employees of said institution, at such rate as shall by them be deemed just and equitable: *Provided,* That in no event shall the total amount of expenses of the institution exceed the total amount of appropriation for the same.

SEC. 3. There is hereby appropriated the sum of two thousand four hundred dollars for the purchase of bedsteads, beds, and bedding, carpets, and general furniture; one thousand five hundred dollars for library, including relief maps and astronomical apparatus; two thousand five hundred dollars for the purchase of one organ and two pianos; seven hundred dollars for repairing fences, cultivating grounds, orchards, and shrubbery; two thousand dollars for painting, subdividing rooms, and for general repairs; and the further sum of five thousand dollars to furnish a proper heating apparatus for heating the building; one thousand five hundred dollars for covering the present building with fire-proof slate roof; and one thousand five hundred dollars

Principal of Institution for Blind made trustee; reservation.
Trustees to fix pay of officers, &c.
Proviso.
Appropriations:
For furniture \$2400;
library \$1500;
\$2500;
fences, &c., \$700;
painting, repairs, &c., \$2000;
heating apparatus, \$5000;
slate roof, \$1500;

veranda, for the erection of a veranda on the west side of the
\$1500. main building.

SEC. 4. There is further appropriated the sum of
Wing to build- thirty thousand dollars to erect a wing of stone mate-
ing, \$30,000; rial to the main building according to the original plan
and drawings as nearly as practicable; and the further
workshops, sum of three thousand dollars for additional work-
\$3,000. shops.

SEC. 5. The money hereby appropriated shall be
Expended under direc- expended under the direction of the board of trustees,
tion of trustees. according to the provisions of this act: *Provided*, That
any balances of any of the appropriations hereby made,
Proviso: bal- remaining after the object thereof has been completed,
ances may be diverted. may be applied to any other object necessary for the
best interests of the institution.

SEC. 6. Said appropriations shall be drawn upon
Money, how drawn. the order of the trustees, signed by the president and
secretary, upon estimates of work actually performed
or material furnished, which estimate shall be made by
Copy of esti- said board of trustees, and a copy thereof in writing
mates to Auditor. signed by the secretary of the board shall accompany
said order to the State Auditor: *Provided*, That a sum
Proviso: not exceeding two thousand dollars may be drawn in
\$2,000. advance of such estimates, for the purchase of material,
when the best interests of the State seem to require it.

SEC. 7. All acts or parts of acts inconsistent with
Repealing clause. this act are hereby repealed.

SEC. 8. This act being deemed of immediate im-
Taking effect. portance shall be in force from and after its publication
in the Daily State Register and The Iowa Evening
Statesman, newspapers published at Des Moines.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in the
Daily State Register April 15, 1868, and in *The Iowa Evening*
Statesman April 20, 1868.

ED WRIGHT, *Secretary of State*.

CHAPTER 95.

FOR THE RELIEF OF NEEDY PERSONS.

APRIL 6. AN ACT to Provide for the Relief of certain Classes of Indigent
Persons.

SECTION 1. *Be it enacted by the General Assembly of*
the State of Iowa, The city council of any incorporated

city of the first class, and the township trustees First-class city councils of any township in this State, are hereby authorized, & township trustees may and it is made their duty, to provide for the relief of such poor persons, in their respective cities and townships, as should not in their judgment be sent to the persons. county poor-house: *Provided*, That the amount paid for, or in aid of, the support of such poor persons may be supplied to them either in the form of food, rent, clothing, fuel and lights, medical attendance, or in money; and shall not exceed two dollars per week for each person for whom relief is thus furnished, exclusive of medical attendance. *Proviso: amt. limited to \$2 per week, & medical attendance.*

SEC. 2. In no case shall the widows or families of Iowa soldiers, or other persons in families requiring public relief, be sent to the county poor-house when they can and prefer to be relieved out of the poor-house to the extent above provided. *Families of soldiers, or others, not to be sent to the poorhouse in certain cases.*

SEC. 3. All moneys expended as contemplated in this act, shall be paid out of the county treasury, after the proper account rendered therefor shall have been approved by the board of supervisors of the respective counties, and in all cases the necessary appropriations therefor shall be made by the respective counties: *Moneys to be paid out of co. treasury. —how. Cos. to appropriate.*

Provided, That the board of supervisors shall have the power to limit the amount of relief furnished under this act, and shall have the power to refuse to continue such relief whenever in their judgment the person or persons receiving such relief are not in a condition to require further public assistance or aid. *Proviso: bd. may limit relief, & discontinue same.*

SEC. 4. This act is not intended to interfere with the removal of paupers from one county or State to another as now provided by law. *Removal of paupers.*

Approved April 6, 1868.

CHAPTER 96.

IN RELATION TO THE STATE BINDER.

AN ACT Fixing the Price of the State Binding.

APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa.* That hereafter the State Binder shall be paid the following prices for all work for the State, done by order of the Secretary of State, viz.: *Prices for the binding:*

Docs., 15 per 100; For folding and trimming all documents not stitched, fifteen cents per hundred copies.

paper covers, \$1.25 per 100; For folding, stitching, and binding in paper covers, all messages, reports, and documents not exceeding one sheet (allowing eight pages for a sheet), one dollar and twenty-five cents per hundred copies; and for each additional sheet of eight pages twenty-five cents per hundred copies, the cover of each copy to be counted as four pages.

additional sheet, 25c. per 100; cover, 4 pp. Journals, 20c. For folding, sewing, and binding the journals of the two Houses of the General Assembly in paper covers, twenty cents per copy.

Muslin bound, 35c. for 400 pp.; For folding, sewing, and binding in muslin, or cases, with gilt letters for title, (same style as the Agricultural Reports for 1866,) thirty-five cents per copy for a volume of four hundred pages or less, and for each additional hundred pages, or fraction thereof over fifty pages, five cents.

additional 100 pp., 5c. $\frac{1}{2}$ sheep, 60c., 400 pp.; For folding, sewing, and binding in "half sheep," with gilt letters for title, (same style as the Legislative Documents of 1866,) sixty cents per copy for each volume of four hundred pages or less, and five cents for each additional hundred pages or fraction thereof over fifty pages.

additional 100 pp., 5c. Law - sheep, 80c., 400 pp.; additional 100 pp., 5c. For folding, sewing, and binding in "law sheep," (same style as Iowa Reports,) eighty cents per copy for each volume of four hundred pages or less, and five cents for each additional hundred pages, or fraction thereof over fifty pages.

Laws, 18c. For folding, stitching, and binding the laws of each General Assembly in boards, with muslin backs and paper sides, (same as the laws of 1866,) eighteen cents per copy; and for all styles of work not named in this act he shall be paid as nearly as possible in accordance with the rates above specified.

Repealing clause. SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Taking effect. SEC. 3. This act shall be in force from and after its publication in the Iowa State Register and Iowa Homestead.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 22, 1868, and in *The Iowa Homestead* April 22, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 97.

APPROPRIATION FOR INSTITUTION FOR THE INSANE AT INDEPENDENCE.

AN ACT to Permanently Locate, and to Provide for the Erection of an Additional Institution for the Insane. APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be and is hereby permanently established at Independence, Buchanan county, Iowa, an Additional Institution for the Support and Care of the Insane. Addl. Institution for Insane.

SEC. 2. That E. T. Morgan, of Webster county, Maturin L. Fisher, of Clayton county, and Albert Clarke, of Buchanan county, are hereby appointed a Board of Commissioners to select a location and to superintend the erection of suitable buildings for the use of said institution, and in case of vacancy in said commission by death or otherwise, the same shall be filled by appointment by the Governor. Commissioners. To locate and superintend buildings. Vacancy.

SEC. 3. That said board shall select the most eligible and desirable location of not less than three hundred and twenty acres, and it must not, in any event, be more than two miles distant from said city of Independence; which said lands shall be obtained free of charge to the State, and said board shall take a deed of conveyance of the same in fee-simple to the State of Iowa, and cause the same to be properly recorded in the office of recorder of deeds of the county of Buchanan. 320 acres to be given to State.

SEC. 4. Said board shall also, at the earliest day practicable, procure plans, drawings, and specifications for the buildings necessary and proper for said Institution, the exterior of which building shall be of stone, the stone to be procured within the State, but the plan determined on by the board shall be such as will admit of future enlargement, so as to preserve the symmetry, and be, when ultimately completed, of capacity equal to the present building at Mt. Pleasant: *Provided,* That the erection only of such portion of such building shall be undertaken by the said board, under the provisions of this act, as may be completed and made ready for occupancy by the appropriation herein made. Plans, &c., for buildings. Stone to be obtained in State. Enlargem't. Proviso.

SEC. 5. So soon as said board shall have obtained an approved plan of building, they shall advertise for four weeks in one paper in each of the following places, viz.: Independence, Dubuque, Davenport, and Des Moines, for sealed proposals for contracts to erect the buildings hereby authorized, according to the plan Advertisem't for proposals to erect buildings.

and specifications determined on, and are hereby empowered to contract with the lowest responsible bidder, who will build and complete the same by the 1st day of December, 1870, and who shall give adequate security for the performance of his contract. No contract shall be entered into by said board, which shall, in any event, involve greater expenditure than the sum appropriated by this act.

Finished by
Dec. 1, 1870.

Expenditure
limited.

Commissioners to give
bond.

Sec. 6. Before entering upon his duties, each commissioner shall make and sign an oath and execute a bond in the penal sum of ten thousand dollars for the use of the State of Iowa, to be approved by the Census Board and filed in the office of the Secretary of State, conditioned for the faithful performance of his duties and the honest and faithful disbursement of and accounting for all moneys which may come into his hands under the provisions of this act.

Superintendent.

Sec. 7. Said board shall have full power to appoint, and discharge at their discretion, a superintendent, whose duty it shall be to superintend the work on said building, which said superintendent shall receive, as his only compensation, such sum as said board may fix.

\$125,000 appropriated.

Sec. 8. There is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary for the purposes contemplated in this act.

Accounts how
adjusted.

Sec. 9. The accounts of expenditures relating to the construction of said buildings shall be approved by the board of commissioners, and certified to by the Superintendent, and then paid by Auditor's warrants in the usual manner, drawn in favor of the party to whom the payment is due, and the commissioners are authorized to advance and pay on contracts, before the same are completely performed, not exceeding seventy-five per cent. on estimates of material delivered, or labor performed.

Advance pay
on contracts.

Not over \$25,-
000 drawn in
1868.

Sec. 10. Of the sum hereby appropriated, not more than the sum of twenty-five thousand dollars shall be drawn from the treasury in the year 1868.

Pay of com-
missioners.

Sec. 11. The members of the board shall each receive five dollars per day while actually employed in the discharge of their duties, and their actual traveling expenses.

Taking effect.

Sec. 12. 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 Iowa Evening Statesman,
 newspapers published at Des Moines, Iowa.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 16, 1868, and in *The Iowa Evening Statesman* April 20, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 98.

IN RELATION TO INDEPENDENT SCHOOL-DISTRICTS, AND
 SCHOOL ORDERS.

AN ACT to Authorize Independent School-Districts to borrow Money and issue Bonds therefor, for the Purpose of erecting and completing School-Houses, Legalizing Bonds heretofore issued, and Making School Orders draw Six per cent. Interest in certain Cases. APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That independent school-districts shall have the power and authority to borrow money for the purpose of erecting and completing school-houses, by issuing negotiable bonds of the independent district, to run any period not exceeding ten years, drawing a rate of interest not to exceed ten per centum per annum, which interest may be paid semi-annually, which said indebtedness shall be binding and obligatory on the independent district for the use of which said loan shall have been made: *Provided,* No district shall permit a greater outstanding indebtedness than an amount equal to five per centum of the last assessed value of the property of the district. Independent school-districts may issue bonds for school-buildings. Maximum, 10 yrs. time and 10 per ct. int. Debt limited.

SEC. 2. When any independent district has procured the site for and is ready to erect, or has erected and is desirous of completing, its school-house, it shall be lawful for the school board of such district to submit to the voters of their district, at the annual or a special meeting, the question of issuing bonds as contemplated by this act, giving the same notice of such meeting as is now required by law to be given for the election of officers of such districts, and the amount proposed to be raised by the sale of such bonds, which question shall be voted upon by the electors; and if a majority of all the votes cast on that question be in favor of such loan, then said school board shall issue bonds to the amount voted, in denominations of not less than twenty-five dollars, nor exceeding one thousand dollars, due Question submitted to voters of dist. Notice of election. Denominations of bonds \$25-\$1,000.

- Payable at pleasure of district before due. not more than ten years after date, and payable at the pleasure of the district at any time before due, which said bonds shall be given in the name of the independent district issuing them, and shall be signed by the president of the board and delivered to the treasurer, taking his receipt therefor, who shall negotiate said bonds at not less than their par value, and countersign the same when negotiated. The treasurer shall stand charged upon his official bond with all bonds that may be delivered to him: *Provided*, That any bond or bonds not negotiated may be returned by him to the board.
- Dis. treasurer to negotiate bonds. taking his receipt therefor, who shall negotiate said bonds at not less than their par value, and countersign the same when negotiated. The treasurer shall stand charged upon his official bond with all bonds that may be delivered to him: *Provided*, That any bond or bonds not negotiated may be returned by him to the board.
- Proviso. *SEC. 3.* Nothing in this act shall be deemed to conflict or interfere with subdivision five, of section seven, of chapter one hundred and seventy-two, of the laws of the Ninth General Assembly of the State of Iowa; but in the event the electors of an independent school-district which has issued bonds shall at the annual meeting in March, for any year, fail to vote sufficient school-house tax to raise a sum equal to the interest on the outstanding bonds which will accrue during the then coming year, and such *pro rata* portion of the principal as will liquidate and pay off said bonds at maturity, then it shall be lawful for the school board of such district to vote a sufficient per cent. on the taxable property of the district to pay such interest, and such *pro rata* portion of the principal as will pay said bonds in full by the time of their maturity, and shall cause the same to be certified and collected the same as other school-taxes.
- Construction of act. 1862, ch. 172. *SEC. 4.* All school orders shall draw six per cent. interest after having been presented to the treasurer of the district, and not paid for want of funds, which fact shall be indorsed upon the order by the treasurer.
- If dist. fails to vote tax to pay interest, &c., school-house tax to raise a sum equal to the interest on the outstanding bonds which will accrue during the then coming year, and such *pro rata* portion of the principal as will liquidate and pay off said bonds at maturity, then it shall be lawful for the school board of such district to vote a sufficient per cent. on the taxable property of the district to pay such interest, and such *pro rata* portion of the principal as will pay said bonds in full by the time of their maturity, and shall cause the same to be certified and collected the same as other school-taxes.
- board may levy tax. *SEC. 5.* All bonds of independent districts, heretofore issued in a manner conforming substantially with the provisions of this act, are hereby declared to be legal and valid.
- School orders to draw interest. *SEC. 6.* 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 Evening Statesman, newspapers published at Des Moines, Iowa.
- Bonds heretofore issued legalized. *SEC. 6.* 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 Evening Statesman, newspapers published at Des Moines, Iowa.
- Taking effect. *SEC. 6.* 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 Evening Statesman, newspapers published at Des Moines, Iowa.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 12, 1868, and in *The Iowa Evening Statesman* April 17, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 99.

LEGALIZING ACTS OF CITIES AND TOWNS IN AMENDING AND ABOLISHING SPECIAL CHARTERS.

AN ACT to Legalize the Acts of certain Cities and Towns in their Attempts to amend and abandon their Special Charters, and to Legalize Elections, Ordinances enacted, and other Proceedings had by said Cities and Towns. APRIL 6.

WHEREAS, Certain cities and towns, organized under special charters prior to July 18, 1858, have attempted to amend their charters, and other cities and towns have attempted to abandon their special charters, and act under chapter 51, of the Revision of 1860, and the amendments thereto, in both cases acting without authority of law; and, Preamble.

WHEREAS, Said cities and towns have, since such attempted ammendments and abandonment, held elections, by their councils, or board[s] of trustees, enacted ordinances, and performed other acts: therefore, Rev., ch. 51.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where amendments to special charters of incorporated cities and towns, attempted to have been made since July 18, 1858, and in all cases where cities and towns have, since the date last aforesaid, attempted to abandon their special charters, and organize under chapter 51, aforesaid, such acts of said cities and towns, and all elections held, ordinances enacted, and proceedings had thereunder, or by virtue thereof, are hereby declared as legal and binding as if such amendments and abandonment, and organization under and by virtue of chapter 51 of the Revision of 1860, and acts amendatory thereto, had been regular and made in accordance with law. Amendments to special charters of cities and towns, abandonment't of same, elections, &c., legalized.

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 The Evening Statesman, newspapers published at Des Moines, Iowa. Taking effect.

Approved April 6, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 19, 1868, and in *The Iowa Evening Statesman* April 22, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 100.

AMENDATORY OF THE ROAD LAWS.

APRIL 7. AN ACT to Repeal Chapter 163 of the Laws of the Ninth General Assembly, also Chapter 76 of the Laws of the Tenth General Assembly, and to Enact a Law Prescribing the Duties of Township Trustees, and Road Supervisors in certain Cases, and to Provide for the Levying and Collecting of Road Taxes, and Determining the per diem of Road Supervisors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter 163 of the laws of the Ninth General Assembly, also chapter 76 of the laws of the Tenth General Assembly, be and are hereby repealed.

Ch. 163, 1862,
& ch. 76, 1864,
repealed.

SEC. 2. The township trustees of each organized township in this State shall, at an annual meeting to be held on the second Monday in 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, scrapers, tools, and machinery adapted to the construction and repairs of roads, and for the payment of any indebtedness previously contracted by such township for road purposes, and levy the same, which shall not be less than one nor 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

Tp. trustees
to determine
amount road-
tax.

Tax of 1 to
3 mills.

Tax paid in
labor.

General tp.
fund for pur-
chase of ma-
chinery.

Proviso: cit-
ies & towns.

Duty of road
supervisor.

whether any of said tax shall be paid in labor, and if they determine that any part may be paid in labor, determine what part may be so paid; said trustees shall at the same time also determine whether any part of said tax shall be a general township fund, for the purpose of purchasing plows, scrapers, or other implements, or machinery adapted to the construction of roads, and for general road work in the township, and if they determine that any of said tax be appropriated for that purpose, they shall determine what amount of said tax shall be so appropriated: *Provided,* That when incorporated towns or 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.

SEC. 3. 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, and in case of a failure to pay said tax by the first Monday in October, in each year, the supervisor shall report the same to the township trustees, the same as tax on non-resident lands, and the tax thereon shall be collected in the same manner, and the same penalties, as in the case of non-resident lands.

Delinquent taxes to be reported to trustees; how collected.

SEC. 4. The supervisor shall cause said tax collected by him to be expended for the purposes specified in the second section of this act, on or before the first day of October of that year, except the portion set apart for a general township fund, as provided in section two of this act, which shall be by the supervisor paid over to the township clerk from time to time as collected, and his receipt taken therefor.

Tax, how expended.

SEC. 5. The money tax levied upon the property in each road district, except that portion set apart as hereinbefore provided to be set apart as a general township fund, whether collected by the supervisor or the county treasurer, shall be expended for road purposes in that district, and no part thereof shall be paid out or expended for the benefit of any other road district.

Money raised in road dist., except gen'l fund, to be expended in district.

SEC. 6. In every township where the township trustees shall set apart a portion of the road-tax as a general township fund, for the purchase of plows, scrapes, implements, and machinery, to be used in the construction and repairs of roads, the trustees shall require the township clerk to give bond in such additional sum as they may deem proper to secure the safe keeping of such fund, and shall appoint one of their number, or the township clerk, to take charge of and properly preserve and keep in repair such tools, implements, and machinery; and such person shall have authority to determine at what time the supervisors of the several road districts may have the custody and use of the same or any part thereof, and shall be responsible for the safe keeping of the same, when not in the custody of some one of the supervisors, for use in working the roads of his district, and shall receive such compensation for his services as the township trustees shall provide, to be paid out of such general road fund.

Tp. clerk to give bond for gen'l fund.

Trustee or clerk to have care of tools, &c.

Use of same. Compensation of keeper.

SEC. 7. Each road supervisor shall hereafter receive the sum of one dollar and fifty cents for each day spent in the discharge of his official duties.

Pay of road supervisors, \$1.50.

SEC. 9 [8]. Each supervisor shall require all the able-bodied male residents of his district, between the ages of twenty-one and fifty, to perform two days' labor upon the public highway, between the first day of April and the first day of August of each year.

Men between 21 and 50 to do two days' work a year.

Approved April 7, 1868.

CHAPTER 101.

IN RELATION TO THE BUILDING FOR THE ADJUTANT-GENERAL'S OFFICE.

APRIL 7. AN ACT Making Appropriations for Payment of Sundry Bills and Accounts contracted by the Commissioners in the Erection of the Building for Adjutant-General's and Quartermaster-General's Office, and for Storage of Arms.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be and hereby is appropriated, out of any moneys in the State treasury, the sum of one hundred and twenty-one dollars and seventy-five cents, to pay N. B. Baker, Adjutant-General, and chairman of commission, for money advanced as per account rendered; the sum of two thousand three hundred and forty-two dollars and sixty-nine cents, or so much thereof as may be necessary, to pay Letz & Co., for balance on iron-work for said building; the sum of two hundred and nine dollars to pay S. A. Robertson the balance due on brick-work on said building; and the sum of three hundred and fifty-three dollars and twenty-five cents, or so much thereof as may be necessary, to pay S. A. Robertson for account of extra work done on said building.

SEC. 2. That the amount due to said Letz & Co. shall be decided upon by the State Auditor and Adjutant-General, and such deductions shall be made from said amount of \$2,342.69 as by them may be deemed just and equitable; and that the amount due to S. A. Robertson for extra work shall be decided upon by the State Auditor and the Adjutant-General, and such deductions shall be made from said amount of \$353.25 as by them may be deemed just and equitable; and that no more of said sums hereby appropriated shall be drawn from the State treasury than is thus decided upon by the said State Auditor and Adjutant-General.

SEC. 3. That upon presentation of receipts by the said Baker for \$121.75; by the said Robertson for \$209.00, approved by the Adjutant-General; by the said Letz & Co. for the amount approved by the State Auditor and Adjutant-General, not exceeding said \$2,342.69; and by the said S. A. Robertson for the amount approved by the State Auditor and Adjutant-General for extra work of said Robertson, not exceeding said \$353.25,—the Auditor of State is hereby authorized to draw his warrant on the treasury for the

Appropriated:

N. B. Baker, \$121.75, money advanced. Letz & Co., \$2,342.69, iron work.

S. A. Robertson, \$209, for brick work; do. \$353.25, extra work.

Aud. & Adjt. Gen. to adjust the claims for iron work & extra work.

On presentation of receipts Auditor issue warrants.

amounts as above specified due to each of the above named individuals.

SEC. 4. This act, being deemed of public importance, shall take effect and be in force from and after its publication in the Iowa State Register and The Iowa Statesman, newspapers published at Des Moines. Taking effect.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 7, 1868, and in the *Iowa State Register* April 8, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 102.

APPROPRIATIONS FOR IMPROVEMENT OF STATE ARSENAL AND ADJUTANT - GENERAL'S OFFICE.

AN ACT making Appropriations for the Improvements of the State Arsenal and Adjutant - General's Office, and for a New Building in connection therewith. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there be and is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, the sum of nine thousand five hundred dollars, to be expended as is hereinafter provided, viz.: Two hundred and fifty dollars for the purpose of grading and improving the grounds around the State Arsenal and Adjutant - General's office; four hundred dollars for covering the areas on the north and south and west sides of said arsenal with stone copings and stone or iron coverings, and for stone or iron steps to the basement; two thousand dollars, or so much thereof as may be necessary for iron furniture, cases, chairs, and tables for the Adjutant - General's office; two thousand dollars, or so much thereof as may be necessary, to construct a fence around the premises of the State Arsenal; and five thousand dollars, or so much thereof as may be necessary, to erect a proper building on said arsenal premises for cleaning and repairing the arms and accouterments belonging to the State.

SEC. 2. The plans for said fence, furniture, and

Plans to be building shall first be presented to the Governor for approved by his approval, and shall not be erected until his approval Governor. is indorsed thereon.

Money—how expended. SEC. 3. Said sums hereby appropriated shall be expended under the direction of the Adjutant - General, who shall, before drawing said sums from the

Adj't. - Gen. to give bond. State treasury, file his bond, with sureties to the acceptance of the Auditor of State, in the sum of twice the amount of said appropriation, conditioned to the faithful performance of his duties in the expenditure of said appropriations, and a rendition of a true and just account of the expenditure thereof, to be made to the acceptance of said Auditor of State.

Disposition of old furniture.

SEC. 4. Said Adjutant-General shall, upon the request of the Governor, when the iron furniture is supplied for said Adjutant - General's office, turn over to any officer of State any of the furniture, tables, or cases which are now in said Adjutant - General's office, and which may be deemed necessary for any office in the State house. The balance of said furniture shall be sold by said Adjutant - General, and the proceeds paid into the State treasury.

Adj't. - Gen'l may draw appropriation.

SEC. 5. The Adjutant - General is hereby authorized to draw the money hereby appropriated under this act from the State treasury, and upon the expenditure thereof, or so much thereof as may be necessary, shall file with the Auditor of State a full statement of receipts and expenditures, accompanied with proper vouchers, to the acceptance of the Auditor of State.

Furnish statement to Auditor.

Taking effect.

SEC. 6. This act, being deemed of immediate importance, shall be in full force on and after its publication in the Iowa State Register and The Iowa Evening Statesman, newspapers published at Des Moines, Iowa.

Approved, April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 7, 1868, and in the *Iowa State Register* April 8, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 103.

WAR CLAIMS OF THE STATE.

AN ACT to Amend Chapter 95 of the Acts of the Eleventh General Assembly, entitled An Act to Provide for the Settlement of certain Claims against the General Government. APRIL 7.
1868, ch. 95.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in addition to the compensation provided for by section 3 of chapter 95 of the acts of the Eleventh General Assembly, there be and is hereby allowed to the commissioner therein named, the sum of two per cent on claims hereafter recovered by him against the United States, and placed to the credit of the State of Iowa, and if Col. Dewey will not act as agent at this rate of compensation, the Governor is authorized to appoint some one to fill the vacancy. Commissioner under ch. 95, 11th G.A., allowed 2 per cent. on collections.

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 Iowa Evening Statesman, newspapers published at Des Moines. Taking effect.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 12, 1868, and in the *Iowa Evening Statesman* April 20, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 104.

ENLARGEMENT AND IMPROVEMENT OF THE PENITENTIARY OF THE STATE.

AN ACT for the Improvement of the Penitentiary.

APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be appropriated out of the State treasury the sum of fifteen thousand dollars, or so much thereof as may be necessary for the extension of the cell building to the line of the east wall of the prison-yard, the covering of present cell building and the roof of the extension thereof with slates, the erection of new prison-cells, one of which \$15,000 appropriated for cell-building.
Extension.
Slate-roof.
New cells.

shall be dark, and the enlarging the windows of the present cell building. That there be further appropriated the sum of three thousand dollars for the erection of a wash-house and store-rooms, and the procurement of the necessary cooking range and apparatus.

§3,000 for wash-house, store-rooms, and cooking-range.
 §1,000 for repairs, &c. SEC. 2. That the further sum of one thousand dollars, or so much thereof as may be necessary, be appropriated for the repairs of the walls, cisterns, and building of gutters.

§6,000 for water-works. SEC. 3. That the further sum of six thousand dollars, or so much thereof as may be necessary, be appropriated for the construction of a reservoir on the hill above the prison, the procuring the necessary connections, and the purchase and erection of a steam pump and its appendages, of the kind in use at the Hospital for the Insane; and when such water-works shall be completed, the warden is authorized to arrange with the contractors for the use thereof for their purposes; but so as not to interfere with the necessary use thereof by the State.

Water-works may be used for other purposes.
 SEC. 4. All the above appropriations shall be expended under the direction of the warden, by and with the advice of the Census Board, or a majority of them, after a personal inspection of the premises by them, for which extra service the said Census Board shall receive their necessary expenses while performing that duty. In the performance of the work, so many convicts as can be, safely and with advantage, shall be employed, and the said warden may employ for that purpose additional day-guards.

Census Board to inspect premises.
 Convicts may be employed.
 Additional day-guards.
 Money, how drawn.
 SEC. 5. The several sums shall only be drawn upon the order of the warden accompanied by an estimate of work done or material furnished, and said order shall be approved of by the Governor: *Provided*, That a sum not exceeding three thousand dollars may be drawn by the warden in advance of such estimates, for the purchase of materials when the best interests of the State seem to require it: *And further provided*, That should there be a surplus left over the cost of any one of the items above specified said surplus may be used for the completion of any one of the other items named.

Proviso:
 §3,000 may be drawn in advance.
 Proviso: surplus diverted.
 SEC. 6. That there is also appropriated, out of the State treasury, the sum of fifteen thousand dollars, to be known as a contingent fund, and used by the warden of the penitentiary, under the direction, and by the permission of the Census Board, for the purpose of completing and carrying out the works, objects, and

§15,000 contingent fund.
 How used.

provisions of this act, and this sum is appropriated only for the purpose of preventing delay, and a consequent Purpose. loss to the State on account of any deficiency in the sums appropriated to carry out the provisions and objects of this act: *Provided*, That no part of said sum of \$15,000 shall be used until after the sums here- inbefore appropriated are exhausted; and then only on the approval of the Census Board indorsed on the warden's order on the Auditor of State by the president of said board. So much of the contingent fund hereby appropriated by this bill shall be expended in furnish- ing to each convict light at night, so that he may be enabled to read and write: *Provided*, That nothing in this section contained shall be so construed as to pre- vent the warden from temporarily withholding such light as a punishment for violating the rules of the prison, but such withholding shall never be extended beyond two days for any one offense.

Proviso: not to be expend- ed till balance is exhausted.

Light for con- victs to read and write.

Proviso: pun- ishment by withholding light.

Limit.

SEC. 7. This act being deemed of immediate impor- tance by the General Assembly, shall take effect from its publication in the Daily State Register and Evening Statesman, newspapers printed at Des Moines. Taking effect.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 19, 1868, and in *The Iowa Evening Statesman* April 22, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 105.

PAY OF COUNTY SUPERVISORS.

AN ACT to Amend Section 317 of the Revision of 1860, in Rela- tion to Compensation of Members of the Board of Super- visors. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section number 317 of the Revision of 1860 and the same is hereby amended so as to read as follows: Each member of the board of supervisors shall be allowed a compensation of two dollars and fifty cents per day for his services in attend- ing the meetings of the board, and six cents per mile in going to and returning from the place of meeting, to be audited by the board and paid by the county:

Pay of super- visors, \$2.50.

Mileage.

Provido: lim- *Provided*, That no supervisor shall receive pay for more
 ited to 15 days than fifteen days in one year in counties having a pop-
 in cos. less ulation less than 15,000; that in counties having a
 than 15,000; population of 15,000 and not exceeding 25,000 they
 15,000-25,000 shall receive pay for not more than twenty-five days in
 25 days; one year; and in counties where the population exceeds
 over 25,000, 25,000 they shall receive pay for not more than thirty-
 35 days. five days in one year.

Taking effect. SEC. 2. This act, being deemed of immediate im-
 portance by the General Assembly, shall take effect
 and be in force from and after its publication in the
 Iowa State Register and Iowa Evening Statesman,
 newspapers published at Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 19, 1868, and in *The Iowa Evening Statesman* April 22, 1868.

ED WRIGET, *Secretary of Stats.*

CHAPTER 106.

INSTITUTION OF THE DEAF AND DUMB.

APRIL 7. AN ACT to Provide for the Education and Support of the Deaf and Dumb.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That to meet the ordinary expenses of the Institution for the education of the Deaf and Dumb, including furniture, books, school apparatus, and the compensation of officers and teachers, there is hereby appropriated the sum of five thousand dollars per annum, or so much thereof as may be necessary.

Appropriations.

Ordinary expenses, \$5,000 yearly.

Trustees to fix salaries;

SEC. 2. The board of trustees of said Institution shall pay such salaries as in their judgments shall be just, to the superintendent, matron, and teachers employed therein.

to appoint steward.

Current expenses, \$30 per quarter per pupil.

SEC. 3. The trustees shall appoint some one of their employees Steward, who under their direction shall purchase all supplies for the Institution.

SEC. 4. For the purpose of meeting current expenses, there is hereby appropriated the sum of thirty dollars per quarter for each pupil in said Institution.

SEC. 5. The superintendent of said Institution shall report to the Governor, on or before the 10th day of December preceding each regular session of the General Assembly, the number of pupils in attendance, with the name, age, sex, residence, place of nativity, and also the cause of deafness of each pupil. He shall make a report of the studies pursued and the trades taught in said Institution, together with a complete detailed statement of the expenditures for said Institution and the receipts on account of the same, the salaries paid to each officer and teacher, and also the kind, number, and value of all articles manufactured and sold.

Superintendent to make biennial report to Gov.

SEC. 6. When the pupils of said Institution are not otherwise supplied with clothing, they shall be furnished by the superintendent, who shall make out an account of the cost thereof, in each case, against the parent or guardian, if the pupil be a minor, and against the pupil if he or she have no parent or guardian, or have attained the age of majority; which account shall be certified to be correct by said superintendent; and when so certified, such account shall be presumed correct in all courts. The superintendent shall thereupon remit said account by mail to the treasurer of the county from which the pupil so supplied shall have come to said Institution; such treasurer shall proceed at once to collect the same by suit in the name of his county if necessary, and pay the same into the State treasury; the superintendent shall at the same time remit a duplicate of such account to the Auditor of State, who shall credit the same to the account of the institution, and charge it to the proper county: *Provided*, If it shall appear by the affidavit of three disinterested citizens of the county not of kin to the pupil, that the said pupil or his or her parents would be unreasonably oppressed by such suit, then such treasurer shall not commence the said suit, but shall credit the same to the State on his books, and report the amount of such account to the board of supervisors of his county, and it shall be the duty of the said board to levy sufficient tax to pay the same to the State, and to cause the same to be paid into the State treasury.

Destitute pupils may be supplied with clothing.

Acc't of same; remit to co. treasurer; treasurer to collect;

Auditor to credit Institution & charge county.

Proviso: in certain cases suit not to commence;

co. to pay.

SEC. 7. The above mentioned appropriations, including the accounts for clothing aforesaid, shall be drawn quarterly on the requisition of the board of trustees of the Institution in the usual manner.

Appropriations, &c., when & how drawn.

SEC. 8. Chapter 54 of the acts of the Tenth General Assembly be and the same is hereby repealed.

Ch. 54, 1864, repealed.

SEC. 9. That for putting on a new roof and making

New roof, other necessary repairs upon the building occupied by
 \$2,000; said Institution, there is hereby appropriated the sum
 of two thousand dollars, or so much thereof as may be
 how drawn. necessary, to be drawn on the requisition of said
 trustees upon the Auditor of State.

Taking effect. SEC. 10. This act being deemed of immediate impor-
 tance, shall take effect upon its publication in the Daily
 State Register and Iowa City Republican, newspapers
 printed in this State.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Iowa
 City Republican* April 15, 1868, and in the *Daily State Register* April
 19, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 107.

INSTITUTION OF THE DEAF AND DUMB AT COUNCIL BLUFFS.

APRIL 7. AN ACT Providing for the Erection of Buildings for a Deaf and
 Dumb Asylum.

Instituti'n for
 Deaf & Dumb
 permanently
 located on se
 1/4 ne 1/4 § 7, and
 sw 1/4 nw 1/4 §
 8, T. 74, R. 48

SECTION. 1. *Be it enacted by the General Assembly
 of the State of Iowa,* That the grounds selected near
 Council Bluffs, and donated to the State by the citizens
 thereof, and accepted by Thomas Officer, Caleb Bald-
 win, and Dr. E. Honn, commissioners appointed by an
 act of the General Assembly of the State of Iowa,
 approved April 3, 1866, to-wit: the south-east quarter
 of the north-east quarter of section seven, and the
 south-west quarter of the north-west quarter of section
 eight, all in township number seventy-four, north of
 range number forty-three, west of the fifth principal
 meridian, in the district of lands subject to sale at
 Council Bluffs, Iowa, for a site for a Deaf and Dumb
 asylum,—be, and the same is hereby approved, and
 said asylum is permanently located thereon: *Provided,*
however, That said commissioners shall obtain perfect
 title without expense to the State to the north half of
 the north half of the north-west quarter of the south-
 west quarter of section eight, township seventy-four,
 range forty-three; and the same is hereby made a
 portion of the site for said asylum.

Proviso:
 n 1/4 n 1/4 nw 1/4
 sw 1/4 § 8, T.
 74, R. 48, to
 be added to
 site without
 cost to State.

SEC. 2. The plans, drawings, and specifications for

said asylum adopted by the commissioners aforesaid, for the buildings of said Institution, so far as relates to the main building, and one lateral wing only, be and the same are hereby approved: *Provided*, That this act shall not be construed as authorizing the erection of more than the above portion of such building.

SEC. 3. That Thomas Officer, Caleb Baldwin, and Dr. E. Honn, are hereby continued as commissioners, and with the Governor of the State, who shall be, *ex-officio*, a commissioner, shall have full power to receive and disburse all moneys that may be hereafter appropriated for the erection of buildings for said asylum, and the improvement of the grounds thereof, with power to appoint and discharge, at their discretion, a superintendent, whose duty it shall be to superintend the work on said buildings as provided in said specifications. In case of a vacancy in said board of commissioners, caused by death, resignation, or otherwise, the same shall be filled by an appointment by the Governor.

SEC. 4. That before said commissioners shall draw any money from the treasury of the State, for the purpose of erecting the buildings for said asylum, they shall severally, except the Governor, give a bond with surety in the penal sum of one hundred thousand dollars, to be approved by and payable to the Treasurer of the State of Iowa, conditioned, for the faithful performance of their duties, and the honest and faithful disbursement of and accounting for all moneys which may have come into their hands under the provisions of this act.

SEC. 5. That the superintendent herein provided for shall receive as his only compensation for superintending the work on said Deaf and Dumb asylum, such sum as the said commissioners shall fix.

SEC. 6. That there is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of one hundred and twenty-five thousand dollars, for the purpose of erecting the buildings of said Deaf and Dumb asylum, the same to be paid upon the draft upon the Auditor of State by said commissioners for the erection of said buildings.

SEC. 7. That no draft shall be made, or money paid from the treasury, except upon estimates made upon work done and materials furnished for the erection of said buildings, and in making estimates, no estimate shall be made or allowed upon materials not actually upon the grounds upon which said asylum buildings are to be erected and built.

Plans, &c., adopted by commissioners partly approved.

Proviso.

Commissioners continued—Governor added; full power.

Vacancy.

Commissioners to give bond \$100,000.

To fix pay of superintendent.

\$125,000 appropriated.

Estimates required.

Auditing drafts.
Proviso:
vouchers re-
quired.

SEC. 8. That all drafts or orders drawn by said commissioners upon the Auditor of State shall be audited and paid as other claims: *Provided*, That no order or draft upon the Auditor by said commissioners, except the first one, shall be audited and paid until said commissioners shall have filed their vouchers with the Auditor of State for all moneys received and disbursed by them.

Not over
\$50,000 to be
drawn in '68.

SEC. 9. That of the sum hereby appropriated for the erection of buildings for said asylum not more than fifty thousand dollars shall be drawn from the treasury in the year one thousand eight hundred and sixty-eight.

Adv'tisem'ts
for plans.

Commission-
ers to make
contract.

Proviso:

contracts re-
stricted to ap-
propriation.

SEC. 10. That said commissioners shall immediately advertise for four weeks in one newspaper in each of the following places, viz.: Council Bluffs, Des Moines, Dubuque, Davenport, and Burlington, for sealed proposals for contracts to construct the building hereby authorized, according to the plans and specifications for that portion of the buildings aforesaid; and to contract with the lowest responsible bidder who will build the same, complete, by the first day of October, 1870, and who will give adequate security for the performance of his contract: *Provided*, That no contract, agreement, or plan shall be adopted by the said commissioners different from the plans hereby adopted; nor shall any contract be entered into by said commissioners which shall in any event involve any greater expenditure than the sum by this act appropriated, and all contracts involving expenditures greater than is hereby authorized shall be void.

Taking effect.

No expense
to State.

SEC. 11. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in The Daily Bugle and Daily Nonpareil, newspapers published in Council Bluffs, in this State: *provided, however*, that such publication shall be made without expense to the State.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *The Daily Bugle* April 11, 1868, and in the *Council Bluffs Daily Nonpareil* April 12, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 108.

TO PREVENT THE DRIVING AWAY OF STOCK.

AN ACT to Amend an Act entitled An Act to prevent the Driving away of Cattle and other Stock. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section one, chapter thirty-four, of the acts of the Ninth General Assembly be and the same is hereby repealed, and the following enacted in lieu thereof: 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 any stock not belonging to him or them, to any distance exceeding five miles from the residence of the owner or agent, or the range in which the stock usually runs, 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.

Sec. 1, ch. 34, 1868, repealed.
Drovers, &c., driving off stock of others five miles from home, fined not over \$100, or imprisoned not over 30 days.

Approved April 7, 1868.

CHAPTER 109.

APPROPRIATIONS FOR THE HOSPITAL FOR THE INSANE.

AN ACT Making further Appropriation for the Hospital for the Insane. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, the following sums for the purposes herein named, viz.:

Appropriation.

For the purchase of additional land needed for the use of such hospital, eleven thousand two hundred dollars. Additional land, \$11,200.

For the purchase of furniture, three thousand five hundred dollars. Furniture, \$3,500.

For completing the gas apparatus, four thousand two hundred and fifty dollars. Gas apparatus, \$4,250.

Fencing and grounds, \$2,000. For fencing and improving grounds, two thousand dollars.

Lot, \$500. For cemetery lot, five hundred dollars.

Store rooms, \$3,800. For erecting ironing and store rooms, three thousand eight hundred dollars.

Painting, \$1,200. For painting, one thousand two hundred dollars.

Contingent fund, \$2,000. Proviso: division of appropriation. For contingent fund, two thousand dollars: *Provided*, That any sum hereby appropriated, not used for the specified object named, may be used so far as necessary for any other of the purposes specified in this act.

Money, how drawn. SEC. 2. The money hereby appropriated shall be drawn and paid on the order of the trustees, which order shall be audited and paid as other claims.

Trustees to fix salaries. SEC. 3. The board of trustees shall, from time to time, fix the salaries and wages of the superintendent, assistant superintendent, and other employees of the institution, and certify the same to the Auditor of State.

Taking effect. SEC. 4. This act shall take effect upon its publication in the State Register and Evening Statesman, published in Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 19, 1868, and in *The Iowa Evening Statesman* April 22, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 110.

PROHIBITING AND VACATING ROADS ON RESERVED LANDS.

APRIL 7. AN ACT to Prohibit the Laying Out or Opening of Roads across certain Reserved Lands of the State, and to Vacate Public Roads on the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall not be lawful to lay out, establish, or open any public road or street, by any authority whatever, without the express consent of the General Assembly, across the lands reserved by the State for its various institutions, or either of them, and lying adjacent thereto.

Roads not to be opened over lands reserved for State institutions.

SEC. 2. Any public road, which has been heretofore established or laid out across the property of the State mentioned in the preceding section, is hereby vacated. Vacated.

SEC. 3. This act shall take effect from and after its publication in the Daily Register and The Evening Statesman, papers published at Des Moines. Taking effect.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 21, 1868, and in *The Iowa Evening Statesman* April 22, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 111.

CITIES AND TOWNS ALLOWED TO SELL PROPERTY FOR DELINQUENT TAXES.

AN ACT to Promote the Collection of Revenue of Incorporated Cities and Towns acting under Special Charters. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That to all cities and towns heretofore incorporated under special acts and charters, and which do not now possess the right to sell personal or real property for the collection of delinquent taxes, including special rates and assessments, full power and authority is hereby granted to sell real and personal property for delinquent taxes, including special rates and assessments levied upon property for the improvement of streets, alleys, sidewalks, the construction of sewers, and other improvements of like nature; but no deeds heretofore given by city authorities, where there was no legal power to sell, shall be considered as valid by anything herein contained. Cities & towns under special charters giv'n full power to sell property for taxes; including special assessments. Former deeds not validated.

SEC. 2. That the city council or trustees of any incorporated city or town, coming under the provisions of this act, shall have the right to provide by ordinance for the method of conducting sales of property sold for delinquent taxes or assessments, and also to provide all other needful rules and regulations for the proper enforcement of the rights herein granted. Deeds given for property sold under the provisions of this act shall have the same force and validity as those executed by county treasurers in similar cases. Council may provide for sale. Deeds to have force of those of co. treasurers.

City council of any city or town, acting under special charters, may, if they may certify to clerk board of supervisors all taxes. The city council or trustees of any incorporated city or town, acting under special charters, may, if they deem best, cause to be certified up to the clerk of the board of supervisors all taxes, rates, and special assessments the same as though said city or town had been incorporated under the general incorporation law, known as chapter 51 of the Revision of 1860, and the amendments thereto; and when so certified, said taxes, rates, and special assessments shall be collected and accounted for in all respects the same as is provided by section 3, chapter 25, of the acts of the Tenth General Assembly.

Rev. ch. 51.

Same to be collected by county.

1864, ch. 25.

Approved April 7, 1868.

CHAPTER 112.

LEGALIZING ACTS OF BOARD OF SUPERVISORS OF IDA COUNTY.

APRIL 7. AN ACT to Legalize the Acts of the Board of Supervisors of Ida County in conveying certain Swamp-Lands to Soldiers as Bounties.

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That all the acts of the board of supervisors of Ida county in this State, in conveying certain swamp-lands, belonging to said county, to certain soldiers as bounties for enlistment in the volunteer service of the United States during the war of the rebellion, be and the same are hereby legalized; and that all deeds of conveyance of swamp-lands made by said board of supervisors to the soldiers so enlisting, and in consideration of such enlistment, be and the same are hereby legalized and confirmed, any act or law of the State of Iowa to the contrary notwithstanding.

Acts board of supervisors of Ida co. giving swamp lands to soldiers legalized.

Deeds of same confirmed.

Approved April 7, 1868.

CHAPTER 113.

GAME LAW.

AN ACT to Protect Game.

APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be unlawful for any person, except on his own premises and for his own exclusive use, to kill, ensnare, or trap any wild deer, elk or fawn, prairie hen or chicken, between the first day of January and the first day of August in each year; and every year; any wood-cock between the first day of January and July in each year; any quail, ruffed grouse, or pheasant, between the fifteenth day of December and the twelfth day of September; or any wild turkey between the first of February and the first of September: *Provided,* That, except on his own premises, it shall be further unlawful for any person to net, ensnare, or trap any of said game except in the month of December: *And provided further,* That except on his own premises it shall be unlawful for any person to ensnare, net, or trap any quail at any time of the year prior to the first of December, 1872.

Unlawful to kill or trap deer & prairie chick'ns from January 1 to August 1; quail, &c. from December 15 to Sept. 13; turkey from February 1 to September 1. *Proviso:* prohibiting trapping game except in Dec. *Proviso:* quail not to be trapped before Dec., 1872.

SEC. 2. It shall be unlawful for any person to buy or sell any of the above mentioned animals or birds which shall have been trapped, ensnared, or killed between the days above mentioned. The having in possession any of the above animals or birds recently killed by any person or persons between said dates, shall be deemed and taken as *prima facie* evidence that the same was trapped, ensnared, or killed by the persons having the possession of the same in violation of this act.

Unlawful to buy or sell game in prohibited times.

Possession of same *prima facie* evidence of guilt.

SEC. 3. That any railroad, express company, or other common carrier in this State, or any of their agents or servants, having any of the above birds or animals in their possession, for transportation or other purpose, during the periods above limited and prohibited, shall be punished by fine of not less than \$100 or more than \$300, or by imprisonment in the county jail 30 days, or by both such fine and imprisonment.

Common carriers having game in possession unlawfully punished—fine \$100-300; imprisonment 30 days.

SEC. 4. Any person violating any of the provisions of this act, shall forfeit or pay a fine of fifteen dollars for each deer, fawn, or elk snared, entrapped, killed, bought, sold, or held in possession, and five dollars for any bird of game above mentioned thus killed, trapped,

Violation of act punished—fine, \$15 for deer, \$5 for bird.

Where prosecuted. ensnared, bought, sold, or held in possession; and such person may be prosecuted either in the county in which the offense was committed or where said person has in his possession any of such animals or birds thus killed, ensnared, or trapped, bought, or sold in violation of law.

Trespassers violating this act to be fined \$3-\$50. SEC. 5. Any person who shall go upon the premises of any other person or corporation, whether inclosed or not, and shall be found hunting, trapping, or ensnaring any of the above named birds or animals, in violation of the provisions of this act, 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 to the school fund 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, second, and third sections of the same shall be a bar to any suit under the fourth section of this act for the same offense.

Proviso: suit barred.

Who may bring prosecution; where. SEC. 6. A prosecution may be brought by any person in the name of the State of Iowa against any person or persons violating the first, second, and third sections 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 school fund for the benefit of the common schools of said county.

Fines paid to school fund.

Repealing clause. SEC. 7. All acts and parts of acts contrary to the provisions of this act be and the same are hereby repealed.

Approved April 7, 1868.

CHAPTER 114.

LEGALIZING ACTS OF D. D. MIRACLE.

APRIL 7. AN ACT to Legalize the Acts of D. D. Miracle, a Notary Public in and for Hamilton County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the official acts of D. D.

Miracle, a notary public in and for the county of Hamilton and State of Iowa, done after the expiration of his notarial commission, being from the fifteenth day of July, A. D. 1867, to the sixteenth day of February, A. D. 1868, are hereby legalized and made as valid as if the said acts had been done before the expiration of said commission.

Official acts of D. D. Miracle, of Hamilton county, from July 15, 1867, to Feb. 16, 1868, legalized.

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

Approved April 7, 1868.

CHAPTER 115.

DEPUTIES TO SUPERINENDENT OF PUBLIC INSTRUCTION AND REGISTER OF STATE LAND OFFICE.

AN ACT to Amend Section 642, of the Revision of 1860.

APRIL 7.

Rev., § 642.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 642, of the Revision of 1860, be and the same is hereby amended by inserting after the word "Auditor," in the first line of said section, the words, "Superintendent of Public Instruction, Register of the State Land Office."

Supt. P. I. & Reg. S. L. O. allowed deputies.

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 Iowa State Register, and the Daily Statesman, newspapers published at Des Moines.

Taking effect.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 8, 1868, and in the *Daily State Register* April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 116.

LEGALIZING NOTARIAL ACTS OF JOSEPHUS EASTMAN.

AN ACT to Legalize the Notarial Acts of Josephus Eastman, Notary Public of Poweshiek County, Iowa.

APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the official acts of Josephus

Notarial acts of J. Eastman from March 20 to Oct. 9, 1866, legalized. Eastman, a notary public of Poweshiek county, which were done between March 20th, 1866, and October 9th, 1866, after the expiration of his commission and before its renewal, are hereby legalized and made as valid as if they had been done while his commission was in full force.

Approved April 7, 1868.

CHAPTER 117.

RAILROADS MAY TAKE REAL ESTATE FOR DAMS AND RESERVOIRS.

APRIL 7. AN ACT to Enable Railroad Corporations to take and hold Real Estate for the Purpose of constructing and maintaining Dams and Reservoirs to hold and accumulate Water to supply Engines, and for the Purpose of laying down Pipes to supply Water for the use of Engines used in operating such Railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any railroad corporation owning or operating, or that may hereafter own or operate, any railroad within this State, may, at such points as may be deemed necessary by said corporation for water-stations, take and hold additional real estate for the purpose of erecting and constructing dams and thereby forming reservoirs to accumulate and hold water to supply the engines used in operating such railroad: *Provided,* That the dwelling-house, out-house, orchard, or garden of the proprietor of any real estate so taken shall not be overflowed or otherwise injuriously affected thereby. The commissioners who may assess the damage to the owner, as hereinafter provided, shall state in their report whether the dwelling-house, out-house, orchard, or garden of the proprietor of any real estate so taken will be overflowed, or otherwise injuriously affected, by the erection and maintaining of such dam. The land so taken shall at the option of the owner be set apart by such commissioners in a square or rectangular shape if the owner requests it, including all the overflowed land, but shall not deprive the owner of the land to [of] the access to and use in common with such company of the water in such stream on his own land.

R. R. corporations may take real estate for dams & reservoirs for use of road.

Proviso: Dwelling-houses, &c., not to be overflowed or injured. Commissioners to make statement of overflow or injury.

Shape of land taken.

Owner to have access.

SEC. 2. That any such railroad corporation may lay down pipes through any land adjoining the track of the railroad, and not to a greater distance than three-fourths of a mile from such track, (unless by consent of the owners of the land through which the pipes may pass beyond that distance,) and maintain and repair such pipes, and thereby conduct water for the supply of the engines of such railroad from any running stream; and such corporation shall without unnecessary delay, after laying down or repairing such pipes, cover the same so as to restore the surface of the land through which they may pass to its natural grade; and said corporation shall as soon as practicable replace any fence that it may be necessary to open in laying down or repairing such pipes; and the owner of the land through which the same may be laid shall have a right to use the land through which such pipes pass, in any manner not to interfere with such pipes: *Provided*, also, That said pipes shall not be laid to any spring, nor be used so as to injuriously withdraw the water from any farm.

Co. may lay pipes through lands adjoining railroads to running streams.

Pipes to be covered.

Owner to have right to use land.

Proviso: pipes not to go to spring, &c.

SEC. 3. That in any case under this act, where the owner of any real estate shall refuse to grant the right to construct such dam and reservoir, or to lay down and maintain such pipes, as the case may be, the damage which such owner will sustain by reason of the erecting of said dam and reservoir, or by reason of the laying down and maintaining of such pipes, shall be assessed and paid in the manner provided for assessing damages in the act entitled "An act granting to railroad companies the right of way," contained in Article 3 of Revision of 1860; and all the provisions of that act, in relation to the assessment and payment of damages and to the mode of giving notice to non-residents, and in other cases, shall be applicable to proceedings under this act, and either party shall have a right to appeal from the assessment of damages herein provided for in the manner provided in that act contained in said article 3, and with the same effect: *Provided*, That if the commissioners so assessing damages shall state in their report that the dwelling-house, out-house, orchard, or garden, of the proprietor of any real estate so taken, will be overflowed or otherwise injuriously affected by the erection and maintaining of such dam, then said dam shall not be erected until it shall have been otherwise determined on the trial of the said appeal in the district court; and the appeal above provided for shall carry with it the question whether the

Assessment of damages.

Rev. ch. 55, art. 3.

Appeal.

Proviso: where dwelling-house, &c. is injured, dam not to be built till trial in dist. court.

Question of overflow or injury, and amt of damages, to be tried on appeal.

Act applied to existing dams.

Proviso: not to discontinue suits for damages till comply make deposit.

Taking effect.

dwelling-house, out-house, orchard, or garden of the proprietor of any real estate so taken will be thus overflowed or otherwise injuriously affected, and such question, as well as the amount of damages, shall be tried in the district court on such appeal.

SEC. 4. This act shall apply as well to dams of the kind above mentioned already in existence, and to the heightening of the same, as to those hereafter to be erected: *Provided*, That the provisions of this act shall not operate to discontinue any suit brought for damages on account of any dam until the railroad company, for whose benefit the application is made, shall deposit with the clerk sufficient money to pay all costs, including reasonable attorneys' fees incurred by the owner of the land in bringing such suit.

SEC. 5. This act shall take effect and be in force from and after the time it is published in the Daily State Register and Iowa Homestead, newspapers published at Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 21, 1868, and in *The Iowa Homestead* May 6 1868.

ED WRIGHT, *Secretary of State*.

CHAPTER 118.

IN RELATION TO FEES OF CLERKS OF THE DISTRICT COURT.

APRIL 7. AN ACT to Amend Section 430 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 430 of the Revision of 1860 be and the same is hereby amended by inserting, in the fifth line after the word Appeal, the word "and" instead of the word "or."

Sec. 430, Rev. 1860, amended.

SEC. 2. 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 National Platform, newspapers published in Des Moines, Iowa.

Taking effect.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 22, 1868, and in *The National Platform* May 1, 1868.

ED WRIGHT, *Secretary of State*.

CHAPTER 119.

LEGALIZING ACTS OF NOTARY PUBLIC IN LEE COUNTY.

AN ACT to Legalize the Official Acts of James Hagerman, Notary Public, Lee County, Iowa. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the official acts of James Hagerman, a notary public in and for Lee county, Iowa, done and performed by him, and attested by a seal engraved with the words "Notary public," instead of "Notarial seal," as required by law, be and the same are hereby legalized and declared to be as valid and binding as if his said official seal had been in all respects in conformity to law.

Approved April 7, 1868.

CHAPTER 120.

CLAIMS OF FIRST IOWA CAVALRY.

AN ACT to Provide for the Adjustment of Claims of Members of the First Iowa Cavalry. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Adjutant-General shall examine into the claims of any members of the First Iowa Cavalry for services and horses prior to July 31, 1861, where said members have not been paid by the State or the United States, and whenever the Adjutant-General has had sufficient and satisfactory proof of any such claim, he shall cause to be made out regular officers' pay-rolls for the officers, and regular company pay-rolls for the privates and non-commissioned officers; and, the same being receipted by the soldier, or, in case of his death, by his administrator or executor, or his lawful heir or heirs, or, should any of the heirs be minors, then by their guardian, the Adjutant-General shall issue his certificate therefor, directed to the State Auditor, and said Auditor, upon receipt thereof properly indorsed by the owner of the certificate, shall draw his warrant upon the State Treasurer for the amount so certified by the Adjutant-General.

Official acts of J. Hagerman, N. P., Lee county, legalized.

Adj. General to examine claims of 1st Iowa Cav. for services, &c.;

to make out pay-rolls;

and to issue certificates for amts. due. Auditor, on receipts, to issue warrants.

U. S. Govern- Sec. 2. In case any disbursing officer of the United States Government shall pay the amount due prior to July 31st, 1861, to officers and soldiers of the First Iowa Cavalry, or in case payment shall be provided for the same by an act of the Congress of the United States previous to this act taking effect, then the Adjutant-General of this State shall take no action in relation to the payment of said officers and soldiers of said regiment as is provided for in this act.

Take effect Sec. 3. This act shall take effect and be in force from and after its publication according to law.

Approved April 7, 1868.

CHAPTER 121.

LEGALIZING ACTS OF A NOTARY PUBLIC IN CLAYTON COUNTY.

APRIL 7. AN ACT Providing for the Legalization of certain Official Acts of William Tiede, Notary Public of Clayton County.

Preamble. WHEREAS, William Tiede has heretofore acted as notary public for the county of Clayton; and

WHEREAS, The said William Tiede during his term of office made use of a seal by which an ink impression was made upon the paper, and on which the words "Notarial Seal" were not engraved, as required by law: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where the said William Tiede, during his term of office, officially attached such defective seal to written instruments, the same shall be deemed legal and sufficient in law, and the record of such instruments, or authenticated copies thereof, shall be received in evidence in all cases the same as if the law had been strictly complied with.

Approved April 7, 1868.

CHAPTER 122.

AMENDATORY OF THE SCHOOL LAW.

AN ACT to Amend Section Number Fifty-eight of Chapter One Hundred and Seventy-two of the Laws of the Ninth General Assembly. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section number fifty-eight of chapter one hundred and seventy-two of the laws of the Ninth General Assembly is hereby amended by the addition of the following: On the first day of each quarter, the county treasurer shall, as required of the clerk, in section fifty-six of said chapter, give notice to the president of the school board of each township in his county, of the amount collected for each fund; and it shall be the duty of the president of each board to draw his warrant, countersigned by the secretary, upon the county treasurer for such amount, who shall pay the amount of such taxes to the treasurers of the several school boards only on such warrant. 1862, ch. 172. Co. treasurer quarterly to notify school board presidents of amts. collected; president to draw warrant.

Approved April 7, 1868.

CHAPTER 123.

CIRCUIT COURTS IN LEE COUNTY.

AN ACT Supplemental to an Act entitled An Act for establishing Circuit and General Term Courts, and to define the Power and Jurisdiction thereof. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all counties having two county-seats, or where sessions of the district court are held at different places in said county, the circuit court shall also hold regular terms at said different county-seats, or places where terms of the district court are held, for the trial of all actions under this act, except probate matters requiring notice by law, which matters shall be heard and disposed of at the regular county-seats only; and said terms shall alternate between said different county-seats or places of holding court, and such counties shall for such purposes be geographically Counti's with 2 co. seats to have circuit courts both places. Exception. Terms to alternate.

Division of counties. Proviso: judge may appoint four terms for probate matters. divided in the same manner as they are now divided for judicial purposes of the district court: *Provided*, That in such counties the circuit judge may appoint, in addition to the other terms of court to be held in his county, not to exceed four special terms of court at the regular county-seat for the hearing and disposing of probate matters only, if in his judgment [the] same shall be needed and required for the disposal of said business.

Taking effect. SEC. 2. This act shall take effect on the first Monday of January, A. D. 1869, except so much thereof as provides for fixing the terms for holding the circuit courts, which shall take effect as provided by section 25, of the Revision of 1860.

Approved April 7, 1868.

CHAPTER 124.

THE DUBUQUE AND SIOUX CITY LAND-GRANT.

APRIL 7. AN ACT to Legalize, Confirm, and Carry out a Contract between the Dubuque & Sioux City Railroad Company and the Iowa Falls & Sioux City Railroad Company, and to Extend the Time for completing said Railroad from Dubuque to Sioux City, to Grant certain Lands to the Dubuque, Bell[e]vue, and Sabula Railroad Company for the Building of the Tete Des Morts Branch, and for other Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That a contract entered into between the Dubuque and Sioux City Railroad Company of the first part, and the Iowa Falls and Sioux City Railroad Company of the second part, transferring so much of the Dubuque and Sioux City Railroad as remains to be constructed, together with the franchises, right of way, depot grounds, and other appurtenances of said road to be completed, also transferring all right and title of the said Dubuque and Sioux City Railroad Company to so much of the lands granted by Congress to aid in the construction of said road as shall appertain to, or be legally applicable to the construction of the uncompleted part of the Dubuque and Sioux City Railroad as aforesaid, except as to the lands hereinafter granted to the Dubuque, Bellevue and Sabula Railroad Company, be and is hereby legalized and confirmed.

Contract between D. & S. C. R. R. Co. and I. F. & S. C. R. R. Co., transferring rights, land-grant, &c., confirmed.

Exception: D., B. & S. R. R. Co.

SEC. 2. That the *pro rata* of six sections of land per mile, reserved by said contract to the Dubuque and Sioux City Railroad Company, and the *pro rata* of six sections per mile, conveyed by said contract to said Iowa Falls and Sioux City Railroad Company, shall be adjusted between said companies as follows, to-wit: The land actually conveyed to third parties shall be set apart to said Dubuque and Sioux City Company, not exceeding six sections per mile for the road now built, and if over that number of acres of land have been conveyed, the excess over that amount shall be taken off of the west end of the last installment of the lands so conveyed; and in case less than that amount of lands have been conveyed as aforesaid, then a sufficient amount shall be taken to make up such *pro rata* from that portion of the land-grant next adjoining and immediately west, as near as practicable, to the lands last conveyed by said Dubuque and Sioux City Railroad Company.

Adjustment of amount of lands conveyed to third parties.

SEC. 3. That a *pro rata* of six sections per mile of said land-grant be and the same is hereby granted to and conferred upon the Dubuque, Bellevue and Sabula Railroad Company, to aid in the construction of said road, known as the Tete Des Morts branch, required to be built by the act of Congress granting said lands to the State of Iowa: *Provided*, That said company shall not encumber or dispose of said lands until the said branch road shall be completed and open for business, and that said branch shall be completed within two years from the first day of January next. Said lands shall be of an average quality and value of so much of said lands granted by the United States as now remain undisposed of, and the Governor of Iowa shall select or cause to be selected, the land hereby granted to said Dubuque, Bellevue and Sabula Railroad Company, or cause the same to be reserved from lands outside of the six - mile limits of said grant, and upon completion of said branch, as above provided, he shall execute a patent for said lands to said company.

Grant to Dubuque, Bellevue & Sabula R. R. Co.

Proviso: not encumbered till completed Jan. 1, 1871.

Quality.

Governor to select.

SEC. 4. That so much of said land-grant as is applicable to the uncompleted portion of the road as aforesaid, west of Iowa Falls, excepting the lands hereby granted to said Dubuque, Bellevue & Sabula Railroad Company, is hereby granted to and conferred upon the said Iowa Falls & Sioux City Railroad Company, subject to the terms and conditions of the act of Congress granting the said lands, dated the fifteenth day of May, A. D. 1856, and the act amendatory thereto, and the

Grant to I. F. & S. C. R. R. Co.

act of Congress passed the present session; and also subject to the terms and conditions of this act as herein expressed as follows, to-wit: The road shall be completed as a first-class road from Iowa Falls on the route now surveyed, located, and partly graded, through Webster City and Fort Dodge, and the depot buildings shall be erected on the grounds heretofore donated by the people of said towns for that purpose, and shall be completed thence to Sioux City, which route shall be at all points within the limits of the said land-grant.

Conditions. The track of said road shall be laid with a good substantial rail, weighing not less than fifty-six pounds per lineal yard. The road shall be completed to Fort Dodge by the first day of July, 1869, the time now fixed by act of Congress; one-half of the balance to be within limits of grant before the first day of January, A. D. 1872; and said road, when any twenty miles shall be completed, shall be subject to the lease of the Illinois Central Railroad Company, transferred to the Iowa Falls & Sioux City, by the Dubuque & Sioux City Railroad Company, and shall be operated as one continuous and unbroken line of railroad from Dubuque to Sioux City.

Route; Road to be at Fort Dodge, July, 1869; complet'd before 1872. Lease to Ill. Central. One through line.

SEC. 5. Said lands so granted as aforesaid, to the Iowa Falls & Sioux City Railroad Company, shall be patented by the Governor to said company as the same shall be earned by the building of said road, but no patent shall be issued by him for any portion of said lands until at least seventy-five miles of road shall be completed, and "no patent shall be made for any lands more than forty miles in advance of the point to which said road may be constructed from time to time," as provided by said act of Congress. No patent shall be made for any lands located within fifty miles of Sioux City, until said company shall have its entire road completed to Sioux City, except for such road as said company may cause to be built and operated from Sioux City eastward, and when said company shall have forty miles of road built and operated from Sioux City eastward, then this restriction shall cease, and such lands may be patented for any road built by said company; and no patent shall include lands situate in more than one county, and such patent shall be, by said company, recorded in the county where said lands lie, and a certified copy of the record of the same may be used as evidence with the same effect as the original. And in case any of said lands hereby granted are now, and were on the first day of January last, occupied by actual

Provisions to regulate the issue of patents;

for lands within fifty miles of Sioux City;

for lands in more than one county.

settlers residing thereon and improving the same, upon such settler making proof to the satisfaction of the Register of the State Land Office of such settlement and improvement, he shall be entitled to purchase not exceeding one-quarter section of land of the State at the rate of \$2.50 per acre, and when such land shall have been earned by the extension of said road, upon the payment to the said company of the said sum, the Governor shall execute a patent to such actual settler for said land. Settlers may purchase $\frac{1}{4}$ section.

SEC. 6. The legislature shall have the power to resume the lands not earned at the time of such resumption, on default of said company to build said road to Fort Dodge by the first day of July, 1869, or any portion of the road within the time limited herein, or in case they shall be satisfied that said company is not pushing forward the work on said road with reasonable diligence, so as to warrant the belief that the whole line will be completed to Sioux City by the first day of January, 1872. Right of resumption.

SEC. 7. The said Iowa Falls and Sioux City Railroad Company shall signify their acceptance of the terms and conditions of this act, by a written instrument, signed by the president of said company, to be filed with the Governor within thirty days after the passage of this act. The company accepting the provisions of this act shall, at all times, be subject to such rules, regulations, and rates of tariff for the transportation of freight and passengers as may from time to time be enacted by the General Assembly of the State of Iowa. Acceptance within thirty days.
 If the said Iowa Falls and Sioux City Railroad Company shall fail or refuse to accept of this grant upon the conditions hereby imposed and in the time and manner as herein required, the Census Board of this State is hereby authorized, by proper writing, with the seal of the State affixed thereto, to confer the same upon such party or company as shall, in their judgment, be competent to carry the enterprise hereinbefore provided for in good faith, and which shall accept the grant by a proper written instrument duly executed and attested, and shall file the same in the office of the Secretary of this State, subject to all the sections of this act, and the same shall be applicable to such grantee, subject to all the terms and conditions of this act as fully as if named originally herein. Co. to be subject to regulations, &c., by G. A.
If I. F. & S. C. R. R. Co. refuse to accept, Census Board to confer grant.

SEC. 8. Nothing in this act contained, shall be construed to affect in any way the titles, rights, or

Rights, &c., not affected.

interests of persons or corporations not expressly named in this act.

SEC. 9. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily Iowa State Register and daily Evening Statesman, newspapers published in Des Moines, Iowa.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 22, 1868, and in *The Iowa Evening Statesman* April 22, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 125.

NOTARIAL LEGALIZING ACTS OF THOMAS CAVANAGH.

APRIL 7. AN ACT to Legalize the Notarial Acts of Thomas Cavanagh, of Polk County.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the notarial acts of T. Cavanagh, Thomas Cavanagh, a notary public of Polk county, Iowa, done and certified between the eleventh day of July, 1866, and the seventh day of February, 1867, & Feb. 7, 1867, shall be and they are hereby ratified and made valid with the same force and effect as if his commission had continued in full force until the date last mentioned.

Approved April 7, 1868.

CHAPTER 126.

LEGALIZING NOTARIAL ACTS OF JOHN R. NISLY.

APRIL 7. AN ACT to Legalize the Official Acts of John R. Nisly, a Notary Public of Muscatine County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the official acts of John R. Nisly, R. Nisly, a notary public of Muscatine county, done and perform[ed] by him after the expiration of his commission, to wit: the eighteenth day of April, A. D. 1864, and from thence until the twelfth day of

December, A. D. 1864, are hereby declared legal and binding, and as valid as if the said commission had remained in full force.

Approved April 7, 1868.

CHAPTER 127.

DISTRICT COURTS IN FIFTH JUDICIAL DISTRICT.

AN ACT Fixing the Time of holding District Courts in the APRIL 7.
Fifth Judicial District.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter the time for holding Courts in 5th court in the fifth judicial district shall be as follows: district.

In the county of Warren, on the first Monday in Warren co.,
January and the second Monday in August of each Jan. & Aug.
year.

In the county of Madison, on the third Monday in Madison co.,
January and the fourth Monday in August in each year. Jan. & Aug.

In the county of Adair, on the first Monday in Feb- Adair co.,
ruary and the first Monday in September of each year. Feb. & Sept.

In the county of Cass, on the Thursday after the Cass co., Feb.
first Monday in February and the Thursday after the & Sept.
first Monday in September in each year.

In the county of Guthrie, on the second Monday in Guthrie co.,
February and the fourth Monday in September in each Feb. & Sept.
year.

In the county of Dallas, on the third Monday in Dallas co.,
February and the first Monday in October in each Feb. & Oct.
year.

In the county of Polk, on the fourth Monday of Polk co., Feb.
February and the fourth Monday in October of each & Oct.
year.

In the county of Greene, on the first Monday in Greene co.,
April and the third Monday in September in each year. April & Sept.

In the county of Audubon, on the second Monday Audubon co.,
in September of each year. September.

In the county of Carroll, on the Thursday after the Carroll co.,
second Monday in September of each year. September.

SEC. 2. *Provided,* That all laws now in force author- Proviso:
izing the appointment of special terms by the judge of special terms.
said district are not repealed or impaired by the pro-
visions of this act.

Approved April 7, 1868.

CHAPTER 128.

PERMITS FOR THE SALE OF INTOXICATING LIQUORS.

AN ACT to Amend Sections 1575 and 1576 of the Revision of 1860 in relation to Permits for the Sale of Intoxicating Liquors. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the certificate provided for in sections 1575 and 1576 of the Revision of 1860, shall state the purpose for which it is obtained, and upon its presentation to the county judge, he shall fix a day for the final hearing of the application, and give notice of such application and time of final hearing by publication in at least one newspaper published in the county, or by posting such notice in the township, town, or ward in which the business is to be conducted. Such publication or posting shall be at least ten days prior to the time of final hearing, and the applicant shall pay the expenses thereof in advance and a fee of two dollars for final hearing.

Rev., §§ 1575 and 1576.
Certificate must state purpose.
Co. judge to give notice of hearing.

Applicant to pay expenses of notice, and \$2 fee for hearing.

SEC. 2. At such final hearing any resident of the county may appear and show cause why such permit should not be granted, and the same shall be refused unless the county judge shall be fully satisfied that the requirements of the law have in all respects been fully complied with, that the applicant is a person of good moral character, and that taking into consideration the wants of the locality, and the number of permits already granted, such permits would be necessary and proper for the accommodation of the neighborhood.

Any resident of co. may oppose.

Action of co. judge.

SEC. 3. Nothing in this act shall be construed to interfere with any permits heretofore issued until the time shall have expired for which such permits were granted.

Existing permits not affected.

SEC. 4. This act shall take effect and be in force from and after its publication in the State Register and Iowa Evening Statesman, newspapers published at Des Moines, Iowa.

Taking effect.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 23, 1868, and in the *Iowa Evening Statesman* April 23, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 129.

LEGALIZING ACTS OF A JUSTICE OF THE PEACE IN CLARKE COUNTY.

AN ACT to Legalize the Acts of Wilson Throckmorton, lately a Justice of the Peace in Clarke County, Iowa. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the official acts of Wilson Throckmorton, a justice of the peace in Clark[e] county, Iowa, during the year[s] 1865 and 1866, are hereby legalized and declared to be valid in law in all cases where the said Wilson Throckmorton has failed to sign his official docket, as fully as if it had been so signed. Official acts of W. Throckmorton, J. P., in failing to sign docket, legalized.

SEC. 2. This act shall be in force from and after its publication in the Osceola Sentinel, a paper published in Clark[e] county, Iowa, without expense to the State. Taking effect.
 Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Clarke County Sentinel* April 17, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 130.

LEGALIZING THE LEVY OF A TOWN-TAX IN CORYDON.

AN ACT to Legalize certain Acts of the Council of the Town of Corydon, Wayne County, Iowa, in the Levy of a Town-Tax on the Property in said Town of Corydon. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the act of the town council of the town of Corydon, Wayne county, Iowa, in levying a town - tax on the property, both personal and real, for the year 1867, be and the same is hereby legalized and confirmed, any informality to the contrary notwithstanding. Acts of council of Corydon, in levying tax for '67, legalized.

SEC. 2. This act, being deemed of immediate importance, to take effect from and after its publication in the Daily State Register and the Corydon Monitor; Taking effect. *provided,* such publication be made without expense to the State. Proviso:
 Approved April 7, 1868.

[For certificate of publication see "Addenda."]

CHAPTER 131.

LEGALIZING ACTS OF A RECORDER OF CLAYTON COUNTY.

AN ACT to Legalize certain Official Acts of Jonathan Oglesbee, Recorder of Clayton County, Iowa. APRIL 7.

WHEREAS, Jonathan Oglesbee, Recorder of Clayton county, for the term of two years ending January, 1867, did in many cases fail to comply with section 1, of chapter 74, of the acts of the Tenth General Assembly, providing for the recording of United States revenue stamps attached to written instruments: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all such cases where instruments having stamps attached have been recorded by said Jonathan Oglesbee, and the said recorder has noted upon the records the fact that a stamp was affixed to the original, the same shall be deemed legal and sufficient in law, and the record or a duly authenticated copy thereof shall be received in evidence, in all cases, the same as if recorded strictly in accordance with the law of this State.

Certain records of Clayton co. made valid.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Clayton County Journal.

Taking effect.

[For certificate of publication see "Addenda."]

CHAPTER 132.

LEGALIZING OFFICIAL ACTS OF A NOTARY PUBLIC IN CLAYTON COUNTY.

AN ACT to Legalize the Official Acts of Samuel R. Coons, a Notary Public in Clayton county. APRIL 7.

WHEREAS, Samuel R. Coons, of Clayton county, Iowa, was on the 8th day of November, 1864, appointed a notary public, in and for said county by William M. Stone, then Governor of Iowa, for the term of three years, then next thereafter; and,

WHEREAS, The words engraved on the official seal used by said Coons were not such as the law requires,

Preamble.

being Notary Public instead of Notarial Seal, and having used said seal in the performance of certain official acts in which a large amount of property is involved, the legality of said official acts being questionable: therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the official acts of said Samuel R. Coons, by him performed as a notary public within and for said county of Clayton, be and the same are hereby declared legal and binding in law and equity as fully as though the engraving on said official seal had been such as the law requires.

Official acts of S. R. Coons, N. P., with improper seal legalized.

SEC. 2. This act shall take effect and be in force from and after its publication in *The Iowa Homestead* and *McGregor News*, papers published in the State of Iowa, without expense to the State.

Taking effect.

Approved April 7, 1868.

[For certificate of publication see "Addenda."]

CHAPTER 133.

LEGALIZING ACTS OF A MINING COMPANY.

AN ACT to Legalize the Acts of the North-western Mining Company. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the elections and acts of the North-western Mining Company, a company organized under the laws of the State of Iowa, for the purpose of mining for lead or galena in the counties of Jackson and Jones, in the State of Iowa, be and the same are hereby rendered as legal and valid, to all intents and purposes, as the same would have been in case all the requirements of the law relating to the publication of notice thereof had been strictly fulfilled.

Acts of N. W. Mining Co. made valid.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the State Register, published at Des Moines, and the *Maquoketa Excelsior*, published at Maquoketa, without expense to the State.

Taking effect.

Approved April 7, 1868.

[For certificate of publication see "Addenda."]

CHAPTER 134.

IN RELATION TO THE CLERKS OF THE CIRCUIT COURTS.

AN ACT to Provide for the Compensation of Clerks of the District and Circuit Courts, and to allow the Deputy Clerk to act as Clerk of the Circuit Court. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the clerk of the district court shall receive such compensation for his services in probate matters in the circuit court as the board of supervisors may allow, which compensation shall be in addition to the fees and amount now allowed by law to said clerk, to be paid out of the money collected by him for probate business. Fees of clerk of dist. court. in probate matters to be fix'd by board supervisors.

SEC. 2. The clerk of the district court shall, while acting as clerk of the circuit court, be known and designated as "Clerk of the circuit court," and in all certificates and records relating to said court, signed by him, he shall so designate. The deputy of the clerk of the district court may perform any of the duties required by the clerk of the district court to be performed in and for said circuit court, and may sign all certificates and records thereof, in the same manner and with the same force and effect, as the clerk of the district court. Clerk of dist. court to be known as clk. circuit court. Deputy may act.

Approved April 7, 1868.

CHAPTER 135.

Repealed
 COMMISSIONER TO SETTLE LAND CLAIMS WITH U. S. GOVERNMENT.

AN ACT to Amend Chapter 79 of the Acts of the Eleventh General Assembly, entitled "An Act providing for the Adjustment of certain Land Claims with the General Government." APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 4, of chapter 79, of the acts of the Eleventh General Assembly, entitled "An Act providing for the adjustment of certain land claims with the general government," be and the same is hereby repealed, and the following enacted in lieu thereof, to-wit: repealed.

SEC. 2. Said commissioner shall receive as his compensation five dollars per day for the time actually engaged in the discharge of the duties by this act imposed, with his necessary expenses in attending to the same, and his account for such time and expenses made out from time to time, or at the conclusion of his services as such commissioner, under oath, shall be presented to the Census Board, and if approved and allowed by them, the Auditor of State shall draw his warrant therefor on the State Treasurer, who shall pay the same out of the general revenue of the State; and *provided*, further, that if said [J.] A. Harvey shall decline to serve further as such commissioner, or from any cause said position shall become vacant, it shall be the duty of the Census Board to appoint, and the Governor thereupon to commission, some competent person to act as such commissioner.

Commissioner to receive \$5 a day and expenses.

Account how adjusted.

Proviso: vacancy.

SEC. 3. 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 Iowa Evening Statesman, newspapers published at Des Moines, Iowa.

Taking effect.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 21, 1868, and in the *Daily State Register* April 23, 1868.

ED WRIGHT, *Secretary of State*.

CHAPTER 136.

COUNTY AND DISTRICT AGRICULTURAL SOCIETIES.

AN ACT for the Encouragement of Agriculture, and to Provide for the Distribution of Reports of the State Agricultural Society.

APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That when any county or district agricultural society, composed of one or more counties, have made their report to the State Society as provided in chapter sixty-seven, section 1698, of the Revision of 1860, and raised during the year any sum of money for actual membership, they shall be entitled to an equal sum, not exceeding two hundred dollars,

Rev. 1860, § 1698.

Co. and dist. agr. societies in certain cases may draw not over \$200 from State treasury.

from the State treasury, upon affidavit of the President, secretary, or treasurer of said society, that such sum was raised for the legitimate purpose of the society, during the current year, accompanied by the certificate of secretary [of] State Agricultural Society, that they have reported according to law.

Distribution of Report State Agricultural Society.

University. Library. Agr. College. General Assembly. Co. societies. Proviso.

SEC. 2. That the Secretary of State shall distribute the Annual Reports of the Iowa State Agricultural Society, as follows: Ten copies to the State University, ten copies to the State Library, ten copies to the State Agricultural College, one copy to each member of the General Assembly, the remainder to the secretary of State Agricultural Society, by him to be distributed to the county agricultural societies: *Provided*, That one copy shall be sent to the board of supervisors of each organized county in which there is no agricultural society.

Repealing clause.

SEC. 3. All acts or parts of acts contrary to the provisions herein contained are hereby repealed.

Taking effect.

SEC. 4. 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 Iowa Homestead, papers published at Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Homestead* April 29, 1868, and in the *Iowa State Register* April 29, 1868.

ED WRIGHT, *Secretary of State*.

CHAPTER 137.

TOWNSHIP COLLECTORS.

APRIL 7. AN ACT to Provide for the Election of Township Collectors, and to Define their Powers and Duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there shall be elected at the general election in 1868, and every year thereafter, a township collector in and for each organized township in every county in the State except the township in which the county-seat is located, who shall hold office for one year, and until his successor is elected and

Tp. collectors to be chosen annually, except in county seats.

qualified: *Provided*, The Board of Supervisors of the county shall order the election of township collectors as provided in section 12 of this act. Proviso: bd. supervisors to order election.

SEC. 2. He shall qualify at the next meeting of the board of supervisors after his election by taking and subscribing to the usual oath of office, and giving a bond to the county in the penal sum equal to double the whole amount of tax levied for the preceding year against the property of the township in and for which he is elected, which shall be presented to and approved by the board of supervisors of the county and recorded the same as the bond of county officers. Qualification. Board supervisors to approve bond.

SEC. 3. The township trustees shall have the power, and it is hereby made their duty, to fill any vacancy which may occur in the office of township collector, by appointment, and the person so appointed shall qualify and give bond in the same manner as those elected, as provided by section 2 of this act. Vacancy to be filled by trustees.

SEC. 4. The clerk of the board of supervisors shall make out the tax list for the county treasurer within the time as now provided by law; and in counties where township collectors are elected, as provided by this act, he shall make out a duplicate tax-list of and for each township in such county, and deliver the same, with the original, to the county treasurer. Clerk board supervisors to make duplicate tax-list.

SEC. 5. The county treasurer shall, on or before the 1st day of January in each year, deliver over to each township collector in the county, the duplicate tax-list specified in section 4, of this act, of and for the township in which he is elected or appointed, and take his receipt therefor, specifying the total amount of the tax charged in such duplicate tax-list, and charge the same over to each township collector, in a book to be kept for that purpose; and such duplicate tax-list, when so made out and delivered to the township collectors, may be used as an execution and shall be sufficient authority for them to collect the taxes therein charged in any township in the county, by distress and sale or otherwise, as now provided by law for the collection of taxes by the county treasurer; and the county treasurer shall not receive nor collect any of the taxes charged in any duplicate tax-list so delivered, except the tax of non-residents of the township, until the same has been returned to him, as hereinafter provided. The said county treasurer shall procure for and deliver to each township collector, with said tax-list, a tax receipt-book, with a blank margin or stub, upon which the said township collector shall enter the number and date of Co. treasurer to deliver duplicate to the collector and charge him with taxes. Distress and sale. Co. treasurer not to collect. Receipt book.

the tax receipt given to the tax - payer, the amount of tax and by whom paid, which said tax receipt - book shall be returned to the county treasurer, with the said duplicate tax - list as hereinafter provided.

Collector to publish notice of time and place of receiving taxes.

Sec. 6. Upon the receipt of said tax - lists, each township collector immediately thereafter shall cause a notice of the reception thereof to be posted up in some conspicuous place in every school - district in the township and in every ward of any city therein, and so located as will be most likely to give notice to the inhabitants thereof, and also publish such notice for four weeks in one or more weekly papers, if any published in the township, designating in such notice a convenient place in such township, where he will attend, from 9 o'clock A. M. to 4 o'clock P. M., at least once in each week, on a day to be specified in said notice, until March 1, following, for the purpose of receiving payment of taxes, and it shall be the duty of each collector to attend accordingly, and shall proceed to collect and receipt for all such taxes therein charged, in the same manner as now provided by law for the collection of taxes by the county treasurer, and all the laws in the State of Iowa which apply to and govern the collection of taxes therein, by county treasurer, shall apply to and govern the collection of taxes by said township collector except as herein changed, and when they are not inconsistent with the provisions of this act: *Provided*, The county treasurer shall not appoint deputies, nor collect taxes by deputies, as provided by section 17, chapter 173 of the laws of the Ninth General Assembly, in counties wherein township collectors are elected as provided by this act.

Proviso: co. treasurer not to appoint deputies when.

Collectors to call on delinquents after March 1.

Proviso. Attempting to remove property on which tax is due.

Collector to attach.

Sec. 7. Every collector, after the first of March in each year, shall call at least once on each person whose tax remains unpaid, or at the place of his usual residence, if in the township for which such collector has been chosen, and shall demand the payment of the taxes charged to him on his property: *Provided*, That in case any person shall attempt to remove from the township property on which tax is due without leaving sufficient to pay such tax, at any time after the duplicate comes into his hands, the collector shall be authorized, and it shall be his duty, to attach such property, and hold the same until the tax is paid, or make the tax out of such property. In case any person shall refuse or neglect to pay the tax, or shall have removed from said township, the collector shall levy the same by distress and sale of the goods and chattels of the person who ought to pay

the same, or of any goods and chattels on which the said tax was assessed, wheresoever the same may be found within the county. The collector shall give public notice of the time and place of sale and of the property to be sold at least six days previous to the sale, by advertisements to be posted up in at least three public places in the township where such sale shall be made. The sale shall be made by public auction, and if the property restrained shall be sold for more than the amount of the tax, penalty and costs, the surplus shall be returned to the person in whose possession such property was when the distress was made.

Distress and sale in case of refusal to pay tax.
How sold.

SEC. 8. The said township collectors shall make monthly statements to the county treasurer, of the amount of tax collected by them on each fund, and pay the same over to the said county treasurer and take his receipt therefor; and they shall complete the collection of the tax charged in the said duplicate tax-lists, by distress and sale or otherwise, on or before the first Monday in May next after the receipt of said duplicate tax - lists, and pay over the amount so collected to the county treasurer, and return to him the said tax - lists and receipt - books, and make a full and complete settlement for the taxes so collected with the county treasurer, which settlement shall be subject to the examination and correction of the board of supervisors of the county, to be had and made at its next session.

Monthly statements & payments to co. treasurer.
To complete collection by May 1.

SEC. 9. Each township collector shall receive for his services the following compensation: I. Two per cent. of all sums collected by him on the first two thousand dollars, and one per cent. on all sums in excess thereof collected by him otherwise than by distress and sale, to be paid out of the county treasury; II. Five per cent. upon all taxes collected by him by distress and sale, which percentage and costs shall be collected of the delinquent tax - payer, and the same fees in addition to the said five per cent. as constables are entitled to receive for the sale of property on execution.

Compensat'n.
2 per cent.
1 per cent.
5 per cent.

SEC. 10. After the return of said duplicate tax - lists and settlement as provided in section 8 of this act, the county treasurer may, and it shall be his duty to receive, receipt for, and collect any unpaid taxes in the county; and shall proceed to advertise and sell all the real estate in the county upon which the taxes have not been paid, for the unpaid taxes thereon, as now provided by law.

Duty of co. treasurer.

Taxing remaining unpaid, and uncollectable, collect'r to be credit'd with.

Laws for advertising and selling real estate for taxes unchanged.

SEC. 11. If any of the taxes mentioned in the tax-list shall remain unpaid, and the collector shall not be able to collect the same, he shall deliver to the county treasurer an account of the taxes so remaining due; and upon making oath before the county judge, or in case of his absence, before any justice of the peace, that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in the possession of the person charged with or liable to pay such sums, whereon he could levy the same, he shall be credited by the county treasurer with the amount thereof, but such oath and credit shall only be *prima facie* evidence of the correctness thereof. Nothing in this act shall be construed to, in any degree, change the laws in reference to the advertising and selling real estate for delinquent taxes, but the same proceedings shall be had in all respects as if this act had not been passed.

Bd. supervisors in cos. of over 4,000 population may order election of tp. collector. June meet'g. Two-thirds vote.

SEC. 12. The board of supervisors of each county in the State having a population exceeding four thousand inhabitants, as shown by the last preceding census, are hereby authorized and empowered to order an election of a township collector in each organized township in their county, by a resolution to that effect, passed at their regular meeting in June in any year preceding the general election, by a two-thirds vote of the board, which shall be spread upon the records of the board, and the first election of township collectors in such county shall be held at the next general election after the passage of such resolution, and every year thereafter, until the said resolution is repealed by the board, by a like vote, at their regular meeting in June in any year. They shall be voted for and elected in the manner as other township officers, and in all counties in the State where such resolution has not been adopted, or has been repealed as provided in this section, this act shall be inoperative and of no effect.

Collector liable for mon-ey's lost.

SEC. 13. That in case of loss while in his possession of any funds collected by any such collector, by theft or otherwise, such collector and his sureties shall be liable for the amount so lost.

Taking effect.

SEC. 14. This act shall take effect on and after its publication in the Daily State Register and the

daily Iowa Evening Statesman, newspapers published at Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 14, 1868, and in *The Iowa Evening Statesman* April 20, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 138.

GENERAL INSURANCE LAW.

AN ACT to Regulate Insurance Companies.

APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter when any number of persons associate themselves together for the purpose of forming an insurance company, for any other purpose than life insurance, under the provisions of chapter fifty-two of the Revision of 1860, and all acts amendatory and supplementary thereto, they shall publish a notice of such intention once in each week four weeks in some public newspaper in the county in which such insurance company is proposed to be located; and they shall also make a certificate, under their hands, specifying the name assumed by such company, and by which it shall be known, the object for which said company shall be formed, the amount of its capital stock, and the place where the principal office of said company shall be located, which certificate shall be acknowledged before and certified by some notary public or clerk of court of record, and forwarded to the Auditor of State, who shall submit the same to the Attorney-General for examination, and if it shall be found by the said Attorney-General to be in accordance with the provisions of this act, and not in conflict with the constitution and laws of the United States and of this State, he shall make a certificate of the facts and return it to the Auditor of State, who shall reject the name or title applied for by any company when he shall deem the same too similar to any one already appropriated by any other company, or likely to mislead the public.

How formed.

Rev., ch. 52.

Notice.

Certificate;

forwarded to Auditor;

examined by Att'y-Gen'l.

Similarity of title not allowed.

SEC. 2. When the said certificate of the said company shall have received the approval of the Attorney-General and Auditor of State, the said company shall

Certificate approved.

Recorded. cause the same to be recorded as now required by law for recording articles of incorporation, and said persons, when incorporated, and having in all respects complied with the provisions of this act, are hereby authorized to carry on the business of insurance, as named in such certificate of incorporation, and by the name and style provided therein, and shall be deemed a body corporate with succession; they and their associates, successors, and assigns to have the same general corporate powers, and be subject to all the obligations and restrictions of said chapter fifty-two of the Revision of 1860, and of such acts as may be amendatory or supplementary thereto, except as may be herein otherwise provided.

Company authorized to insure.

Powers, &c.

Capital not less than \$50,000.

25 per cent. or \$25,000 paid.

Mutual companies.

Premiums \$25,000, \$5,000 paid.

Provisions in regard to notes. No note more than \$500.

Payable.

Sec. 3. No joint stock company shall be incorporated under the provisions of this act with a smaller capital than fifty thousand dollars, nor more than one million dollars, as may be specified in the certificate of incorporation, which stock shall be divided into shares of one hundred dollars each, of which capital not less than twenty-five per cent. thereof, and in no case less than twenty-five thousand dollars, shall be paid up in cash. The balance of the capital of said company may consist of the bonds or notes of the stockholders; nor shall any company, on the plan of mutual insurance, commence business in this State until agreements have been entered into for insurance with at least two hundred applicants, the premiums upon which shall amount to not less than twenty-five thousand dollars, of which at least five thousand dollars shall have been paid in actual cash, and for the remainder of which notes of solvent parties, founded upon actual and *bona fide* application for insurance, shall have been received. No one of the notes received as aforesaid shall amount to more than five hundred dollars; and no two thereof shall be given for the same risk, or made by the same person or firm, except where the whole amount of such notes does not exceed the sum of five hundred dollars; nor shall any note be regarded or represented as capital stock unless a policy be issued upon the same within thirty days after the organization of the company taking the same, upon a risk which shall be for no shorter period than twelve months. Each of said notes shall be payable, in whole or in part, at any time when the directors shall deem the same requisite for the payment of losses by fire or inland navigation, and such incidental expenses as may be necessary for transacting the business of said company. And no note shall be accepted as part of such capital stock unless the same shall be

accompanied by a certificate of a justice of the peace, notary public, or clerk of the district court of the county in which the person executing such note shall reside, that the person making the same is, in his opinion, pecuniarily good and responsible for the same in property not exempt from execution by the laws of their State; and no such note shall be surrendered while the policy for which it was given continues in force.

Notes certified.

Surrender.

SEC. 4. Having published the notice and filed publishers' affidavit of the publication thereof with the Auditor of State, together with the certificate as required by the first section of this act, the persons named in the certificate of incorporation, or a majority of them, shall be commissioners to open books for the subscription of stock to the company at such times and places as to them may seem convenient and proper, and shall keep the same open until the full amount specified in the certificate is subscribed; or, in case the business of such company is proposed to be conducted on the plan of mutual insurance, then open books to receive propositions and enter into agreements in the manner and to the extent specified in the third section of this act.

Books opened.

SEC. 5. The affairs of any company, organized under the provisions of this act, shall be managed by not more than twenty-one nor by fewer than five directors, all of whom shall be stockholders. Within thirty [days] after the subscription book shall have been filled, a majority of the subscribers shall hold a meeting for the election of directors — each share entitling the holder thereof to one vote; and the directors then elected shall continue in office until their successors have been duly chosen and have accepted the trust.

No. of directors.

Election.

SEC. 6. It shall be lawful for any insurance company organized under this act, or incorporated under any law of this State, to invest its capital and the funds accumulated in the course of its business, or any part thereof, in bonds and mortgages on unencumbered real estate within the State of Iowa, worth double the sum loaned thereon exclusive of buildings, unless such buildings are insured in some responsible company or companies, and the policy or policies transferred to said company, and also in stocks of this State, or stocks or treasury notes of the United States, — in the stocks and bonds of any county or incorporate city in this State which may have been theretofore authorized to

Funds, how invested.

Kind of security for loans.

be issued by the legislature of this State; and to lend the same, or any part thereof, on the security of such stocks or bonds, or treasury notes, or upon bonds and mortgages as aforesaid and not otherwise; and to change and reinvest the same in like securities as occasion may from time to time require; but any surplus money over and above the paid-up capital stock of any such company — organized under this act, or incorporated under any law of this State — may be invested in or loaned upon the pledge of the public stocks or bonds of the United States, or any one of the States, or the stocks, bonds, or other evidences of indebtedness of any solvent, dividend-paying institutions incorporated under the laws of this State or of the United States, except their own stock: *Provided*, Always that the current market value of such stock, bonds, or other evidences of indebtedness, shall be at all times, during the continuance of such loans, at least ten per cent. more than the sum loaned thereon.

May change securities.

Surplus, how invested.

Value of securities.

SEC. 7. Upon receiving notification that the requirements of the preceding sections have been complied with, the Auditor of State shall make an examination or cause one to be made by some disinterested person officially appointed by him for that purpose — and if it shall be found that the capital herein required of the company named, according to the nature of the business proposed to be transacted by such company, has been paid in and is possessed by it in money, or in such stock notes, bonds, and mortgages as are required by the third and sixth sections of this act, then he shall so certify; and if the examination be made by other than the Auditor, then the finding shall be certified under oath; or, if it is proposed to be a mutual insurance company, that it has received and is in actual possession of the capital, premiums, or *bona fide* engagements of insurance or other securities, as the case may be, to the extent and value required by the third and sixth sections of this act. The name and residence of the maker of each premium note forming part of the capital of any such proposed mutual insurance company, and the amount of such note, shall be returned to the Auditor.

Auditor shall examine assets.

Stock companies.

Shall certify.

Mutual companies.

Makers of premium notes.

Corporators or officers of company shall certify under oath to Auditor.

The corporators or officers of any such company or proposed company, contemplated by this act, shall be required to certify under oath to the Auditor of State that the capital exhibited to the person making the examination directed in this section, was *bona fide* property of the company so examined. The certificates

above contemplated shall be filed in the office of said Auditor who shall thereupon deliver to such company a certified copy of the same — with his written permission for them to commence business proposed in their written certificate of incorporation — which on being placed on record in the office of the recorder of the county in which the company is to be located, by the recorder in a book prepared by him for that purpose, shall be their authority to commence business and issue policies; and such certified copy of said certificates may be used in evidence for or against said company with the same effect as the originals.

Permission to do business.

Certificate re-corded.

Sec. 8. It shall be lawful for any company organized under this act or doing business in this State: First, to insure houses, buildings, and all other kinds of property against loss or damage by fire, or other casualty, and to make all kinds of insurance on goods, merchandise, or other property in the course of transportation whether on land or on water, or any vessel or boat, wherever the same may be; Second, to make insurance on the health of individuals, and against the personal injury, disablement and death resulting from traveling, or general accidents by land or water; Third, to insure the fidelity of persons holding places of public or private trust; Fourth, to receive on deposit and insure the safe-keeping of books, papers, moneys, stocks, bonds, and all kinds of personal property; Fifth, to insure horses, cattle, and other live stock against loss or damage by accident, theft, or any unknown or contingent event whatever which may be the subject of legal insurance; to lend money on bottomry or respondentia, and to cause itself to be insured against any loss or risk it may have incurred in the course of its business, and upon the interest which it may have in any property by means of any loan or loans which it may have made on mortgage, bottomry, or respondentia, and generally to do and perform all other matters and things proper to promote these objects: *Provided*, That no company shall be organized to issue policies of insurance for more than one of the above five-mentioned purposes, and no company that shall have been organized for either one of said purposes shall issue policies of insurance for any other; and no company organized under this act, or transacting business in this State, shall expose itself to loss on any one risk or hazard to an amount exceeding ten per cent. on its paid-up capital, unless the excess shall be reinsured by the same in some other good and reliable company:

Kinds of business:

fire, marine, &c. insurance;

health & accident,

fidelity;

safe-keeping of personal property; live stock;

loan money on bottomry, &c., and insure same.

Companies confined to one kind of insurance.

Limits of risk.

And provided, That the restrictions as to the amount of risk any company shall assume, shall not apply to companies organized to guarantee the fidelity of persons in places of public or private trust, nor to companies that receive on deposit and guarantee the safe-keeping of books, papers, moneys, and other personal property.

Election to be held in Jan.

Proviso:

Term of office of directors.

President elected—vacancies filled.

Secretary and agents.

By-laws and regulations.

Inspection.

Policies.

Sec. 9. The annual meetings for the election of directors shall be holden during the month of January, at such time as the by-laws of the company may direct: *Provided, however,* That if for any cause the stockholders shall fail to elect at any annual meeting, then they may hold a special meeting some day subsequent thereto for that purpose, by giving thirty days' notice thereof in some newspaper in general circulation in the county in which the principal office of the company shall be located; and the directors chosen at any such annual or special meeting shall continue in office until the next annual meeting and until their successors, duly elected, shall have accepted.

Sec. 10. The directors shall choose by ballot a president from their own number, and shall fill all vacancies which shall arise in the board or in the presidency thereof; and the board of directors thus constituted or a majority of them when convened at the office of the company shall be competent to exercise all the powers vested in them by this act.

Sec. 11. The directors of any such company shall have power to appoint a secretary, and any other officers or agents necessary for transacting the business of the company, paying such salaries and taking such securities as they may deem reasonable; they may ordain and establish such by-laws and regulations not inconsistent with this act or with the constitution and laws of the United States and of this State, as shall appear to them necessary for regulating and conducting the business of the company; and it shall be their duty to keep full and correct entries of their transactions, which shall at all times be open to the inspection of the stockholders, and to the inspection of persons invested by law with the right thereof.

Sec. 12. All policies or contracts of insurance made or entered into by the company, may be made either with or without the seal of said company; but said policies shall be subscribed by the president or such other officer as may be designated by the directors for that purpose, and shall be attested by the secretary thereof.

SEC. 13. Transfers of stock may be made by any stockholder, or his legal representative, subject to such restrictions as the directors shall from time to time establish in their by-laws, except as hereinafter provided.

SEC. 14. Whenever any company organized under this act, with less than the maximum capital limited in section three hereof, shall, in the opinion of the directors thereof, require an increased amount of capital, they shall, if authorized by the holders of a majority of the stock to do so, file with the Auditor of State a certificate setting forth the amount of such desired increase, not exceeding said maximum, and thereafter such company shall be entitled to have the increased amount of capital fixed by said certificate, and the examination of securities composing the capital stock thus increased shall be made in the same manner as provided in section seven of this act, for the capital stock first paid in.

SEC. 15. It shall not be lawful for the directors, trustees, or managers of any insurance company, organized under this act, or incorporated under any law of this State, to make any dividends, except from the surplus profit arising from their business; and in estimating such profits, there shall be reserved therefrom a sum equal to forty per cent. of the amount received as premiums on unexpired risks and policies, which amount so reserved is hereby declared to be unearned premiums; and there shall also be reserved all sums due the corporations on bonds and mortgages, bonds, stocks, and book account, of which no part of the principal or interest thereon has been paid during the year preceding such estimate of profits, and upon which suit for foreclosure or collection has not been commenced, or which, after judgment has been obtained thereon, shall have remained more than two years unsatisfied and on which interest shall not have been paid; and in case of any such judgment the interest due or accrued thereon, and remaining unpaid, shall also be reserved. Any dividends made contrary to these provisions shall subject the company making it to a forfeiture of their charter.

SEC. 16. No company organized under this act shall purchase, hold, or convey any real estate save for the purposes and in the manner herein set forth, to-wit: First—such as shall be requisite for its convenient accommodation in the transaction of its business; Second—such as shall have been mortgaged to it in good faith, by way of security for loans previously

contracted, or for money due; or, Third — such as shall have been conveyed to it in satisfaction of debts previously contracted in the legitimate business of the company, or for money due; or, Fourth — such as shall have been purchased at sales upon judgments, decrees, or mortgages obtained or made for such debt; and it shall not be lawful for any such company to purchase, hold, or convey real estate in any other case or for any other purpose, or acquired in any other manner, except that it may convey real estate which shall be found in the course of its business, not necessary for its convenient accommodation in the transaction thereof; and all such last-mentioned real estate shall be sold and conveyed within three years after the same shall have been deemed by the Auditor of State unnecessary for such accommodation, unless the company shall procure a certificate from the said Auditor that the interest of said company will materially suffer by a forced sale, in which event the sale may be postponed for such a period as the said Auditor shall direct in said certificate.

Real estate unnecessary for business to be sold within three years.

Exception.

Notes of mutual companies, at organization, security for losses, &c.

Subsequent notes, when given up.

Amt. of note to be given.

Who shall be members.

Sec. 17. All notes deposited with any mutual insurance company at the time of its organization, as provided in section three hereof, shall remain as security for all losses and claims until the accumulation of the profits invested as required by the sixth section of this act shall equal the amount of cash capital required to be possessed by stock companies organized under this act, the liability of each note decreasing proportionately as the profits are accumulated; but any note which may have been deposited with any mutual insurance company subsequent to its organization, in addition to the cash premiums on any insurance effected with such company, may, at the expiration of the time of such insurance, or upon the cancellation by the company of the policy, be relinquished and given up to the maker thereof, or his legal representatives, upon his paying his proportion of losses and expenses which may have accrued thereon during such term. The directors or trustees of any such company shall have the right to determine the amount of the note to be given in addition to the cash premium by any person insured in such company; and every person effecting insurance in any mutual company, and also their heirs, executors, administrators, and assigns, continuing to be so insured, shall thereby become members of said company during the period of insurance, and shall be bound to pay for losses and such necessary expenses as aforesaid, accruing to said company, in proportion to his

or their deposit note or notes: *Provided*, That any person insured in any mutual company, except in the case of notes required by this act to be deposited at the time of its organization, may at any time return his policy for cancellation, and upon payment of the amount due at such time upon his premium note shall be discharged from further liability thereon.

SEC. 18. The directors shall, as often as they deem necessary, after receiving notice of any loss or damage, settle and determine the sums to be paid by the several members thereof as their respective portion of such loss, and publish the same in such manner as they shall deem proper, or the by-laws shall have prescribed; but the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the officers of the company within thirty days after the publication of said notice; and if any members shall, for the space of thirty days after personal demand or by letter for payment shall have been made, neglect or refuse to pay the sum assessed upon him as his proportion of any loss aforesaid, the directors may sue for and recover the whole amount of his deposit note or notes, with cost of suit; but execution shall issue for assessments and costs as they accrue only, and every such execution shall be accompanied by a list of losses for which the assessment was made. If the whole amount of deposit notes shall be insufficient to pay the loss occasioned, the sufferers insured by said company shall receive, toward making good their respective losses, a proportionate share of the whole amount of said notes, according to the sums to them respectively insured; but no member shall ever be required to pay for any loss more than the whole amount of his deposit note or notes.

Proviso.
Policy can-
celed.
Settlement o
losses.
Suit on mu-
tual notes.
Execution.
Members
not to pay
more than
their notes.

SEC. 19. Every insurance company hereafter organized as provided in this act, shall, if it be a mutual company, embody the word "mutual" in its title, which shall appear upon the first page of every policy and renewal receipt; and every company doing business as a cash stock company shall, upon the face of its policies, express in some suitable manner that such policies were issued by stock companies.

Title of com-
pany on poli-
cies of mutual
companies.
Stock compa-
nies.

SEC. 20. It shall be the duty of the president, or the vice president and secretary of each company organized under this act, or incorporated under any law of this State, or doing business in this State, annually, on the first day of January of each year, or within thirty days thereafter, to prepare under oath, and

Annual state-
ment Jan. 1.

Annual statement continued.	deposit in the office of the Auditor of State, a full, true and complete statement of the condition of such company on the last day of the month preceding that in which such statement is filed, which last statement shall exhibit the following items and facts in the following form, viz.:
Capital.	First—The amount of capital stock of the company.
Officers.	Second—The name of the officers.
Name & place	Third—The name of the company and where located.
Paid capital.	Fourth—The amount of its capital stock paid up.
Assets:	Fifth—The property or assets held by the company, specifying,
real estate;	1st. The value, as nearly as may be, of the real estate owned by such company.
cash on hand, &c.;	2d. The amount of cash on hand and deposited in banks to the credit of the company, and in what bank the same is deposited.
other cash;	3d. The amount of cash in the hands of agents and in the course of transmission.
1st mortgage loans;	4th. The amount of loans secured by first mortgage on real estate with the rate of interest thereon.
other loans;	5th. The amount of all other bonds and loans and how secured, with the rate of interest thereon.
due co.;	6th. The amount due the company on which judgment has been obtained.
stocks;	7th. The amount of stocks of this State, of the United States, of any incorporated city of this State, and of any other stocks owned by the company, specifying the amount, [number] of shares, and par and market value of each kind of stock.
collected;	8th. The amount of stock held by such company as collateral security for loans, with amount loaned in each kind of stock, its par and market value.
assessments;	9th. The amount of assessments on stock and premium notes, paid and unpaid.
interest;	10th. The amount of interest actually due and unpaid.
other securities ; notes.	11th. All other securities and their value.
	12th. The amount for which premium notes have been given on which policies have been issued.
Liabilities:	Sixth—The liabilities of such company, specifying:
losses;	1st. The losses adjusted and due.
	2d. The losses adjusted and not due.
	3d. Losses unadjusted.
	4th. Losses in suspense and the cause thereof.
	5th. Losses resisted and in litigation.

6th. Dividends, either in scrip or cash, specifying dividends; amount of each, declared but not due.

7th. Dividends declared and due.

8th. The amount required to reinsure all outstanding risks on the basis of 40 per cent. of the premium on all unexpired risks.

9th. The amount due banks or other creditors. amounts due;

10th. The amount of money borrowed and the security therefor. borrowed;

11th. All other claims against the company. other claims.

Seventh — The income of the company during the previous year, specifying: Income:

1st. The amount received for premiums exclusive of premium notes. premiums;

2d. The amount of premium notes received. prem. notes;

3d. The amount received for interest. interest;

4th. The amount received for assessment or calls on stock notes, or premium notes. assessments;

5th. The amount received from all other sources. other sources.

Eighth — The expenditures during the preceding year, specifying: Expenditures;

1st. The amount of losses paid during said term, stating how much of the same accrued prior, and how much subsequent, to the date of the preceding statement, and the amount at which losses were estimated in such preceding statement. losses paid;

2d. The amount paid for dividends. dividends;

3d. The amount paid for commissions, salaries, expenses, and other charges of agents, clerks, and other employees. agents, &c.;

4th. The amount paid for salaries, fees, and other charges of officers and directors. officers, &c.;

5th. The amount paid for local, State, national internal revenue, and other taxes and duties. taxes;

6th. The amount paid for all other expenses, expenditures, including printing, stationery, rents, furniture, &c. other expenses.

Ninth — The largest amount insured in any one risk. Risks.

Tenth — The amount of risks written during the year then ending.

Eleventh — The amount of risks in force, having less than one year to run.

Twelfth — The amount of risks in force, having more than one and not over three years to run.

Thirteenth — The amount of risks having more than three years to run.

Fourteenth — The following question must be Question.

answered, viz.: Are dividends declared on premiums received for risks not terminated ?

Accident companies. Register of tickets.

Fifteenth — Each accident insurance company, or company insuring against accident in this State, shall keep a register of tickets sold by its officers or agents, which register shall show the name and residence of the person insured, the amount of such insurance, the date of issue of such ticket, and the time the same will be and remain in force, and it shall be the duty of every such company to file in the office of the Auditor of State, in January in each year, a report, sworn to by the president or secretary of the company, showing the above items of the business of such company during the preceding year, and the Auditor of State shall withhold the certificate of authority from any such company neglecting or failing to comply with the provisions of this section.

Report.

Auditor may withhold certificates.

Auditor may inquire into condition of companies.

SEC. 21. The Auditor of State is hereby authorized and empowered to address any inquiries to any insurance company in relation to its doings and condition, or any other matter connected with its transactions, which he may deem necessary for the public good, or for a proper discharge of his duties, and it shall be the duty of any company so addressed to promptly reply in writing thereto.

Additional exhibit.

SEC. 22. The statement of any company, the capital of which is composed in whole, or in part, of notes, shall, in addition to the foregoing, exhibit the amount of notes originally forming the capital, and also what proportion of said notes is still held by such company and considered capital.

Foreign companies must have \$100,000

exclusive of deposits.

Auditor's certificate.

SEC. 23. It shall not be lawful for any insurance company, association, or partnership, organized or associated for any of the purposes specified in this act, incorporated by or organized under the laws of any other State of the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of one hundred thousand dollars of actual paid-up capital, exclusive of any assets of any such company as shall be deposited in any other States or territories for the special benefit or security of the insured therein; and any such company desiring to transact any such business as aforesaid, by an agent or agents in this State, shall file with the Auditor of State a written instrument, duly signed and sealed, authorizing any agent or agents of such company in this State, to acknowledge service of process for and in behalf of

such company in this State, consenting that service of process, *mesne* or final, upon any such agent or agents, shall be taken and held as valid as if served upon the company according to the laws of this or any other State, and waiving all claim or right of error, by reason of such acknowledgment or service; and also a certified copy of their charter or deed of settlement, together with a statement, under the oath of the president or vice president, or other chief officer, and the secretary of the company for which they may act, stating the name of the company and the place where located; the amount of its capital, with a detailed statement of the facts and items as required from companies organized under the laws of this State, as per section twenty hereof; also a copy of the last annual report, if any, made under any law of the State by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired by the liabilities as stated in section twenty of this act, to the extent of twenty per cent. thereof, while such deficiency shall continue.

Service on agents.

Articles of incorporation.

Statement.

Capital impaired.

Sec. 24. It shall not be lawful for any agent or agents to act for any insurance company or companies referred to in this act, directly or indirectly, in taking risks or transacting business of insurance in this State without procuring from the Auditor of State a certificate of authority stating that such company has complied with all the requisitions of this act.

Auditor's certificate to agents.

Sec. 25. The statements and evidences of investments required of *foregoing* [foreign] companies as above, shall be renewed annually in such manner and form as required by this act, and as said Auditor may direct, with any additional statement of the amount of the losses incurred or premium received in this State, during the preceding period, so long as such agency continues. And the said Auditor, on being satisfied that the capital, securities, and investments remain secure, as hereinbefore provided, shall furnish a renewal of his certificate as aforesaid.

Annual statement.

Sec. 26. Every insurance company organized under the laws of, or doing business in, this State, shall conform to all the provisions of this act applicable thereto, on or before the first day of January, 1869; and, when necessary, any existing company shall change its charter and by-laws so as to conform hereto, by a vote of a majority of its board of directors, and any president, secretary, or other officer of any company

All companies to conform by Jan. 1, 1869.

organized under the laws of Iowa, or any officer or person doing, or attempting to do, business in this State for any insurance company organized without this State, failing to comply with any of the requirements of this act, or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding one thousand dollars, and be imprisoned in the county jail for a period not less than thirty days nor more than six months.

Penalty for violating act.

What shall be advertised.

What the term "agent" includes.

Foreign companies.

Auditor shall appoint an examiner.

Books inspected.

Power to examine under oath.

SEC. 27. Every agent of any insurance company shall, in all advertisements of such agency, publish the location of the company, giving the name of the city, town, or village in which the company is located, and the State or government under the laws of which it is organized. The term agent or agents used in the foregoing sections shall include an acknowledged agent or surveyor or any other person or persons who shall, in any manner, directly or indirectly transact or aid in transacting the insurance business of any insurance company not incorporated by the laws of this State. The provisions of the foregoing sections relative to foreign companies shall apply to all such companies, partnerships, associations, or individuals, whether incorporated or not.

SEC. 28. It shall be the duty of the Auditor of State, whenever he shall deem it expedient to [so] to do in his judgment, to appoint one or more persons, not officers, agents, or stockholders of any insurance company doing business in this State, to examine into the affairs and condition of any insurance company incorporated or doing business in this State, or to make such examination himself; and it shall be the duty of the officers or agents of such company or companies to cause their books to be opened for the inspection of the Auditor or the person or persons so appointed, and otherwise facilitate such examination so far as may be in their power so to do; and, for the purpose of arriving at the truth in such case, the Auditor, or the person or persons so appointed by him, shall have power to examine, under oath, the officers or agents of any company, or others, if necessary, relative to the business and condition of said company; and whenever the Auditor shall deem it best for the interest of the public so to do, he shall publish the result of such investigation in one or more papers in this State; and whenever it shall appear to the said Auditor, from such examination, that the assets and funds of any company incor

porated in this State are reduced or impaired by the liabilities of said company, as described under the head of liabilities in the statement required by this act, more than twenty per cent. below the paid-up capital stock required by this act, he may direct the officers thereof to require the stockholders to pay in the amount of such deficiency, within such a period as he may designate in such requisition, or he shall communicate the fact to the Attorney-General, whose duty it shall then become to apply to the Supreme Court, or, if in vacation, to one of the judges thereof, for an order requiring said company to show cause why their business should not be closed; and the court, or judge, as the case may be, shall thereupon proceed to hear the allegations and proofs of the respective parties; and in case it shall appear to the satisfaction of said court, or judge, that the assets and funds of said company are not sufficient, as aforesaid, or that the interest of the public require it, the said court, or judge, shall decree a dissolution of said company and a distribution of its effects. The said court, or judge, shall have power to refer the application of the Attorney-General to a referee, to inquire into and report upon the facts stated therein.

Capital im-
paired more
than 20 per
cent.

Call on stock-
holders.

Duty of At-
torney-Gen'l.

Show cause
why their
business
should not
be closed.

Decree of dis-
solution.

Referee.

SEC. 29. Any company receiving the aforesaid requisition from the said Auditor, shall forthwith call upon its stockholders for such amounts as will make its paid-up capital equal to the amount fixed by this act or the charter of said company; and in case any stockholder shall refuse or neglect to pay the amount so called for, after notice personally given, or by advertisement in such time and manner as said Auditor shall approve, it shall be lawful for the said company to require the return of the original certificate of stock held by such stockholders, and in lieu thereof to issue new certificates for such number of shares as the said stockholder may be entitled to in the proportion that the ascertained value of the funds of the said company may be found to bear to the original capital of the said company; the value of such shares for which new certificates shall be issued to be ascertained under the direction of the said Auditor, the company paying for the fractional parts of shares; and it shall be lawful for the directors of such company to create new stock and dispose of the same, and to issue new certificates therefor, to an amount sufficient to make up the original capital of the company. And in the event of any additional losses accruing upon new risks, taken after

Requisition
upon stock-
holders.

New certi-
ficates of stock.

the expiration of the period limited by the said Auditor in the aforesaid requisition for the filling up of the deficiency in the capital of such company, and before said deficiency shall have been made up, the directors shall be individually liable to the extent thereof.

Directors liable, when.

Sec. 30. If upon such examination it shall appear to the said Auditor, that the assets of any company, chartered upon the plan of mutual insurance under this act, are insufficient to justify the continuance of such company in business, it shall be his duty to proceed, in relation to such company, in the same manner as is herein required in regard to joint-stock companies; and the trustees or directors of such company are hereby made personally liable for any losses which may be sustained upon risks taken after the expiration of the period limited by the said Auditor for filling up the deficiency in the capital, and before such deficiency shall have been made up. Any transfer of the stock of any company, organized under this act, made during the pending of any investigation required above, shall not release the party making the transfer from his liability for losses, which may have accrued previous to such transfer.

Assets of mutual companies insufficient.

Trustees liable, when.

Transfer of stocks, no release, when.

Sec. 31. The Auditor of State shall be authorized to examine into the condition and affairs of any insurance company, as provided for in this act, doing business in this State, not organized under the laws of this State, or cause such examination to be made by some person or persons appointed by him, having no interest in any insurance company; and whenever it shall appear to the satisfaction of said Auditor that the affairs of any such company are in an unsound condition, he shall revoke the certificates granted in behalf of such company, and shall cause a notification thereof to be published in some newspaper of general circulation, published in the city of Des Moines, and the agent or agents of such company are, after such notice, required to discontinue the issuing of any new policy, or the renewal of any previously issued.

Revoke certificate.

Sec. 32. There shall be paid by every company, association, person or persons, agent or agents, to whom this act shall apply, the following fees: For filing and examination of the first application of any company, and the issuing of the certificate of license thereon, ten dollars, five dollars of which shall go to the Attorney-General, and five dollars to the Auditor; for filing each annual statement herein required, two dollars; for each certificate of authority, fifty cents; for every copy of

Fees for home companies.

paper filed as herein provided, the sum of ten cents per folio, and fifty cents for certifying the same and affixing the seal of office thereto, all of which fees shall be paid to the officer required to perform the duties.

SEC. 33. Whenever the existing or future laws of any other State of the United States shall require of insurance companies, incorporated by or organized under the laws of this State, having agencies in such other State, or of the agents thereof, any deposit of securities in such State, for the protection of policyholders, or otherwise, or any payment for taxes, fines, penalties, certificate of authority, license fees, or otherwise, greater than the amounts required for such purposes from similar companies of other States by the then existing laws of this State, then, and in every such case, all companies of such States establishing or having theretofore established an agency or agencies in this State, shall be, and are hereby required to make the same deposit for a like purpose with the Auditor of this State, and to pay to said Auditor for taxes, fines, penalties, certificates of authority, license fees, or otherwise, an amount equal to the amount of such charges and payments, imposed upon or required, by the laws of such State, of the companies of this State or the agents thereof. Fees, &c., of foreign companies.

SEC. 34. It shall be the duty of every insurance company of the kind provided for in this act, doing business in this State, organized under the laws of this or any other State or country, to publish annually, in two newspapers of general circulation, one of which shall be published at the capital of this State, and in case of companies organized in the State of Iowa, one of which shall be published in the county where the principal office is located, a certificate from the Auditor of State that such company has, in all respects, complied with the laws of this State relating to insurance. Said certificate shall also contain a statement, under the oath of the president or secretary of such insurance company, of the actual amount of paid-up capital, the aggregate amount of assets and liabilities at the date of such certificate, together with the aggregate income and expenditures of such company for the year preceding the date of such certificate. Publish statement.

SEC. 35. The necessary expenditure of any examination, made or ordered to be made by the Auditor of State under this act, shall be certified to by him, and paid, on his requisition, by the company which is the Expenses.

subject of such examination: *Provided*, Such examination be not required of companies organized outside of this State doing business in States where an insurance department is established, and who furnish, whenever required to do so by the Auditor, the certificate of such insurance department exhibiting the solvency of such company.

Printed
forms
Change form
of statement.

SEC. 36. It shall be the duty of the Auditor of State to cause to be prepared and furnished to each of the companies organized under the laws of this State, and to the attorneys or agents of companies incorporated by other States and foreign governments who may apply for the same, printed forms of the statements required by this act, and he may from time to time make such changes in the form of these statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated.

Auditor's re-
port.

SEC. 37. It shall be the duty of the Auditor of State to cause the information contained in the statements required of the companies organized in this State, to be arranged in a tabular form, and prepare the same in a single document for printing. Such report shall be made on or before the first day of March, and five hundred copies shall be printed for the use of the Auditor, and the same number for the use of the legislature.

§ 718, Rev.,
repealed.

SEC. 38. Section seven hundred and eighteen of the Revision of 1860, and all acts and parts of acts amendatory thereto in relation to taxing insurance companies in this State, are hereby repealed; and it is enacted, in lieu thereof, the following, to-wit: Every insurance company doing business in this State shall at the time of making the annual statement, as provided in section twenty of this act, pay into the State treasury, as taxes, two per cent. of the premiums on risks in this State taken during the preceding year, taking duplicate receipts therefor, one of which shall be filed with the Auditor of State, and upon the filing of said receipt, and not till then, the said Auditor shall issue the annual certificate as provided in this act, and the said sum of two per cent. shall be in full for all taxes upon the corporation or its shares under the laws of this State, except taxes on real property: *Provided, however*, That the provisions of this section shall not apply until the statement shall be required for January, 1869.

Taxes.

2 per cent. on
premiums.

SEC. 39. It shall not be lawful for any company organized upon the mutual plan to do business and take

risks upon the stock plan, neither for a company organized as a stock company to do business upon the plan of a mutual insurance company. Companies must be stock or mutual.

SEC. 40. Nothing in this act shall be so construed as to prevent any number of persons, not exceeding two hundred, from making mutual pledges and giving valid obligations to each other for their own insurance from loss by fire or death; but such association of persons shall in no case insure any property not owned and occupied by one of their own number, and no life except that of their own members, nor shall the provisions of this act be applicable to such associations or companies: *Provided*, Such associations or companies shall in no case pay any salaries or compensation to officers, agents, or any other employees, and shall receive no premiums nor make any dividends. Self insurance companies. Insure none but members. No salaries. No premium.

SEC. 41. Chapter sixty-eight of the Revision of 1860, and all acts and parts of acts amendatory and supplementary thereto, are hereby repealed, except so far as the same relates to the business of life insurance companies; and the Auditor of State is authorized to return the deposits made under section 1759 of the Revision of 1860, where the companies making the same shall have complied with this act: *Provided*, Such deposits shall not be needed for the payment of losses due from the company having made the same. Ch. 68, Rev., repealed. Rev., § 1759. Former deposits to be returned.

Approved April 7, 1868.

CHAPTER 139.

LEGALIZING NOTARIAL ACTS OF CERTAIN PERSONS IN POLK COUNTY.

AN ACT to Legalize the Notarial Acts of certain Notaries Public of Polk County. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the notarial acts of Charles J. McKay, a notary public in and for Polk county, done or certified on or subsequent to the ninth day of August, A. D. 1867, and prior to the 27th day of December, A. D. 1867, shall be and the same are hereby legalized and made valid with the same force and effect as if his notarial commission had been C. J. McKay, from Aug. 9, 1867, to Dec. 27, 1867, with unrecorded commission.

duly recorded in the recorder's office of Polk county, on the day of the signature of the same by the Governor.

E. J. Ingersoll, **SEC. 2.** All the notarial acts of E. J. Ingersoll, a notary public of Polk county, done or certified by him from Jan. 23 to March 10, 1868, on or subsequent to the 23d day of January, A. D. 1868, and prior to the 10th day of March, A. D. 1868, shall be and the same are hereby legalized and made valid, with the same force and effect as if his notarial commission had continued in force until the date last mentioned.

W. S. Pritchard, **SEC. 3.** All the notarial acts of W. S. Pritchard, a notary public of Polk county, done or certified by him from Jan. 10, 1868, to Mar. 10, 1868, on or subsequent to the 10th day of January, A. D. 1868, and prior to the 10th day of March, A. D. 1868, shall be and the same are hereby legalized and made valid with the same force and effect as if his notarial commission had continued in force until the date last mentioned.

Taking effect. **SEC. 4.** This act shall take effect and be in force from and after its publication in the Iowa State Register and The Iowa Evening Statesman, newspapers published at Des Moines, Iowa; *provided*, that said publication shall be without expense to the State.

Approved April 7, 1868.

[For certificate of publication, see "Addenda."]

CHAPTER 140.

TAX-RECEIPTS.

APRIL 7. AN ACT Requiring County Treasurers to insert in Tax - Receipts the Valuation of each Piece of Real Estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the treasurer and collector of each county in this State shall, in his receipt to every person who pays tax on any real estate, insert in said receipt, opposite to the description of each tract of land or town - lot, the amount of the assessed value of said tract of land or town - lot.

Approved April 7, 1868.

CHAPTER 141.

JURORS AND WITNESSES' FEES.

AN ACT to Provide for the Payment of Witness Fees and Jurors' Fees in State Cases. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the last clause of section 4152, chapter 162 of the Revision of 1860, be so amended as to read as follows: That in all criminal cases prosecuted in the name of the State of Iowa, where the prosecution fails, or where the defendant, being convicted, is insolvent, the fees of such witnesses for the defense as the court, after trying the case, shall determine are material, together with jurors' fees (if a jury shall have been demanded), shall be paid by the county: *Provided*, That the county may afterwards collect such fees from such defendant; *And provided further*, That nothing in this act shall be construed as preventing courts from taxing costs against private prosecutors under the provisions of section 4646 and 5086 of the Revision of 1860. Rev., § 4152. Fees of witnesses for defense & jurors in criminal trials in certain cases to be paid by county. Proviso: collection. Proviso: private prosecutors. Rev., §§ 4646 and 5086.

Approved April 7, 1868.

CHAPTER 142.

THE AGRICULTURAL COLLEGE AND FARM.

AN ACT to Provide certain Police Regulations for the Protection of the Iowa State Agricultural College and Farm and of the Students therein. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That from and after the fourth day of July next, no person shall open, maintain, or conduct any shop or other place for the sale of wine, beer, or spirituous liquors, or sell the same at any place within a distance of two miles from the Agricultural College in Story county: *Provided*, That the same may be sold for sacramental, mechanical, medical, or calinary purposes. Wine, beer, &c., not to be sold within 2 miles of Agr. College. Proviso.

SEC. 2. Any person violating the provisions of this act shall be punished, on conviction by any court of

competent jurisdiction, by a fine not exceeding fifty dollars for each offense, or by imprisonment in the county jail for a term not exceeding thirty days, or by both such fine and imprisonment.

Approved April 7, 1868.

CHAPTER 143.

CANADA THISTLES.

APRIL 7. AN ACT to Destroy Canada Thistles.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That if any resident owner of any land in this State, after having been notified in writing of the presence of Canada thistles on his or her premises, shall permit them or any part thereof to blossom or mature, he or she shall be liable to a fine of five dollars and costs of collection for each offense.

Approved April 7, 1868.

Penalty for
allowing Can-
ada thistles to
grow ;

\$5 fine and
costs.

CHAPTER 144.

DISTRAINING STOCK.

APRIL 7. AN ACT to Protect Crops against the Invasions of Stock.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any stock taken in the act of doing damage, between the hours of sunset and sunrise, may be distrained by the person or persons whose property is damaged, or by the person or persons having charge thereof, whether the fences surrounding such property are lawful or otherwise.

SEC. 2. Whenever any stock shall be so distrained, the person or persons sustaining the damage, or having charge of the property damaged, shall, within twenty-four hours after such distraint, notify the owner or owners, or person or persons claiming a right to such stock, (if he, she, or they can be found with reasonable

Stock doing
damage may
be distrained.

Owners to be
notified of re-
straint.

diligence,) that it is distrained, and that he, she, or they may forthwith appear where the damage has been done, and view, compromise, and pay the same, or, failing so to do, the stock will be dealt with according to law.

SEC. 3. The owner or owners, person or persons having charge of such stock, may, within twenty-four hours after receiving such notice, appear and view, compromise, and pay damages, and if the parties do not agree upon the amount of damages to be paid, or upon the manner by which such damages shall be determined, the party sustaining the damage shall immediately notify the township trustees to be and appear at the time and place designated in said notice, (which shall not be more than twenty-four hours after the service thereof,) to view and assess the damages.

Compromisae.
If parties do not agree on damages,
trustees to be notified.

SEC. 4. When two or more of said trustees have assembled, they shall proceed to view and assess the amount of damage done by the stock distrained, and the amount for which the owner of each head distrained is liable, and also the amount to be paid by the owner or owners, or persons claiming such distrained stock, and the amount to be paid *per diem* for the keeping of each head of such stock, and for the purpose of arriving at any of the facts connected with their official duties, as specified by this act, they, or either of them, may place under oath any person from whom they choose to elicit the information desired. And the said trustees shall, at the time of making the appraisalment, each receive from the complaining party one dollar for every six hours occupied by them in making the appraisalment.

Trustees to assess damages, &c.

Fees of trustees.

SEC. 5. The trustees shall at the time of making the appraisalment make a correct record of their doings, which they shall preserve for future reference, and shall also, at the same time, make and deliver one copy thereof to the complainant.

Record.
Copy of do.

SEC. 6. At any time within thirty days from the time of distraining such stock, the owner, owners, or claimants of such stock or any part thereof may reclaim them, or part thereof, by paying to the complainant his, her, or their proportion of the damages assessed and charges made, as determined by the trustees, according to the number they or either of them may have distrained, and if at the end of thirty days after distraining said stock any part thereof shall remain in distraint, and the owner or claimants are known and have been notified as provided by section two of this act, the

Claimants may reclaim in 30 days.

Sale of distrained stock.

chairman of the board of trustees shall sell the same at the inclosure, for cash to the highest bidder, between the hours of one and three o'clock, P. M., of said day, after posting up notices of the time and place of said sale in at least three public places in the township where said damage was done at least ten days previous to the time of said sale; but if at the end of thirty days after such distraint, the owner or owners, or claimants are not known and can not with reasonable diligence be found, then so much of the stock as belongs to them, or either of them, shall be treated as estrays according to the laws of this State now in force.

If owners are unknown, stock to be considered as estrays.

Damages and costs to be deducted from proceeds.

Sec. 7. Within twenty-four hours after such sale, the chairman of the board of trustees shall deduct from the proceeds thereof the amount of damages unpaid, with costs of keeping said stock, and one dollar for every six hours expended by either of the trustees, in the discharge of their duties as contemplated by the provisions of this act, which amount shall be paid over to the person or persons entitled to receive it.

Balances, how disposed of.

Sec. 8. Within three days after such deductions have been made, the chairman of the board of trustees, on demand being made, shall pay over all balances remaining in his hands to the person or persons entitled to receive them, and in such proportions as shall correspond with the number of stock distrained, and in accordance with the determination of the trustees, and if the owners or claimants refuse or fail to receive or demand the amount to which they or either of them are entitled, the balance shall be paid over to the county treasurer, and become a part of the county school-fund.

Unclaimed amts. to go to co. treasury.

Sec. 9. If, after the complainant has distrained any stock, any person without his consent shall release, or attempt to release, such stock, or any part thereof, from confinement, he shall, on conviction, be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten nor more than one hundred dollars for each offense, or by imprisonment not exceeding thirty days.

Releasing or attempt to release distrained stock without consent punish'd — fine \$10 to \$100, or imprisonment.

Board supervisors at June meeting to decide on submitting to the people this act. Form of ballot.

Sec. 10. At their regular session in June in each organized county in this State shall determine whether the adoption of the provisions of this act shall be submitted to the legal votes of the county at the ensuing general election, and if the supervisors so declare, there may be written or printed on each ballot cast either of the sentences following, to-wit: "For the stock act,"

“Against the stock act,” — and if a majority of all the votes cast at such election in said county be “For the stock act,” then and not otherwise shall the provisions of this act be in full force in such county for one year, and so long thereafter as the legal voters shall so determine.

If adopted, act to be in force in co.

Approved April 7, 1868.

CHAPTER 145.

RIGHT OF WAY FOR BRIDGES.

AN ACT Granting the Right of Way for the Construction of Bridges. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when any corporation organized under the laws of this State, or any individual, has obtained or shall hereafter obtain from the board of supervisors license for the construction of a toll-bridge across any of the rivers or streams of this State, such corporation or individual may take and appropriate so much private property in the line of such bridge as shall be necessary for a right of way therefor in such width as such corporation or individual may desire, not exceeding sixty feet.

Parties constructing toll-bridges may take right of way 60 feet wide.

SEC. 2. Said right of way shall not only extend from one terminus of the bridge to the other, but continuously from and to the points of the roads or streets which said bridge is to accommodate and thus connect.

Extent.

SEC. 3. If the owner of such property, over which said right of way extends, shall refuse to grant the same, the sheriff of the county shall, upon application of either party, appoint six disinterested freeholders of the county to assess the damage which the owner, or any person having an interest in or improvement on the property to be taken, will sustain by reason of the appropriation thereof; and all the provisions of section 1317 of the Revision of 1860 shall be held applicable to and govern the action and rights of all parties concerned in the proceeding the same as if it were herein set out at length, except that the word “bridge” shall be read for and where the word “railroad” now occurs in said section.

Assessment of damages.

Rev., § 1317.

Rev., §§ 1816, 1819 & 1820. SEC. 4. Sections 1316, 1319, and 1320, of article 3 of chapter 55, of the Revision of 1860, shall also govern the method of proceeding in such cases so far as the same may be applicable.

Taking effect. SEC. 5. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Iowa Evening Statesman, newspapers published in Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 22, 1868, and in the *Daily State Register* April 23, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 146.

SOLDIERS' BOUNTY IN MITCHELL COUNTY.

APRIL 7. AN ACT to Legalize the Action of Mitchell County providing for equalizing the Bounty of Soldiers in said County, and to Authorize the Levying of a Tax to pay the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the vote taken by the citizens of Mitchell county at the general election in 1866, to equalize the bounty of soldiers from that county, be and the same is hereby legalized; and the board of supervisors of said county are hereby authorized to issue warrants for said bounties according to the terms of said vote, and that the board of supervisors of said county are hereby authorized to levy a special tax on the taxable property of said county, not in any one year to exceed one mill on the dollar, to provide a fund to be called the "bounty fund" to pay such warrants.

Balance of bounty fund to go to gen'l county fund. SEC. 2. When all of the bounties provided for by such election are paid out of such fund, the balance thereof shall be transferred to the general county fund of said county.

Taking 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

Iowa State Register and Homestead, newspapers published in Des Moines, Iowa.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Homestead* April 29, 1868, and in the *Iowa State Register* April 29, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 147.

LEGALIZING THE ACTS OF A JUSTICE OF THE PEACE IN GUTHRIE COUNTY.

AN ACT to Legalize certain Acts of James Foster, a Justice of the Peace in Guthrie County, Iowa. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all conveyances acknowledged before James Foster, a justice of the peace in Guthrie county, Iowa, during the year 1864, be and the same are hereby legalized and confirmed, and shall have the same force and effect as though the said James Foster had been legally qualified as justice of the peace at the time of taking the same. Conveyances acknow'dg'd before James Foster, J. P., in 1864, confirmed.

SEC. 2. This act shall be in force and take effect from and after its publication in the Daily State Register and Guthrie County Ledger, without expense to the State. Taking effect.

Approved April 7, 1868.

[For certificate of publication, see "Addenda."]

CHAPTER 148.

STREETS IN UNINCORPORATED TOWNS AND VILLAGES.

AN ACT Making all Public Streets in Towns and Villages not Incorporated a Part of the public Highway. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all public streets of towns

Streets of towns, &c., not incorporated made highways. Duty of road supervisors.

or villages of this State not incorporated are and the same *is* [are] hereby declared to be a part of the public highway, and it is made the duty of all road supervisors or persons having charge of the public highways in the respective districts of such towns or villages to work the same as provided by law for the working and keeping in repair of roads and highways.

SEC. 2. This act to be in force from and after its publication according to law.

Approved April 7, 1868.

CHAPTER 149.

SUITS IN JUSTICES' COURTS.

APRIL 7. AN ACT to Amend Section 3851 of the Revision of 1860, allowing Suits to be brought in the Township where the Plaintiff resides.
Rev., § 3851.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 3851 of the Revision of 1860, be so amended as to read as follows: "Suits may in all cases be brought in the township where the plaintiff or defendant or one of several defendants resides."
Suits before justice may be brought where plaintiff lives.

Approved April 7, 1868.

CHAPTER 150.

RESISTING OFFICERS.

APRIL 7. AN ACT to Amend Section 4296 of the Revision of 1860 in Relation to Resisting Officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 4296 of the Revision of 1860 be amended by inserting after the word "whatsoever," in the fourth line of said section, the following words: "Or shall knowingly and willfully resist any such officer in the discharge of his duties without such writ, rule, order, or process."
Resisting officer acting without writ punishable.

Approved April 7, 1868.

CHAPTER 151.

NOTARIAL ACTS LEGALIZED.

AN ACT to Legalize the Acts of W. *Moershall* [Moershel] and others, Notaries Public of the State of Iowa. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the acts of W. *Moershall* [Moershel], done by him as notary public from April 14th, 1865, to January 29th, 1867; and all the acts done by William H. *Stivers*, as notary public, since January 20th, 1867; and all acts done by W. R. *Kinnaird*, as notary public from January 10th, 1866, to March 2d, 1867; and all acts done by Thomas *Arnold*, as notary public from June 8th, 1867, to February 10th, 1868; and all acts of S. P. *Vanatta*, notary public, from July 1, 1867,— are hereby legalized and declared valid to the same extent, and are of the same force and effect as though the commissions of the said persons above named had not expired, and as though they had been duly commissioned and qualified as notaries public at the time they severally performed the acts aforesaid as such notaries.

W. Moershel, Apr. 14, '65, to Jan. 29, '67;
 W. H. Stivers, since Jan. 20, 1867;
 W. R. Kinnaird, Jan. 10, 1866, to Mar. 2, 1867;
 Thos. Arnold, June 8, '67, to Feb. 10, '68;
 S. P. Vanatta, from July 1, '67, legalized.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the Daily State Register and Iowa Evening Statesman. **Taking effect.**

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 22, 1868, and in the *Daily State Register* April 23, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 152.

APPORTIONMENT FOR MEMBERS OF THE HOUSE OF REPRESENTATIVES.

AN ACT Apportioning the State of Iowa into Representative Districts, and Declaring the Ratio of Representation. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That one representative for every

- Ratio, 9850. nine thousand eight hundred and fifty inhabitants, in each representative district, is hereby constituted the ratio of apportionment.
- Lee, 3 representatives. SEC. 2. Lee county shall be the first district, and entitled to three representatives.
- Des Moines, 2. SEC. 3. Des Moines county shall be the second district, and entitled to two representatives.
- Henry, 2. SEC. 4. Henry county shall be the third district, and entitled to two representatives.
- Jefferson, 2. SEC. 5. Jefferson county shall be the fourth district, and entitled to two representatives.
- Van Buren, 2. SEC. 6. Van Buren county shall be the fifth district, and entitled to two representatives.
- Wapello, 2. SEC. 7. Wapello county shall be the sixth district, and entitled to two representatives.
- Davis, 1. SEC. 8. Davis county shall be the seventh district, and entitled to one representative.
- Monroe, 1. SEC. 9. Monroe county shall be the eighth district, and entitled to one representative.
- Appanoose, 1. SEC. 10. Appanoose county shall be the ninth district, and entitled to one representative.
- Lucas, 1. SEC. 11. Lucas county shall be the tenth district, and entitled to one representative.
- Wayne, 1. SEC. 12. Wayne county shall be the eleventh district, and entitled to one representative.
- Decatur, 1. SEC. 13. Decatur county shall be the twelfth district, and entitled to one representative.
- Clarke, 1. SEC. 14. Clarke county shall be the thirteenth district, and entitled to one representative.
- Union and Adams, 1. SEC. 15. Union and Adams counties shall be the fourteenth district, and entitled to one representative.
- Ringgold and Taylor, 1. SEC. 16. Ringgold and Taylor counties shall be the fifteenth district, and entitled to one representative.
- Page, 1. SEC. 17. Page county shall be the sixteenth district, and entitled to one representative.
- Mills, 1. SEC. 18. Mills county shall be the seventeenth district, and entitled to one representative.
- Fremont, 1. SEC. 19. Fremont county shall be the eighteenth district, and entitled to one representative.
- Pottawattamie, 1. SEC. 20. Pottawattamie county shall be the nineteenth district, and entitled to one representative.
- Cass, Adair & Montgomery, 1. SEC. 21. Cass, Adair, and Montgomery counties shall be the twentieth district, and entitled to one representative.
- Madison, 1. SEC. 22. Madison county shall be the twenty-first district, and entitled to one representative.
- Warren, 1. SEC. 23. Warren county shall be the twenty-second district, and entitled to one representative.

- SEC. 24. Marion county shall be the twenty - third Marion, 2. district, and entitled to two representatives.
- SEC. 25. Mahaska county shall be the twenty- Mahaska, 2. fourth district, and entitled to two representatives.
- SEC. 26. Keokuk county shall be the twenty - fifth Keokuk, 2. district, and entitled to two representatives.
- SEC. 27. Washington county shall be the twenty- Washington, sixth district, and entitled to two representatives. 2.
- SEC. 28. Louisa county shall be the twenty - sev- Louisa, 1. enth district, and entitled to one representative.
- SEC. 29. Muscatine county shall be the twenty- Muscatine, 2. eighth district, and entitled to two representatives.
- SEC. 30. Cedar county shall be the twenty - ninth Cedar, 2. district, and entitled to two representatives.
- SEC. 31. Scott county shall be the thirtieth district, Scott, 3. and entitled to three representatives.
- SEC. 32. Clinton county shall be the thirty - first Clinton, 3. district, and entitled to three representatives.
- SEC. 33. Jackson county shall be the thirty - second Jackson, 2. district, and entitled to two representatives.
- SEC. 34. Johnson county shall be the thirty - third Johnson, 2. district, and entitled to two representatives.
- SEC. 35. Iowa county shall be the thirty - fourth Iowa, 1. district, and entitled to one representative.
- SEC. 36. Poweshiek county shall be the thirty - fifth Poweshiek, 1. district, and entitled to one representative.
- SEC. 37. Polk county shall be the thirty - sixth dis- Polk, 2. trict, and entitled to two representatives.
- SEC. 38. Jasper county shall be the thirty - seventh Jasper, 2. district, and entitled to two representatives.
- SEC. 39. Dallas county shall be the thirty - eighth Dallas, 1. district, and entitled to one representative.
- SEC. 40. Greene, Calhoun, Pocahontas, and Hum- Greene, &c., 1. boldt counties shall be the thirty - ninth district, and entitled to one representative.
- SEC. 41. Shelby, Audubon, and Guthrie counties Shelby, Aud- shall be the fortieth district, and entitled to one repre- ubon & Guth- sentative. rie, 1.
- SEC. 42. Harrison county shall be the forty - first Harrison, 1. district, and entitled to one representative.
- SEC. 43. Boone county shall be the forty - second Boone, 1. district, and entitled to one representative.
- SEC. 44. Story county shall be the forty - third dis- Story, 1. trict, and entitled to one representative.
- SEC. 45. Tama county shall be the forty - fourth dis- Tama, 1. trict, and entitled to one representative.
- SEC. 46. Benton county shall be the forty - fifth dis- Benton, 1. trict, and entitled to one representative.

- Marshall, 1. SEC. 47. Marshall county shall be the forty-sixth district, and entitled to one representative.
- Linn, 2. SEC. 48. Linn county shall be the forty-seventh district, and entitled to two representatives.
- Jones, 2. SEC. 49. Jones county shall be the forty-eighth district, and entitled to two representatives.
- Dubuque, 4. SEC. 50. Dubuque county shall be the forty-ninth district, and entitled to four representatives.
- Delaware, 1. SEC. 51. Delaware county shall be the fiftieth district, and entitled to one representative.
- Clayton, 2. SEC. 52. Clayton county shall be the fifty-first district, and entitled to two representatives.
- Allamakee, 1. SEC. 53. Allamakee county shall be the fifty-second district, and entitled to two representatives.
- Buchanan, 1. SEC. 54. Buchanan county shall be the fifty-third district, and entitled to one representative.
- Fayette, 2. SEC. 55. Fayette county shall be the fifty-fourth district, and entitled to two representatives.
- Winneshiek, 2. SEC. 56. Winneshiek county shall be the fifty-fifth district, and entitled to two representatives.
- Mitchell and Howard, 1. SEC. 57. Mitchell and Howard counties shall be the fifty-sixth district, and entitled to one representative.
- Chickasaw, 1. SEC. 58. Chickasaw county shall be the fifty-seventh district, and entitled to one representative.
- Floyd, 1. SEC. 59. Floyd county shall be the fifty-eighth district, and entitled to one representative.
- Bremer, 1. SEC. 60. Bremer county shall be the fifty-ninth district, and entitled to one representative.
- Black Hawk, 2. SEC. 61. Black Hawk county shall be the sixtieth district, and entitled to two representatives.
- Butler and Grundy, 1. SEC. 62. Butler and Grundy counties shall be the sixty-first district, and entitled to one representative.
- Hardin, 1. SEC. 63. Hardin county shall be the sixty-second district, and entitled to one representative.
- Wright, Hamilton, and Franklin, 1. SEC. 64. Wright, Hamilton, and Franklin counties shall be the sixty-third district, and entitled to one representative.
- Webster, 1. SEC. 65. Webster county shall be the sixty-fourth district, and entitled to one representative.
- Cerro Gordo, Worth, &c., 1. SEC. 66. Cerro Gordo, Worth, Hancock, and Cerro Gordo counties shall be the sixty-fifth district, and entitled to one representative.
- Kossuth, Emmett, &c., 1. SEC. 67. Kossuth, Palo Alto, Emmett, and Dickinson counties shall be the sixty-sixth district, and entitled to one representative.
- Woodbury, &c., 1. SEC. 68. Woodbury, Plymouth, Sioux, O'Brien, Lyon, and Osceola counties shall be the sixty-seventh district, and entitled to one representative.

SEC. 69. Sao, Buena Vista, Cherokee, and Clay Sac, Clay, counties shall be the sixty - eighth district, and entitled &c., 1. to one representative.

SEC. 70. Monona, Crawford, Carroll, and Ida coun- Monona, ties shall be the sixty - ninth district, and entitled to one Crawford, representative. &c., 1.

Approved April 7, 1868.

CHAPTER 153.

TAXATION OF NATIONAL BANKS.

AN ACT to Provide for the Taxation of the Shares of National Banks. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the shares of the banking associations organized within this State pursuant to the provisions of the acts of Congress to provide a national currency secured by a pledge of United States stocks, and to provide for the circulation and redemption thereof, held by any person or body corporate, shall be included in the valuation of the personal property of such person or body corporate or corporation in the assessment of taxes in the township, incorporated town, or city where such banking association is located and not elsewhere, whether the holder thereof resides in such township, incorporated town, or city, or not; but not at a greater rate than is assessed on other moneyed capital in the hands of individuals of this State.

SEC. 2. That it shall be the duty of the principal accounting officer of each of said associations, on or the first day of May, A. D. 1868, and between the first and fifteenth days of January of each year thereafter, to list the shares of the association, giving the assessor the name of each person owning shares and the amount owned by each; and for the purpose of securing the collection of the taxes assessed upon said shares, each banking association shall be liable to pay the same as the agent of each of its shareholders, under the provisions of section 725 of the Revision of 1860; and it shall be the duty of the association to retain so much of any dividend or dividends belonging to any shareholder as shall be necessary to pay any taxes levied upon his or her shares.

Shares of national banks to be included in assessment in place where bank is located.

Officer of association to list shares between Jan. 1 and Jan. 15.

Association to pay the tax as agent of shareholders. Rev., § 725.

SEC. 3. If at any time Congress shall change, alter, or amend the acts of Congress to provide a national currency secured by United States stocks and to provide for the circulation and redemption thereof, then it shall be the duty of each assessor in any township, incorporated town, or city to assess the shares of shareholders in any such national bank in such manner as to conform to such altered or amended act of Congress, provided that such shares shall not be assessed at a greater rate than is imposed by law on other moneyed capital in the hands of individuals in this State.

Ch. 108 11, G. A., repealed. **SEC. 4.** An act to provide for the taxation of the shares of national banks, approved April 2d, 1866, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

Taking effect. **SEC. 5.** This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Iowa Homestead, newspapers published in Des Moines, Iowa.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Homestead* April 29, 1868, and in the *Iowa State Register* April 29, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 154.

BEER, NATIVE WINE, AND CIDER.

APRIL 7. AN ACT in Relation to the Sale of Intoxicating Liquors in Incorporated Cities and Towns.

§ 1063, Rev., amended. **SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That section 1063 of the Revision of 1860 be and is hereby amended by striking out of said section all after the words "Intoxicating liquors," and inserting in lieu thereof the following words: "Not prohibited by the laws of the State."

Cities & towns under special charters may regulate and prohibit sale of certain liquors. **SEC. 2.** All incorporated towns and cities not incorporated under the general incorporation law shall have the power to regulate or prohibit the sale of intoxicating liquors not prohibited by State law, and such power to regulate shall include the power to assess or impose a tax on such sale. For the purposes of this

act, beer and wine shall be considered intoxicating liquors.

SEC. 3. This act to take effect and be in force from Taking effect. and after its publication in the Iowa State Register and Iowa Homestead, newspapers published at Des Moines, Iowa.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Homestead* April 29, 1868, and in the *Iowa State Register* April 29, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 155.

COMPENSATION OF MEMBERS OF GENERAL ASSEMBLY.

AN ACT Fixing the Compensation of Members of Future Gen- APRIL 7.
eral Assemblies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the compensation of each member of any future General Assembly of this State shall be five dollars per day, during the session thereof, and three dollars for every twenty miles travel, in attending such session and returning, to be computed by the nearest traveled route within the State, from the residence of such member to the place where such session is held: *Provided,* That the amount allowed to each member for postage shall not exceed three dollars per week, and for stationery two dollars per week.

Pay of members of G. A. to be \$5 a day and mileage.
Proviso: postage, \$3; stationery, \$2.

Approved April 7, 1868.

CHAPTER 156.

CHANGING BOUNDARIES OF A SUB-DISTRICT IN WAPELLO COUNTY.

AN ACT to Annex certain Lands to Sub-District Number One, in *Centre* [Center] Township, Wappello County, Iowa, for all School and School-House Purposes. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the lands hereinafter described, situate in Wapello county, Iowa, to-wit: The

S $\frac{1}{2}$ and s $\frac{1}{2}$ ne south half, and the south half of the north-east quarter, $\frac{1}{2}$ § 86, t. 73, r. all in section thirty-six, in township number seventy-
 14; sw $\frac{1}{2}$ and three north, of range number fourteen west; and the
 w $\frac{1}{2}$ sec $\frac{1}{2}$, § 31, south-west quarter, and the west half of the south-east
 t. 73, r. 13; & quarter, all in section thirty-one, in township number
 sw $\frac{1}{2}$ nw $\frac{1}{2}$, & seventy-three north, of range number thirteen west;
 w $\frac{1}{2}$ sw $\frac{1}{2}$ § 5, and the south-west quarter of the north-west quarter,
 w $\frac{1}{2}$ w $\frac{1}{2}$ § 8, & and the west half of the south-west quarter, of section
 w $\frac{1}{2}$ w $\frac{1}{2}$ § 17, t. 73, r. 13, an- and the west half of the west half of section eight,
 nexed to sub- and the west half of the west half of section seventeen,
 dist. 1, Center all in township number seventy-two north, of range
 tp., Wapello number thirteen west; be and the same are hereby
 county. annexed to sub-district number one, in Center town-
 ship, in said county, for all school and school-house
 purposes.

Taking effect. SEC. 2. This act, being deemed of immediate im-
 portance, shall take effect and be in force from and
 after its publication in the Daily State Register, a
 newspaper published at Des Moines, Iowa, and the
 Ottumwa Daily Courier, a newspaper published at
 Ottumwa, Iowa, provided such publication be without
 expense to the State.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the
Daily Ottumwa Courier, April 16, 1868, and in the *Daily State Reg-
 ister*, April 23, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 157.

LEGALIZING ACTS OF A JUSTICE OF THE PEACE.

APRIL 7. AN ACT to Legalize the Acts of Charles Hall, a Justice of the
 Peace of Hardin Township, Webster County, Iowa.

Preamble.

WHEREAS, Charles Hall was duly elected a justice of
 the peace in Hardin township, Webster county, Iowa,
 believing that he was a resident of said township; and

WHEREAS, By a recent survey of the county line of
 said county it is found that said Hall does not reside
 in said county of Webster, but in the county of Ham-
 ilton: therefore,

SECTION 1. *Be it enacted by the General Assembly
 of the State of Iowa,* That all acts done, judgments
 rendered, and all other proceedings had before, or done

by, said Charles Hall as such justice of the peace, are hereby legalized and made valid and binding, and shall have the same force and effect that they would have had, had said Hall resided in said Webster county.

Acts of Chas. Hall, of Hamilton co., as J. P. in Webster co., legalized.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in The Iowa Homestead and Daily State Register, without expense to the State.

Taking effect. No expense to State.

Approved April 7, 1868.

[For certificate of publication, see "Addenda."]

CHAPTER 158.

LEGALIZING ACKNOWLEDGMENTS OF DEEDS.

AN ACT Relating to the Acknowledgment and Recording of Deeds in certain Cases, and rendering Valid the Acknowledgment of Deeds and Instruments in Writing. APRIL 7.

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That all deeds and conveyances of lands, tenements, and hereditaments, lying and being within this State, heretofore executed, and which said deeds and conveyances have been acknowledged, or proved, according to and in compliance with the laws and usages of the State, territory, or country in which such deeds and conveyances were acknowledged and proved, or in which they shall be acknowledged or proven, are hereby declared effectual and valid in law, to all intents and purposes as though the same acknowledgments had been taken or proof of execution made within this State, and in pursuance to the acts and laws thereof, and such deeds, so acknowledged or proved as aforesaid, may be admitted to be recorded in the respective counties in which such lands, tenements, or hereditaments do or may be, anything in the acts and laws of this State to the contrary thereof notwithstanding: Provided, That all deeds and conveyances of lands, tenements, and hereditaments situated within this State, which have been acknowledged or proved in any other State, territory, or country, according to and in compliance with the laws and usages of such State, territory, or country, and which deeds or conveyances have been recorded within this State, be and the same

Conveyances of property in Iowa made in other States, &c. according to their laws made valid.

Admitted to record.

Provido: record confirmed.

are hereby confirmed and declared effectual and valid in law, to all intents and purposes, as though the said deeds or conveyances so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved within this State.

Acknowledgments of all deeds, mortgages, &c., now recorded, legalized.

SEC. 2. That the acknowledgments of all deeds, mortgages, and other instruments in writing, taken and certified previous to the passage of this act, and which have been duly recorded in the proper counties of this State, be and the same are hereby declared to be legal and valid in all courts of law or equity in this State or elsewhere, anything in the several different acts or laws of the territory or State of Iowa in regard to acknowledgments to the contrary notwithstanding.

Acknowledgment without seal valid.

SEC. 3. That all deeds, mortgages, or other instruments in writing, for the conveyance of lands, which have heretofore been made and executed, and the officer taking the acknowledgment has not affixed his seal to the acknowledgment, such acknowledgment shall nevertheless be good and valid in law and equity, anything in law heretofore passed to the contrary notwithstanding.

Approved April 7, 1868.

CHAPTER 159.

GENERAL APPROPRIATION LAW.

APRIL 7. AN ACT Making Appropriations for the Payment of the Salaries of the State and Judicial Officers, Interest on the State Bonds, and for other Purposes therein designated.

Appropriation for 2½ years

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That for the payment of the salaries of the several officers hereinafter designated for the term of two years and three months, commencing on the first day of January, A. D. 1868, and ending on the 31st day of March, A. D. 1870, the following sums of money be and the same are hereby appropriated.

Governor's salary, \$5,625.
Contingent, \$2,000.

SEC. 2. For the payment of the salary of the Governor the sum of five thousand six hundred and twenty-five dollars, and for contingent expenses of the Executive office, the sum of two thousand dollars.

Private Sec., \$2,250.

SEC. 3. For the payment of the salary of the Governor's Private Secretary the sum of two thousand two hundred and fifty dollars.

SEC. 4. For the payment of the house rent for the Governor the sum of \$1600 or so much thereof as may be necessary, providing he makes Des Moines his residence during his term of office. House rent,
\$1,600.

SEC. 5. For the payment of the salary of the Secretary of State the sum of two thousand nine hundred and twenty - five dollars. Secretary,
\$2,925.

SEC. 6. For the payment of the salary of the deputy Secretary of State the sum of two thousand two hundred and fifty dollars. Deputy do.,
\$2,250.

SEC. 7. For the payment of the salary of the Auditor of State the sum of two thousand nine hundred and forty - five dollars. Auditor,
\$2,945.

SEC. 8. For the payment of the salary of the deputy Auditor of State the sum of two thousand two hundred and fifty dollars. Deputy do.,
\$2,250.

SEC. 9. For the payment of the salary of the Treasurer of State the sum of four thousand five hundred dollars or so much thereof as may be necessary. Treasurer,
\$4,500.

SEC. 10. For the payment of the salary of the deputy Treasurer of State the sum of two thousand two hundred and fifty dollars. Deputy do.,
\$2,250.

SEC. 11. For the payment of the salary of the Register of the State Land Office the sum of three thousand three hundred and seventy - five dollars. Register S. L.
O., \$3,375.

SEC. 12. For the payment of the salary of the deputy Register of the State Land Office the sum of two thousand two hundred and fifty dollars. Deputy do.,
\$2,250.

SEC. 13. For the payment of the salary of the Superintendent of Public Instructions, the sum of three thousand three hundred and seventy - five dollars. Supt. of Pub.
Instr., \$3,375.

SEC. 14. For the payment of the salary of the Deputy Superintendent of Public Instruction, the sum of two thousand two hundred and fifty dollars. Deputy do.,
\$2,250.

SEC. 15. For the payment of the salaries of the Supreme Judges, the sum of twenty thousand seven hundred dollars; and for the expenses of the Supreme Court, during the time aforesaid, the sum of six thousand dollars, or so much thereof as may be necessary, and all the bills for such expenses shall contain one of the Judges of said court before being audited. Sup. Judges,
\$20,700.
Expenses of
court, \$6,000.
Bills certified.

SEC. 16. For the payment of the salary of the Attorney-General the sum of three thousand three hundred and seventy - five dollars. Att'y-Gen'l,
\$3,375.

SEC. 17. For the payment of the salaries of the district judges the sum of forty - eight thousand six hundred dollars. Dist. Judges,
\$48,600.

- Circ't Judges, \$45,000. SEC. 18. For the payment of circuit court judges for the term of one year and three months ending 31st of March, 1870, the sum of forty-five thousand dollars.
- Dist. Att'ys, \$16,800. SEC. 19. For the payment of the salaries of the district-attorneys, the sum of sixteen thousand two hundred dollars, and for deficiency in 5th district, one hundred dollars.
- Adj't. General, \$4,289.03. SEC. 20. For the payment of the salary of the Adjutant-General, the sum of four thousand two hundred and eighty-nine and $\frac{3}{8}$ dollars; and for the payment of clerks in the Adjutant-General's office the G. O., \$4,000. the sum of four thousand dollars, or so much thereof as may be necessary.
- Contingent fund deficiency, \$5,118.14. SEC. 21. For the payment of deficiency of contingent fund, as per bills now in Auditor's office, the sum of five thousand one hundred and thirteen $\frac{1}{8}$ dollars.
- Certificates of claims, \$1,778.88. SEC. 22. For the payment of certificates issued according to paragraph five, chapter seven, Revision of 1860, the sum of seventeen hundred and seventy eight $\frac{3}{8}$ dollars.
- Clerk-hire; officers to report; for Secretary's office, \$1,500. SEC. 23. *Be it further enacted*, That the following sums be and the same are hereby appropriated for additional clerk-hire for the several offices herein designated: *Provided*, That all officers having an appropriation for the payment of clerk-hire or other contingent expenses shall report to the next General Assembly the amount of such appropriation expended, for what purpose expended, and to whom paid.
- Auditor's office, \$1,500. SEC. 24. For the office of Secretary of State, the sum of one thousand five hundred dollars, or so much thereof as may be necessary.
- Janitor, night guards, and fireman at capitol, \$7,000; how expended. SEC. 25. For the office of Auditor of State, the sum of one thousand five hundred dollars, or so much thereof as may be necessary.
- Contingent fund, \$15,000. SEC. 26. For the payment of a janitor and the necessary number of night-guards, and fireman for the capitol building, for the term of two years and three months ending March 31st, A. D. 1870, the sum of seven thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Census Board.
- SEC. 27. For the payment of postage of State officers, furniture for State House and offices, fuel and lights for State House, and such other necessary expenses as are not specifically provided for, for the term of two years ending December 31st, A. D. 1869, the sum of fifteen thousand dollars, or so much thereof as may be necessary: *Provided*, That all bills properly

chargeable to said appropriation shall be made out by bills certified items, and certified to be correct by the officer incurring the expense and approved by the census board before being audited.

Sec. 28. 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 services actually rendered.

Sec. 29. 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, the sum of forty-two thousand two hundred and ten dollars, or so much thereof as shall be necessary, to be drawn from the State treasury only when necessary to pay said interest and expenses, as they may become due.

Sec. 30. For the payment of two annual installments of interest on school-fund loans, to become due, the sum of forty-six thousand nine hundred and thirty-five and $\frac{2}{3}$ dollars.

Sec. 31. This act, being deemed of immediate importance, shall be in force upon its publication in the Iowa State Register and Statesman, newspapers published at Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 25, 1868, and in *The Iowa Evening Statesman* April 25, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 160.

CREATING THE OFFICE OF COUNTY AUDITOR.

AN ACT to Provide for the Election of County Auditors, and to Define their Powers and Duties, and Making County Judges *ex-officio* County Auditor. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That at the general election preceding the expiration of the term of office of the present county judge in any county, and every two years thereafter, there shall be elected in each organized county in this State a County Auditor, whose term

of office shall commence on the first Monday in January following his election, and who shall hold his office for two years, and until his successor is elected and qualified. The county judge in each county shall be, *ex-officio*, auditor after the first day of January, 1869, and shall discharge the duties of county auditor until the auditor shall be elected and qualified; and thereafter the said auditor shall be elected and qualified, the office of county judge shall cease. Said auditor shall act as clerk of the board of supervisors, and shall perform all duties required by law to be performed by the clerk of the board of supervisors, and such other duties as may be required of him by the board of supervisors. He shall perform all duties in respect to the school-fund and school-lands now performed by the clerk of the district court, and for a failure or neglect to discharge any of the duties hereby or by law conferred on him, shall be liable to the same penalties, and in the same manner, and to the same extent, as the clerk of the board of supervisors or clerk of the district court *are* [is] liable for like failure or neglect.

SEC. 2. The auditor shall have power to exercise all the duties now performed by the clerk of the board of supervisors in relation to the establishment, alteration, and vacation of roads within his county, and for that purpose shall have power and jurisdiction to receive petitions, issue notices, appoint commissioners, and to hear and determine all matters in relation to the vacation, establishment, or alteration of roads, and to make all orders relating to the same, subject, however, in all cases, to final review and approval by the board of supervisors.

SEC. 3. The auditor shall have the keeping and management of the transfer-books provided for by chapter 61, of the acts of the Eleventh General Assembly, and for the transfers made on said books shall be entitled to a fee of twenty-five cents for each deed, and the county recorder shall not file for record any deed of real property, until the proper entries have been made upon the transfer-books in the auditor's office, and indorsed upon the deed: *Provided*, That so much of said chapter 61, as requires the date of the filing of the deed in the transfer-book, and the keeping of the descriptive book, are hereby repealed.

SEC. 4. Vacancies occurring in the office of auditor or shall be filled by appointment by the board of supervisors, and the person so appointed shall hold his office

Co. judge to be auditor in 1869. Thereafter office abolished.

Duties of auditor.

Clerk board supervisors.

School-fund, &c.

Penalties.

Road business.

Review by board supervisors.

Have charge of transfer-books.

1866, ch. 61. Fee. Descriptive-book not to be kept.

Vacancies to be filled by board.

until his successor is elected and qualified. Such Auditor, and the county judges before entering upon the discharge of the duties of said office, shall give a bond as provided in section 340 of the Revision of 1860, and shall take the usual oath of office, and such bond and oath shall be filed with the county treasurer.

SEC. 5. It shall be the duty of the county auditor to file all official bonds of justices of the peace in the office of the clerk of the district court after the same have been approved.

SEC. 6. The auditor shall receive the same compensation as is now provided by law for like services now performed by the clerk of the board of supervisors, or by the clerk of the district court, and such additional compensation as may be allowed him by the board of supervisors.

SEC. 7. The clerk of the district court and county recorder shall each be eligible to the office of county auditor, and may discharge the duties of both offices.

Approved April 7, 1868.

CHAPTER 161.

SUPREME COURT REPORTS.

AN ACT to Authorize the Secretary of State to exchange Copies of the Supreme Court Reports for such other Books on Law and Equity as the Supreme Court may select. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Secretary of State is hereby authorized to exchange one hundred copies of each volume of the Supreme Court reports of this State for such other books on law and equity as the Supreme Court may select, and the books obtained by such exchange shall be deposited in the State library and remain the property of the State.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and The Iowa Evening Statesman, papers published at Des Moines, Iowa.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 22, 1868, and in the *Daily State Register* April 23, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 162.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

APRIL 7. AN ACT to Increase the Duties of the Superintendent of Public Instruction and to Provide Additional Compensation therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section five of chapter fifty-amended.

two of the laws passed by the Tenth General Assembly be amended by the substitution of section two of this act.

SEC. 2. He shall be charged with the general supervision of all the county superintendents and all the common schools of the State. He shall meet county

superintendents in convention at such points in the State as he may deem most suitable for that purpose, and by explanation and discussion endeavor to secure a more uniform and efficient administration of school-laws. He

shall attend teachers' institutes in the several counties of the State as far as may be consistent with the proper discharge of other duties imposed by law, and assist by

lecture or otherwise in their instruction and management. He shall render a written opinion to any school-officer asking it touching the exposition or administration of any

school-law, and shall determine all cases appealed from the decision of county superintendents. It is hereby

made the duty of the Superintendent of Public Instruction to revise and codify all school-laws which may be in force after the adjournment of the regular session of each General Assembly before printing a new edition of said laws as now required by statute.

SEC. 3. For indexing and distributing school-laws, as now required by statute, and for the expense of traveling required by section two of this act, the Superintendent of Public Instruction shall receive five hundred dollars per annum, for which warrants shall be drawn on his order by the Auditor of State.

SEC. 4. That all acts and parts of acts which confer power upon the Superintendent of Public Instruction, the right to select or direct what kind of books shall be used in common schools, be and the same are hereby repealed.

SEC. 5. 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 Evening Statesman, newspapers published at Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 9, 1868, and in *The Iowa Evening Statesman* April 20, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 163.

APPROPRIATION FOR STATE HISTORICAL SOCIETY.

AN ACT in Relation to the State Historical Society.

APRIL 7.

WHEREAS, The Iowa State Historical Society was created by an act of the Sixth General Assembly of the State of Iowa for the purpose of collecting, arranging, and preserving books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials, illustrative of the history of this State; and also to preserve the memory of the early pioneers of Iowa, their deeds, exploits, perils, and adventures; to secure facts relative to the history of our Indian tribes; to exhibit faithfully the antiquities, and to mark the progress, of our rapidly developing commonwealth; to publish such of the collections of the Society as it shall from time to time deem of value and interest; to bind such publications and other books, pamphlets, manuscripts, and papers as they may publish or collect; and to aid in all respects, as may be within its province, to develop the history of this State in all its departments: therefore,

Preamble:
objects of
Historical So-
ciety.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, For the above purposes, and to aid in defraying the incidental expenses of said Society, including rent and salary of the secretary, there is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of three thousand dollars per annum, for two years, to be drawn on the order and expended by the board of curators of the said State Historical Society, in such sums as they may from time to time require.

Appropriation: \$3,000 per annum.

How drawn.

SEC. 2. It shall be the duty of said Society to keep an accurate account of the manner of expenditure of the money hereby appropriated, and furnish a full statement thereof, together with the vouchers, to the Governor of this State in the month of December preceding the meeting of each session of the General Assembly, to be by him laid before it.

Society to keep account of expenditure, and furnish statement to Governor.

SEC. 3. There shall be delivered to the said Society eighty bound copies of all books and documents published by order of the State, for the purpose of effecting exchanges with similar Societies in other States, and for preservation in the library of said Society.

Eighty bound copies of all books.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

SEC. 5. This act being deemed of immediate importance, shall be in force from and after its publication in the Daily State Register and Iowa Evening Statesman, newspapers published at Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 23, 1868, and in the *Daily State Register* April 24, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 164.

DISTRICT COURTS IN BREMER AND FLOYD COUNTIES.

APRIL 7. AN ACT to Change the Time of holding Court in Waverly, Bremer County, and Saint Charles, Floyd County, in the 12th Judicial District.

1866, ch. 63.
Bremer co.,
January.

Floyd co.,
April and
Sept.

Suits, &c.,
pending and
returnable;

not affected.

Repealing
clause.

Taking effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That where the word[s] First Monday in January now occurs in section 1, chapter 62, of the laws of 1866, read, Fourth Monday of January, in lieu thereof.

SEC. 2. The district court in Floyd county, in the 12th judicial district, shall be held as follows: At Saint Charles in said county, on the last Monday of April and the first Monday in September of each year, after June 1st, 1868.

SEC. 3. All suits, pleadings, 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.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 5. 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 Evening Statesman, newspapers published at Des Moines, Iowa.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 24, 1868, and in the *Daily State Register* April 26, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 165.

PUBLICATIONS IN FOREIGN LANGUAGES.

AN ACT Relating to the Publication of Notices and Proceedings in Newspapers published in the Foreign Languages. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in all counties having a population exceeding eighteen thousand inhabitants, in which a newspaper is published in any foreign language, all publications required by law to be in newspapers, shall be made in such of the first above-referred-to class of newspapers as the board of supervisors may order, except those publications required in civil actions, and as to such the officer or person having the control may order the publication in any newspaper in the county printed in any foreign language.

Bd. Supervisors to select foreign papers for legal publications in counties of over 18,000 population. Exception.

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

Taking effect.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 28, 1868, and in the *Daily State Register* April 29, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 166.

FIRE - LIMITS IN CITIES.

AN ACT to Authorize Cities of the First and Second Classes to establish Fire-Limits. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the mayor and city council, of any city of the first or second class, shall have authority by city ordinance to declare and establish certain limits within such city, wherein no building or addition to any building shall, after the passage of such ordinance, be erected except with outer walls composed of iron, stone, or brick and mortar, or other material non-combustible.

Fire limits.

SEC. 2. That this act shall be in force, and have

Taking effect.

effect, from and after its publication in The Evening Statesman and State Register, papers published at Des Moines.

Approved April 7, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 12, 1868, and in *The Iowa Evening Statesman* April 20, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 167.

SPECIAL APPROPRIATION LAW.

APRIL 8. AN ACT Making Appropriations for the *per diem* and Expenses of the Twelfth 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 are hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, to the persons and for the purposes herein named.
- SECTION 2.** For the payment of the *per diem* of the members, officers, and employees of the House of Representatives, the sum of thirty-two thousand dollars, or so much thereof as may be necessary, the said amount to be paid upon a general certificate showing the amount due each member, officer, and employee respectively, which certificate shall be signed by the Speaker and chief clerk of the House of Representatives, and the President and secretary of the Senate, and the Auditor of State shall issue a warrant for the amount so paid.
- SECTION 3.** For the payment of the *per diem* of the members, officers, and employees of the Senate, the sum of seventeen thousand nine hundred and fifty dollars, or so much thereof as may be necessary; to be audited and paid as provided for in section two of this act.
- SECTION 4.** To Letson & Sneer, for carriages and incidental expenses carrying the joint visiting committee to the Agricultural College and Farm, and return, forty-eight dollars and fifty cents.
- SECTION 5.** For the payment of the expenses of the distribution of the Adjutant-General's Report of 1868, the sum of two hundred dollars, or so much thereof as may be necessary, to be drawn by the Secretary of
- Appropriation. Pay, &c., of House of Representatives, \$32,000. Paid on certificate. Warrant. Senate, \$17,950. Committee to visit Agricultural College, \$48.50. Distribution of Adj't-General's Report, \$200.

State as the same may be needed for the prosecution of the work.

SEC. 6. To William Larrabee, R. M. Burnett, and J. H. Hatch, for expenses incurred as a legislative committee to visit and report upon the condition of the Orphans' Home at Davenport, thirty dollars each: ninety dollars. Committee to visit Davenport Home, \$90.

SEC. 7. To Robert Smyth, L. F. Parker, and P. G. Wright; for expenses incurred as a legislative committee to visit and report upon the condition of the Orphans' Home at Glenwood, and the location of the Deaf and Dumb asylum at Council Bluffs—forty dollars each—one hundred and twenty dollars. Committee to Glenwood Home, &c., \$120.

SEC. 8. To Theron W. Woolson, Samuel McNutt, and J. H. Brown, for expenses incurred as a legislative committee to visit and report upon the condition of the Penitentiary, and also the suitability of the "Solferino Farm," as a site for the proposed State Reform School, also the buildings and farm of the "White's" Manual Labor School as a temporary location for said Reform School, \$50 each: one hundred and fifty dollars. Committee to visit Solferino farm, &c., \$150.

*SEC. 10. To Wm. G. Donnan, W. P. Gaylord, and Thomas B. Knapp, for expenses incurred as a legislative committee to visit and report upon the condition of the Orphans' Home at Cedar Falls, \$50 each: one hundred and fifty dollars. Committee to visit Home at Cedar Falls, \$150.

SEC. 11. To Geo. E. Griffith, Joel Brown, and John W. Traer, thirty dollars each for expenses incurred as a legislative committee to visit and report upon the condition of the Blind Asylum at Vinton: ninety dollars. Committee to visit Blind Asylum, \$90.

SEC. 12. To John Beydolph, for translating the special message into the Swedish language, fifteen dollars. Swedish translation, \$15.

SEC. 13. To Charles Jones, for translating the biennial message and inaugural into Bohemian, fifty dollars. Bohemian translation, \$50.

SEC. 14. To pay expenses of distributing the second volume of Legislative Documents, eighty dollars, or so much thereof as may be necessary. Distributing Leg. Doc'ts, \$80.

SEC. 15. To B. Arrundson [Anundson], for printing the Governor's message, the inaugural address, and special message in the Norwegian language, and for paper furnished for the same, and for binding, the sum of one hundred and seventy dollars and sixty-five cents. Printing in Norwegian, &c., \$170.65.

SEC. 16. For the payment of the salaries of the officers and employees of the State Reform School for Reform School, \$4,000.

* There is no "Section 9" in the enrolled bill.

the ensuing two years, the sum of four thousand dollars, or so much thereof as may be necessary.

Postmaster
G. A., \$435.

SEC. 17. To Jonathan Thatcher, for 87 days' services as postmaster, at five dollars per day, four hundred and thirty-five dollars.

Assistant do.,
\$435.

SEC. 18. To Geo. F. Work, for 87 days' services as assistant postmaster, at five dollars per day, four hundred and thirty-five dollars.

Mall-carrier,
\$455.

SEC. 19. To Lewis P. Baker, for 87 days' services as mail-carrier, at five dollars per day, four hundred and thirty-five dollars.

President pro
tem. of Sen-
ate, \$24.

SEC. 20. To G. G. Bennett, for eight days' services as President *pro tempore* of the Senate, the sum of twenty-four dollars.

German trans-
lation, \$50.

SEC. 21. To Theodore Guelick[h], for translating the biennial and special messages into German, fifty dollars.

Swedish trans-
lation, \$50.

SEC. 22. To W. A. Holcomb, for translating the biennial message and the inaugural into the Swedish language, fifty dollars.

Dutch trans-
lation, \$60.

SEC. 23. To N. J. Gesman, for translating the biennial message, the inaugural address, and special message into the Holland language, the sum of sixty dollars.

Committee to
Insane Hosp.
\$60.

SEC. 24. To H. C. Bulis, M. A. Dashiell, and E. Mecha[e]m, for expenses incurred as legislative committee to visit and report upon the condition of the Insane asylum at Mount Pleasant—twenty dollars each—sixty dollars.

Committee to
University &
D. & D. Inst.
\$60.

SEC. 25. To L. E. Fellows, Charles G. Trusdell, and J. T. Atkins, for expenses incurred as legislative committee to visit and report upon the condition of the State University and Deaf and Dumb asylum at Iowa City—twenty dollars each—sixty dollars.

Expenses of
defense of
parties mak-
ing an arrest
by order of
Gov., \$335.

SEC. 26. For the payment of expenses incurred by E. S. Bartlett, T. H. Bixly, R. S. Buell, William Burrell, A. J. Hamilton, Thomas Chace, R. R. Lyman, S. J. Buck, and L. F. Parker, in making a defense against a prosecution commenced against them for the arrest, in pursuance of an order of the Governor, of the members of a certain military company, supposed to have been implicated in the murder of Provost-Marshal Woodruff and Basha[o]re, the sum of three hundred and thirty-five dollars.

Making list of
notaries, \$72.

SEC. 27. For payment to Daniel Ellyson, for eighteen days' services, making list of notaries public, at four dollars per day, seventy-two dollars.

Diagrams,
\$20.

SEC. 28. To Frank Sutton, for making diagrams of the Representatives' hall and of the Senate chamber, twenty dollars.

SEC. 29. To the State Horticultural Society, for the encouragement of horticulture for the years 1868 and 1869 each the sum of eight hundred dollars: sixteen hundred dollars. State Horticultural Soc., \$1600.

SEC. 30. To the Capital City Cornet Band, for services rendered on the occasion of the inauguration of Governor Merrill, thirty dollars. Music at inauguration, \$30.

SEC. 31. For the payment of claims for material furnished for the stockade and buildings at Estherville, as follows: To E. Whitcomb, forty dollars; to Hiram Barrett, twenty-five dollars; to Jesse Coverdale, fifty dollars; to Charles Jarvis, fifty dollars; to J. R. Hopkins, one hundred and seventy-five dollars. Material for stockade and buildings at Estherville.

SEC. 32. To Jenkins and Davis for sawing twenty-four thousand feet of lumber for the stockade at Estherville, in the years 1862 and 1863, by order of Captain William H. Ingham, the sum of two hundred and forty dollars. Lumber for same, \$240.

SEC. 33. For the payment of subscriptions for newspapers taken by the members of the Senate, the sums following, to-wit: Newspapers for Senate.

G. M. Smith.....	\$ 400.75
State Register.....	2,054.25
Iowa Homestead.....	682.50
Dubuque Times.....	117.75
Statesman.....	354.00
Tipton Advertiser.....	24.35
Iowa City Republican.....	3.15
Anamosa Eureka.....	6.50
Keokuk Gate City.....	237.25
Pella Blade.....	21.75
Muscatine Journal.....	66.00
Temperance Platform.....	144.75
Davenport Gazette.....	125.00
Lyons Mirror.....	.75
Clinton Herald.....	.75
De Witt Observer.....	.75
Lyons Advocate.....	4.50
Burlington Hawk-Eye.....	201.75
Die Iowa Tribune.....	6.50
Davenport Democrat.....	75.75
Le Claire Register.....	45.00
Cedar Falls Gazette.....	18.15
Waterloo Courier.....	16.50
Boone County Advocate.....	9.40
McGregor News.....	67.50
Cerro Gordo Republican.....	18.15
Clermont Leader.....	15.00

Newspapers
for Senate —
continued.

Dubuque Herald.....	\$ 105.75
Charles City Intelligencer.....	17.25
Humboldt True Democrat.....	3.15
Iowa City Press.....	30.75
Upper Des Moines.....	3.00
Marshall County Times.....	7.00
Monona County Gazette.....	4.40
Iowa North - West.....	12.00
Sioux City Journal.....	9.50
Winnebago Press.....	1.35
Waukon Standard.....	1.50
Vinton Eagle.....	15.50
Bremer County Phoenix.....	3.75
North Iowa Times.....	6.75
Delaware County Union.....	4.00
National Demokrat.....	120.00
Monthly Evergreen.....	3.15
Eldora Ledger.....	71.45
Mt. Pleasant Journal.....	1.35
Progressive Republican.....	5.65
Jasper Republican.....	4.40
Monticello Express.....	5.50
Die Keokuk Telegraph.....	33.80
Sigourney News.....	24.75
Cedar Valley Times.....	16.35
Ottumwa Courier.....	70.50
Decorah Republican.....	13.50
Adair County Register.....	1.25
Loyal Citizen.....	14.25
Dallas Gazette.....	11.00
Burlington Gazette and Argus.....	14.50
Guthrie County Ledger.....	18.50
Guthrie Vedette.....	1.00
Jasper Free Press.....	6.00
Fort Madison Plaindealer.....	.75
Winterset Madisonian.....	5.65
Albia Union.....	29.00
Montana Standard.....	9.00
Clayton County Journal.....	7.50
Oskaloosa Herald.....	20.25
Davenport Der Demokrat.....	31.50
Lansing Mirror.....	2.00
Winneshiek Register.....	12.00
Nashua Post.....	6.25
Centre [Central] Iowa Citizen.....	10.00
Muscatine Courier.....	14.75
Wilton Chronicle.....	.75
Fayette County Union.....	3.00

American Union.....	4.50	Newspapers for Senate— continued.
Cresco Times.....	2.00	
Sabula Gazette.....	.75	
Iowa Democrat.....	1.90	
Keokuk Constitution.....	29.25	
Chariton Democrat.....	4.35	
Democratic Conservator.....	3.15	
Marion County Democrat.....	2.25	
Marshall County Advance.....	3.00	
Council Bluffs Bugle.....	28.50	
True Radical.....	28.50	
Bentonsport Signal.....	3.00	
Eddyville Transcript.....	8.25	
Sioux City Register.....	2.25	
Buchanan County Bulletin.....	12.75	
Mount Pleasant Free Press.....	2.25	
Marion Register.....	18.00	
Wapello Republican.....	3.00	
Iowa Citizen.....	1.25	
Waverly News.....	3.00	
Leon Pioneer.....	2.00	
Burlington Tribune.....	40.00	
Iowa Staats Zeitung.....	36.00	
Fayette County Union.....	.75	
Council Bluffs Press.....	.75	
Howard County Plaindealer.....	1.25	
Marengo Citizen.....	1.50	
De Pella Gazette.....	.75	
Democratic Mercury.....	4.25	
Ringgold Record.....	1.75	
Bell Plain[e] Transcript.....	.75	
Benton County News.....	.75	
Davis County Republican.....	4.50	
Soldiers' Friend.....	11.50	
Tama County Union.....	.75	
Tama County Republican.....	.75	
Orford Leader.....	.75	
Central Iowa Citizen.....	6.50	
Iowa Voter.....	9.00	
Montezuma Republican.....	7.50	
Western Jurist.....	7.00	
Butler County Gazette.....	4.00	
Franklin Reporter.....	5.25	
New Jefferson Era.....	4.50	
Hamilton Freeman.....	42.00	
Iowa Falls Sentinel.....	55.50	
Story County Egis.....	9.00	
Weekly Chronicle.....	1.25	

Newspapers
for Senate—
continued.

Cresco Plaindealer.....	\$.75
Fairfield Ledger.....	81.00
Denison Review.....	1.25
Magnolia Star.....	1.25
Page County Herald.....	.75
Iowa Instructor, &c.....	8.44
Washington County Press.....	13.00
Washington Record.....	3.00
Centerville Citizen.....	.75
Indianola Visitor.....	31.85
Afton Tribune.....	.75
North Iowa Observer.....	1.25
Annals of Iowa.....	.75
North Iowan.....	1.50
New Hampton Courier.....	1.50
Clark[e] County Sentinel.....	17.33
Mitchell County Press.....	.75
Marion County Copperhead.....	18.90
Corydon Monitor.....	15.00
Chariton Patriot.....	12.00
Fremont Times.....	.75
Iowa South - West.....	.75
Weekly Blade, Pella.....	.75
Weekly Methodist Recorder.....	2.25
Independence Conservative.....	4.50
Mechanicsville Journal.....	3.75
Irish Republic, Chicago.....	42.00
Keosauqua Republican.....	15.00
Irish Harp.....	.75
Council Bluffs Nonpareil.....	24.75

Norwegian
translation,
\$60.

SEC. 34. To B. Anundson, for translating the Governor's message, the Governor's inaugural, and special message into the Norwegian language, sixty dollars.

Paste, \$12.

SEC. 35. To E. M. Butman, for paste furnished for the use of the paper-folders of the Senate, twelve dollars.

Removal of
archives of
Surv.-Gen's
office, \$80.

SEC. 36. For payment of expenses of removal of the archives of the Surveyor-General's office from Dubuque to Des Moines, eighty dollars, or so much thereof as may be necessary.

Plans for D.
& D. Institu-
tion destroy-
ed, \$400.

SEC. 37. For payment for two plans and specifications for the Institution for the Deaf and Dumb at Council Bluffs, which plans were destroyed by a fire in said city, the sum of four hundred dollars, or so much thereof as the commissioners in charge of said Institution deem justly due the parties to which said plans belonged.

SEC. 38. To Eugene Peas[e], for 105 days' services,

assisting in repairing State house, and for miscellaneous work during the session, at two dollars per day, two hundred and ten dollars. E. Pease, \$210.

SEC. 39. To Michael Hanly, for 115 days' work, cleaning State house and fireman during the session, at two dollars per day, two hundred and thirty dollars. M. Hanly, \$230.

SEC. 40. To Andrew Murry, for 94 days' work, cleaning committee rooms and other work about the State buildings during the session, at two dollars per day, one hundred and eighty-eight dollars. A. Murry, \$188.

SEC. 41. To G. W. Rosser, for 84 days' service, copying bills for publication and assisting in distribution of documents and stationery, at two dollars and fifty cents per day, two hundred and ten dollars. G. W. Rosser, \$210.

SEC. 42. To H. Lischer, for printing 2500 copies of the Governor's inaugural in German, and for folding, stitching, and trimming the same, and for paper furnished, eighty-nine dollars and seventy-five cents. Printing inaugural in German, \$89.75.

SEC. 43. To G. G. Arndt, for translating the Governor's inaugural into German, twenty-five dollars. Inaugural in German, \$25.

SEC. 44. For payment of the postage of the Twelfth General Assembly, in addition to the amount heretofore appropriated, the sum of five thousand one hundred and thirty-eight dollars and seventy cents. Postage G. A. \$5188.70.

SEC. 45. For payment of the postage of the Twelfth General Assembly on matter to be forwarded after the adjournment under the direction of the Secretary of State, and for other expenses not otherwise provided for, five hundred dollars, or so much thereof as may be necessary. Same, \$500.

SEC. 46. For postage on regular and transient newspapers and printed matter, and for postage on unpaid mail matter received, six hundred and twenty-nine dollars and twenty-four cents. Same, \$621.24.

SEC. 47. For additional compensation to the chief clerk of the House and secretary of the Senate, for distributing the journals of the House and Senate, two hundred dollars each, to be paid upon the completion of said distribution. Distributing Journals, \$400.

SEC. 48. For payment of additional clerk-hire in the House, for clerks employed by the chief clerk, the sum of one hundred and seventy-five dollars, or so much thereof as may be necessary, to be paid on the certificate of the chief clerk. Additional clerk hire, H. R., \$175.

SEC. 49. For payment of additional clerk-hire in the Senate, the sum of fifty dollars, or so much thereof as may be necessary, to be paid upon the certificate of the secretary. Same, Senate, \$50.

- Chaplains** **SEC. 50.** For payment of the chaplains of the Senate, **\$261.** ate, to be divided among themselves, the sum of two hundred and sixty - one dollars.
- Same H. R.,** **SEC. 51.** For payment of the chaplains of the House of Representatives, to be divided among themselves, the sum of two hundred and sixty - one dollars. **\$261.**
- Printing messages in German, &c,** **SEC. 52.** To Do[a]ldorf and Sington for printing the Governor's message and special message in German, and for paper furnished, and express charges on same, two hundred and ten dollars and sixty cents. **\$210.60.**
- Expressage and drayage,** **SEC. 53.** To Louis P. Baker, for express charges paid by him upon packages for the State, and for drayage upon the same, four dollars and sixty cents; and for painting, graining, and varnishing counter in office of State Treasurer, twenty-four dollars and sixty cents: in all twenty - nine dollars and twenty cents. **\$4.60.**
- Painting, &c., in Treasurer's office,** **SEC. 54.** To C. A. Harvey, for work making counter and box in State Treasurer's office, eighty - three dollars. **\$24.60.**
- Counter, &c., Treasurer's office,** **SEC. 55.** For payment for grading and making plank walk on or in front of grounds belonging to the State, three hundred and sixty - nine dollars and twenty cents. **\$38.**
- Plank walk,** **SEC. 56.** To A. Morton, for 25 days' service as clerk of the committees on the suppression of intemperance, the sum of seventy - five dollars. **\$369.20.**
- Committee clerk,** **SEC. 57.** To Matthew Robinson, for grading sidewalk in front of State house, fifty dollars and sixty cents. **\$75.**
- Grading sidewalk,** **SEC. 58.** To M. C. Davis, for paste furnished the House, twenty - five dollars. **\$50.60.**
- Paste for H. R.,** **SEC. 59.** There is hereby appropriated the sum of three thousand five hundred dollars, or so much thereof as may be necessary, for the payment of the alleged claims of Jonathan C. Mitchell, Joseph A. Stright, D. P. Greeley, John Crew, Evans and Shellerbarger, and George Cowey [Cowie]. It shall be the duty of the Census Board to investigate said claims and pay thereon so much of said sum as they may find due from the State to each of said persons. **\$25.**
- \$3,500 for claims referred to Census Board.**
- Newspapers for members H. R.** **SEC. 60.** For the payment of the subscription for newspapers taken by the members of the House of Representatives the sums following to-wit:
- | | |
|---------------------------|-------|
| Advance, Marshall Co..... | 1.50 |
| Ægis, Story Co..... | 31.50 |
| Advertiser, Tipton..... | 3.10 |
| Advocate, Lyons..... | 6.50 |
| Advance, Chicago..... | 7.50 |

Bugle, Council Bluffs.....	\$ 170.25
Bulletin, Independence.....	24.75
Blade, Pella.....	27.75
Courier, Waterloo.....	17.25
Constitution, Keokuk.....	99.00
Courier, Muscatine.....	56.00
Courier, New Hampton.....	10.00
Citizen, Loyal, Appanoose.....	99.75
Chronicle, Weekly.....	4.51
Copperhead, Marion County.....	6.75
Citizen, Iowa Central.....	33.75
Conservative, Independence.....	9.00
Chronicle, Wilton.....	6.00
Courier, Ottumwa.....	126.00
Democrat, Davenport.....	345.75
Demokrat, Der, Davenport.....	128.00
Demokrat, Nat., Dubuque.....	345.00
Democrat, Fairfield.....	.75
Democrat, Chariton.....	.75
Democrat[ic] Conservator.....	4.50
Eureka, Anamosa.....	9.00
Era, New Jefferson.....	9.00
Eagle, Vinton.....	21.00
Express, Monticello.....	7.50
Excelsior, Maquoketa.....	4.50
Education, American Journal of.....	4.00
Freeman, Hamilton.....	8.25
Free Press, Jasper.....	6.75
Gazette, Clarksville.....	.75
Gazette, Sabula.....	.75
Gazette, Tama County.....	6.00
Guardian, Buchanan County.....	24.75
Guard, Weekly Union.....	15.00
Gazette, Butler County.....	14.40
Gazette, Cedar Falls.....	11.25
Gazette, West Union.....	30.00
Gazette, Pella.....	6.88
Gazette, Adel.....	26.50
Gazette, Davenport.....	535.50
Gazette and Argus.....	21.00
Gazette, Adams County.....	4.50
Gate City.....	572.25
Hawk-Eye, Burlington.....	331.00
Homestead.....	2,172.00
Herald, Oskaloosa.....	114.75
Herald, Dubuque.....	500.75
Herald, Clinton.....	36.25
Herald, Page Co.....	10.00

Newspapers
for H. R.—
continued.

Newspapers
for H. R.—
continued.

Herald, Poweshiek Co.....	\$ 10.00
Heywood, W. T.....	1,238.38
Intelligencer, National.....	3.00
Intelligencer, Charles City.....	9.00
Iowa, Annals of.....	8.12
Iowan, North.....	6.25
Independent, New York.....	6.16
Jurist, Western.....	3.00
Journal, Muscatine.....	170.25
Journal, Sioux City.....	39.00
Journal, Mt. Pleasant.....	30.62
Journal, Clayton County, and Der Herald	27.42
Journal, Iowa School.....	5.00
Journal, Bellevue.....	3.00
Journal, Chicago Evening.....	6.00
Ledger, Eldora.....	.62
Ledger, Panora.....	5.00
Ledger, Fairfield.....	153.75
Mirror, Lyons.....	8.12
Mirror, Lansing.....	1.00
Monitor, Corydon.....	16.50
Messenger, Cass County.....	13.00
Madisonian.....	18.75
Monthly, Atlantic.....	12.00
North American Review.....	6.00
News, McGregor.....	126.00
News, Sigourney.....	63.00
News, Benton County.....	6.25
News, Democratic.....	1.25
North-West, Fort Dodge.....	15.00
Nonpareil.....	91.38
News, Waverly.....	5.00
Opinion, Glenwood.....	82.50
Observer, De Witt.....	2.50
Observer, North Iowa.....	7.00
Press, Mitchell.....	.75
Press, Henry Co.....	26.25
Post, Nashua.....	12.96
Phoenix, Waverly.....	10.00
Platform.....	577.00
Press, Iowa City.....	206.25
Press, Washington Co.....	31.00
Pioneer, Leon.....	15.00
Patriot, Chariton.....	54.38
Press, Council Bluffs.....	15.00
Press, St. Paul.....	2.00
Republican, Chicago.....	3.00
Register, Des Moines.....	5428.50

Register, Sioux City.....	\$ 2.25
Republican, Decorah.....	29.25
Register, Winneshiek.....	18.12
Record, Fayette.....	.75
Republican, Keosauqua.....	36.00
Republican, Iowa City.....	3.00
Republican, Jasper Co.....	4.00
Republican, Montezuma....	10.00
Record, Washington, Iowa.....	30.00
Republican, Cerro Gordo.....	23.25
Republican, Progressive.....	11.25
Register, Marion.....	31.50
Register, Adair Co.....	16.25
Review, Denison.....	1.25
Record, Ringgold.....	5.62
Republican, Wapello.....	38.75
Radical, True.....	72.20
Reporter, Franklin.....	.62
Reporter, Hampton.....	13.50
Register, Tama Co.....	9.00
Republican, Tama County.....	7.50
Register, Le Claire.....	.62
Republic, Irish.....	340.00
Sentinel, Maquoketa.....	.75
South - West, Iowa....	4.50
Signal, Bentonsport.....	5.25
Standard, Waukon.....	7.50
Sentinel, Clark[e] County.....	20.00
Staat[s] Zeitung, <i>Iowa City</i> [Dubuque]..	34.50
Standard, Montana.....	100.50
Sentinel, Iowa Falls....	63.25
Statesman, Des Moines.....	999.50
Soldiers' Friend.....	21.50
Times, Chicago.....	12.00
Times, Marshall.....	125.25
Times, Dubuque.....	243.75
Telegraph, Weekly.....	106.25
Times, Cresco.....	10.50
Tribune, Iowa.....	39.75
Transcript, Belle Plain[e]....	5.00
Times, Cedar Valley.....	31.87
Transcript, Eddyville.....	63.00
Times, North Iowa.....	3.00
Times, Fremont.....	3.75
Tribune, Afton.....	16.87
Tribune, New York.....	2.00
Vedette, Panora.....	1.25
Visitor, Weekly.....	40.00

Newspapers
for H. R.—
continued.

Newspapers for H. R.— continued.	Voter, Iowa.....	17.50
	Volks Zeitung, Lyons.....	7.50
	Union, Tama County.....	3.75
	Union, Fayette County.....	4.00
	Union, Albia.....	21.00
	Union, Manchester.....	4.50
	Union, American.....	25.50
	Upper Des Moines.....	5.00
	Western Star, Magnolia.....	49.50
	Wilkes' Spirit of the Times.....	5.00
	Ticknor and Fields.....	4.00
Printing mes- sages in Dutch, \$151- .70.	SEC. 61. To John Van Ginkel & Co., for printing the biennial message, inaugural, and special message in the Holland language, one hundred and fifty-one dollars and seventy cents.	
Reward for arrest of a murderer, \$250.	SEC. 62. To Townsend Hall, for arrest of Wm. Thomas, <i>alias</i> Cumquick, in pursuance of a proclamation of Governor Grimes offering a reward of one thousand dollars for the arrest of said Cumquick, the sum of two hundred and fifty dollars, in full for all demands against the State for his services in the premises.	
P. M. after adjournment, \$85.	SEC. 63. To George F. Work for seven days' services as postmaster forwarding mail matter to members after the adjournment, the sum of thirty-five dollars.	
Taking effect.	SEC. 64. This act being deemed of immediate importance shall be in force from and after its publication in the <i>Daily State Register</i> and <i>Iowa Evening Statesman</i> , papers published at Des Moines, Iowa. Approved April 8, 1868.	

I hereby certify that the foregoing act was published in the *Daily State Register* April 18, 1868, and in *The Iowa Evening Statesman* April 18, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 168.

SALARY OF THE TREASURER OF STATE.

APRIL 9. AN ACT Fixing the Compensation of the State Treasurer.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the salary of the Treasurer of State shall be two thousand dollars per annum, to be audited like other claims on the State, and paid out

Treasurer's
salary \$2,000.

of any moneys in the treasury not otherwise appropriated, and this shall be his only compensation.

SEC. 2. Section eighty-two of the Revision of Sec. 82, Rev., 1860, and all acts and parts of acts inconsistent with &c., repealed. the provisions of this act, 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 Iowa State Register and Iowa Homestead, newspapers published at Des Moines, Iowa. Taking effect.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Iowa Homestead* April 9, 1868, and in the *Daily State Register* April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 169.

SALARY OF THE REGISTER OF THE STATE LAND-OFFICE

AN ACT in Relation to the Salary of the Register of the State Land-Office. APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter the salary of the Register of the State Land-Office shall be eighteen hundred dollars per annum. \$1,800.

SEC. 2. Section 100 of the Revision of 1860 is § 100, Rev., hereby repealed. repealed.

SEC. 3. This bill shall take effect and be in force from and after its publication in the Iowa State Register and *The Iowa Evening Statesman*, newspapers published in Des Moines, Iowa. Taking effect.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 8, 1868, and in the *Daily State Register* April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 170.

FURTHER APPROPRIATION FOR SALARY OF REGISTER OF STATE LAND - OFFICE.

APRIL 8. AN ACT Making further Appropriation for the Salary of the Register of the State Land - Office.

\$600 appropriated.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated for the payment of the salary of the Register of the State Land - Office, for the two years and three months ending on the thirty-first day of March, 1870, in addition to the amount already appropriated, the sum of six hundred dollars or so much thereof as he may be entitled to by law.

Approved April 8, 1868.

CHAPTER 171.

REGISTRY LAW.

APRIL 8. AN ACT for the Registry of Electors and to Prevent Fraudulent Voting.

Assessors to take lists of voters.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be the duty of the township assessors at every annual assessment to record in a separate book of suitable size, to be provided by the board of supervisors of the county, the full name and place of residence of every resident voter in the township who is or who may become a qualified elector previous to the next general election. Said list, properly certified, shall be delivered to the township clerk on or before the 1st day of July in each year, after the year A. D. 1868.

Board of registry meet in September.

SEC. 2. The township trustees and clerk shall constitute a board of registry for their respective townships, and shall meet after the year 1868, annually, at the office of the township clerk on the first Monday in September, at 9 o'clock A. M., for the purpose of making a list of all qualified electors in their respective townships. This list shall be called and known as the Register of Elections.

Register of Elections—

what to contain;

SEC. 3. The register of elections shall contain the names in full, alphabetically arranged, according to their surnames, so as to show in one column the name

at full length, and in another column opposite, in cities and incorporated villages, the residence by number of dwelling, if there be a number, and the name of the street or other location of the dwelling - place of each person. This register shall be made from the assessor's list and from the poll - books of the next previous election. Said register shall be kept by the township clerk, who shall, within two days after the adjournment of the board, cause a certified copy of said register to be posted up in a conspicuous place in his office, which shall be accessible to any elector of the township who may desire to examine the same.

how made; to be kept by tp. clerk;

copy posted up.

SEC. 4. The board of registry shall hold a meeting at the place where the last general election was held, or, if from any cause it cannot be held at such place, then at some place to be designated by notice published in at least one paper printed in the township, or posted in at least three public places therein, on the Tuesday preceding the general election of year, at which they shall revise, correct, and complete the register of elections, and they shall hear any evidence that may be brought before them in reference to such correction. They shall be in session for this purpose from 9 o'clock A. M., until 5 P. M., and from day to day thereafter and until they shall deem the register properly completed.

Meeting of board, where held.

Correction of register.

SEC. 5. In cases of corporation elections, it shall be the duty of the clerk of the city or town to prepare, from the poll - books of the last preceding annual election of said corporation, an alphabetical register of the electors as provided in section 3 of this act, and [he] shall post up one copy thereof in each ward at the place where the last preceding election was held, one month preceding such election, and furnish the original to the board of registry at their next meeting. The board of registry for said cities and towns shall consist of the mayor, assessor, clerk, and marshal, who shall meet, for the purpose of correcting the registry, one week before such election, at the usual place of meeting of the city council or trustees, and after having corrected the registry of voters, in each ward, as contemplated in the general provisions of this act, said board shall cause a certified copy of said registry for each ward in said town or city to be delivered to the election board of such wards at or before the time of opening the polls. After the canvassing of the votes, the registries shall be attached to the poll - books and filed in the office of the clerk of the city or town, for the use of the succeeding board of registry. The general provisions of

Corporation elections; clerk to prepare register;

post copy in each ward; furnish original to board.

Mayor, assessor, clerk, and marshal, bd. of registry; when & where to meet; to correct registry; certified copy to election board;

registry attached to poll books.

this act shall extend to incorporated towns and cities so far as the same may be applicable. The names of all persons not qualified as electors shall be stricken from the register, and any person appearing to register his name may be challenged by any elector or member of the board, and in case of such challenge shall be examined on oath touching his qualifications as an elector, which examination may or may not, in the discretion of the board, be reduced to writing; and if it shall appear upon such examination that the person is entitled to be registered, in the opinion of the board, or if, after such examination, the said person will take an oath that he is, or will be at the election for which the registry is made, a legal voter, stating the ward, district, or township in which he resides, and complying in other respects with the requirements of the oath now administered to an elector in case of his being challenged, then the board shall cause the name of said person to be registered.

Register open to inspection. SEC. 6. The register of elections shall at all times be open to inspection at the office of the township clerk without charge.

Temporary clerk. SEC. 7. The board of registry may appoint a clerk, in the absence of the township clerk, and may administer oaths in all cases coming before them for action.

Voters' names to be checked on register. SEC. 8. It shall be the duty of judges of elections to designate one of their number to check the name of every person voting, whose name is on the register. No vote shall be received at any general or special election hereafter held in this State from any person whose name does not appear on the register, unless the person offering to vote shall furnish the judges of election his affidavit, showing that he is a qualified elector, and a proper reason for not appearing before said board on the day for correcting said register, and prove by the affidavit of a person whose name is on said register that he knows such person to be a resident of such township, and, if in a city or incorporated village, giving the place of residence in the manner required to be entered on the register, which said affidavits shall be filed in the office of the township clerk.

Compensation of board. SEC. 9. The members of the board of registry shall receive the same compensation as is allowed by law for judges of election, for each day actually employed in making, completing, and posting said register. The necessary blanks and materials to carry out the provisions of this act shall be provided the same as other election blanks and materials.

SEC. 10. Any person who shall cause his name to be registered, knowing that he is not, or will not become, a qualified voter in the township where his name is registered, previous to the next general election, or who shall wrongfully personate any voter, and any person causing, aiding, or abetting any person in any manner in either of said acts, shall be guilty of a felony, and upon conviction thereof shall be punished for each and every offense by imprisonment in the State prison not less than one year. Any person who shall swear falsely before said board to material facts as to his qualifications as an elector, shall be deemed guilty of perjury, and on conviction thereof shall be punished as provided by law.

Improperly registering or wrongfully personating voter, & aiding, &c., same—a felony; how punished.

SEC. 11. After the canvass of votes at each election, one of the poll-books and register of elections shall be attached together and filed in the office of the township clerk for the use of the board of registry at their next annual election.

Register and poll-books attached, and kept by township clerk.

SEC. 12. The township trustees and township clerk shall meet at the office of the township clerk on the first Monday in September, 1868, at 8 o'clock A. M., and proceed to make a list of the qualified voters in their respective townships as provided for in section three of this act, except as to the residence, which may be omitted.

Trustees and clerk to make list September, 1868.

SEC. 13. The board shall procure and have before them the poll-book of the previous election, in the absence of the assessor's list, as provided for in section one of this act; and they may add the names of any persons residing in the township whom they believe to be qualified electors; and the register shall within two days after the adjournment of the board be posted in the manner provided for in section three of this act, and such register shall for the first year be, for all intents and purposes, the register provided in section three, and shall be revised and corrected at the meeting of said trustees at their meeting on the Tuesday preceding the general election in each year.

Absence of assessor's list.
Provisions for first year.

SEC. 14. In cases of special elections, the township clerk shall furnish to the board of registry of their respective townships, ten days before such election, a duly certified copy of the corrected registry for the last preceding general election, at a meeting of said board, to be held at the usual place of meeting, when they shall proceed to correct and perfect said registry as provided in this act.

Special elections.

Approved April 8, 1868.

CHAPTER 172.

IN RELATION TO RAILROAD COMPANIES, LESSEES, ETC.

APRIL 8. AN ACT to Amend an Act entitled, An Act in Relation to the Duties of Railroad Companies, approved April 8th, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the duties and liabilities imposed upon railroad companies, by chapter 169 of the laws of the 9th General Assembly, shall apply equally to all lessees of any railroad *company* operating the same within this State, as fully as if such lessees were named therein.

Ch. 169, 1862, extended to lessees of railroads, & companies operating same.

Suits against company, lessees, &c, may commence in any county thro' which road passes. Sufficient service.

SEC. 2. In all cases of suits against any railroad company, lessees, corporation, or individuals, operating any railroad, for damages claimed either to person or property, 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 or lessees, transacting business of said company or lessees, shall be deemed sufficient service upon the principal.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in *The Iowa Evening Statesman*, newspaper published at Des Moines, and the daily Constitution, newspaper published at Keokuk, Iowa.

Taking effect.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Constitution* April 16, 1868, and in *The Iowa Evening Statesman* April 17, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 173.

LIFE INSURANCE LAW.

APRIL 8. AN ACT to Regulate Life Insurance Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That every company formed for the purpose of assuring the lives of individuals, whether organized under the laws of this State or of any other State, or foreign country, shall, before issuing

any policies on lives within this State, comply with the conditions and restrictions of this act. Home insurance companies.

SEC. 2. Joint-stock companies organized under the laws of this State shall have not less than one hundred thousand dollars of capital stock subscribed, twenty-five per cent. of which shall be paid up and invested in United States stocks, or of this State, or in bonds and mortgages upon unencumbered real estate in the State of Iowa, worth, exclusive of improvements, at least double the sum loaned thereon, which said securities shall be deposited with the Auditor of State, and upon said deposit and satisfactory evidence to the Auditor that the capital stock is all subscribed in good faith, he shall issue to said company the certificate hereinafter provided for: *Provided*, No part of the twenty-five per cent. aforesaid shall be loaned to any stockholder or officer of the company; the remainder of such stock shall be paid in such time as the directors or trustees of the company may direct, and the same shall be secured by the notes of the stockholders of said company: And no note shall be accepted as part of such capital stock unless the same shall be accompanied by a certificate of a justice of the peace, notary public, or clerk of the district court of the county in which the person executing such note shall reside, that the person making the same is, in his opinion, pecuniarily good and responsible for the same in property not exempt from execution by the laws of this State. Stock companies to have \$100,000 capital. 25 per cent. paid up; how invested. Securities; where deposited. No part loaned to stockholders. Remainder of stock. Notes to be certified.

SEC. 3. Companies organized under the laws of this State upon the mutual plan, shall, before issuing any policies, have *bona fide* applications on at least two hundred and fifty individual lives for an average amount of one thousand dollars each, a list of which applications, giving the name, age, residence, amount of insurance, and annual premium of each applicant, shall be filed with the Auditor of State, and a deposit made with said Auditor of an amount equal to three-fifths of the whole annual premium on said applications, either in cash or the securities required by the foregoing section of this act, and on compliance with said provisions, the Auditor shall issue to said mutual company the certificate hereinafter prescribed. Mutual companies; to have applications on 250 lives. List filed with Auditor. Deposit with Auditor.

SEC. 4. It shall not be lawful for any person to act within this State as agent, or otherwise, in receiving or procuring applications for insurance, or in any manner to aid in transacting the business of insurance referred to in the first section of this act, or for any company or association incorporated by, or organized under the Foreign companies.

laws of any other State government, unless such company is possessed of the amount of actual capital required of companies in this State, and the same is invested in stocks or treasury notes of the United States, or of the State of Iowa, or of interest-paying bonds of the State in which said company is located, or where said deposits are made, or in bonds and mortgages on unencumbered real estate within the State where such company is located; but all mortgages deposited by any company under this section, shall be upon unencumbered real estate worth double the amount loaned thereon; which stocks and securities shall be deposited with the Auditor, Controller, or chief financial officer of the State by whose laws said company is incorporated, or some other State, and the Auditor of this State furnished with a certificate of such Auditor, Controller, or chief financial officer aforesaid, under his hand and official seal, that he, as such Auditor, Controller, or chief financial officer of such State, holds in trust and on deposit, for the benefit of all the policy-holders of such company, the security before mentioned, which certificate shall embrace the items of security so held, and that he is satisfied that such securities are worth one hundred thousand dollars; but nothing herein contained shall be construed to invalidate the agency of any company incorporated in another State, by reason of such company having from time to time exchanged the securities so deposited with the Auditor, Controller, or chief financial officer of the State in which such company is located for other stock or securities authorized by this act, or by reason of such company having drawn its interest and dividends from time to time for such stocks and securities.

SEC. 5. Such company shall also appoint an attorney or agent in each county in this State, in which the company has an agency, on whom process of law can be served, and such company shall file with the Auditor or of State a certified copy of the charter or articles of incorporation of said company, and also a certified copy of the certificate of appointment of such agent or agents, which appointment shall continue until another agent or attorney be substituted. And in case any such insurance corporation shall cease to transact business in this State according to the laws thereof, the agents last designated, or acting as such for such corporation, shall be deemed to continue agents for such corporation for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while

Capital, re-
quired;
how invested.

Mortgages.

Securities--
where depos-
ited.

Financial
officer's cer-
tificate of in-
vestment, in
other States.

Kind of cer-
tificate.

Construed.

Have attor-
ney in each
county hav-
ing agency.
Certain cer-
tificates to be
filed with
Auditor.

Agency shall
continue for
legal pur-
poses.

such corporation transacted business in this State, and service of such process for the causes aforesaid, upon any such agent, shall be deemed a valid personal Service on service upon such corporation, and such company shall also file a statement of its condition and affairs in the office of the Auditor of State, in the same form and manner required for the annual statements of similar companies organized under the laws of this State.

SEC. 6. It shall not be lawful for any agent to act for any company referred to in the foregoing section, directly or indirectly, in taking risks, collecting premiums, or in any manner transacting the business of life insurance in this State without procuring from said Auditor a certificate of authority, stating that the foregoing requirements have been complied with, and setting forth the name of the attorney for such company, a certified copy of which certificate shall be filed in the county recorder's office of the county where the agency is to be established, and shall be the authority, of such company and agent to commence business in this State, and such company, or its agents or attorneys' shall, annually, in the month of January, or within thirty days thereafter, file with the Auditor of this State a statement of its affairs for the preceding year, in the same manner and form provided for similar companies in this State.

SEC. 7. It shall be the duty of the president or vice-president, and secretary or actuary, or a majority of the trustees or directors of each company organized under this act, or doing business in this State, annually on the first day of January, or within thirty days thereafter, to prepare under oath, and deposit in the office of the Auditor of State, a statement, showing —

FIRST — NAME AND CAPITAL.

- 1st. The name of the company, and where located. Name;
- 2d. The names of the officers.
- 3d. The amount of capital stock. capital.
- 4th. The amount of capital stock paid up.

SECOND — ASSETS.

- 1st. The value of the real estate owned by such company. Real estate;
- 2d. The amount of cash on hand. cash;
- 3d. The amount of cash deposited in bank, giving name of bank or banks.

	4th. The amount of cash in the hands of agents, and in the course of transmission.
bank stock;	5th. The amount of bank stocks, with the name of each bank, giving par and market value of the same.
stocks and bonds;	6th. The amount of stocks and bonds of the United States, and all other bonds, giving names and amounts, with the par and market value of each kind.
loans;	7th. The amount of loans secured by first mortgage on real estate.
other bonds and loans;	8th. The amount of all other bonds and loans, and how secured, with the rate of interest.
premium notes;	9th. The amount of premium notes on policies in force.
notes for stock;	10th. The amount of notes given for unpaid stock, and how secured.
assessments unpaid;	11th. The amount of assessments unpaid on stock or premium notes.
interest;	12th. The amount of interest due and unpaid.
securities.	13th. All other securities.

THIRD — LIABILITIES.

Losses;	1st. The amount of losses due and unpaid.
	2d. The amount of losses adjusted, but not due.
	3d. The amount of losses unadjusted.
	4th. The amount of claims for losses resisted.
amount borrowed;	5th. The amount of money or evidences of investment borrowed.
dividends unpaid;	6th. The amount of dividends unpaid.
reinsurance;	7th. The amount required to safely reinsure all outstanding risks.
other claims.	8th. All other claims against the company.

FOURTH — INCOME DURING THE YEAR.

Premiums;	1st. The amount of net cash premiums received.
premium notes;	2d. The amount of premium notes received.
interest;	3d. The amount of interest received from all sources.
other income.	4th. The amount received from all other sources.

FIFTH — EXPENDITURES DURING THE YEAR.

Losses paid;	1st. The amount paid for losses.
dividends;	2d. The amount of dividends paid to policy-holders, and amount to stockholders.
agents;	3d. The amount of commissions and salaries paid to agents.

- 4th. The amount paid to officers for salaries and other perquisites. officers;
- 5th. The amount paid for taxes. taxes;
- 6th. The amount of all other payments and expenditures. other payments.

SIXTH — MISCELLANEOUS.

- 1st. The greatest amount insured on any one life. Maximum insurance;
- 2d. The amount deposited in other States or territories as security for policy-holders therein, stating the amount in each State or territory. deposits in other States, &c.;
- 3d. The amount of premiums received in this State during the year. premiums in State;
- 4th. The amount paid for losses in this State during the year. losses in State;
- 5th. The whole number of policies issued during the year, with the amount of insurance effected thereby, and total amount at risk. no. policies; amt. insurance; risk;
- 6th. All other items of information necessary to enable the Auditor to correctly estimate the cash value of policies, or to judge of the correctness of the valuation thereof. other information.

SEC. 8. The Auditor of State is hereby authorized to amend the form of annual statement, and to propose such additional inquiries as he may think necessary to elicit a full exhibit of the standing of companies doing business in the State. Auditor may amend form of statement.

SEC. 9. As soon as practicable after the filing of said statement of any company organized or doing business under the laws of this State, in the office of the Auditor of State, he shall proceed to ascertain the net cash value of each policy in force, upon the basis of the New York standard of valuation of life policies, it being Dr. Farr's English Life Table number three, for males, with interest at five per cent., or Actuary's Combined Experience Table of Mortality, with interest at four per cent.; but in case such valuation has been made in New York, or any other State, upon the basis above specified, a certificate of the Auditor, Controller, or chief financial officer of such State, shall be taken by the Auditor of this State as sufficient evidence of the valuation of such policies, and of the amount so required for such reinsurance. And for the purpose of making such valuations, when not already done as aforesaid, the Auditor may employ a competent actuary to do the same, who shall be paid by the company for which the service was rendered; but nothing herein shall prevent any company Auditor to ascertain valuation of policies.

Certificate from other States accepted.

Co. allowed to value. from making said valuation herein contemplated, which shall be received by the Auditor upon such proof as he may determine. Upon ascertaining the net cash value of policies in force in any company organized under the laws of this State, or doing business in this State, and which has not made the deposit required in section four of this act, the Auditor shall notify said company of the amount, and within thirty days after the date of such notification, it shall be the duty of the officers of such company to deposit with the Auditor the amount of such ascertained valuation of all policies within this State in stocks of the United States or of this State, or any other State of this Union, or in bonds and mortgages on real estate within the limits of this State, or within the State where such company is located, of at least double the value loaned thereon: *Provided*, That no joint stock company organized under the laws of this State, or doing business therein, shall be required to make such deposit until the cash value of the policies in force, as ascertained by the Auditor, exceeds the amount deposited by said company under section two of this act: *And provided*, That foreign companies doing business in this State are not required to make a deposit in this State, provided such deposit has been made in the State where located, or in any other State, when they shall have complied with section four of this act.

Auditor to notify company.

Co. to make deposit.

Stock companies need not deposit in certain cases. Foreign companies not required to deposit in certain cases.

SEC. 10. On receipt of the deposit and statement from any company as provided in the preceding sections, and the statement and evidences of investment according to law of foreign companies, which shall be renewed annually, the Auditor shall issue a certificate setting forth the corporate name of the company; its principal office or agency in the State; that it has fully complied with the laws of this State in relation to life insurance companies, and is authorized to transact the business of life insurance for twelve months from the date of such certificate, or until the expiration of the thirty days' notice given by the Auditor of the next annual valuation of its policies. The certificate shall be recorded in the recorder's office of the county in which such principal office is located, in a book prepared for that purpose. A copy of the certificate, certified by the Auditor, shall be, by the general agent of said company, furnished to each of its local and traveling agents, and said copy shall be their authority for soliciting applications for policies.

Annual certificate.

Certificate recorded.

Certificate for agents.

SEC. 11. Upon the failure of any company to

make the deposit, or file the *certificate* [statement] in the time as stated in this act, the Auditor shall notify the Attorney-General of the default, who shall at once apply to the Supreme or district Court, if in session, or if in vacation to any member thereof, for an order requiring said company to show cause why its business shall not be closed; and if upon the hearing the company shall fail to show sufficient cause for neglecting to make the deposit, or filing the certificate required by this act, then if said company was organized under the laws of this State, the court shall decree its dissolution, and if organized or chartered by the laws of any foreign State or country, shall enjoin said company perpetually from transacting business of any life insurance within this State.

Penalty for failure to make deposit or statement.

Home companies dissolved.

Foreign companies enjoined.

SEC. 12. The Auditor may at any time make a personal examination of the books, papers, and securities of any life insurance company doing business in this State, or may authorize and empower any other suitable person, to make such examination, and for the purpose of securing a full and true exhibit of its affairs, he, or the person selected by him to make such examination, shall have power to examine, under oath, any officer or agent of said company, or others if necessary, relative to its business and management. If upon such examination the Auditor is of opinion that the company is insolvent, or that its condition is such as to render its further proceedings hazardous to the public or to the holders of its policies, he shall communicate the facts to the Attorney-General, who shall at once apply to a judge of the Supreme or district Court to issue an injunction restraining such company from transacting further business (except the payment of losses already ascertained and due) until a full hearing can be had. It shall be discretionary with the judge either to issue the injunction forthwith, or to give notice to the company, and cause a hearing to be had as in ordinary proceedings for an injunction. Upon the final hearing of the cause, he may dissolve or modify the injunction, or make it perpetual, and if made perpetual, shall also decree what disposition shall be made of the deposit of the company in the hands of the Auditor, subject to the provisions of the following section: *Provided*, The certificate of the Auditor, Controller, or chief financial officer of any State having an insurance department, as to the solvency of any company doing business in this State, shall be taken by the Auditor of this State as evidence of such solvency.

Auditor may examine books.

If company is insolvent.

Injunction.

Certificate of solvency from officers of other States to be accepted.

Securities of
defaulting
companies.

SEC. 13. The securities of a defaulting or insolvent company, on deposit with the Auditor of State, shall vest in the State for the benefit of the policies on which such deposits were made, and the proceeds of the same shall, upon the order of the court, be divided among the holders of said policies in the proportions of the last annual valuation of the same, or applied to the purchase of reinsurance for the benefit of the policy-holders.

Change secu-
rities.

SEC. 14. Companies shall have the right at any time to change their securities on deposit by substituting for those withdrawn a like amount in other securities of the character provided for in this act, and whenever the annual valuation of policies outstanding and in force against any company, *in* [is] less than the amount of security then on deposit with the Auditor, said company shall have the right to withdraw such excess: *Provided*, \$25,000 shall remain on deposit.

Collect inter-
est.

SEC. 15. The Auditor shall permit companies, having on deposit with him stock or bonds as security, to collect the interest accruing on such deposits, delivering to their authorized agents respectively the coupons or other evidences of interest as the same become due, but upon default by any company to deposit additional security as called for by the Auditor, or pending any proceedings to close up or enjoin it, he shall collect the interest as it becomes due, and add the same to the securities in his hands belonging to such company.

Auditor's re-
port.

SEC. 16. At the earliest practicable date after the returns are received from the several insurance companies, the Auditor shall make a report to the General Assembly of the general conduct and condition of the corporations visited by him since his last annual report, and shall include therein an aggregate of the calculated value of all outstanding policies of life insurance, and in connection therewith shall prepare an abstract of all the returns and statements made to him by insurance companies and agents.

Penalty for
doing busi-
ness without
certificate.

SEC. 17. Any company doing business in this State without the certificate required by section ten of this act, shall forfeit one hundred dollars for every day's neglect to procure said certificate. Any agent making insurance, or soliciting applications for any company having no certificate from the Auditor, shall forfeit the sum of three hundred dollars, and any person acting for a company authorized to transact business in this State, without having a certified copy of the company's certificate, issued by the Auditor of State, in his

possession, shall be liable to pay twenty-five dollars for each day's neglect to procure such copy.

SEC. 18. A policy of insurance on the life of an individual, in the absence of an agreement or assignment to the contrary, shall inure to the separate use of the husband or wife and children of said individual, independently of his or her creditors; and an endowment policy, payable to the assured on attaining a certain age, shall be exempt from liability for any of his or her debts. Policy exempt from execution.

SEC. 19. The Auditor shall charge the following Auditor's fees: For filing each annual statement, including the first application of any company, the sum of five dollars. For each certificate of authority to do business under this act, one dollar. For annual valuation of policies, five cents on every thousand dollars insured on lives; and this fee shall cover all charges by the State for the safe-keeping of deposits made by the companies. For changing securities, by withdrawing one and substituting another, the sum of twenty-five cents for each thousand dollars or fractional part thereof. For making personal examinations of the books, papers, and officers of a company, the sum of five dollars a day for each day so employed, and actual traveling expenses. County recorders shall be permitted to charge the usual fees for recording the original certificate. Auditor's fees:
filing annual statement certificate valuation;]
changing securities;
examinations;
Recorder's fees.

SEC. 20. Whenever the existing or future laws of any other State of the United States shall require of insurance companies incorporated by or organized under the laws of this State, any payment of fines, penalties, certificate of authority or license-fees greater than the amounts required for such purposes from similar companies of other States by the then existing laws of this State, then, and in every such case, all companies of such States establishing or having theretofore established an agency or agencies in this State shall be and are hereby required to pay to said Auditor for fines, penalties, certificate of authority, or license-fees, an amount equal to the amount of such charges and payments imposed upon or required by the laws of such State of the companies of this State or the agents thereof. Fees and penalties for foreign companies to be as great as required in their States of Iowa companies.

SEC. 21. The penalties provided for in this act shall be sued for and recovered, in the name of the State of Iowa, by the district-attorney in the district court of the county in which the company or agent violating shall be situated or reside. Three-fourths of said Penalty, how collected;

$\frac{1}{4}$ to school-fund. penalty, when recovered, shall be paid into the county treasury for the use of the school-fund, and one-fourth to the informer of such violation. In case of non-payment of the penalty, the individual offending shall be liable to imprisonment in the county jail for a period not exceeding three months.

Imprisonment.

Funds, how invested.

SEC. 22. It shall not be lawful for *and* [any] company organized under the provisions of this act to invest its funds in any other manner than in the stocks of the United States, of this State, or any other State of this Union if at or above par, in bonds and mortgages *or* [on] unencumbered real estate within this State, or the State in which such company is located, worth at least twice the amount loaned thereon, exclusive of improvements; and all stocks, bonds, or mortgages *ow*[n]ed or held by any company doing business under the provisions of this act, w[h]ether organized under the laws of this State or not, shall be equal or made to be equal to six per cent. stocks.

Securities to be equal to 6 per ct. stocks.

Real estate.

SEC. 23. No company organized under this act shall be permitted to purchase, hold, or convey real estate, except for the purpose[s] and in the manner herein set forth, to-wit: 1st. Such as shall be requisite for its immediate accommodation in the transaction of its business; or, 2d. Such as shall have been mortgaged to it in good faith by way of security for loans previously contracted, or for moneys due; or, 3d. Such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or, 4th. Such as shall have been purchased at sales upon judgments, decrees, or mortgages obtained or made for such debts; and it shall not be lawful for any company, incorporated as aforesaid, to purchase, *hole* [hold] or convey real estate in any other case, or for any other purpose.

Real estate, when sold.

SEC. 24. All such real estate as may be acquired as aforesaid, and which shall [not], be necessary for the accommodation of such company in the convenient transaction of its business, shall be sold and disposed of within five year[s] after such company shall have acquired title to the same, and it shall not be lawful for such company to hold such real estate for a longer period than that above mentioned, unless the said company shall procure a certificate from the Auditor of State that the interests of the company will suffer materially by a forced sale of such real estate, in which event the time for the sale may be extended to such time as the said Auditor shall direct in said certificate.

Auditor may extend time.

SEC. 25. All companies organized under the laws of this State, and transacting a life insurance business, at the time of the taking effect of this act, shall within [t]wenty days thereafter comply with the provisions of section[s] two and three hereof in the same manner as Companies shall comply in 20 days. And a failure on the part of existing companies to comply with this provision shall subject them and their agents to the penalties named herein.

SEC. 26. Life insurance companies organized under the laws of this State, whether on the stock or mutual Charter may plan, may be formed to endure for fifty years, and may run. be renewed from time to time for a period no greater than at first.

SEC. 27. All acts and parts of acts, relating to or Repeal affecting life insurance companies, are hereby repealed.

Approved April 8, 1868.

CHAPTER 174.

CORRECTING ERROR IN DEED FROM STATE.

AN ACT Authorizing the Register of the State Land-Office to issue a new Deed for certain Lands, to James Bones, in Lieu of one issued to him January 29, 1851, in the name of James Bowen, and to correct certain Errors on the Books of his Office. APRIL 8.

WHEREAS, James Bones, of Mahaska county, Iowa, Preamble. did on the 31st day of December, 1850, purchase from the State of Iowa, the ne. qr. of the sw. qr. of section seven, township 74 n., of range 15 w., known as Des Moines River lands; and

WHEREAS, By a clerical error, the certificate of purchase was made out in the name of James Bowen, and afterwards, on the 29th January, 1851, a deed was executed in the same name; and

WHEREAS, The said James Bones is the real purchaser, and has occupied said land as owner thereof ever since said purchase: therefore

SECTION 1. *Be it enacted by the General Assembly* Register S. L. of the State of Iowa, That the Register of the State O. to deed to Jas. Bones ne Land-Office be and he is hereby instructed to issue to $\frac{1}{4}$ sw $\frac{1}{4}$ § 7, tp. James Bones a deed for the north-east qr. of the south-74, r. 15; and west qr. of section seven, in township seventy-four to enter his- north, of range fifteen west, in lieu of one issued to him of office.

January 29th, 1851, under the name of James Bowen ; and that the said Register shall make such entries upon the books of his office as he may deem necessary to show the history of the whole transaction. He may also, if necessary, demand a surrender of the original deed.

Approved April 8, 1868.

CHAPTER 175.

RELINQUISHING AN ESCHEAT IN KEOKUK COUNTY.

APRIL 8. AN ACT for the Relief of William Binnaman.

Preamble. WHEREAS, One James Kegan, an unmarried man, died in the city of St. Lou[is], Mo., in the year 1849, and at the time of his death was the owner of the south-west quarter of the south-west quarter of section thirty-two, in township seventy-six north, of range eleven west ; and

WHEREAS, Afterwards on the 17th Sept., 1856, one Bartholomew Kegan, father of said deceased, did sell and convey, by warranty-deed, the said land to one William Binnaman, who bought the same in good faith, paying therefor the then full value, and who ever since that time has continued to reside on the same, it being his homestead ; and

WHEREAS, Doubts having arisen as to the title of said land, it being alleged that at the time of the death of said James Kegan, his father, the said Bartholomew Kegan, was a foreigner and a non-resident of the United States, and that said land belonged to the State of Iowa as an escheat : therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the State of Iowa hereby relinquishes all claim in and to the said land as an escheat, and that the title to the same of said William Binnaman be held to be as perfect, as against every claim by the State of Iowa, as if the said Bartholomew Kegan had properly inherited the same from James Kegan, his son.

Approved April 8, 1868.

Title to sw 1/4
sw 1/4 § 32, tp.
76, r. 11, re-
linquished.

CHAPTER 176.

LEGALIZING NOTARIAL ACTS OF THOMAS M. ATHERTON.

AN ACT to Legalize the Acts of Thomas M. Atherton, a Notary Public. APRIL 8.

WHEREAS, Thomas M. Atherton, of Mitchell 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 Thomas M. Atherton continued to act as a notary public from the 22d day of April, 1866, until the 5th day of July, 1866: therefore

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all official acts of said Thomas M. Atherton, by him performed as a notary public within and for the said county of Mitchell, subsequent to the 22d day of April, 1866, and prior to the 5th day of July, 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 effected at the time of such official acts as a notary public. Official acts from April 22 to July 5, '66, legalized.

SEC. 2. All acts and parts of acts coming in conflict with this ~~is~~ [are] hereby repealed.

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

Approved April 8, 1868.

CHAPTER 177.

APPROPRIATION FOR AGRICULTURAL COLLEGE BUILDING.

AN ACT Making further Appropriation for the Erection of the Iowa State Agricultural College Building, and for the Settlement of the Claims of Jacob Reichard, the Contractor therefor. APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be and is hereby appropriated, to enable the building committee to complete the Iowa State Agricultural College building the sum of ten thousand dollars. \$10,000 to complete Ag'l College bldg.

SEC. 2. The money shall be paid out as provided in chapter 112, laws of 11th General Assembly. How paid. 1866, ch. 112.

Board may pay contractor. SEC. 3. The board of trustees are hereby authorized to pay Jacob Reichard, contractor for said building, all or so much of the above as in their judgment is just and equitable.

Taking effect. SEC. 4. This act to take effect from and after its publication in the Daily State Register, and Des Moines Evening Statesman, newspapers published at Des Moines, Iowa.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 17, 1868, and in the *Daily State Register* April 19, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 178.

THE GEOLOGICAL SURVEY.

APRIL 8. AN ACT Providing for the Further Prosecution and Completion of the Geological Survey of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That for the purpose of the completion of the Geological Survey of the State that the present State Geologist be continued in office, and the sum of six thousand and five hundred dollars (\$6,500.00) be hereby annually appropriated, out of such moneys in the State treasury as are not otherwise appropriated, until the said survey is completed, or until the General Assembly shall order its discontinuance. This appropriation shall be drawn from time to time for the purposes of the survey and the payment of the salaries of its officers as defined and limited in chapter 73 of the acts of the Eleventh General Assembly, upon requisitions signed by the State Geologist, and vouchers approved by the Census Board and filed with the Auditor of State.

Appropriat'n for geological survey, \$6,500 annually.

How drawn. 1868, ch. 73.

SURVEY TO BE COMPLETED BY JAN. 1, 1870. GEOLOGIST TO MAKE REPORT. SEC. 2. The State Geologist is hereby required to complete the geological survey of the State on or before the first day of January, 1870, and to prepare a full and complete report of said survey, accompanied by such maps and drawings as may be necessary to illustrate the same, and transmit them to the Governor, who shall lay a copy of such reports before the next General Assembly.

SEC. 3. On or before the first Monday in each year the State Geologist shall prepare careful statements of his accounts with the survey for the previous year, embodying them in the form of a financial report, and send the same to the Governor, together with such vouchers as it may be practicable for him to obtain; and the Governor shall lay the whole before the General Assembly, together with the report of progress of the State Geologist.

SEC. 4. All acts and parts of acts in contravention of the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its publication in the State Register and Evening Statesman.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 17, 1868, and in the *Daily State Register* April 19, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 179.

RELATING TO INSANE PERSONS.

AN ACT in Addition to an Act entitled "An Act for the Incorporation and Government of the Hospital for the Insane." APRIL 8.
Rev., ch. 59,
art. 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no private patient shall be admitted into the hospital by the superintendent under the provisions of the eighth section of the act to which this is an addition, unless the applicant for his admission shall produce the certificate, dated within two weeks previous to the application, of a physician appointed for that purpose by the county judge of the county or the circuit judge where the patient resides, certifying that the patient is insane and a proper subject for custody and treatment in the hospital: *Provided,* That when the insane person happens to be in a county other than that of his or her residence, then, in that case, the certificate of a physician appointed by the county judge of such county or the circuit judge shall be sufficient. Rev., § 1478.

Admission of private patients to Hospital.

Proviso.

SEC. 2. Upon the application of any relative, guardian, or friend of any person alleged to be insane, the judge of any county, or circuit judge, where the person alleged to be insane resides, shall appoint some regular, practicing physician, who shall immediately examine personally said person, and, in case he is found to be insane, shall give a certificate to that effect, as it is provided in the first section of this act. The county judge or the circuit judge shall be entitled to a fee of one dollar for receiving the application and making the appointment.

Examination:
Physician's
certificate.

Judge's fee,
\$1.

SEC. 3. The county judge of any county, or circuit judge, upon information being filed before him that there is an insane person within the county, or circuit, needing attention, shall immediately appoint a commission to inquire into the case to consist of three persons, one of whom shall be a regular practicing physician, and the other two justices of the peace or trustees of the township where the alleged insane person resides.

When infor-
mation is
filed,

judge to ap-
point com-
mission.

Duty of com-
mission.

Report.

SEC. 4. It shall be the duty of this commission to examine personally the alleged insane person, to hear testimony and make all proper inquiries in relation to the mental condition of said person, and to report to the county judge or circuit judge: 1. Whether he is insane. 2. Whether he is dangerous to be at large, either to himself or others. 3. If he is not dangerous, whether he is probably susceptible of cure by remedial treatment in the Hospital. 4. If he is incurable and harmless, whether he is comfortably provided for and supported at home.

Dangerous,
or not sup-
ported,

to be sent to
Hospital.

Trial by jury
may be de-
manded.

SEC. 5. If upon this report the county judge, or circuit judge, shall be of opinion that the alleged insane person is insane and dangerous to be at large, or is susceptible of cure by remedial treatment in the Hospital, or, if incurable and harmless, is not comfortably provided for and supported at home, he shall order said person to be committed to the Hospital in manner and form as provided in the tenth section of the act to which this is an addition, unless the said person alleged to be insane, or some one in his behalf, shall demand that the question of his sanity shall be tried by a jury.

Jury sum-
moned.

SEC. 6. In case the person alleged to be insane, or any one in his behalf, after the report of the commission is made and before he is committed to the Hospital, shall appear before the county judge or circuit judge and demand a jury to try the question of his sanity, the county judge or circuit judge shall summon

a jury of six persons to try the case as is now provided by law ; and in case the verdict of the jury is in favor of the insanity of the said person, he shall be committed to the Hospital as provided in the preceding section, otherwise he shall be discharged.

Action on verdict of jury.

SEC. 7. Any patient, public or private, who is cured, shall be immediately discharged by the superintendent; and the relatives of any public patient who, in the opinion of the superintendent, is not susceptible of cure by remedial treatment in the Hospital, and is not dangerous to be at large, shall at all times have the right to take charge of said patient and remove him from the Hospital: *Provided*, That no patient, who may be under the charge or conviction of homicide, shall be discharged without the order of the board of trustees.

Patients cured to be discharged.

Relatives may take charge of harmless incurables.

Provido.

SEC. 8. Private patients may be removed from the Hospital at any time by the parties who are responsible for the payment of their expenses.

Private patients removable at any time.

SEC. 9. The board of trustees may order the discharge and removal from the Hospital of incurable and harmless patients whenever it is necessary to make room for recent cases: *Provided*, That in the interim between the meetings of the board, the superintendent, in conjunction with two trustees, shall possess and exercise the power granted in this section.

Removal of harmless incurables.

SEC. 10. On a written statement being made to the district judge holding a term of his court in Henry county, or to the county judge of Henry county, or circuit judge of that circuit, that a certain person confined in the hospital is not insane, and is unjustly deprived of his liberty, the judge shall appoint a commission of three persons, one of whom shall be a regular practicing physician, which commission shall examine said person and hear such evidence as shall be offered touching the merits of the case, and report their proceedings and opinion to the judge, and if upon this report in his opinion the person is not insane, the judge shall order him to be discharged.

Proceedings of court where person in Hospital is not insane.

Discharge.

SEC. 11. If it shall be made to appear to the county judge of any county, or circuit judge, that an insane person in the custody of his friends or in any jail or poor-house, in said county or circuit, is inhumanly treated and is manifestly suffering for want of proper care or treatment, he shall order such person to be sent to the hospital in manner and form now provided by law.

Insane inhumanly treated to be remov'd to Hospital.

SEC. 12. The priority of claim, of relatives of

Custody of insane. different degrees of relationship, to the custody of any insane person shall be determined as follows:

1. The legally appointed guardian;
2. The husband or wife;
3. The parents;
4. The children.

Co. paying expenses of insane person may recover from county to which he belongs. SEC. 13. Any county paying the expenses for the commitment and support of an insane person in the Hospital shall have a right to recover the full amount thereof, with interest and costs, of the county of his legal settlement; and the insane person, if of sufficient ability to pay the same, and any relative obligated by law to maintain him, shall be liable for all such expenses paid by any county as in other cases.

Commissioners' fee, \$2. Physician's do. and 5 cts. a mile for travel. SEC. 14. The county judge or circuit judge may allow the commissioners appointed under the third section of this act, for making the examination and report therein required, a fee of two dollars each, and to the physician in addition five cents a mile for travel each way, to be paid from the county treasury.

Judge's fee under §10, §2. SEC. 15. The county judge of Henry county, or circuit judge, for hearing and determining each case provided for in the tenth section of this act, shall be entitled to receive a fee of two dollars, and the same sum shall be allowed to each of the commissioners appointed under said section, to be paid by the person making the application.

§§ 1482 & 1488 and pt. § 1480 Rev. repeal'd. SEC. 16. The twelfth and thirteenth sections of the act to which this is an addition, and so much of the tenth section of the [same] as is inconsistent herewith is hereby repealed.

Approved April 8, 1868.

CHAPTER 180.

TAXATION OF EXPRESS AND TELEGRAPH COMPANIES.

APRIL 8. AN ACT in relation to Revenue and Taxing the Property of Express Companies and Telegraph Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the property of all express companies and all telegraph companies operating and doing business within this State, shall be included in

the valuation of the personal property of such company or body corporate in the assessment of taxes in the township, incorporated town, or city where such company or corporation shall have an office for the transaction of its business. And said property shall be assessed at the same rate as other personal property in the hands of individuals of this State.

Property of express and telegraph co. to be included in valuation of personal property where; rates.

SEC. 2. In each township, incorporated town, or city in this State, where any such express company or telegraph company shall have an office or agency for the transaction of its business, it shall be the duty of the agent, clerk, or person having the charge or care of such office or agency, annually on the tenth day of January, or as soon thereafter as may be, but not later than the first day of February, to furnish to the assessor of such township, incorporated town, or city, a sworn statement of the gross receipts of said office or agency accruing from the business and earnings of such company for the year ending on the first day of January next preceding; said statement to be sworn to by the officer or agent having charge of such office, and upon receiving such statement the assessor shall deduct, for the expenses of said office or business, sixty per cent. from the amount so stated, as the gross receipts, and return the remaining amount as the personal property of such company to be assessed at the same rate as the personal property of private individuals in this State.

Person in charge of office to furnish statement of receipts.

40 per cent. of receipts to be assessed as personal property.

SEC. 3. If such agent, clerk, or person having charge of such office or agency, shall fail to return to the assessor the sworn statement provided for in section two of this act by the first day of February, then it shall be the duty of the said assessor to ascertain as near as may be, and by such information as he may be enabled to obtain, the amount of the gross receipts of said office, and to deduct sixty per cent. from the same for expenses and return the remainder to be assessed as other taxable property, and in all respects to deal with the same, in the same manner as if said sworn statement had been in fact furnished; and neither the agent or person so neglecting or failing to furnish said sworn statement, nor the company for which he is agent, shall be allowed in any proceeding to collect the said tax, or in any proceeding by said company, to resist the payment of the same, to question the correctness of the amount so returned by the assessor, or to inquire into or question his means of ascertaining the same.

If agent fails to make return; assessor to ascertain amount;

and company cannot question correctness of same.

Taxes due-- **SEC. 4.** The taxes assessed and levied on the property mentioned in section one of this act shall be due and payable at the same time and in the same manner as taxes are due and payable on the property of private individuals in this State, and it shall be the duty of the agent, clerk, or person having charge of the office or agency of such express or telegraph company as is mentioned in section two of this act, out of the first moneys that may come into his hands of the proper earnings of said company after the tenth day of January of each year, to retain a sufficient amount to pay the taxes of said company for that year, and which are assessed on the returns from the particular office which he has in charge, and any such agent who shall neglect to retain so much of said money as shall be sufficient to pay said taxes, providing so much shall have come into his hands as aforesaid, or who shall neglect or refuse to make the sworn statement provided for in section two of this act, shall be subject to a penalty of fifty dollars for such neglect in either of said cases, and said penalty may be recovered before any justice of the peace, by civil action in the name of the State of Iowa.

when.

Agent to retain amt. from earnings.

Penalty for neglect of agent.

Delinquent. **SEC. 5.** If any of the taxes assessed under the provisions of this act shall remain unpaid on the fifteenth day of February in any one year, for the preceding year, the same shall be considered delinquent, and the property of said companies, or any of them, shall be liable to distress and sale for the payment of said taxes in the same manner as the property of private individuals of this State.

Co.'s property taxable as other property. **SEC. 6.** All real and personal property owned by any express company, or telegraph company, in this State shall be subject to State, county, and municipal taxes, to the same extent, according to the value, as other real estate is taxed.

Taking effect. **SEC. 7.** This act being deemed of immediate importance shall take effect from and after its publication in the Iowa State Register and Iowa Homestead, newspapers published at Des Moines, Iowa.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 29, 1868, and in *The Iowa Evening Statesman* April 29, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 181.

AMENDATORY OF THE SCHOOL LAW.

AN ACT to Amend Section 13 of Chapter 172 of the Acts of the 9th General Assembly. APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 13 of chapter 172 of 1862, ch. 172. the Acts of the 9th General Assembly be and the same is hereby amended to read as follows:

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: *Provided,* The board of directors of the township in which the children reside shall be notified in writing, 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 an average proportion of the contingent expenses of the sub-district where they attend school, and in case of refusal so to do the Secretary shall file the account for said tuition and contingent expenses, 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.

Children in one district-tp. may attend school in another, on terms to be fixed by bds. May attend nearer school with consent of board.

District of residence to pay tuition, &c.

In case of refusal, amount to be deducted by clerk board supervisors in apportionment of school-fund.

SEC. 2. This act shall be in force and take effect from and after its publication according to law.

Approved April 8, 1868.

CHAPTER 182.

APPORTIONMENT FOR THE ELECTION OF SENATORS.

APRIL 8. AN ACT apportioning the State into Senatorial Districts

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That one Senator to twenty - two thousand and five hundred inhabitants, in each senatorial district, is hereby constituted the ratio of apportionment.

Lee, 1. SEC. 2. Lee county is the first district and entitled to one senator.

Van Buren. SEC. 3. Van Buren county is the second district and entitled to one senator.

Davis. SEC. 4. Davis county is the third district and entitled to one senator.

Appanoosa. SEC. 5. Appanoosa county is the fourth district and entitled to one senator.

Monroe and Wayne. SEC. 6. The counties of Monroe and Wayne shall constitute the fifth district and be entitled to one senator.

Clarke, Lucas, &c. SEC. 7. The counties of Clarke, Lucas, and Union shall constitute the sixth district and be entitled to one senator.

Decatur, &c. SEC. 8. The counties of Decatur, Ringgold, and Taylor shall constitute the seventh district and be entitled to one senator.

Fremont, Page, &c. SEC. 9. The counties of Adams, Fremont, and Page shall constitute the eighth district and be entitled to one senator.

Mills, Pottawattamie, &c. SEC. 10. The counties of Montgomery, Cass, Mills, and Pottawattamie shall constitute the ninth district and be entitled to one senator.

Des Moines. SEC. 11. Des Moines county is the tenth district and entitled to one senator.

Henry. SEC. 12. Henry county is the eleventh district and entitled to one senator.

Jefferson. SEC. 13. Jefferson county is the twelfth district and entitled to one senator.

Wapello. SEC. 14. Wapello county is the thirteenth district and entitled to one senator.

Louisa. SEC. 15. Louisa county is the fourteenth district and entitled to one senator.

Washington. SEC. 16. Washington county is the fifteenth district and entitled to one senator.

Muscatine. SEC. 17. Muscatine county is the sixteenth district and entitled to one senator.

- SEC. 18. Keokuk county is the seventeenth district Keokuk and entitled to one senator.
- SEC. 19. Mahaska county is the eighteenth district Mahaska and entitled to one senator.
- SEC. 20. Marion county is the nineteenth district Marion and entitled to one senator.
- SEC. 21. Warren county is the twentieth district Warren and entitled to one senator.
- SEC. 22. The counties of Madison, Adair, Dallas, Madison, Dallas, and Guthrie shall constitute the twenty-first district ^{las, &c.} and be entitled to one senator.
- SEC. 23. Scott county is the twenty-second district Scott, 2. and entitled to two senators.
- SEC. 24. Clinton county is the twenty-third district Clinton, 1. and entitled to one senator.
- SEC. 25. Cedar county is the twenty-fourth district Cedar and entitled to one senator.
- SEC. 26. Johnson county is the twenty-fifth district Johnson and entitled to one senator.
- SEC. 27. Iowa county is the twenty-sixth district Iowa and entitled to one senator.
- SEC. 28. The counties of Poweshiek and Tama Poweshiek shall constitute the twenty-seventh district and be entitled ^{and Tama.} to one senator.
- SEC. 29. Jasper county is the twenty-eighth district Jasper and entitled to one senator.
- SEC. 30. Polk county is the twenty-ninth district Polk and entitled to one senator.
- SEC. 31. Jackson county is the thirtieth district and Jackson. entitled to one senator.
- SEC. 32. Jones county is the thirty-first district and Jones. entitled to one senator.
- SEC. 33. Linn county is the thirty-second district Linn and entitled to one senator.
- SEC. 34. Benton county is the thirty-third district Benton and entitled to one senator.
- SEC. 35. The counties of Marshall and Hardin Marshall and shall constitute the thirty-fourth district and be entitled Hardin. to one senator.
- SEC. 36. Dubuque county is the thirty-fifth dis- Dubuque, 2. trict and entitled to two senators.
- SEC. 37. Delaware county is the thirty-sixth dis- Delaware. trict and entitled to one senator.
- SEC. 38. Buchanan county is the thirty-seventh Buchanan. district and entitled to one senator.
- SEC. 39. Black Hawk county is the thirty-eighth Black Hawk. district and entitled to one senator.

- Clayton.** SEC. 40. Clayton county is the thirty - ninth district and entitled to one senator.
- Fayette.** SEC. 41. Fayette county is the fortieth district and entitled to one senator.
- Allamakee.** SEC. 42. Allamakee county is the forty - first district and entitled to one senator.
- Winneshiak.** SEC. 43. Winneshiak county is the forty - second district and entitled to one senator.
- Chickasaw, Floyd, &c.** SEC. 44. The counties of Chickasaw, Floyd, and Howard shall constitute the forty - third district and be entitled to one senator.
- Bremer, Butler, &c.** SEC. 45. The counties of Bremer, Butler, and Grundy shall constitute the forty - fourth district and be entitled to one senator.
- Story, Boone, &c.** SEC. 46. The counties of Hamilton, Story, and Boone shall constitute the forty - fifth district and be entitled to one senator.
- Mitchell, Franklin, &c.** SEC. 47. The counties of Mitchell, Worth, Cerro Gordo, Franklin, Wright, Hancock, Winnebago, and Kossuth shall constitute the forty - sixth district and be entitled to one senator.
- Webster, Greene, &c.** SEC. 48. The counties of Webster, Greene, Carroll, Calhoun, Sac, Humbol[d]t, Pocahontas, Buena Vista, Palo Alto, Clay, Emmett, and Dickinson shall constitute the forty - seventh district and be entitled to one senator.
- Harrison, Woodbury, &c.** SEC. 49. The counties of Audubon, Shelby, Harrison, Monona, Crawford, Ida, Woodbury, Plymouth, Cherokee, O'Brien, Sioux, and the unorganized counties of Lyon and Osceola shall constitute the forty - eighth district and be entitled to one senator.
- Approved April 8, 1868.

CHAPTER 183.

AMENDATORY OF THE SCHOOL LAW.

APRIL 8. AN ACT to Amend Section 17, Chapter 172, of the Laws of the Ninth General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 17 of chapter 172 of the laws of the Ninth General Assembly be amended by striking therefrom the first proviso, in words as follows: "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 upon the property of the sub-district making the application." The said section shall be further amended by striking the word "further" from the second proviso thereof, and by substituting the word "no" for "neither" in the said second proviso.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Iowa Evening Statesman, newspapers published at Des Moines.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 8, 1868, and in the *Daily State Register* April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 184.

FOR THE BENEFIT OF SILAS PERKINS.

AN ACT for the Relief of Silas Perkins.

APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be and is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of four hundred dollars as an extra compensation for stone and stone work on the Adjutant-General's office and arsenal.

SEC. 2. The Auditor of State shall draw his warrant on the Treasurer in favor of said Silas Perkins, for the said sum of four hundred dollars, appropriated by section one of this bill, when said Perkins shall have filed his extra claim on which this allowance was made, fully received, so that no part of it may be presented to any subsequent legislature for allowance.

SEC. 3. This act to take effect and be in force from and after its publication in the State Register and National Platform, newspapers published at Des Moines, without expense to the State.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* April 26, 1868, and in the *National Platform* May 1, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 185.

SPREAD OF DISEASE AMONG CATTLE.

APRIL 8. AN ACT to Prevent the Importation of Texas or Southern Cattle, and the Spread of the so-called Texas or Spanish Fever among the Cattle of the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall not be lawful for any one to bring into this State, or have in possession, any Texas, Cherokee, or Indian cattle, except as hereinafter provided.

TEXAS, &c, cattle not allowed in State—exception.
Not to apply to cattle now in State. Owners to keep them from other cattle. Liable for damages and penalties.

SEC. 2. This act shall not apply to any Texas, Cherokee, or Indian cattle now on hand within this State; but persons having such shall be compelled to keep them within the bounds of their own premises, or separate from other cattle; and any damage that may accrue from allowing such cattle to run at large, and thereby spreading disease among other cattle, shall be recovered from the owner or owners thereof, who shall be liable to all the pains and penalties as provided for in section four of this act.

Transportation on R. R. not prevented; nor driving certain cattle.

SEC. 3. Nothing contained in this act shall be so construed as to prevent the transportation of such cattle through this State on railroads; or to prohibit the driving through any part of this State such Texas or Southern cattle as have been wintered at least one winter north of the southern boundary of the State of Missouri or Kansas.

Penalty;
fine; imprisonment.

SEC. 4. Any person who shall violate the provisions of this act, shall, for every such violation, forfeit and pay into the school-fund of the county where the offense is committed a sum not exceeding one thousand dollars, or to be fined and imprisoned in the county jail at the discretion of the court, though such time of imprisonment shall not exceed six months; and such person or persons shall pay all damages that may accrue to any one by reason of such violation of this act.

Repeal.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

Taking effect.
No expense to State.

SEC. 6. This act being deemed of immediate importance shall be in force from and after its publication in the Daily State Register and Statesman, papers published in Des Moines, Iowa, without expense to the State.

Approved April 8, 1868.

CHAPTER 186.

FOR THE BENEFIT OF GEORGE HIGLEY.

AN ACT for the Relief of George Higley of Dubuque, Iowa.

APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be and is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, the sum of eight hundred ~~eight hundred~~ \$800 appropriated for loss of right arm by explosion of gun. Iowa, who lost his right arm by the premature explosion of a gun while he was in the service of the State and in the line of his duty.

SEC. 2. 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 Iowa Homestead, newspapers published at Des Moines, Iowa. Taking effect.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 29, 1868, and in *The Iowa Homestead* May 6, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 187.

LEGALIZING NOTARIAL ACTS OF E. KINLEY.

AN ACT to Legalize the Acts of E. Kinley, a Notary Public of Lee County.

APRIL 8.

WHEREAS, E. Kinley, who was appointed a notary public for Lee county, and continued to act as such notary public for a short time after the expiration of his commission: therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the official acts of the said E. Kinley, as notary public within and for Lee 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. Notarial acts after expiration of commission legalized.

SEC. 2. This act to take effect and be in force from and after its publication in *The Iowa Homestead* and *Keokuk Constitution*, without expense to the State. Taking effect.

Approved April 8, 1868.

CHAPTER 188.

CITIES OF THE SECOND CLASS.

APRIL 8. AN ACT to Constitute Mayors of Cities of the Second Class Presiding Officers of the City Council thereof.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Mayor, of cities of the second class, is hereby constituted the presiding officer of the city council of the city in which he is elected, and shall constitute a member of such council, and shall have a casting vote where there is a tie.

Mayors to preside in councils, and have casting vote.

Taking effect.

SEC. 2. This act shall take effect from its publication in the Daily State Register and Iowa Evening Statesman, newspapers published at Des Moines.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 17, 1868, and in the *Daily State Register* April 19, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 189.

TAKING PRIVATE PROPERTY FOR WORKS OF INTERNAL IMPROVEMENT.

APRIL 8. AN ACT Supplementary to Article 1, of Chapter 55, of the Revision, ch. 55. of 1860, relating to taking private Property for Works of Internal Improvement.

How private property for constructing drains, sewers, &c., for State institutions may be taken.

Rev., § 1298. License not required.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whenever, in the opinion of the Governor, the interest[s] of the people of the State require the construction of any drains, sewers, conduits, or other conveniences for the benefit of the Penitentiary, Hospital for the Insane, or any other of the charitable or other institutions of the State, upon or across lands, being private property, the same proceedings may be had in the name of the State as plaintiff as provided by article 1, of chapter 55, of the Revision of 1860, and for that purpose the State shall be considered a person; but the limitation in section 1298 of said chapter shall not apply to proceedings in the name of the State.

SEC. 2. Such proceedings on the part of the State shall be conducted by the district-attorney of the district where the land may lie; and he shall commence such proceedings whenever ordered by the Governor.

Dist.-Att'y to conduct proceedings.

SEC. 3. In any proceedings in said chapter, the plaintiff, as well as the owner of the land, may file the objections provided in section 1292, and when objections are filed, the finding of the jury, upon the trial of the issue there joined, shall be to all intents the same as upon the trial of an appeal; and the amount fixed by such trial as damages shall be the sum to be paid into court as provided in section 1293: *Provided*, When no objections are filed, the amount fixed by the first jury shall be the amount to be paid into court.

In all cases, plaintiff may file objections to proceedings. Rev., § 1292. Finding of second jury; fixes damages. Rev., § 1298. Proviso.

SEC. 4. Whenever any such sum shall be determined in either manner, upon the certificate of the clerk of such court, the Auditor is authorized, upon the order of the Governor indorsed thereon, to draw his warrant on the Treasurer for the amount of such finding for any money in the treasury not otherwise appropriated.

Auditor to draw warrant—when.

Approved April 8, 1868.

CHAPTER 190.

DELINQUENT TAXES.

AN ACT for the More Effectual Collection of certain Delinquent Taxes. APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in all cases of delinquent taxes in any of the counties of this State, where the person upon whose property the same were levied shall have removed into another county of the State, leaving no property within the county where the taxes were levied, out of which the same can be made, it shall be lawful for and be the duty of the treasurer of the county where said taxes are delinquent, to make out a certified abstract of said taxes as they appear upon the tax-book, and forward the same to the treasurer of the county in which the person resides, or has property, who is owing said taxes; whenever the treasurer transmitting said abstract has reason to believe that said taxes can be collected thereby.

In cases of delinquent taxes and removal of party to another co., treasurer to send abstract to treasurer of such co.;

when.

Record in each county. **Collection.** SEC. 2. The treasurer forwarding, and the one receiving said abstract, shall each keep a record thereof; and upon the receipt and filing of said abstract, in the office of the treasurer to whom the same is sent, it shall have the full force and effect of a levy for taxes in that county, and the collection of the same shall be proceeded with in the same manner provided by law for the collection of other taxes.

Additional penalty of 20 per cent. SEC. 3. The officer collecting taxes under the provisions of this act shall, in addition to the penalties provided by law on delinquent taxes, assess and collect the further penalty of twenty per cent. on the whole amount of such taxes, inclusive of the penalties thereon.

When taxes are uncollectable. **Remitted when collected, less penalty.** SEC. 4. The officer receiving said abstract is authorized, and it is made his duty, whenever in his opinion the taxes are uncollectable, to return the abstract with the indorsement thereon of "uncollectable;" and in case said taxes are collected, the officer receiving the same shall transmit the amount to the treasurer of the county where said taxes were levied, less the penalty provided by this act.

Taking effect. SEC. 5. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Iowa Statesman, papers published in Des Moines, Iowa.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 28, 1868, and in the *Daily State Register* April 29, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 191.

THE LAW OF MARRIAGE.

APRIL 8. AN ACT to Amend Chapter 102 of the Revision of 1860, entitled *Rev., ch. 102.* "Marriage."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Section 2529 of the Revision of 1860 be and the same is hereby repealed, and the following enacted in its stead, to-wit: The provisions of chapter 102 of the Revision of 1860, so far as they relate to the procuring of a license and the solemnizing of marriages, are not applicable to members of any particular denomination having as such any peculiar

§ 2529, Rev., repealed.
Marriage licenses, &c., not required of members of certain religious denominations.

mode of entering the marriage relation, and having conscientious scruples against obtaining said license.

SEC. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the State Register and National Platform, weekly newspapers published at the city of Des Moines.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in the *Weekly Iowa State Register* April 29, 1868, and in *The National Platform* May 1, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 192.

SOLDIERS' MONUMENT IN VAN BUREN COUNTY.

AN ACT to Authorize the Board of Supervisors of Van Buren County to appropriate a Sum of Money for the Erection of a Monument in Memory of Citizens of that County, who lost their Lives in the Military Service of their Country. APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the board of supervisors of Van Buren county be and the same are hereby authorized in their discretion to appropriate and pay the sum of five hundred dollars toward the erection of [a] monument to the memory of the soldiers, citizens of that county, who died in the service of their country. Bd. of super-
visors may
appropriate
\$500 towards
soldiers' mon-
ument.

Approved April 8, 1868.

CHAPTER 193.

ALLOWING ALIENS TO CONTROL PROPERTY.

AN ACT Abolishing Distinctions between Foreigners and Citizens as to the Acquisition, Enjoyment, and Transfer of Property. APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all aliens, whether they reside in the United States or in any foreign country, may in this State acquire, hold, and enjoy property, personal or real, or any interest therein, by purchase, gift, devise, or descent, and may convey, mortgage, or devise the same in a like manner, and with the same effect, as if such aliens were native-born citizens of the United States. And all property, real or personal, Aliens may
acquire, hold,
and dispose
of property.

- situated in this State, and belonging to a foreigner, shall if not disposed of by will, after the death of the owner, descend to the heirs of such foreigner, whether the same reside in the United States or in any foreign country. Such heirs shall be the same as the heirs-at-law of native-born citizens.
- Descent.**
- Alien heirs.**
- Distinctions between citizens & aliens abolished.**
- Dower.**
- Previous conveyances not to be questioned on account of alienage.**
- Retractive.**
- Rights of persons or corporations not to be violated.**
- Relinquishments by State not affected.**
- General relinquishment, except where escheat is now school-land.**
- Laws abolished.**
- Taking effect.**
- SEC. 2.** All the distinctions heretofore made by laws between citizens and resident and non-resident foreigners, in reference to the acquisition, possession, enjoyment, and transfer of property, real and personal, by conveyance, gift, devise, descent, or otherwise, are hereby abolished. A non-resident alien shall be entitled to dower in lands situated in this State, the same as resident citizens, except as against a purchaser from the decedent or against a purchaser under execution against the decedent, but as against such purchaser an alien not residing in the State of Iowa shall not be entitled to dower.
- SEC. 3.** The title to any land heretofore conveyed by purchase or gift, or transferred by devise or descent, shall not be questioned, nor in any manner affected by reason of the alienage of any person from or through whom such title may have been derived.
- SEC. 4.** This law shall be retroactive: *Provided, however,* That thereby no vested rights of private persons, or any municipal or other corporation, either public or for pecuniary profit, shall be violated, neither shall the title of any person or persons to whom this General Assembly has made any relinquishment of an escheat be hereby impaired or affected. The State relinquishes generally her claims to such escheated property as is transferred to foreigners by purchase, gift, devise, or descent, or otherwise; except in cases where legal proceedings have been had as required by law, whereby said escheated property has become part of the permanent school-land of the State of Iowa.
- SEC. 5.** All laws conflicting with these provisions are hereby abolished.
- SEC. 6.** This act shall take effect and be in force from and after its publication in the State Register and Iowa Homestead, newspapers published in the city of Des Moines, Iowa.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in the *Daily State Register* May 1, 1868, and in the *The Iowa Homestead* May 6, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 194.

WAR CLAIMS OF COUNTIES, CITIES, &C.

AN ACT Repealing Section seven, of Chapter 129, of the Laws of the 9th General Assembly, and to Provide for the Recovery and Payment of certain Claims for Military Supplies furnished to Troops raised in this State, for the service of the United States, by any County, City, Town, or other Corporation. APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 7, of chapter 129, of the laws of the 9th General Assembly, be and the same is hereby repealed, and in lieu thereof it is hereby enacted, that the class of claims therein alluded to, shall be transferred to the commissioner for settlement of claims of this State, with the United States, as provided for by chapter 95 of the laws of the 11th General Assembly. §7, ch. 29, 9th G. A., repealed. Claims of counties, cities, &c., for supplies to troops, referred to commissioner of war claims.

SEC. 2. It shall be the duty of the commissioner aforesaid, upon any such claims coming to his hands, to use his best endeavors to have the same allowed by the general government, and carried to the credit of this State, and when so allowed and carried to the credit of the State, he shall proceed immediately to certify that fact to the Auditor of State, together with the amount so allowed and credited; whereupon the Auditor shall issue his warrant upon the State Treasurer for the amount or amounts so certified, less 5 per cent. on account of collection of same, payable upon presentation to the order of the county, city, town, or corporation to which the same belongs. Said five per cent. shall be paid the said commissioner in full for his services under this act. Duty of commissioner. Aud. to draw warrant. 5 per cent reserved for collection, to be paid commissioner.

SEC. 3. This act to take effect from and after its publication in the Daily State Register, published at Des Moines, and the Clinton Semi-Weekly Herald, published at Clinton city, Iowa. Taking effect.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in the *Clinton Semi-Weekly Herald* April 16, 1868, and in the *Daily State Register* April 26, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 195.

PROTECTION OF HOP-GROWING INTERESTS.

APRIL 8. AN ACT to Protect the Hop-growing Interests of the State of Iowa, and to Indicate the Size of Boxes used in picking Hops in this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be unlawful for any person or persons to use, transplant, or cultivate, or bring into this State for the purpose of using, planting, cultivating, or selling, any hop roots, plants, or cuttings, which may be diseased in any manner, or infected with lice or vermin of any kind, or which may be brought from any State or count[r]y, in which the cultivation of hops has been retarded or impaired by the presence of any disease, lice, or vermin of a contagious character: *Provided,* That no suits shall be sustained during the year 1868 upon hop roots raised in the States of Illinois and Wisconsin, and brought into this State.

SEC. 2. Any person violating this act shall be fined not less than ten nor more than one hundred dollars, and imprisoned not less than five nor more than twenty days.

SEC. 3. It shall be the duty of the justice of the peace, or other officer, before whom complaint is made, upon the affidavit of one or more responsible persons that they have good reason to believe that hop roots have been introduced into, or are being cultivated in, the city or township where they reside, in violation of this act, to issue a warrant authorizing any peace officer to seize such roots, and they shall be held in charge by the constable or marshal until suit has been brought against the person or persons so offending, and the cause determined; and in case it is found that the said plants, roots, or cuttings are diseased, or are infected by lice or vermin of a contagious character, the officer before whom suit is brought will order the said roots, plants, or cuttings to be burned, charging the expense of doing the same, as costs, upon the party owning or cultivating the roots, plants, or cuttings; and in no case will he allow them to be planted, or delivered to a third party, until the fact is established that they are not infected with any vermin or disease of a contagious character.

SEC. 4. The standard size for all boxes used in picking hops shall be 36 inches long, 18 inches wide, and 23 $\frac{1}{4}$ inches deep, inside measure.

Unlawful to bring into State diseased hop roots, &c;

or from States &c. where disease, &c., has retarded cultivation.

Proviso.

Penalty—fine \$10—\$100; imprisonment 5—20 days.

Justice, on complaint, to issue warrant for the seizure of roots.

Officer to hold same.

Diseased plants, &c., to be burned.

Costs.

Size of boxes for picking hops.

Sec. 5. This act being deemed of immediate importance, shall be in force from and after its publication in the Iowa Register and Homestead, newspapers published in Des Moines.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in the *Iowa State Register* April 29, 1868, and in *The Iowa Homestead* May 6, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 196.

TAXATION OF RAILROAD COMPANIES.

AN ACT to Repeal Section 16 of Chapter 173, Laws of Ninth General Assembly, regulating the Levy and Collection of Tax on Gross Receipts of Railroad Companies, and to Enact a Substitute therefor. APRIL 8.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section sixteen of chapter one hundred and seventy - three of laws of Ninth General Assembly be and the same is hereby repealed, and the following substituted therefor: Section 16. Each railroad company in the State shall annually, on or before the fifteenth day of February, file in the office of the Treasurer of State a sworn statement setting forth: first, the gross receipts of their railroad without reduction of expenses for the year ending on the thirty - first day of December preceding; second, the number of miles of their railroad in each county on the thirty - first day of December preceding; which said statement shall be sworn to by the secretary and treasurer of such company and by the general superintendent of their railroad. 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 last 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 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,

Railroad co. to file statement with treasurer before Feb. 15, 1868, of receipts for the year; and no. miles of road in each county; by whom sworn to.
per centum tax.
When delinquent, Treasurer to collect.

Apportionment to counties. levied and collected as aforesaid, shall be equally apportioned by the Treasurer of State 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 receipts 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 such 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 Auditor of State shall draw a warrant upon the general revenue payable to the order of the Treasurer of State for the necessary expenses incurred by him in either the assessment or the collection of the taxes as required by this act. The tax herein provided for shall be in lien 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.

In case of failure to make statement, Treasurer to ascertain the gross receipts and make assessment. Seizure and sale. Aud. to draw warrant for Treasurer's expense. Taxes for road-bed, rolling-stock, &c. Other taxes. Taking effect.

SEC. 2. 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 Iowa Evening Statesman*, newspapers published at Des Moines city, Iowa.

Approved April 8, 1868.

I hereby certify that the foregoing act was published in *The Iowa Evening Statesman* April 28, 1868, and in the *Daily State Register* April 29, 1868.

ED WRIGHT, *Secretary of State.*

JOINT RESOLUTIONS

PASSED BY THE TWELFTH GENERAL ASSEMBLY.

NUMBER I.

POSTAGE OF TWELFTH GENERAL ASSEMBLY.

JOINT RESOLUTION Authorizing the Issuance of Warrants for the Payment of the Postage accounts of the 12th General Assembly.

Be it resolved by the General Assembly of the State of Iowa, That the Auditor be, and he is hereby, authorized to issue warrants on the Treasurer, from time to time, on account of postage due to the postmaster of this city, the accounts therefor being always first approved by the Secretary of State, and limited by the amount of postage-stamps, &c., which shall have been actually delivered to the Secretary of State, under the resolutions of the Senate and of the House of Representatives at this session.

Approved February 4, 1868.

NUMBER II.

BELIEF OF BUCHANAN COUNTY.

JOINT RESOLUTION for the Relief of Buchanan County.

WHEREAS, On the 17th day of March, 1864, the treasury of Buchanan county was robbed of the sum of about twenty-six thousand dollars, of which sum, as officially reported, the sum of eleven hundred and twenty-seven and $\frac{12}{100}$ dollars was collected as State revenue; and,

WHEREAS, The Eleventh General Assembly by joint resolution approved March 16th, 1866, authorized the Auditor of State to credit Buchanan county with the sum of \$1,834 $\frac{57}{100}$, which was the amount collected in cash, but overlooked the amount of \$92 $\frac{55}{100}$, which had been collected in warrants and canceled by the county treasurer: therefore,

Be it resolved by the General Assembly of the State of Iowa, That the Auditor of State be and he is hereby authorized to place, to the credit of the said county of Buchanan, the further sum of ninety - two and $\frac{1}{100}$ dollars upon receipt and filing in his office of a proper certificate of the board of supervisors of said county.
Approved March 11, 1868.

NUMBER III.

ENLARGEMENT OF M'GREGOR LAND-GRANT.

JOINT RESOLUTION.

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 influence in procuring the extension or enlargement of the grant of land bestowed upon the State of Iowa, to aid in the building of a railroad from McGregor westerly on or as near as practicable to the 43d parallel, until it shall reach the county of O'Brien, in said State of Iowa.

Resolved, That a copy of this resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

Approved March 11, 1868.

NUMBER IV.

LIEUT. J. F. ST. JOHN.

JOINT RESOLUTION Memorializing Congress in Respect to the Claims of Lieut. J. F. St. John.

Resolved by the General Assembly of the State of Iowa, That the memorial of John F. St. John, late 1st Lieut. 70th U. S. Col'd Infantry, be by the Secretary of State transmitted with the papers accompanying the same, and with a certified copy of this resolution, to the Iowa delegation in Congress, and that our Senators be instructed and our Representatives requested to demand the necessary legislation by Congress to restore to the said St. John his right to pay and allowances as fully as they belong to other honorably discharged officers and soldiers.

Approved March 21, 1868.

NUMBER V.

SWAMP - LAND SELECTIONS.

JOINT RESOLUTION of the Twelfth General Assembly Relating to Swamp-Land Selections made by the Agents of the State during the years 1859, 1860, and 1861.

WHEREAS, The swamp - land selections made by the agents of the State of Iowa in 1859, 1860, and 1861, in the counties of Emmett, Buena Vista, and ten townships in Dickinson, were made in due time, and duly forwarded to the office of the surveyor-general of Iowa, but were not promptly filed in the department at Washington by the surveyor - general; and,

WHEREAS, By the present ruling of the department, said returns cannot now be made without a special act of Congress authorizing their reception by the department: therefore,

Resolved by the House of Representatives, the Senate concurring, That our senators in Congress be instructed, and our representatives be requested to use their best efforts to procure the passage of an act directing the department to receive and pass upon said returns in the same manner as if they had been filed in due time.

Resolved, That the Secretary of State be directed to forward a copy of this resolution to each of our Senators and Representatives.

Approved March 21, 1868.

NUMBER VI.

DAVID C. WAGNER.

JOINT RESOLUTION in Favor of David C. Wagner.

Be it Resolved by the General Assembly of the State of Iowa, That the petition of Nicholas Flenor, Samuel Sullivan, and one hundred and forty-one others, (fifty-three of whom are ladies,) asking for an appropriation for the relief of David C. Wagner, late of Company A, Twenty-First Regiment Iowa Volunteer Infantry, be forwarded, together with a copy of this resolution, to the Iowa delegation in Congress, by the Secretary of State, and that our Senators be instructed and our Representatives be requested to use their influence to have the name of the said David C. Wagner inscribed on the pension list, with a pension allowance from the date of his discharge.

Approved March 21, 1868.

NUMBER VII.

INDEMNIFICATION FOR LANDS TAKEN FOR RAPIDS IMPROVEMENT.

JOINT RESOLUTION Instructing our Senators and Representatives in Congress.

Be it resolved by the General Assembly of the State of Iowa, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to favor and urge the passage of a law, indemnifying citizens of Lee county, Iowa, for lands and property used in the construction of the Mississippi improvement on the Rapids, so that there may be no obstruction to the prosecution of the work.

Resolved, That the foregoing resolution be forwarded by the Secretary of State to each Senator and Representative in Congress.

Approved March 23, 1868.

NUMBER VIII.

COUNCIL BLUFFS AS A PORT OF DELIVERY.

PREAMBLE AND JOINT RESOLUTION Relative to making Council Bluffs a Port of Delivery.

WHEREAS, The city of Council Bluffs, on the Missouri river, is the initial point of the Union Pacific Railroad, the initial point of the Council Bluffs and St. Joseph Railroad, the terminus of the Sioux Branch of the Union Pacific Railroad, and the terminus of the great Northwestern Railway, all of which roads are running cars into the city; and it is also the named terminus of the Chicago, Rock Island and Pacific Railroad, of the Muscatine, Oskaloosa and Council Bluffs Railroad, of the Chillicothe and Council Bluffs Railroad, of the Burlington and Missouri River Railroad, and of the great American Central Railroad, all of which roads are now in the course of construction, and which, when completed, will make Council Bluffs the greatest railroad center in the West: therefore,

Resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to have the port of Council Bluffs made and constituted a port of delivery, under such regulations and restrictions as other ports of delivery in the United States.

Approved March 26, 1868.

NUMBER IX.

AGAINST A DRAW - BRIDGE AT COUNCIL BLUFFS.

PREAMBLE AND JOINT RESOLUTION Relative to the Construction of a Draw - bridge across the Missouri River at Council Bluffs.

WHEREAS, The Missouri river is the western boundary of the State of Iowa for a distance of over two hundred miles, and is navigable for steamboats, carrying from 300 to 500 tons, for a distance of over one thousand five hundred miles north and west from the point where it ceases to be the western boundary of this State, and is navigated by steamboats and other water craft during the season of navigation, affording means of transportation for the surplus products of western Iowa, not only to the markets of the South, but to the mining districts of Montana and other territories north and west of this State; and,

WHEREAS, It is understood that application will be made to the Congress of the United States, now in session, for a permit to construct a bridge across the Missouri river at Council Bluffs, with a draw to permit the passage of steamboats and other water craft through said bridge; and,

WHEREAS, It is well known by all acquainted with said river that the channel thereof is constantly changing, so much so that it cannot be relied upon to remain in the same place for a single week, and which renders it utterly impossible to confine it to a draw so as to insure the passage of steamboats for more than a single trip, and that the current of said river is so rapid, that, should the channel be confined to the draw, that it would be almost impossible to confine steamboats to the space provided for their passage through the bridge; and,

WHEREAS, It has been shown by competent engineers that the Missouri river can be bridged in several places at or near Council Bluffs, and at other points, with a high bridge which will not obstruct navigation, at a less cost than the proposed low draw-bridge can be built; and

WHEREAS, The construction of a low draw-bridge across the Missouri river would be greatly detrimental to the navigation of said river, and damaging to and destructive of the interests of the citizens of western Iowa, who depend upon the unobstructed navigation of said river for the transportation of their produce to both northern and southern markets: therefore,

Be it resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested, in the name of the people of the State of Iowa, to protest against the construction of said low draw-bridge, and that they use their influence to prevent a permit, grant, or license being given for the construction of a bridge across the Missouri

river at Council Bluffs, within this State, which will prevent steamboats from passing under it at any stage of water without resorting to a draw.

Resolved, That the Secretary of State be instructed to send a copy of this preamble and joint resolution to each of our Senators and Representatives in Congress.

Approved March 26, 1868.

NUMBER X.

FOR CONNECTING THE MISSISSIPPI WITH LAKE MICHIGAN, THROUGH FOX
AND WISCONSIN RIVERS.

A MEMORIAL to Congress in Relation to the Project of Connecting by Navigable Channels through the Fox and Wisconsin Rivers, the Waters of the Mississippi River with the Waters of Lake Michigan.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled :

THE MEMORIAL OF THE LEGISLATURE OF IOWA RESPECTFULLY REPRESENTS:—That the project of connecting the Mississippi river and Lake Michigan, by navigable channels through the Fox and Wisconsin rivers, has heretofore received the attention of Congress. Its growing importance to the country, the North-West, and the State, becomes each year more apparent.

The subject of connecting the Mississippi and the Lakes, has been considered by the people, met in local, county, State and national conventions, by boards of trade, and by the legislatures and governors of States, and without exceptions, by resolution, memorial, and message, all have united in recognizing its importance, and in urging upon Congress attention and action in relation thereto. The character of the undertaking is alike apparent to Congress, the legislatures, and the people. It is rendered necessary as a military measure, to protect, against inroad and attack, a frontier extending from the Atlantic to the Pacific; as a commercial measure, to enlarge the already inadequate outlets for an increasing commerce, thereby lifting from freights, and ultimately from the people, extortionate tariffs; and, as a measure otherwise national, to establish, out of avenues of intercourse and trade, bonds of national unity.

Whatever can be said of the national importance of connecting these waters by any channel, is equally true in reference to this channel. Nature unaided has, by way of the Fox and Wisconsin rivers, almost effected the desired connection. Aided by a few

dams and locks, and altogether not to exceed five miles of canal, a channel, having, in all but extraordinary stages of low water, a navigable depth of four feet for one - third of the way, and nearly three feet for the remainder, reaching a distance of over one hundred and fifty miles from Green Bay, upon Lake Michigan, to Portage City, upon the Wisconsin, has been opened to regular commerce. Boats of light draft, in the ordinary stages of water, can now pass from Lake Michigan to Portage City, and down the Wisconsin into the Mississippi river.

Boats of three and four feet draft, have, in stages of high water, repeatedly made the passage. Late in June, 1867, the Brooklyn, a steamboat of three hundred tons burden, loaded at Green Bay, and without detention, delivered her cargo at the Port of St. Paul. Estimates of the cost of deepening and completing this channel have been made under the direction of Congress, by Maj. Gen. G. K. Warren. His report (other than preliminary) has not been, or, if made, has not been seen by your memorialist. But, judging from the present condition of the work, the conformation of the country, the nature of the materials at hand, and the supply of water, your memorialist is constrained to believe that the cost will be comparatively inexpensive, and may not exceed, for a channel of four feet in low water, one - fourth, or of six feet, two - thirds, or of nine feet, three - fourths, of the cost of like channel in any other State. The quantity of water and the size of the locks are greater than in the Erie canal, permitting the passage of flat-bottomed and larger boats, so that a depth of four feet in the rivers is estimated for the purposes of commerce, equal to at least six feet in the canal, an estimate strengthened by the fact that the motive on the canal is horse - power, and on the river steam.

With the channel extended to the Mississippi, and reduced to a uniform low water depth of four feet, commerce will find relief in an outlet, with capacity little less than the Erie canal. Estimating the average price per bushel for moving grain by rail, from the Mississippi to Lake Michigan, at twenty - nine cents, and by water not to exceed fourteen cents; and estimating the quantity of grain exported yearly from Minnesota, at ten millions of bushels, from Iowa twenty, Wisconsin fifteen, and Northern Illinois fifteen,— in all sixty millions of bushels; and upon the movement eastward of this, a single crop, the saving will be nine millions of dollars. Add to this the saving upon the western freights, and it appears, that in a single year, a sum will be saved exceeding four - fold, the probable cost of the work. It may be said that coming in competition with railroads, the grain will not go all by water, and therefore, the estimate is incorrect. Whether moved by rail or water, the grain must go at approximately water rates. The navigable water which it is proposed to improve and develop, and the carrying places between the same, are common highways, declared such by the ordinance of 1787, and are of the class of navigable waters,

over which the general government has invariably retained control, and to improve which it has long been its policy to make appropriations.

For these reasons, your memorialist respectfully invites the attention of Congress to the subject, and while a necessity for economy in the administration of public affairs is apparent, yet in the opinion of your memorialist, the pressing importance of an early completion of this work will justify Congress, at its present session, in undertaking the same. Be it therefore

Resolved by the General Assembly of Iowa, That the Governor be, and is hereby authorized and requested to affix his official signature hereto, and forward a copy of this Memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each of our senators and representatives in the Congress of the United States.

Approved March 31, 1868.

NUMBER XI.

RATIFYING AMENDMENTS TO THE STATE CONSTITUTION.

JOINT RESOLUTION Agreeing to, Ratifying, and Confirming Amendments to the State Constitution.

WHEREAS, The Eleventh General Assembly of the State of Iowa did, in due form, by a majority of the members elected to each of the two houses, agree to proposed amendments to the constitution as follows:

1st. Strike the word "White" from section 1 of article 2 thereof;

2d. Strike the word "White" from section 33 of article 3 thereof;

3d. Strike the word "White" from section 34 of article 3 thereof;

4th. Strike the word "White" from section 35 of article 3 thereof;

5th. Strike the word "White" from section 1 of article 6 thereof;

and entered the same on the journals thereof, and referred the same to the legislature to be chosen at the next general election, and the same having been published, as provided by law, for three months previous to the time of making the choice of this the Twelfth General Assembly: therefore,

Be it resolved by the General Assembly of the State of Iowa, That the said amendments aforesaid, and each of them, are hereby ratified, agreed to, and confirmed, and the same shall be submitted to the people for their approval, as this General Assembly shall provide.

Approved March 31, 1868.

NUMBER XII.

PETER J. KNAPP.

JOINT RESOLUTION to Congress for the Relief of Peter J. Knapp, Private Co. "H," 5th Iowa Infantry Volunteers.

WHEREAS, Peter J. Knapp, a private of Co. "H," 5th Iowa Volunteer Infantry, was captured by the rebel army at the battle of Mission Ridge, Tennessee, November 25th, 1863, and remained a prisoner until nine of his company, captured with him, had died of want and exposure; and,

WHEREAS, The said soldier was recaptured in December, 1864, by General Grierson, at Egypt Station, on the Ohio and Mobile Railroad, in company with the Union prisoners who were then regarded as deserters and treated as such by our military commanders, but it being known that the said P. J. Knapp never took an oath of allegiance to the so-called rebel government, and that his loyalty and fidelity is and always was unquestionable; and,

WHEREAS, The said Peter J. Knapp has endured great hardship, and did honor to himself and flag on many a battle-field, both before and since his long captivity: therefore,

Be it resolved by the General Assembly of the State of Iowa, That we instruct our senators and representatives in Congress to secure such legislation as will authorize the honorable muster-out of the said P. J. Knapp, and the full payment of all back pay and allowances due him as a soldier of the company and regiment above stated, and that the Secretary of State be instructed to forward a copy of these resolutions to each of our senators and representatives in Congress.

Approved April 2, 1868.

NUMBER XIII.

IOWA RIVER.

MEMORIAL AND JOINT RESOLUTION asking Congress to Declare the Iowa River Unnavigable from the City of Wapello, in Louisa County, North.

To the Senate and House of Representatives of the United States in Congress assembled :

YOUR MEMORIALISTS, THE GENERAL ASSEMBLY OF THE STATE OF IOWA, WOULD RESPECTFULLY REPRESENT:—That at an early period of the territory which composes the State of Iowa, the Congress of the United States declared the Iowa river, in said State, to be a navigable stream; that if parties were allowed to bridge, or throw dams across said river, the community would receive much more benefit by reason of such improvements, than they now do: therefore,

Be it Resolved by the General Assembly of the State of Iowa, That our senators in Congress be instructed, and our representatives be requested, to use their influence to have Congress, by an act, declare the Iowa river not a navigable stream from Wapello, in Louisa county, north.

Resolved, That a copy of this memorial and resolution be forwarded by the Secretary of State to each of our senators and representatives in Congress.

Approved April 2, 1868.

NUMBER XIV.

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD COMPANY.

JOINT RESOLUTION instructing Attorney - General as to Proceedings touching Chicago, Rock Island and Pacific Railroad.

WHEREAS, The General Assembly of the State of Iowa did, on the 10th day of February, A. D. 1868, pass an act entitled "A bill for an act providing for and requiring the early construction of the Chicago, Rock Island and Pacific Railroad from Davenport to Council Bluffs," which was approved by the Governor on the 11th day of said month; and has taken effect by the publication thereof, as by its terms provided; and

WHEREAS, Said act has been duly accepted by the Chicago, Rock Island and Pacific Railroad Company, in the manner required by the provisions thereof; and

WHEREAS, Said act and the acceptance thereof constitutes a contract between the said company and the State of Iowa which should be faithfully and promptly performed by the parties thereto; and

WHEREAS, The General Assembly has reason to apprehend that certain officers or stockholders of said company, or other persons, may attempt to control said company, or corporation, to prevent a prompt performance on its part of said contract, or by vexatious litigation hinder or delay said performance: therefore,

Be it resolved by the General Assembly of the State of Iowa, That the Attorney-General of said State is hereby authorized, empowered and instructed to institute and prosecute, in the name of the State of Iowa, such suits and proceedings against said company, its officers, or any other person or persons, as in his judgment may be necessary to secure or enforce, on the part of said company, a prompt performance of and compliance with the requirements and provisions of said act, and that said Attorney-General is also authorized, empowered and instructed to intervene in and defend in the name of the State of Iowa, or take such other steps as he may deem necessary and proper in any suits or proceedings instituted by the said company, its officers, or any of its stockholders, in the courts of this or any other State, or of the United States, when in his opinion such suits are or have been instituted for the purpose of preventing or delaying, on the part of said company, a performance of or compliance with the requirements or provisions of said act, or to in otherwise delay or prevent the completion of the railroad of said company from Des Moines to Council Bluffs, as required by the terms of said act; and all costs and expenses attending such suits and proceedings shall be paid by said corporation.

NUMBER XV.

RATIFYING AMENDMENT TO FEDERAL CONSTITUTION.

JOINT RESOLUTION, Ratifying the Amendment to the Constitution of the United States in Regard to Representation, Reconstruction and the National Debt.

WHEREAS, The Congress of the United has proposed to the several States the following amendment to the Federal Constitution, viz:

ARTICLE 14.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in Congress, the executive and judicial officers of a State or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridge[d], except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a senator or representative in Congress, or elector of president and vice-president, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof; but Congress may, by a vote of two-thirds of each House, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned; but neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article: therefore,

Be it resolved by the General Assembly of the State of Iowa,
That the State of Iowa by its legislature hereby ratifies, adopts, and assents to said amendment.

Approved April 3, 1868.

NUMBER XVI.

AGRICULTURAL COLLEGE LANDS.

Resolved, by the General Assembly of the State of Iowa, The Trustees of the Agricultural College and Farm are hereby required to incorporate, in their next biennial report to the General Assembly, a tabular statement, showing the amount of land by them leased or sold, the name of the lessee or purchaser, the date of lease or contract of sale, the amount paid on each price so leased or sold, and the amount of fees or charges received by their agent upon each piece of land so leased or sold.

Approved April 6, 1868.

NUMBER XVII.

APPOINTING TRUSTEES OF THE ASYLUM OF THE BLIND.

Resolved by the General Assembly of the State of Iowa, That James Chapin, of Benton county, John Hodgdon, of Dubuque county, and Charles G. Truesdell, of Clinton county, be and are hereby appointed trustees of the institution for the blind for four years from February 1st, 1868, and until their successors are elected and qualified.

Approved April 7, 1868.

NUMBER XVIII.

FOR INCREASE OF MAIL FACILITIES.

JOINT RESOLUTION Regulating increased Mail Facilities in Iowa.

Be it resolved by the General Assembly of the State of Iowa, That our senators in Congress be instructed, and our representatives requested, to procure, if possible, increased mail facilities in this State, as follows:

1. A mail-route and tri-weekly service thereon from Nashua, in Chickasaw county, via Bradford, Chickasaw, Deerfield, Pettibone's, and Crane Creek, to Cresco, in Howard county; also tri-weekly service from Williamstown, in Chickasaw county, via Northampton and North-Washington to Deerfield.

2. A mail-route and weekly mail-service thereon, from New Hartford, in Butler Centre via Willoughby and Swanton.

3. A mail-route and weekly mail-service thereon, from Carro[l]lton, in Carroll county, via Sac City, Buena Vista, and Spencer, to Spirit Lake in Dicke[i]nson county.

4. Daily mail-service from Sioux City, via Melbourne, Cherokee, Peterson, Spencer, Okoboji, Spirit Lake, and Jackson, to Mankato in Minnesota; also tri-weekly service from Carro[l]lton, via Sac City, Stormy Lake, Little Sioux Rapids, Gillett's Grove and Spencer, to Okoboji; also weekly service from Estherville, in Emmett county, via Lost Island, to Gillett's Grove in Clay county.

5. A mail-route, and weekly service thereon, from Yatesville to Lake City in Calhoun county.

6. Semi-weekly mail-service from Nevada, in Story county, via Story City, Henry's, Leakin's Grove, and Reese Grove, to Hawkeye, in Hamilton county, returning via Chadwick's and Thompson's; also, a daily mail from Des Moines, via Greenwood, Ottawa, and Cambridge, to Nevada; also, on route 11,120, tri-weekly service as far as Belmond, in Wright county, and thence to Forest City, Winnebago county, once a week.

7. A mail-route, and weekly service thereon, from Council Bluffs, via Beards Grove and Newtown, to Harlan, in Shelby county.

8. Daily mail-service from Winterset, via Afton, Mt. Ayr, and Grant City, to St. Joseph, in Missouri.

9. An extension of the daily mail-service from West Point, via St. Paul and Pilot Grove, to Salem.

10. Tri-weekly mail-service from Iowa Falls, via Marysville, Hampton, and Chapins to Mason City, in Cerro Gordo county.

11. A mail-route with tri-weekly service from Onawa City, in Monona county, via Olivers school-house, Crabb bridge, Belvidier, Spring Valley, St. Clair, and Emigrant Settlement, to Dennison, in Crawford county.

12. A mail-route, with daily service, from Charles City, in Floyd county, via Rockford, Rock Grove City, *Nova* [Nora] Springs, and Mason City, to Clear Lake.

13. A mail-route, with tri-weekly service, from Ainsworth, in Washington county, via Crawfordsville and Wayne, to Mount Pleasant, in Henry county.

14. A mail-route, with daily service, from Bartlett, in Fremont county, by way of Plumb Hollow and Sidney, to Hamburg.

15. Daily service of the mails on the Mississippi river, between Keokuk and McGregor, during the season of navigation.

16. Daily mail-service, on route No. 11,305, from Homer to Webster City; and tri-weekly service, on route No. 11,204, from Alden to Hopper Grove.

17. A continuous mail-route and weekly service from Mason City, via Clear Lake, Forest City, and Algona, to Spirit Lake; also a tri-weekly service from Waverly, via Clarksville, Elm Springs, Marble Rock, Rockford, Rock Grove City, *Nova* [Nora] Springs, Shell Rock Falls, Plymouth, Northwood, and Albert Lea to Omatown.

18. A mail-route, with semi-weekly service, from Fayette, via Lima and Wan[u]dena, to Volga City, in Clayton county.

19. A mail-route from Clarinda, via Cramer's Corners, Davis Grove, Franklin Grove, and Walnut Creek, to Council Bluffs.

20. A mail-route, with daily service, from Northwood, in Worth county, to Austin, in Minnesota.

21. A continuous mail route, with daily or tri-weekly service, from Des Moines, via Story, Hardin, Franklin, Cerro Gordo, and Worth counties, to a point on the Milwaukee and St. Paul Railroad in Minnesota.

22. Semi-weekly service of the mails from Dacotah, in Hamboldt county, via Dervialer's, to Armstrong's Grove, in Kossuth county.

23. Tri-weekly mail service, on route number 11,291, from Winterset, via Quincy and Clarinda, to Savannah in Missouri.

24. A mail-route with tri-weekly service from Bartlett, via Tabor, to Red Oak Junction, in Montgomery county.

25. A daily mail from Iconium, in Appanoose county, via Moravia, to Unionville, in same county (except Sundays).

26. Semi-weekly mail-service from Alden to Forest City, in Winnebago county, via F[r]eyburg^h, Belmound, Upper Grove, and Hancock Center.

27. Tri-weekly mail from Monmouth, in Jackson county, to Wheatland, in Clinton county, via Keystone Mills, Burgess, and Toronto.

28. A mail-route, tri-weekly, from Delaware Centre, via Delhi, Hopkinton, Sand Spring, Monticello, Scotch Grove, Johnson, Wyoming and Oxford Mills, to Clarence, in Cedar county, Iowa.

29. Weekly mail from Panora, Guthrie county, to New Jefferson, Greene county.

30. And that copies hereof be sent by the Secretary of State to the delegation of this State in Congress.

Approved April 7, 1868.

NUMBER XIX.

FOR CONNECTING THE MISSISSIPPI WITH LAKE MICHIGAN THROUGH WISCONSIN, FOX, AND ROCK RIVERS.

A MEMORIAL to Congress in Relation to the Project of connecting, by navigable Channels through the Wisconsin and Fox Rivers, the waters of the Mississippi River with the waters of Lake Michigan.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled :

THE MEMORIAL OF THE LEGISLATURE OF IOWA RESPECTFULLY REPRESENTS—

That the project of connecting the Mississippi river and Lake Michigan by navigable channels through the Wisconsin, Fox, and Rock rivers, appears to the legislature (your memorialist) to be one of vast importance to Iowa, to the North-west, and to the entire country. An oppressive sense of this importance is the only apology the legislature can offer for memorializing Congress in relation thereto.

Permit your memorialist to respectfully suggest a few of the reasons which, to the legislature, appear conclusive why the immediate execution of this project by Congress not only is, of vast importance, but is a necessity. Upon its execution may depend the safety of our northern frontier. No frontier is more assailable or more in need of protection from possible foes.

Great Britain occupies the northern portion of the continent, with a territory conterminous with our own, stretching from the Atlantic to the Pacific. She has constructed a series of short canals around the rapids of the St. Lawrence with locks forty-five feet wide and two hundred feet long and eight feet deep, and has connected Lakes Erie and Ontario by the Welland Canal, with locks twenty-six feet wide, one hundred and fifty long and eleven deep, and capable of ready enlargement. She has also constructed the Rideau Canal, professedly as a military work, by an interior route between Montreal and Kingston, with locks thirty-three feet wide and one hundred and forty-two feet long; and although the channel is only five-and-a-half feet deep, yet it is capable of passing a dangerous vessel when buoyed up by lighters. She has a formidable fortress and depot of military and naval stores at Kingston, on Lake Ontario; another at Malden, at the mouth of Detroit river, and a third at Pentanguishene, on Georgian Bay; besides forts more or less impregnable at Toronto, Niagara, Port Stanley, Windsor, and Port Sarnia. Most of these points are intersected by railways, by which a large force can be rapidly concentrated.

To oppose these formidable preparations we have a few dismantled forts, which a half-hour's cannonading with improved ordnance would batter down, and which from their weakness would invite rather than deter attack; no lines of water communication by which a war vessel larger than a canal boat can be thrown into the lakes; no naval or military depots; nothing but a single steamer of one hundred tons burden, mounting a single eighteen-pounder for aggressive or defensive purposes; nor can the number under the treaty stipulations of 1817 be increased beyond one more on the upper lakes, one on Lake Ontario and one on Lake Champlain.

It may be a startling fact, but it is nevertheless true, that a single battery planted on the Virginia side of the Ohio river below Pittsburg, and a single gun-boat anchored near the south shore of Lake Erie, have the power to sever the great arteries of communication between the East and West. The dreadful import of this fact becomes apparent when it is remembered that the annual wheat crop of the State of New York is hardly enough to feed her population for one-third of a year; while the annual wheat crop of the New England States is only enough to feed their population three weeks. The Committee on Canals of the Senate of New York and the Committee on Naval Affairs of the Senate of the United States having this project before them, have unanimously reported in its favor; the former by its report made on or about the 10th of April, 1862, and the latter by its report made on or about the 3d of March, 1863.

As a commercial measure, the execution of this project is no less a necessity. The products of the North-west for exportation have increased beyond example. The capacity of the present channels of commerce is insufficient to move them; while the cost of transportation is so great, that in some localities corn is used for fuel, and in most is converted into pork and beef before it can be forwarded. The product of grain, for example, has increased: that of Wisconsin from 36,000,000 bushels in 1860, to nearly 50,000,000 bushels in 1865; that of Illinois, 150,000,000 bushels in 1860, to 230,000,000 in 1865; that of Iowa, Minnesota, and other Western States, in proportion, quite or nearly as great, and yet only a mere fraction of the soil (estimated at one-eighth) is under cultivation.

The increase for years to come can not be less than in the years last past, and with it the cost of transportation will be increased, and the incapacity of the present channels of commerce become more apparent and ruinous.

By the execution of this project, vast sums now paid to middlemen will be saved to the consumer and producer; freights will be classified, giving to railways the exclusive control over certain classes of freight, and in quantity more than they can move.

Railway capital can not be imperilled, but if so, better the corporations than the people should suffer.

By its execution the entire country is benefited, not less the East than the West; not more by returns of commerce than by developing avenues of intercourse into bonds of unity.

The project which tends to unite by friendly bonds the remote parts of a country, can be no less national in character than that which guards against outward foes.

Your memorialist respectfully suggests that this work should be undertaken by the General Government. It can not be successfully accomplished by the States separately, and can not be undertaken by them even, as in most there are constitutional prohibitions against the incurring of State debt. As a national and military measure, its accomplishment is devolved, not upon the States, but upon the General Government. The navigable waters which it is proposed to improve and develop, and the carrying places between the same, are common highways, declared to be such by the ordinance of 1787, and are the class of navigable waters over which the General Government has invariably retained control, and to improve which it has long been its policy to make appropriations.

Your memorialist respectfully suggests that this work should be undertaken at this time, because the public debt is great. Its accomplishment will increase the wealth of the country, out of which the debt is to be paid, and will enlarge the incomes of the consumer and producer, by whom it is to be paid. At any cost, its early accomplishment is dictated by true economy. It will not cost a sum equal to the saving overland carriage on the movement seaward of a single crop.

For these reasons your memorialist invites your attention to this subject, and trusts it will receive early and due consideration. Be it therefore,

Resolved by the General Assembly of the State of Iowa, That the Governor be and he is hereby authorized and requested to affix his official signature thereto, and forward a copy of this memorial to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, and to each of our senators and representatives in the Congress of the United States.

Approved April 7, 1868.

NUMBER XX.

TRUSTEES OF THE REFORM SCHOOL.

JOINT RESOLUTION of the Twelfth General Assembly of the State of Iowa.

Resolved by the General Assembly of the State of Iowa, That there are hereby appointed, as trustees of the Iowa reform school, the following, viz:

- 1st Congressional District, Isaac T. Gibson.
 - 2d Congressional District, J. A. Parvin.
 - 3d Congressional District, Eli O. Clemons [Clemons].
 - 4th Congressional District, J. D. Ladd.
 - 5th Congressional District, Dr. M. A. Dashiell.
 - 6th Congressional District, Wm. J. Moir.
- Approved April 7, 1868.

NUMBER XXI.

NOTARIES PUBLIC.

JOINT RESOLUTION in Regard to Notaries Public.

Resolved by the General Assembly of the State of Iowa, That the Secretary of State is hereby authorized to charge one dollar and twenty-five cents for each commission issued by him to a notary public. It shall be the duty of the Secretary of State, sixty days before the expiration of the commission, to notify each notary of the time his commission will expire. Such notice may be served by mail by letter, directed to such notary at his place of residence as shown in the application for the commission. The Secretary shall deliver to the Attorney-General once in each year a list of all notaries who have failed to renew their commissions; and it shall be the duty of the Attorney-General to enforce the law in regard to notaries public exercising the duties of their office after the expiration of their commission[s].

Approved April 7, 1868.

NUMBER XXII.

ASSISTANT POSTMASTER CONTINUED.

Resolved by the House of Representatives, the Senate concurring, That George F. Work, assistant postmaster, be employed to remain one week after the close of the session, in order to remail all matter desired by the members, and that the sum of thirty-five dollars be allowed him for this service.

Approved April 7, 1868.

NUMBER XXIII.

SUPREME COURT REPORTS, VOL. XXI.

Resolved by the General Assembly of the State of Iowa, That the Secretary of State is hereby authorized to subscribe for five hundred copies of the twenty-first Volume of Iowa Reports, as authorized by law, upon receiving the certificate of Justice Wright of the Supreme Court, that the volume complies with the requirements of the law.

Approved April 7, 1868.

NUMBER XIV.

POSTMASTERS AS REVENUE STAMP AGENTS.

JOINT RESOLUTION Instructing our Senators and Requesting our Representatives to procure the Passage of a Law making Postmasters Distributing Agents of Revenue Stamps.

Be it resolved by the General Assembly of the State of Iowa, That the senators in Congress from this State be instructed, and the representatives requested to procure the passage of a law making postmasters within the United States the special agents for the distribution of revenue stamps.

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 April 8, 1868.

NUMBER XXV.

PUBLIC DOCUMENTS FORWARDED BY STATE.

Be it resolved by the General Assembly of the State of Iowa,
That the Secretary of State is hereby instructed to forward all books, documents, or other matters, to which the members or employees of the 12th General Assembly may be entitled after adjournment, to their respective addresses at the expense of the State.

Approved April 8, 1868.

ADDENDA.

[The data for the certificates of publication of some of the foregoing acts came to hand too late for their insertion complete in their proper places in the volume. They are therefore given below. Where only one publication of an act is certified, it is because no evidence of any other publication has been received at the office of the Secretary of State.—SEC. OF STATE.]

CHAPTER 40.

I hereby certify that chapter 40 of the laws of the Twelfth General Assembly, entitled, "An act legalizing the incorporation of 'First Congregational-Society of Mason City,' Cerro Gordo county, Iowa," was published in the *State Register* March 28, 1868, and in the *Cerro Gordo Republican* April 9, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 72.

There is nothing to add to the certificate of publication of chapter 72, as it appears on page 98 of this volume, there being no evidence in the office of the Secretary of State of the publication of the same in the *Iowa State Register*.—SECRETARY OF STATE.

CHAPTER 84.

I hereby certify that chapter 84 of the laws of the Twelfth General Assembly, entitled "An act to authorize the correction of errors in the plat of the village of Webster City, in Hamilton county," was published in the *Iowa State Register* April 15, 1868, and in *The Hamilton Freeman* April 15, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 88.

I hereby certify that chapter 88 of the laws of the Twelfth General Assembly, entitled "An act legalizing the organization of the independent district of Montezuma, and the election and acts of the officers thereof," was published in the *Iowa State Register* April 15, 1868, and in the *The Montezuma Republican* May 6, 1868.

ED WRIGHT, *Secretary of State.*

CHAPTER 180.

I hereby certify that chapter 180 of the laws of the Twelfth General Assembly, entitled "An act to legalize certain acts of the council of the town of Corydon, Wayne county, Iowa, in the levy of a town-tax on the property in said town of Corydon," was published in the *Corydon Monitor*, April 18, 1868.
ED WRIGHT, *Secretary of State*.

CHAPTER 181.

I hereby certify that chapter 181 of the laws of the Twelfth General Assembly, entitled "An act to legalize certain official acts of Jonathan Ogleabee, recorder of Clayton county, Iowa," was published in the *Daily State Register*, April 23, 1868.
ED WRIGHT, *Secretary of State*.

CHAPTER 182.

I hereby certify that chapter 182 of the laws of the Twelfth General Assembly, entitled "An act to legalize the official acts of Samuel R. Coons, a notary public in Clayton county," was published in the *Weekly McGregor News*, April 18, 1868.
ED WRIGHT, *Secretary of State*.

CHAPTER 183.

I hereby certify that chapter 183 of the laws of the Twelfth General Assembly, entitled "An act to legalize the acts of the Northwestern Mining Company," was published in the *Daily State Register* April 23, 1868, and in the *Maquoketa Excelsior* May 21, 1868.
ED WRIGHT, *Secretary of State*.

CHAPTER 189.

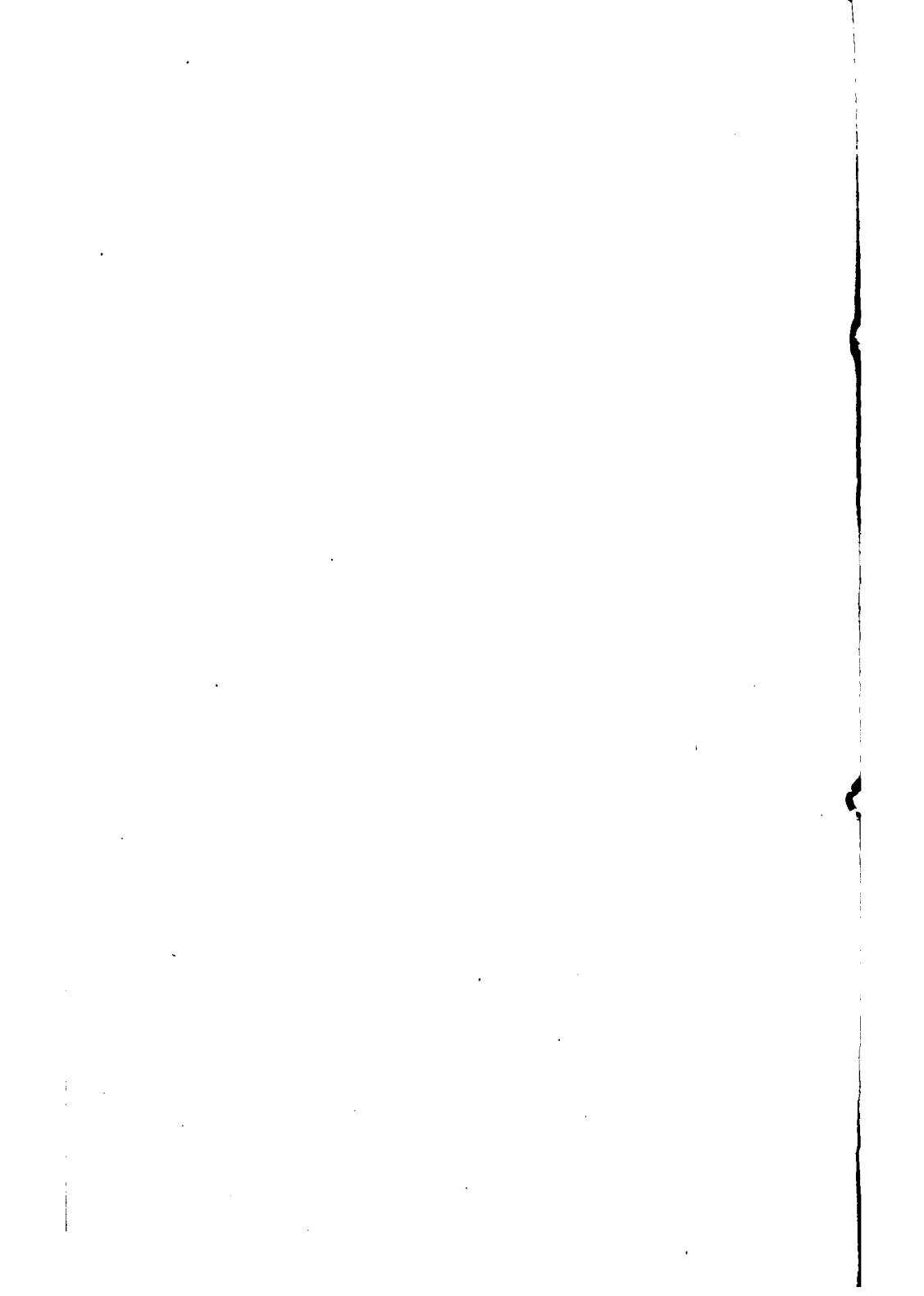
I hereby certify that chapter 189 of the laws of the Twelfth General Assembly, entitled "An act to legalize the notarial acts of certain notaries public of Polk county," was published in the *Daily State Register* May 28, 1868, and in *The Iowa Evening Statesman* May 28, 1868.
ED WRIGHT, *Secretary of State*.

CHAPTER 147.

I hereby certify that chapter 147 of the laws of the Twelfth General Assembly, entitled "An act to legalize certain acts of James Foster, a justice of the peace in Guthrie county, Iowa," was published in the *Guthrie County Ledger* April 27, 1868.
ED WRIGHT, *Secretary of State*.

CHAPTER 157.

There is no evidence in the office of the Secretary of State of the publication of this act. — SECRETARY OF STATE.



STATE OF IOWA, OFFICE AUDITOR OF STATE, }
DES MOINES, MAY 25, 1868. }

HON. ED WRIGHT,

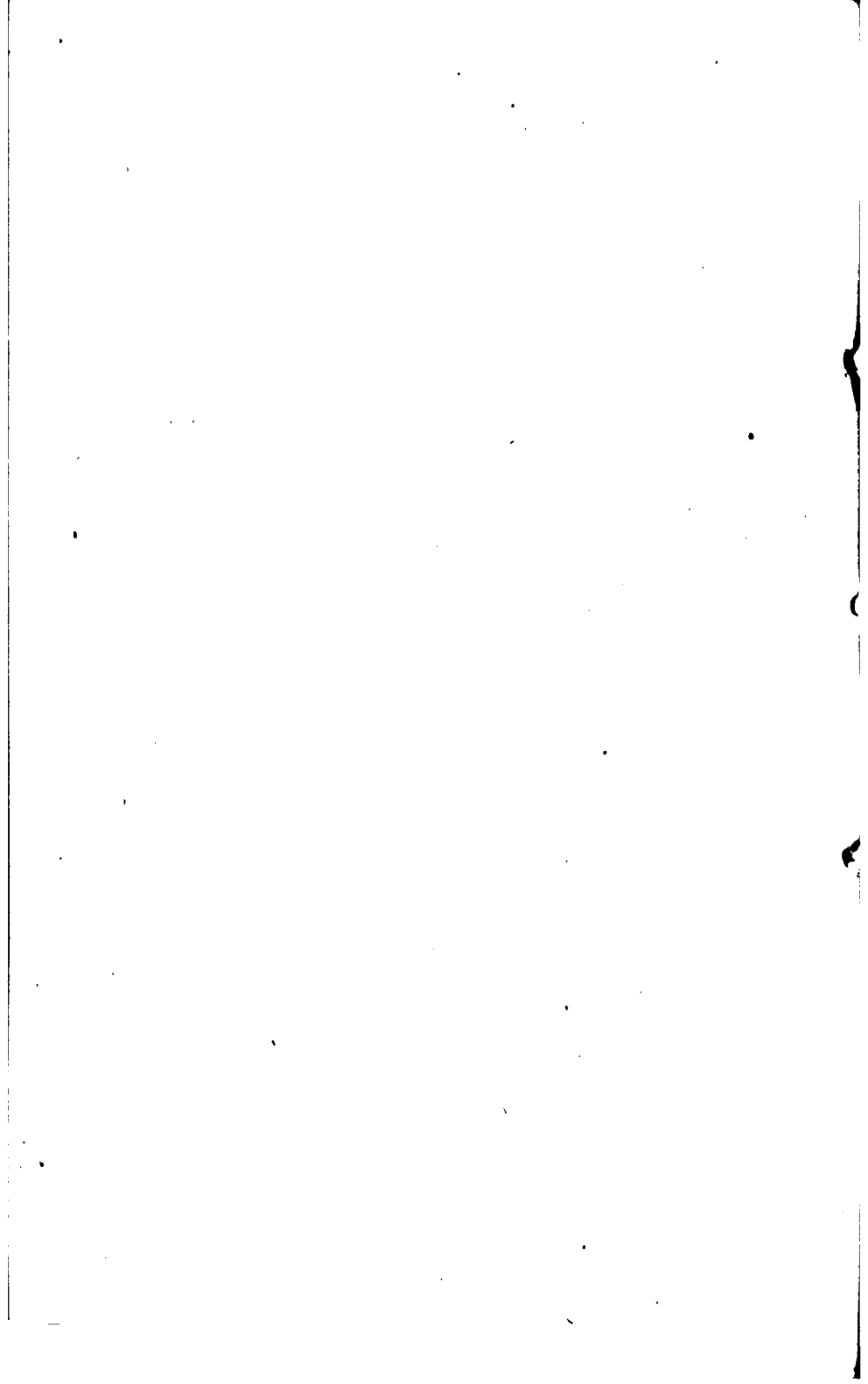
Secretary of State,

SIR:—In pursuance of Section 18, Article 3, of the Constitution of Iowa, herewith find for publication with the Laws of the Twelfth General Assembly, a statement of the Receipts and Expenditures for the two fiscal years commencing November 6, 1865, and ending November 2, 1867, both days inclusive.

Very respectfully,

JOHN A. ELLIOTT,

Auditor of State.



AUDITOR'S REPORT.

The balance remaining in the Treasury, at the close of the fiscal year, November 4, 1865, was \$47,236.62.

There was received into the Treasury during the past two years, including the above balance on hand, \$1,412,395.19, and the disbursements by the Treasurer during the same period amounted to \$1,314,654.74, leaving in the Treasury Nov. 2, 1867, \$97,740.45.

This balance is distributed among the several funds as follows:

General Revenue.....	\$82,114.48
Coupon Fund.....	1,454.06
Swamp-Land Fund.....	4,355.60
Dictionary Fund.....	20.00
Permanent School Fund.....	8,126.94
Temporary School Fund.....	1,669.37
	\$97,740.45

The following statement exhibits, in a condensed form, the gross amount of the revenues of the State and of the several funds, with the sources from which they were chiefly derived, and also the disbursements from the several funds respectively:

RECEIPTS.

Balance in Treasury Nov. 4, 1865.....	\$47,236.62
General Revenue, from Taxes, Insane Dues, Peddler's Licenses, and sale of Laws.....	\$1,028,591.24
From Railroad Taxes.....	39,584.14—\$1,068,175.38
War and Defense Fund, from Taxes	7,890.52
Coupon Fund.....	70,258.81
Railroad Fund, from Taxes.....	79,268.10
Swamp Land Fund, from U. S.....	88,053.25
Dictionary Fund.....	293.98
Permanent School Fund, from Eads' loans and sureties.....	11,132.18
Temporary School Fund, from Inter- est on State and U. S. Bonds, &c.	40,086.35
	Total receipts.....\$1,412,395.19

DISBURSEMENTS.

General Revenue, redemption of Auditor's Warrants and Interest allowed on same.....	\$1,008,281.54
Refunded to Webster County.....	599.20—\$1,008,880.74
War and Defense Fund, redemption of War and Defense Warrants and Interest on same.....	10,158.36
Coupon Fd., redemption of Coupons	69,629.63
Railroad Fund, apportioned to State and Counties.....	79,268.10
Swamp Land Fund, paid to Counties	104,991.20
Dictionary Fund, paid publishers...	305.98
Permanent School Fund.....	3,003.75
Temporary School Fund.....	38,416.98
	<hr/>
Total disbursements.....	\$1,314,654.74
	<hr/>
Balance in the Treasury.....	\$97,740.45

A statement more in detail of each fund separately will be found immediately following:

1st. — RECEIPTS AND DISBURSEMENTS OF STATE REVENUE.

W. H. HOLMES, STATE TREASURER.

1865.	
Nov. 4.	To balance from last report.. \$336,093.47
1866.	
March 3.	To amount received during quarter ending this day.. 157,409.61—\$493,503.08

CONTRA.

March 3.	By Auditor's Warrants redeemed during quarter... \$107,586.92
March 3.	By interest allowed on same. 1.30
March 3.	By balance to next quarter.. 385,914.86—\$493,503.08
1866.	
March 3.	To balance from last quarter. 385,914.87
June 2.	To amount received for quarter ending this day (State Revenue)..... 180,438.14
June 2.	To amount transferred quarter ending this day (Railroad Tax)..... 19,337.74—\$585,690.73

CONTRA.

May	5.	By amount refunded to Webster county (erroneously received for by State Treasurer).....	\$	540.50
June	2.	By Auditor's Warrants redeemed during quarter...	201,206.58	
June	2.	By State Treasurer (War and Defense Fund) transferred as per Chap. 68, Acts of 1866 (overdrawn).....	313,273.63	
June 1866.	2.	By balance to next quarter..	70,670.02	—\$585,690.73
June	2.	To cash balance from last quarter.....	70,670.02	
Sept.	1.	To amount received during quarter ending this day, (State Revenue).....	92,607.66	
Sept.	1.	To amount transferred during quarter ending this day, (Railroad Tax).....	379.03	—\$163,656.71

CONTRA.

Sept.	1.	By Auditor's Revenue Warrants redeemed during quarter.....	\$145,307.45	
Sept.	1.	By Auditor's War and Defense Warrants redeemed during quarter.....	179.17	
Sept.	1.	By Interest allowed on War and Defense Warrants....	1.58	
Sept. 1866.	1.	By balance in Treasury to next quarter.....	18,168.51	—\$163,656.71
Sept.	1.	To balance in Treasury this date	18,168.51	
Nov.	3.	To amount of Revenue received during quarter ending this day.....	69,259.13	—\$ 87,427.64

CONTRA.

1866.	Nov.	3.	By Revenue Warrants redeemed during quarter...\$	70,586.97
Nov.	3.	By War and Defense Warrants redeemed during qr.	47.23	

Nov. 3.	By Interest allowed on War and Defense Warrants....	\$.67	
Nov. 3.	By balance in Treasury to next quarter.....	16,792.77	—\$ 87,427.64
1866.			
Nov. 3.	To balance in Treasury from last quarter.....	16,792.77	
1867.			
Jan. 5.	To amount of Revenue received during quarter ending this day.....	77,995.89	
Jan. 5.	To balance overdrawn, credited to successor.....	851.83	—\$ 95,640.49

CONTRA.

1867.			
June 5.	By Revenue Warrants redeemed during quarter...\$	95,578.19	
Jan. 5.	By War & Defense Warrants redeemed during quarter..	62.30	—\$ 95,640.49

SAMUEL E. RANKIN, STATE TREASURER.

1867.			
Mar. 2.	To amount of Revenue received during quarter.....\$	71,979.63	

CONTRA.

1867.			
Jan. 7.	By balance overdrawn from W. H. Holmes, Treasurer of State.....\$	851.83	
March 2.	By Revenue Warrants redeemed during quarter....	65,576.58	
March 2.	By Interest allowed on same	109.16	
March 2.	By War and Defense Warrants redeemed during the quarter.....	266.62	
March 2.	By Interest allowed on same,	11.89	
March 2.	By balance in Treasury to next quarter.....	5,163.55	—\$ 71,979.63
March 2.	To balance in Treasury from last quarter.....	5,163.55	
June 1.	To amount of Revenue received during quarter....	147,849.04	—\$153,012.59

CONTRA.

June 1.	By Revenue Warrants redeemed during quarter...\$	123,354.55	
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June 1.	By War and Defense Warrants redeemed during the quarter.....	\$ 8.88	
June 1.	By balance in Treasury to next quarter.....	29,649.16	—\$153,012.59
June 1.	To balance in Treasury from last quarter ...	29,649.16	
Aug. 31.	To amount of Revenue received during quarter....	124,197.20	—\$153,846.36

CONTRA.

Aug. 31.	By Revenue Warrants redeemed during quarter...\$	104,514.33	
Aug. 31.	By War and Defense Warrants redeemed during qr.	35.00	
Aug. 31.	By Interest allowed on War and Defense Warrants....	1.45	
Aug. 31.	By balance in Treasury to next quarter.....	49,295.58	—\$153,846.36
Aug. 31.	To balance in Treasury from last quarter.....	49,295.58	
Nov. 2.	To amount of Revenue received during quarter ending this day.....	106,854.94	
Nov. 2.	To amount transferred from Railroad Tax.....	19,867.38	—\$176,017.90

CONTRA.

Nov. 2.	By Revenue Warrants redeemed for quarter ending this day.....\$	93,903.42	
Nov. 2.	By balance in Treasury this date.....	82,114.48	—\$176,017.90
Nov. 2.	To balance in Treasury this date.....	82,114.48	

2b—RECEIPTS AND DISBURSEMENTS OF WAR AND DEFENSE FUND.

W. H. HOLMES, STATE TREASURER.

1866.

Jan. 30.	To amount received of Walter Wiley, per Auditor.....\$	9.00	
March 3.	To amount received from counties for Federal Tax for quarter.....	5,406.73	
March 3.	To balance overdrawn from State Revenue.....	314,300.41	—\$319,716.14

CONTRA.

1865.			
Nov. 4.	By balance overdrawn from State Revenue.....	\$311,005.79	
1866.			
March 3.	By War and Defense Warrants redeemed during quarter.....	8,678.25	
March 3.	By interest allowed on same.	4.45	
March 3.	By reissued Warrants redeemed.....	32.65—	\$ 319,716.14
1866.			
June 2.	To amount received from Counties for Federal Tax during quarter.....	\$ 2,474.79	
June 2.	To amount transferred to State Revenue as per Chapter 68, acts of 1866..	313,273.63—	\$315,748.42

CONTRA.

1866.			
March 3.	By balance overdrawn from State Revenue.....	\$314,300.41	
June 2.	By War and Defense Warrants redeemed for quarter	1,443.33	
June 2.	By Interest allowed on same.	4.68—	\$ 315,748.42

3D. — RECEIPTS AND DISBURSEMENTS OF COUPON FUND.

STATE TREASURER, (W. H. HOLMES.)

RECEIPTS.

1865.			
Nov. 4.	To balance in Treasury this date.....	\$ 824.88	
Dec. 19.	To Warrant for six months Interest and bank commission on Bonds of 1858,	7,035.00	
Dec. 19.	To Warrants for six months Interest and bank commission on War Bonds...	10,552.50	
1866.			
June 21.	To Warrants for six months Interest and bank commission on War Bonds...	10,552.50	
June 21.	To Warrants for six months Interest and bank commission on Bonds of 1858,	7,034.11	

Dec. 24.	To Warrants for six months Interest and bank com- mission on Bonds of 1858,	\$ 7,032.20
Dec. 24.	To Warrants for six months Interest and bank com- mission on War Bonds...	10,552.50—\$ 53,583.69

CONTRA.

1867.		
Jan. 5.	By Coupons redeemed— Bonds of 1858.....	\$ 13,615.00
Jan. 5.	By Coupons redeemed— War Bonds.....	20,860.00
Jan. 5.	Bank Commission for re- deeming \$16,888 @ $\frac{1}{4}$	84.44
Jan. 5.	By balance in Bank and Treasury paid to successor,	19,024.25—\$ 53,583.69

SAMUEL E. BANKIN, TREASURER.

RECEIPTS.

1867.		
Jan. 7.	To balance in Bank and Treasury of predecessor...	\$ 19,024.25
Oct. 16.	To Warrant for six months Interest on Bonds of 1858,	7,000.00
Oct. 16.	To Warrant for six months Interest on War Bonds...	10,500.00—\$ 36,524.25

CONTRA.

1867.		
Nov. 2.	By Coupons redeemed— Bonds of 1858.....	\$ 14,000.00
Nov. 2.	By Coupons redeemed— War Bonds.....	20,989.50
Nov. 2.	By Bank Commission for redeeming Coupons @ $\frac{1}{4}$..	80.69
Nov. 2.	By balance in Bank and Treasury this date.	1,454.06—\$ 36,524.25
Nov. 2.	To balance in Bank and Treasury this date.....	1,454.60

4TH.—RECEIPTS AND DISBURSEMENTS OF RAILROAD TAX FUND.

STATE TREASURER, (W. H. HOLMES).

RECEIPTS.

1866.		
Jan. 17.	To amount received from B. & M. R. R. Co.....	\$ 4,662.83

Feb. 2.	To amount received from C. R. & M. R. R. Co.....	\$ 4,513.10
Feb. 2.	To amount received from C. I. & N. R. R. Co.....	6,813.83
Feb. 13.	To amount received from D. & S. W. R. R. Co.....	1,202.48
Feb. 14.	To amount received from D. & S. C. R. R. Co.....	6,249.30
Feb. 14.	To amount received from C. F. & M. R. R. Co.....	398.57
Feb. 15.	To amount received from M. & M. R. R. Co.....	7,301.14
Feb. 28.	To am't received from McG. W. R. R. Co.....	580.54
Feb. 29.	To amount received from D. Val. R. R. Co.....	4,866.54
Mar. 23.	To amount received from C. F. & M. R. R. Co.....	10.21
Mar. 23.	To amount received from D. & S. C. R. R. Co.....	160.47
Mar. 29.	To amount received from McG. W. R. R. Co.....	1,916.39
June 29.	To amount received from K. Mt. P. & M. R. R. Co....	758.05—\$ 39,433.45

DISBURSEMENTS.

1866.		
June 2.	By amt. transferred to State Revenue.....	\$ 19,337.73
June 2.	By amount apportioned to counties as per receipts on file.....	19,337.67
Sept. 1.	By amt. transferred to State Revenue.....	379.02
Sept. 1.	By amount apportioned to counties as per receipts on file.....	379.02—\$ 39,433.45

STATE TREASURER, SAMUEL E. RANKIN.

1867.		
Feb. 2.	To amount received from D. & S. C. R. R. Co.....	\$ 8,148.56
Feb. 2.	To amount received from C. F. & M. R. R. Co.....	583.54
Feb. 4.	To amount received from D. S. W. R. R. Co.....	1,354.55
Feb. 7.	To amount received from M. & M. R. R. Co.....	4,023.39

Feb. 7.	To amount received from C. R. I. & P. R. R. Co.....	\$ 2,329.51
Feb. 7.	To amount received from C. R. & M. R. R. R. Co.....	5,023.39
Feb. 23.	To amount received from C. I. & N. R. R. Co.....	6,511.83
April 2.	To amount received from B. & M. R. R. Co.....	4,533.95
Oct. 14.	To amount received from D. M. V. R. R. Co.....	6,499.03
Oct. 28.	To amount received from K. Mt. P. & M. R. R. Co....	826.90—\$ 39,834.65

CONTRA.

Nov. 2.	By amount apportioned to counties as per receipts on file.....	\$ 19,967.27
Nov. 2.	By amount transferred to State Revenue.....	19,867.38—\$ 39,834.65

5TH.—RECEIPTS AND DISBURSEMENTS OF SWAMP LAND FUND.

STATE TREASURER, (W. H. HOLMES.)

RECEIPTS.

1865.		
Nov. 4.	To balance in Treasury this date.	\$21,293.55
1866.		
Jan. 24.	To amount received for Pottawat- tamie county.....	7,453.38
Jan. 26.	To amount received for Guthrie county.....	204.40
Jan. 26.	To amount received for Wash- ington county.....	1,501.08
Jan. 26.	To amount received for Dubuque county.....	325.21
Jan. 26.	To amount received for Mahaska county.....	1,339.76
Jan. 27.	To amount received for Buchanan county.....	1,922.22
Feb. 3.	To amount received for Tama county.....	525.00
Feb. 27.	To amount received for Musca- tine county.....	2,721.03
Mar. 3.	To amount received for Linn Co.	2,222.89
Mar. 13.	To amount received for Chicka- saw county.....	5,392.03

Mar. 13.	To amount received for Washington county.....	\$ 3,048.63
May 1.	To amount received for Fayette county.....	2,468.76
July 4.	To amount received for Benton county.....	4,986.12
July 13.	To amount received for Shelby county.....	2,129.90
Aug. 1.	To amount received for Black Hawk county.....	5,620.26
Aug. 1.	To amount received for Floyd county.....	4,007.91
Aug. 1.	To amount received for Sac Co.	300.00
Aug. 1.	To amount received for Delaware county.....	3,121.21
Oct. 18.	To amount received for Hardin county.....	4,113.55
Oct. 18.	To amount received for Hamilton county.....	4,616.50
Dec. 1.	To amount received for Tama county.....	2,200.00
Dec. 1.	To amount received for Winneshek county.....	1,251.90
Dec. 1.	To amount received for Grundy county.....	554.38—\$83,319.67

DISBURSEMENTS.

1865.		
Nov. 20.	By amount paid Guthrie county as per receipt.....	\$ 2,804.36
1866.		
Jan. 17.	By amount paid Fremont county as per receipt.....	50.00
Jan. 24.	By amount paid on order of Pottawattamie county.....	7,304.32
Jan. 29.	By amount paid Clayton county as per receipt.....	240.28
Feb. 5.	By amount paid Louisa county as per receipt.....	2,266.50
Feb. 20.	By amount on order of Butler county.....	605.00
Feb. 20.	By amount paid Tama county as per receipt.....	514.50
Feb. 20.	By amount paid Guthrie county as per receipt.....	202.30
Feb. 20.	By amount paid Washington county as per receipt.....	1,471.06

Mar. 22.	By amount paid Washington county as per receipt....	\$ 2,987.63
Apr. 21.	By amount paid Chickasaw Co. as per receipt.....	5,284.18
May 16.	By amount paid Linn county as per receipt.....	2,178.44
June 20.	By amount paid Mahaska county as per receipt.....	1,312.96
June 20.	By amount paid Black Hawk county as per receipt.....	878.85
July 13.	By amount paid Shelby county as per receipt.....	2,129.90
July 20.	By amount paid Benton county as per receipt....	4,886.40
Aug. 3.	By amount paid Butler county as per receipt.....	13,613.15
Aug. 3.	By amount paid Floyd county as per receipt.....	1,233.77
Aug. 9.	By amount paid Fayette county as per receipt....	2,419.07
Sept. 12.	By amount paid Dubuque county as per receipt.....	318.71
Sept. 12.	By amount paid Muscatine Co. as per receipt.....	2,659.95
Sept. 26.	By amount paid Delaware Co. as per receipt.....	3,058.79
Oct. 6.	By amount paid Black Hawk county as per receipt.....	5,507.80
Oct. 27.	By amount paid Floyd county as per receipt.....	1,800.00
Nov. 2.	By amount paid Hardin county as per receipt.....	620.32
Dec. 3.	By amount paid Hardin county as per receipt.....	432.80
Dec. 4.	By amount paid Tama county as per receipt.....	2,156.00
Dec. 19.	By amount paid Grundy county as per receipt.....	543.38
1867.		
Jan. 5.	By balance in Treasury to successor.....	13,839.25—\$ 83,319.67

SAMUEL E. RANKIN, STATE TREASURER.

1867.

Jan. 7.	To balance in Treasury of predecessor.....	\$ 13,839.25
Jan. 10.	To amount received for Audubon county.....	100.00

June 1.	To amount received for Ringgold county.....	\$ 16,737.62
June 22.	To amount received for Mitchell county.....	5,796.04
June 28.	To amount received for Hardin county.....	3.29
Oct. 14.	To amount receiv'd for Wayne county.....	3,390.18—\$ 39,866.38

CONTRA.

Mar. 2.	By amount paid Hamilton county as per receipt.....	\$ 3,600.87
Mar. 2.	By amount paid Audubon county as per receipt.....	98.00
Mar. 2.	By amount paid Sac county as per receipt.....	294.00
Mar. 2.	By amount paid Floyd county as per receipt.....	893.98
June 1.	By amount paid Hardin county as per receipt.....	2,981.45
June 1.	By amount paid Hamilton county as per receipt.....	923.30
June 1.	By amount paid Ringgold county as per receipt.....	16,402.87
June 1.	By amount paid Winneshiek county as per receipt.....	1,226.87
— —.	By amount paid Mitchell county as per receipt.....	5,767.08
— —.	By amount paid Wayne county as per receipt.....	3,322.38
Nov. 2.	By balance in Treasury.....	4,355.60—\$ 39,866.38
—		
Nov. 2.	To balance in Treasury.....	4,355.60

6TH—RECEIPTS AND DISBURSEMENTS OF DICTIONARY FUND.

STATE TREASURER, (W. H. HOLMES)

RECEIPTS.

1865.		
Nov. 4.	To balance in Treasury this date.....	\$ 32.00
Nov. 17.	To amount received from Grundy county.....	44.00
Nov. 20.	To amount received from Guthrie county.....	72.00
1866.		
Feb. 24.	To amount received from Kossuth county.....	12.00

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Mar. 10.	To amount received from Woodbury county.....	\$ 14.00
Mar. 31.	To amount received from Johnson county.....	48.00
June 6.	To amount received from Grundy county.....	15.98
June 20.	To amount received from Black Hawk county.....	36.00
Aug 4.	To amount received from Mills county (by Council Bluffs Bank).....	32.00
Dec. 17.	To amount received from Bremer county (by Dubuque Bank).....	8.00—\$313.98

DISBURSEMENTS.

1865.		
Nov. 27.	By amount paid Messrs. Merriam & Co., Publishers, as per receipt ...	\$148.00
1867.		
Jan. 5.	By amount paid Messrs. Merriam & Co., Publishers, as per receipt....	157.98
Jan. 5.	By balance in Treasury to successor..	8.00—\$313.98

SAMUEL E. RANKIN, STATE TREASURER.

1867.		
Jan. 7.	To balance in Treasury of predecessor....	\$8.00
April 2.	To amount received from Lucas county....	12.00—\$20.00

CONTRA.

1867.		
Nov. 2.	By balance in Treasury.....	20.00
Nov. 2.	To balance in Treasury.....	20.00

7TH. — RESOURCES OF THE STATE.

Balance of Revenue in State Treasury.....	\$	82,114.48
Balance of State Revenue due from Counties.....		357,876.67
Balance of Insane Hospital dues due from Counties.....		78,290.38
Balance of Federal Tax due from Counties.....		2,112.20
Balance of Blind Asylum, clothing account due from Counties.....		269.52
Amount due from Banks.....		13,798.09
Tax of 1867 based on valuation.....		641,292.88
Tax of 1868, estimated at 2½ mills.....		650,000.00
Railroad Tax, estimated for 1868 and 1869.....		50,000.00
Estimated balance due from U. S. Government.....		300,000.00
Total Resources.....	\$	2,175,754.22

8TH. — STATE INDEBTEDNESS.

Bond issued to the Permanent School Fund of the State, dated Nov. 12, 1864, interest payable on the 1st days of January and July in each year at 8 per cent.....	\$ 122,295.75
Iowa 7 per cent. Bonds payable in New York Jan. 1st, 1868, issued under Chap. 7, Acts 1858.....	200,000.00
War and Defense Fund 7 per cent. Bonds issued under Chap. 16, Acts of Extra Session, 1861.....	300,000.00
Total.....	\$ 622,295.75

I would (as in former Report) estimate the interest on delinquent taxes, additional assessments, amount from Peddlers' licenses, and the sale of laws, equal to interest on Auditor's warrants, unavailable taxes and erroneous assessments, and consequently have made no reduction for any of last named items. The bonds of 1858, \$200,000, due January 1, 1868, are provided for. The State Treasurer has already paid \$114,000, and the balance will be promptly redeemed when presented. The equalized valuation of real and personal property in 1865 was \$215,063,101; this year it is \$256,517,184, showing an increase of \$41,453,783. An extra levy of $1\frac{1}{2}$ mills would more than pay our entire State indebtedness, except the amount due the Permanent School Fund, and this indebtedness can only be considered as a debt due from *one fund to another*. We have not a *single outstanding warrant that is drawing interest*.

9TH. — EXPENDITURES OF STATE REVENUE.

Showing the amount of Warrants issued and to what account charged, and other expenditures of General Revenue during the two fiscal years ending November 2d, 1867.

ACCOUNTS.	Amount Expended.
Adjutant-General's salary.....	\$ 3,833.22
Adjutant-General's Contingent Fund.....	3,399.09
Assistant Adjutant-General's salary.....	166.66
Attorney-General's salary.....	2,725.10
Attorney-General's fees and mileage.....	116.68
Auditor of State's salary.....	2,603.00
Auditor of State's Contingent Fund.....	2,502.00
District Attorney's salary, 1st District.....	1,100.00
District Attorney's salary, 2d District.....	1,200.00
District Attorney's salary, 3d District.....	1,200.00
District Attorney's salary, 4th District.....	1,200.00
District Attorney's salary, 5th District.....	950.00
District Attorney's salary, 6th District.....	1,000.00

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ACCOUNTS.	Amount Expended.
District Attorney's salary, 7th District.....	\$ 1,200.00
District Attorney's salary, 8th District.....	1,150.00
District Attorney's salary, 9th District.....	1,150.00
District Attorney's salary, 10th District.....	1,200.00
District Attorney's salary, 11th District.....	1,150.00
District Attorney's salary, 12th District.....	1,100.00
District Judge's salary, 1st District.....	3,017.00
District Judge's salary, 2d District.....	2,867.00
District Judge's salary, 3d District.....	2,867.00
District Judge's salary, 4th District.....	3,017.00
District Judge's salary, 5th District.....	2,266.67
District Judge's salary, 6th District.....	2,718.00
District Judge's salary, 7th District.....	3,018.00
District Judge's salary, 8th District.....	2,758.33
District Judge's salary, 9th District.....	2,417.00
District Judge's salary, 10th District.....	2,567.00
District Judge's salary, 11th District.....	1,717.00
District Judge's salary, 12th District.....	2,492.00
Governor's salary.....	4,818.00
Governor's Private Secretary's salary.....	2,004.33
Janitor and Night-watch.....	3,226.00
Register of the State Land Office's salary.....	2,919.00
Register of State Land Office Clerk's salary.....	2,084.00
Superintendent of Agricultural College and Farm's salary.....	1,638.87
Secretary of State's salary.....	2,538.20
Secretary of State's contingent fund.....	2,025.66
State Treasurer's salary.....	2,917.00
State Treasurer's contingent fund.....	2,084.00
State Superintendent of Weights and Measure's salary	100.00
Secretary of Agricultural College and Farm contingent fund.....	1.80
Superintendent of Public Instruction's salary.....	2,917.00
Superintendent of Public Instruction Clerk's salary..	2,083.00
Supreme Judge's salary, Hon. C. C. Cole.....	4,883.13
Supreme Judge's salary, Hon. J. F. Dillon.....	4,916.52
Supreme Judge's salary, Hon. Ralph P. Lowe.....	4,550.55
Supreme Judge's salary, Hon. G. G. Wright.....	4,549.52
Supreme Court contingent fund.....	3,418.59
*General contingent fund.....	13,056.58
Agricultural Societies.....	14,056.45
Agricultural College Building.....	80,000.00
Agricultural College Board, mileage.....	2,293.65
Army Vote.....	900.00

* For detailed account of general contingent fund expenses see statement 10th on page 326.

ACCOUNTS.	Amount Expended.
Arsenal Building.....	\$ 30,000.00
Blind Asylum, support and pupilage.....	25,285.00
Blind Asylum, improvements.....	6,000.00
Blind Asylum, clothing account.....	319.25
Commissioner to Washington, J. N. Dewey.....	3,534.06
Commissioner to Washington, J. A. Harvey.....	513.02
Des Moines River Lands.....	463.45
Deaf and Dumb Institute, support and pupilage....	21,100.00
Deaf and Dumb Institute, building.....	1,000.00
Extraordinary expenses, Executive Department....	4,207.35
Eleventh General Assembly, postage.....	13,021.15
Eleventh General Assembly, mileage and per diem..	59,957.85
Eleventh General Assembly, newspapers.....	17,248.99
Eleventh General Assembly, special appropriations..	8,037.85
Expenses of Bonds of 1858.....	70.90
Furnaces for State House.....	1,902.00
Geological Survey.....	10,000.00
Hospital for Insane, county dues.....	111,820.30
Hospital for Insane, deficiency.....	16,000.00
Hospital for Insane, Trustees' expenses.....	1,151.45
Hospital for Insane, improvements.....	25,350.00
Iowa Soldiers' Orphans' Home, support.....	101,864.58
Iowa Soldiers' Orphans' Home, Trustees' expenses..	2,496.30
Interest on Bonds of 1858.....	28,101.31
Interest on War bonds.....	42,157.50
Interest on School Fund Loans.....	18,298.20
Iowa Digest.....	3,250.00
Penitentiary, general support.....	14,962.00
Penitentiary, Guards' pay.....	12,687.16
Penitentiary, improvements.....	253.50
Penitentiary, Visitor.....	115.25
Penitentiary, Clerk's salary.....	1,500.00
Penitentiary, Chaplain's salary.....	1,000.00
Penitentiary, Physician's salary.....	729.00
Penitentiary, Warden's salary.....	2,000.00
Penitentiary, Deputy Warden's salary.....	1,500.00
Publishing laws in newspapers.....	26,442.65
Quartermaster General's expenses.....	10,000.00
Reports of Iowa.....	10,270.00
Rewards for Criminals.....	200.00
Saline Land.....	444.74
School Journal.....	273.50
Spirit Lake Expedition.....	4.50
Special appropriations.....	5,500.00
Special appropriations, (W. & D. Fund).....	360.00
Swamp Lands.....	740.00
State Binding.....	29,065.10

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ACCOUNTS.	Amount Expended.
State Printing.....	\$ 24,507.97
State Library.....	25.00
State Bank Expenses.....	148.00
State University, improvements.....	21,000.00
State University, Trustees' expenses.....	1,062.00
Stationery.....	36,274.02
Swamp Land Indemnity Fund Expenses.....	6,962.35
Teachers' Institutes.....	6,650.00
War and Defense Fund (Revenue).....	12,144.80

Total am't of Warrants issued during the two years, \$1,004,671.65
 Interest paid on Warrants redeemed..... 110.46
 Mileage to County Treasurers and Banks..... 4,574.87

Total expenditures.....\$1,009,356.98

CERTIFICATES OF INDEBTEDNESS.

By virtue of the 5th clause of Sec. 71, Revision of 1860, I have issued the following certificates, viz:

Date.	§ 21	In whose favor.	On what account.	Chap.	Sec.	Year.	Amount.
1867.							
June 20.	1	Amer. Ex. Co.	Distributing Adj't General's report..	82	6	1866	183.58
June 20.	2	U. S. Ex. Co.	Distributing Adj't General's report..	82	6	1866	93.45
June 28.	3	Geo. Githens.	Distributing Adj't General's report..	82	6	1866	175.00
July 8.	4	Nat'l McCalla	Arrest of Fugitives	45	1860	Revis.	980.10
Sept. 5.	5	Geo. Githens.	Distributing Adj't General's report..	82	6	1866	140.00
Total Certificates of Indebtedness issued.....							\$1,572.13

10TH. — GENERAL CONTINGENT FUND EXPENSES.

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DATE OF WARRANT	No. of Voucher and Warrant	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
1865.				
Nov.	6 4803	W. Redhead & Co.....	Wall-paper for State House.....	\$ 85.20
	6 4804	Hugh Murry....	Paid Cannon, 3 days hauling wood.....	12.00
	8 4808	Tidrick & Hippee.....	Repairing Letter-press.....	6.00
	13 4814	Keyes & Knight.....	175 yards matting, at \$1.10 per yard.....	192.50
	14 4817	John H. Morris....	1½ days' labor in front of Capitol.....	4.50
	15 4819	U. B. & U. H. White...	Lumber for Capitol and hauling.....	14.00
	18 4830	M. C. Wright.....	Services as clerk of State Canvassing Board 8 days.....	24.00
	24 4837	Keyes & Knight.....	Carpet and oil cloth for State offices.....	185.60
	28 4841	M. L. Devin.....	2 doz. brooms for State House.....	9.25
	30 4847	H. Murry.....	Hauling to & from State House; 5 days extra labor in warehouse	18.00
Dec.	1 4851	M. Hanley.....	17 days' labor about Capitol and warehouse.....	34.00
	2 4853	} Luther Frary....	Painting & varnishing woodwork on State House—	{ \$905.12
	4854			
	4 4856	John Bryan, carpenter..	43½ days carpenter work at \$3.50, and material for repairs on State House.....	211.22
	5 4860	Western Engraving Co..	Seal and press for State Treasurer.....	14.00
	5 4862	J. R. Baker.....	Whitewashing State House.....	15.25
	5 4863	M. C. Wright.....	Services as clerk in making up election returns for State Canvassing Board, 5 days.....	15.00

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Dec.	54865	U. S. & Amer. Exp. Co.	Express charges on books for library and seal.....	17.25
	54866	J. Teesdale.....	Postage stamps, 5,000 three cents, 1,000 one cent..	160.00
	84868	David J. Waggoner.....	Expenses in arresting Joseph M. Brice and John J. M. Crous, fugitives from justice.....	597.30
	84871	Tidrick & Hippee.....	Repairing stove, Auditor's office..	5.25
	144888	J. H. Purdy & Co.....	Repairing clock, Treasurer's office.....	2.50
	154890	J. M. Moody.....	Matches, 1 case.....	11.50
	184893	Phillip Rafter.....	9½ cords wood at \$6.....	56.00
	184894	John Melvin.....	3 cords wood at \$6.....	18.00
	184895	Isaac Rafter.....	3½ cords wood at \$6.....	21.00
	184896	S. P. Bitting & Son.....	37½ yards bordering at 15 cents.....	5.31
	194909	Merrill & Keeney.....	Board and zinc for stove, Governor's office.....	7.50
	194910	Manning & Miller.....	75 yards enameled cloth and express charges, \$1.10 per yard.	87.30
	224919	Dan Ellyson.....	Hauling load of lumber and wheelbarrows.....	1.00
	234926	Reed & Terry.....	10 yards curtain lace, \$1.10, and 1 paper tacks, 10 cents....	1.20
	234929	Isaac Rafter.....	3½ cords wood at \$6.....	21.00
	234930	John Melvin.....	5½ cords wood at \$6.....	30.75
	234931	Philip Rafter.....	7¾ cords wood at \$6.....	45.75
1866.				
Jan.	14945	J. C. Taylor.....	25 cords wood at \$5.....	125.00
	24949	J. Simmington.....	Repairing and painting chairs and settees.....	57.75
	24950	Hugh Murry.....	Hauling to and from State House in December.....	9.75
	24951	American Express Co..	Express charges on books for library.....	3.00
	24952	Getchell & Tichenor:...	Lumber for repairing State House.....	7.27
	24959	Martin Scott.....	14½ days' labor on excavations for furnace.....	28.50
	24957	M. Hanly.....	17 days' labor in and about Capitol.....	34.00
	24960	John Carson.....	14½ days' labor on excavations for furnace.....	28.50
	44968	John Bryan.....	Lumber and repairing Supreme Court room.....	15.50
	44967	Richard Malone.....	13½ days' labor on excavations.....	27.75

GENERAL CONTINGENT FUND EXPENSES—CONTINUED.

DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
1865.				
	5 4977	C. & L. Harbach.....	Repairing chairs for Governor's and Register's offices.....	\$ 9.00
	3 4963	Michael Brady.....	6½ days' labor on excavations.....	13.50
	5 4978	J. Kuhn & Co.....	24 yards oil-cloth, at \$1.00.....	24.00
	5 4999	David Hunter.....	Sawing 33½ cords wood, at 75 cents.....	25.12
	6 4980	John Callahan.....	15½ days' labor excavating, for furnace.....	30.50
	6 4981	Brown & Spofford.....	6 railroad barrows, at \$5.25.....	31.50
			1 step-ladder, \$6.50; 1 feather-duster, \$2.50.....	9.00
	8 4984	J. R. Baker.....	Paper hanging.....	3.00
	9 4988	Michael Bennett.....	16½ days' labor excavating for furnace.....	32.50
	10 5002	John Ryan.....	7½ days' labor excavating for furnace.....	15.00
	10 5003	Frank Harty.....	16 days' labor excavating for furnace.....	32.00
	10 5004	Michael Brady.....	5 days' labor excavating for furnace.....	10.00
	10 5005	Bryan Coraber.....	18½ days' labor excavating for furnace.....	37.50
	10 5007	Marcus Kavanaugh.....	1½ days' labor excavating for furnace.....	3.00
	11 5010	A. J. Jack & Co.....	Lumber for basement (furnace).....	36.11
	12 5012	John Kaly.....	14½ days' labor excavating for furnace.....	29.50
	12 5013	Isaac L. Allen.....	Postage for Attorney-General.....	20.00
	12 5021	Wm. Hallerren.....	12 days' labor excavating for furnace.....	24.00
	13 5025	J. Simmington & Co.....	Repairing 38 chairs.....	18.40
	13 5026	J. R. Baker.....	Glazing and paper hanging.....	2.50
	13 5027	W. B. Davidson.....	8½ days' carpenter work, at \$3.00.....	25.00

	Jan. 15	5028	Hugh Murry.....	26 days' labor superintending workmen \$50.00. Cash and labor in furnishing refreshments for night hands \$14.65..	64.65
	15	5029	J. S. & A. F. Dicks.....	7 stove dampers @ \$1.	7.00
49	16	5031	L. J. Wells.....	8½ days' carpenter work \$3.50.....	29.75
	16	5032	J. Teesdale.....	Postage for quarter ending December 31, 1865.....	58.94
	16	5034	Mills & Co.....	Letter press and stationery for Governor's office.....	27.00
	17	5037	J. Teesdale.....	Postage (Auditor's) quarter ending December 31, 1865.....	1.27
	20	5040	B. Riley.....	Freight on two bundles book paper.....	1.48
	Mar. 30	5091	J. C. Culbertson, Clerk..	Clerk's fees in foreclosure of School Fund mortgage Eads' loans.....	6.00
	April 3	5110	Thomas Hanigan.....	35½ days labor excavating for furnace.....	71.00
	3	5111	Andrew Murry.....	84 days and 12½ nights' excavating for furnace.....	183.00
	3	5112	J. B. Depew.....	½ day hauling sand.....	2.00
	3	5113	E. W. Smith.....	Making five keys.....	2.50
	3	5114	Sanford & Sherman.....	75 till keys, nails, &c., for Capitol.....	12.40
	3	5115	Ill. & Miss. Tel. Co.....	Official telegrams.....	10.77
	3	5116	Childs & Howell.....	13 lbs. zinc, 25c.....	3.25
	3	5117	J. R. Thomas.....	Repairing stoves, shutters, &c.....	18.90
	3	5118	M. Hanly.....	Sawing 28½ cords wood at..... \$22.50	
				9½ days and 4 half nights' labor about Capitol.....	23.50
	3	5119	F. Woodruff.....	44 gallons coal oil, zinc, turpentine, &c.....	54.00
	3	5120	L. D. Bloom.....	11 cords wood at \$6.....	66.00
	3	5121	J. K. & W. H. Gilcrest..	1 door and lumber, (furnace).....	21.52
	3	5122	Newman & Brickley....	3½ dozen 9x14 glass @ \$2.00 and drayage.....	6.50
	3	5123	U. S. Express Co.....	Express charges on books for Library, &c.....	18.15
	3	5124	Hugh Murry.....	Hauling to and from the State House, Jan., Feb. and Mar..	39.00
	3	5125	E. W. Atmore.....	Whitewashing and patching State House.....	25.00
	3	5143	J. M. Moody.....	Refreshments for night hands.....	14.52
	3	5144	Michael Bennett.....	9½ days' labor, excavations for furnace.....	19.00

GENERAL CONTINGENT FUND EXPENSES—CONTINUED.

DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
1866.				
April 3	5145	Frank Hartly.....	8½ days' labor, excavations for furnace.....	\$ 17.00
3	5146	James Higgins.....	3 days' labor, excavations for furnace.....	6.00
4	5147	M. Hanly.....	Sawing 22½ cords of wood\$18 88	
			2 days' work on Capitol..... 4.00	22.88
4	5154	U. S. & Am. Exp. Co....	Express charges on books for State Library.....	8.85
4	5157	Patrick Bereny.....	2 days' work in cutting out flues, \$4.....	8.00
5	5174	J. Teesdale.....	Postage for quarter ending March 31, 1866.....	3.33
5	5189	W. Redhead.....	Bill of wood and coal, (11th General Assembly).....	496.49
5	5215	W. H. Holmes.....	Paid telegram about furnaces.....\$ 1.25	
			Paid T. E. Cave, 10 days' varnishing, &c..... 33.95	
			Paid J. A. Simmington, 8 gallons varnish and paint.. 18.50	
			Paid B. Canaher, 10 days' on Capitol..... 20.00	
			Paid James Murphy, 41½ yards plastering, 80c..... 33.33	
			Paid Murry & Winne, monitor lock and exp. charges. 51.75	158.78
5	5233	J. Teesdale.....	Postage for Governor, quarter ending March 31, 1866.....	92.46
6	5323	Ill. & Miss. Tel. Co.....	Official telegrams.....	53.87
6	5324	Ill. & Miss. Tel. Co.....	Telegram, Clerk of House to Bissell.....	1.00
6	5328	Davis & Dennis.....	1 dozen cedar pails, well-bucket, &c.....	21.70
7	5334	Keyes & Knight.....	7½ yards curtain linen and batting.....	3.13
7	5339	J. Simmington.....	Repairing and varnishing chairs.....	8.00
10	5354	Getchell & Tichenor....	Lumber for basement, (furnace).....	70.49

April	10	5355	N. R. Howard	Stencil-marking apparatus for Executive office	1.75
	11	5356	L. Cate	Hauling safe-door to foundry and back	3.00
	11	5361	J. Teesdale	Postage for Eleventh General Assembly (balance)	213.25
	14	5378	W. England	Making keys, repairing locks, &c	10.65
	17	5379	Luther Frary	Painting in Capitol and graining door	22.87
	19	5387	Merrill, Keeney & Co.	1 case pigeon holes (Auditor's office)	45.00
	20	5390	Barnes & Patterson	Making trap-doors and removing storm-doors	6.52
	23	5392	J. Teesdale	Postage stamps	431.00
	23	5408	Isaac Rafter	Five cords wood, at \$6.00	30.00
	24	5412	A. J. Jack & Co.	Lumber	5.04
	24	5413	U. S. & Am. Express Cos.	Express charges on books for library	4.00
	26	5422	S. P. Bitting & Son	Two bolts wall paper (court room)	3.00
	28	5427	M. Connelly	Three days' labor with team on State square	12.00
	30	5430	Hugh Murry	Hauling to and from Capitol, in April	4.50
	30	5440	S. Persing	Balance due on carpenter work	33.34
May	2	5445	W. Collard	Expenses of inauguration of Governor	30.00
	5	5472	E. W. Atmore	Balance on white-washing and patching on Capitol	10.00
	7	5473	Andrew Murry	Sixty-three days' labor at and around Capitol during session of Legislature	126.00
	9	5484	J. M. Moody	Seven bars soap and six pounds rope	2.80
	12	5491	T. Olmstead	Eight bottles ink, at 40 cents	3.20
	14	5494	Otis & Himer	Fitting lock, refitting safe-door, &c., (Auditor's office)	52.80
	16	5496	J. G. Weeks	Abstract of titles to "Orwig property"	20.00
	19	5499	Otis & Himer	Work on safe-lock, (Treasurer's office)	2.60
	25	5505	J. Teesdale	2,500 three-cent and 3,000 two-cent stamps	135.60
	30	5517	L. Frary	Varnishing in Governor's room	25.25
	31	5518	U. S. Express Co.	Express charges on books, &c	2.80
	31	5519	Hugh Murry	Hauling to and from Capitol in May	8.35
June	1	5531	M. Hanley	Thirteen days' work on State square	26.00

GENERAL CONTINGENT FUND EXPENSES—CONTINUED.

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DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
1866.				
June 6	5541	M. R. Laird.....	Surveying State House lots.....	\$ 5.00
15	5562	Isaac Brandt.....	4 ² / ₁₁ dozen sash locks at \$1.80.....	7.50
22	5595	E. W. Smith.....	1 navy revolver and cartridges for night watch.....	16.10
22	5597	Michael Connely.....	Hauling gravel 3 days and 1 load.....	12.70
23	5602	State Insurance Co.....	Insurance on library and warehouse.....	97.50
25	5606	U. S. & Am. Express Co.	Charges on books from Secretary's office.....	3.25
25	5607	American Express Co...	Express charges on books for library.....	2.00
28	5612	L. E. Ayres.....	1 day's carpenter work.....	2.50
30	5629	Hugh Murry.....	Hauling to and from Capitol in June.....	3.75
30	5631	American Express Co...	Express charges on books for library..	3.60
July 2	5636	David Hunter.....	Extra night watch 32 days at \$1.50.....	48.00
2	5637	H. M. Wilson.....	Freight on box books (Secretary's office).....	9.40
3	5647	Redhead & Wellslager..	To one gold pen and holder for Governor Stone.....	6.50
5	5654	Michael Hanly.....	20 ¹ / ₂ days' labor about State House and square.....	41.00
5	5661	Knight & Bros.....	4 yards crash.....	1.00
10	5678	J. Teesdale.....	Postage for quarter ending June 30, 1866, including 5,000 three cent stamps, less \$3.....	147.24
10	5679	J. Teesdale.....	Postage for quarter ending June 30, 1866.....	73.95
11	5682	L. Cate.....	Drayage on chairs.....	.60
12	5690	Andrew Murry.....	69 days' labor in Capitol Square and about Capitol.....	138.00

AUDITOR'S REPORT.

July	12	5691	Tabor W. McKee.....	Interest on \$250 paid on sale of school fund land which he relinquishes.....	\$ 22.50
	18	5701	R. E. Carpenter, clerk...	Costs in foreclosure of school fund mortgage vs. E. C. Crawford, Eads' Loans.....	23.75
	20	5704	D. B. Barnes.....	3 large boxes for distributing Adjutant General's Reports...	1.00
	20	5705	James W. Hinesly.....	Expenses in arresting Patrick Cotterson by requisition on Governor of Indiana.....	129.50
	23	5706	John Bryan.....	Repairing doors and windows.....	18.62
	26	5714	Davis & Dennis.....	2½ lbs. jute twine.....	1.00
	27	5717	Patrick Kyly.....	1 days' labor shoveling gravel.....	2.00
	28	5721	M. Hanly.....	11½ days' labor grading around Capitol.....	23.00
	28	5722	Getchell & Tichenor....	17 fence posts at 25 cts.....	4.25
	31	5733	Hugh Murry.....	Hauling to and from Capitol.....	8.50
	31	5736	M. Yard.....	1 Lloyd's Map.....	4.00
Aug.	1	5739	Andrew Murry.....	22 days' labor in warehouse and packing Adj. Gen's Reports	44.00
	1	5742	U. S. & Amer. Expr. Co.	Express charges on school laws.....	113.65
	1	5742	U. S. & Amer. Expr. Co.	Express charges on books for library, &c.....	15.10
	1	5745	W. H. Holmes.....	Expenses of Census Board to Ft. Madison and return, to devise a method for constructing a vault and sewer to Penitentiary, and examine into the general condition of the prison, at the request of the Governor and Warden.....	35.50
	2	5746	U. S. & Amer. Expr. Co.	Express charges on school laws, &c.....	2.50
	2	5748	N. A. Newton.....	Expenses in arresting John D. McBane, by requisition on Governor of Missouri.....	149.00
	6	5761	J. Kuhn & Co.....	25 packing boxes at 75 cents, for sending Adj. General's Reports to counties.....	18.75
	13	5781	L. E. Ayres.....	Making fence around State House.....	120.00

GENERAL CONTINGENT FUND EXPENSES — CONTINUED.

DATE OF WARRANT	No. of Voucher and Warrant	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
1866.				
Aug. 15	5785	James Wright.	Delivering 4 copies each of Adj. General's Reports (1866) to 148 members of 11th General Assembly, under Sec. 3, Chap. 133, Acts of 1866.....	\$ 148.00
	15 5789	J. Teesdale.....	Stamped envelopes.....	140.10
	18 5798	L. E. Ayres.....	Making and hanging five gates at \$15.....	75.00
	22 5811	Jones & Read.....	Nine yards crash and three boxes.....	4.45
	27 5817	L. E. Ayres.....	3½ days' carpenter work and lumber.....	21.99
	31 5832	Hugh Murry.....	Hauling to and from Capitol in August.....	8.50
Sept. 1	5843	Redhead & Wellslager..	33 packing boxes for Adjutant General's Reports, box of pens, &c.....	23.90
	4 5846	Barney McCarty.....	1 day's labor cleaning cistern.....	2.00
	4 5853	U. S. Express Co.....	Charges on School Laws and books for Library.....	31.00
	6 5857	Merrill & Keeney.....	3 picture frames and glass.....	6.75
	7 5869	L. E. Ayres.....	10 days' painting in Capitol, \$3 per day.....	30.00
	13 5904	Andrew Murry.....	19½ days' labor in warehouse packing Adjutant General's Reports and Laws.....	39.00
	14 5906	Charles Grafe.....	9,100 lbs ice at 75 cents per 100 lbs.....	68.25
	24 5945	L. E. Ayres.....	Painting well - curb and paint \$5.05, whitewashing stable and out buildings \$8.....	13.05
	29 5966	U. S. & Amer. Exp. Co.	Charges on books for Library, &c.....	13.50
	29 5969	Hugh Murry.....	Hauling to and from Capitol in September.....	4.00

Oct.	2	5979	Russel & Cox.....	Lead, oil, drayage, &c.....	58.60
	4	5986	A. W. Otis.....	Opening safe (Auditor's Office).....	5.00
	6	5992	L. E. Ayres.....	2½ days' painting fence, #3.....	7.50
	8	6008	M. Hanly.....	8 days' labor about Capitol.....	16.00
	9	6013	Fuller, Warren, & Co..	2 No. 24 furnace grates.....	14.80
	9	6014	Des Moines Valley R. R.	Freight on same.....	1.10
	10	6015	J. Teesdale.....	Postage for quarter ending September 30th.....	86.89
	12	6020	E. W. Smith.....	1 key.....	50
	19	6036	Isaac Brandt.....	Furnishing lumber and making side walk on north side of square.....	364.89
	22	6044	E. M. Wright.....	2¼ quarts of ink (Register's Office).....	2.50
	22	6047	D. B. Barnes.....	1 bbl. kerosene and drayage.....	84.00
	25	6053	S. A. Robertson.....	Widening flues, plastering, &c.....	360.42
	31	6084	U. S. & Amer. Exp. Co.	Charges on books for library, &c.....	8.15
Nov.	1	6088	Des Moines Coal Co....	452 bushels coal at 19 cents.....	85.88
	26	6186	W. H. Holmes.....	Expenses in visiting the Penitentiary, June 27, 1866, in company with the Census Board.....	6.75
	26	6187	W. H. Holmes.....	1 book case for Sup't Public Instruction's office.....	50.00
	27	6193	J. Teesdale.....	Postage stamps.....	334.96
	30	6207	Hugh Murry.....	Hauling to and from the Capitol in November.....	6.50
Dec.	1	6220	U. S. Express Co.....	Express charges on books for Library, &c.....	8.50
	1	6221	M. Hanly.....	10 days' labor in and around Capitol.....	20.00
	3	6226	John W. Scott.....	Expenses in arresting G. Wells by requisition on Gov. of Mo.	88.45
	10	6261	G. L. Eason.....	Repairing four clocks.....	10.00
	13	6283	L. J. Wells.....	Putting up storm doors and repairing lock.....	2.50
	14	6284	E. A. Nixon.....	Frame for resolution ratifying amendment to Constitution...	3.00
	14	6286	J. R. Thomas.....	Repairing desk for Sup't Public Instruction's office.....	2.50
				Mending grate, dampers, &c.....	1.85
	15	6289	Kurtz & Bro.....	Mending roof, zinc, &c.....	4.35
					13.00

GENERAL CONTINGENT FUND EXPENSES — CONTINUED.

DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
1866.				
Dec. 15	6290	J. Simmington.....	Repairing chairs and stools.....	\$ 6.15
20	6315	F. Woodruff.....	Feather-duster and lamp-wicks.....	3.60
24	6328	C. C. Nourse.....	Legal services in case of State of Iowa vs. Elizabeth Todhunter <i>et al.</i> , in District Court of Warren and Clarke counties..	100.00
24	6331	Hugh Murry.....	Six days' extra labor in ware-house.....	12.00
28	6349	McKisson & Bolton.....	Bill of hardware from May to December, 1866.....	19.02
1867.				
Jan. 2	6361	U. S. & Am. Ex. Cos...	Exp. charges on 148 packages books for Senators and Repr's.	44.40
2	6361	U. S. & Am. Ex. Cos...	Exp. charges on 33 packages books for Governors of several States.....	34.25
2	6361	U. S. & Am. Ex. Cos...	Exp. charges on 96 packages books for County Judges.....	28.80
2	6361	U. S. & Am. Ex. Cos...	Exp. charges on 96 packages books for State Library, &c...	7.35
2	6364	Hugh Murry.....	Hauling to and from Capitol in December.....	7.50
2	6367	U. S. Express Co.....	Exp. charges on packages from Iowa City to State Treasurer.	.50
2	6370	Davis & Dennis.....	Well-bucket and seventeen pounds twine.....	14.85
3	6374	Des Moines Coal Co....	600 $\frac{1}{2}$ bushels coal, at 19c. per bushel.....	114.16
3	6376	Redhead & Wellslager..	Two boxes for packing Adjutant-General's Reports.....	2.00
3	6383	Andrew Murry.....	Five days' labor in ware-house and Capitol.....	10.00
3	6385	J. Teesdale.....	Two thousand letter-envelopes.....	103.40
4	6389	Merch. Union Ex. Co...	Charges on four packages furnace castings.....	5.45
4	6390	F. Dillon.....	Brick and mason work.....	27.75

43	Jan.	5	6392	Fuller, Warren & Co.	144 lbs. furnace linings and 1 doz. door-fasteners	18.90
		7	6399	W. H. Holmes	Express charges on \$1,000 from Iowa City	1.25
		11	6408	John Bryan	Lumber, repairing safe, &c.	6.00
		11	6410	Stephen McBee	Expenses in attempting to arrest Geo. H. McBee, by requisition on the Governor of Missouri	90.00
		11	6412	Wm. Rensburg	Freight on Adjutant-General's and Agricultural reports from Des Moines to Kellogg	5.50
		11	6413	U. S. Express Co.	Charges on 60 pkg's books for Clerks \$30.05 Charges on books for Library 1.70	31.75
		11	6416	J. Teesdale	Postage for quarter ending Dec. 31, 1866	27.95
	Feb.	9	6445	Bennet Osborn	Expenses in arresting Frederick McKinsey, by requisition on the Governor of Kansas	154.75
	Jan.	23	6468	Des Moines Coal Co.	460½ bushels coal at 19c	87.45
		23	6474	J. Teesdale	Postage-stamps and envelopes	123.40
	24	6475	J. H. Aldrich	18 package-boxes at 35c	6.30	
	28	6483	Isaac Brandt	Cash paid for sweet-oil, brush and elastic band	1.75	
	30	6489	Knight & Bro.	5 yards oil cloth at 1.25	6.25	
	31	6493	Hugh Murry	hauling to and from Capitol in January	9.00	
Feb.	1	6504	Merchants' Un. Ex. Co.	Charges on furnace-linings from Chicago	13.15	
	1	6505	Fuller, Warren & Co.	300 lbs. furnace-linings and 2 bricks	31.00	
	2	6512	James Murphy	4 days' labor in warehouse	8.00	
	4	6519	U. S. & Amer. Ex. Co's.	Charges on books for library, &c.	12.40	
	7	6530	Charles Mosher	Revenue-stamps	50.00	
	7	6533	Enos Grandy	4 packing-boxes at 30c	1.20	
	12	6546	Isaac Brandt	Cash paid for stationery for Treasurer's office	2.80	
	15	6560	Laird & Bro.	17½ lbs. twine	8.85	
	13	6552	T. E. McCracken	Expenses in arresting a fugitive from justice by requisition on the Governor of Illinois	77.40	
	15	6561	F. Butler	3½ yards E. A. cloth at 1.75	5.69	

GENERAL CONTINGENT FUND EXPENSES—CONTINUED.

DATE OF WARRANT	No of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
1867.				
Feb. 16	6562	M. Hanly.....	Repairing furnace and sawing wood.....	\$ 8.40
18	6564	Des Moines Coal Co....	80½ bushels coal at 19c.....	18.34
			2 coal picks, with handles.....	1.75
18	6565	B. C. Davis.....	Sawing 41½ cords wood at 40c.....	16.60
25	6584	Merchants' Union Ex. Co.	Charges on books for Library.....	5.50
26	6585	John Bryan.....	Carpenter work and lumber.....	117.85
26	6586	Herzberg, Goodman & Co.	57½ yards carpet at \$2.05.....	57.40
27	6588	J. Teesdale.....	Postage stamps and envelopes.....	7.20
28	6591	Hugh Murry.....	Hauling to and from Capitol in February.....	51.40
March 4	6611	Merch'ts Union Ex. Co..	1 Monitor Safe Lock, and Express charges thereon, for the Auditor's safe.....	3.05
11	6632	W. England.....	Making keys, screws, and work on safe.....	4.00
14	6635	Dan Ellyson.....	Hauling wood 1 day.....	6.00
15	6651	Hugh Murry.....	Making carpets.....	136.10
18	6658	Frank Dillon.....	Material and lathing and plastering 167 yards at 50c.....	20.00
20	6661	Thos. Griffen.....	10 days' labor about Capitol.....	.75
20	6662	Merch'ts Union Ex. Co..	Express charges on a package from Chicago.....	35.00
21	6663	Jas. Murphy.....	17½ days' labor about State House at \$2.00.....	57.00
22	6673	J. Teesdale.....	19 sheets of 3 cent stamps.....	111.99
28	6691	D. W. Johnson.....	Carpenter work and material in repairing State House.....	

	30	6692	Hogate & Bartholomew.	Lead, oil and putty.....	5.50
	30	6693	Hugh Murry.....	Hauling to and from Capitol in March.....	7.50
	30	6696	John Bryan.....	Case of pigeon holes for Auditor's office.....	15.00
	30	6698	Ed Wright.....	Paid Harris for sawing wood..... 15.40	
				Paid Barnes for 8 packing boxes..... 2.15	17.55
	30	6702	U. S. Express Co.....	Charges on books for library and census schedules.....	7.75
Apr.	1	6708	J. Teesdale.....	2,500 stamped envelopes.....	137.70
	1	6710	McKisson & Bolton.....	Hardware bill for January, February and March, 1867.....	15.23
	3	6721	Dan Ellyson.....	1½ days hauling wood at 4.00.....	5.00
	4	6724	P. Dickinson.....	Repairing calendar clock for Treasurer's office.....	3.00
	5	6728	J. Teesdale.....	Postage for quarter ending March 31, 1867.....	22.96
	6	6731	L. E. Ayres.....	Book case for Auditor's office.....	45.00
	8	6735	L. E. Ayres.....	2½ days' painting at 2.50.....	6.87
	9	6739	A. W. Otis.....	45 hours' work on safe door, fire-proof cement, drayage, &c.....	56.40
	23	6760	J. Simmington.....	1 glass plate and repairing frame.....	1.10
May	10	6830	H. Murry.....	Hauling to and from Capitol in April.....	4.50
	11	6834	J. A. Nash.....	Shrubbery for Capitol grounds.....	2.50
	14	6837	N. M. Conklin.....	Expenses in arresting A. H. Comis, a fugitive from justice at Chicago.....	37.30
	17	6843	Ayres & Titus.....	Evergreens and roses for Capitol grounds.....	12.50
	29	6870	Ed Wright.....	Cash paid for nails, grass-seed, &c., for State House.....	8.83
	30	6878	Geo. C. Tichenor.....	Postage stamps.....	65.00
	31	6887	H. Murry.....	Hauling to and from Capitol in May.....	5.50
	31	6889	W. T. Painter.....	Graining door in Treasurer's office.....	5.00
June	4	6892	Harrison Johnson.....	7 days' work cleaning and scrubbing Capitol.....	14.00
	14	6918	Jno. Teesdale.....	Stamps for Governor and letters due April and May.....	18.32
July	2	6974	George C. Tichenor.....	Stamps for Governor, &c., in June.....	47.35
	2	6975	Hugh Murry.....	Hauling to and from Capitol in June.....	7.50
	5	6989	Read, Potter & Co.....	Packing boxes and crash.....	8.25

GENERAL CONTINGENT FUND EXPENSES—CONTINUED.

DATE OF WARRANT	No. of Voucher and Warrant	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
1867.				
July 6	6992	Diamond Coal Co.....	61 bushels coal at 18.....	\$ 10.98
	6994	Andrew Murry.....	5½ days' labor at Capitol.....	11.00
	86999	J. W. Burk.....	Mowing State square.....	15.00
	277031	L. P. Baker.....	33 lbs. paint and painting one-half day.....	11.90
	317052	H. Murry.....	Hauling to and from Capitol in July.....	8.75
Aug. 17	7086	Geo. C. Tichenor, P. M.	Stamps and stamped envelopes.....	80.00
	207096	Samuel Malone.....	Expenses in arresting Napoleon Johnson, a fugitive from justice in Wisconsin.....	55.30
	317133	H. Murry.....	Hauling to and from Capitol in August.....	9.75
	317135	Samuel Malone.....	Expenses in arresting C. D. Ramsdel, a fugitive from justice in Minnesota.....	77.50
Sept. 21	7175	Morris & Neafie.....	Plastering in Supt. Public Instruction office.....	32.50
	237179	Michael Murry.....	Six days' labor in warehouse.....	12.00
	237182	Mills & Co.....	Gold pens and stationery (Governor's office).....	26.75
	307215	H. Murry.....	Hauling to and from Capitol in September.....	7.50
Oct. 5	7233	Geo. C. Tichenor, P. M.	Postage (Executive office).....	88.98
	77235	J. M. Moody & Co.....	Scrub brushes, soap and boxes.....	8.00
	147260	Jno. Petted.....	Two days' labor in warehouse.....	4.00
	167266	S. E. Rankin.....	Cash paid for microscope.....	5.00
	177271	C. R. I. & P. R. R.....	Freight for furnace castings.....	8.95

Oct. 25/1929 Fuller, Warren & Co. Repairing furnace, &c.	50.00
Total	<u>13,056.58</u>

11TH. — WARRANTS — REVENUE.

Amount of warrants outstanding Nov. 4th, 1865....\$	13,756.33
Am't issued during the two years ending Nov. 2, '67,	1,004,671.65
	<hr/>
Total.....	1,018,427.98
Deduct amount redeemed during the two years.....	1,007,614.99
	<hr/>
Leaves outstanding Nov. 2, 1867.....	10,812.99

WAR AND DEFENSE WARRANTS.

Amount of warrants outstanding November 4, 1865....\$	3,885.70
Amount of warrants issued during two years ending November 2, 1867.....	7,084.61
	<hr/>
Total.....	10,970.31
Deduct the amount redeemed during the two years... ..	10,715.78
	<hr/>
Leaves outstanding Nov. 2, 1867.....	254.53

WAR AND DEFENSE WARRANTS—REISSUED.

Amount of warrants outstanding November 4, 1865.....\$	33.01
Amount of warrants redeemed to November 4, 1867.....	33.01
	<hr/>
Leaves none outstanding November 2, 1867.....	00.00

12TH. — DES MOINES RIVER LAND CLAIM WARRANTS.

Under the provisions of Chapter 22, Acts of 1866, warrants have been issued on the *special fund* created by said act to the amount of \$95,067.23, and there has not been any of these warrants yet redeemed by State Treasurer.

13TH. — WAR AND DEFENSE FUND.

Under the provisions of Chapter 68, Section 2, Acts of 1866, this fund has been closed, and the balance, (which includes \$300,000 War Bonds, issued in 1861,) \$584,854.19, charged over to General Revenue.

Total amount of warrants issued on this fund from its creation to date.....	\$ 1,049,044.88
Total amount redeemed to date.....	1,048,790.35
	<hr/>
Leaves warrants outstanding Nov. 2, 1867.....	254.53

SCHOOL FUND.

22D.—RECEIPTS AND DISBURSEMENTS OF SCHOOL FUND.

STATE TREASURER, (W. H. HOLMES), PERMANENT FUND.

RECEIPTS.

1865.			
Nov. 13.	To amount received from Eads' sureties.....	\$2,000.00	
Dec. 5.	To amount received from Floyd county.....	8.75	
Dec. 16.	To amount received from Chickasaw county..	3.75	
June 25.	To amount received from Thompson & Tiffany, on note.....	1,000.00	
Nov. 30.	To amount received from J. Tracy, District Attorney, on Eads' loans.....	630.00	
			<u>\$3,642.50</u>

DISBURSEMENTS.

1865.			
Nov. 4.	By balance overdrawn from last report.....	\$ 1.49	
1866.			
Mar. 3.	By amount invested in 7-30 U. S. Bonds (\$2,000).....	2,003.75	
Sept. 3.	By amount invested in 7-30 U. S. Bonds.....	1,000.00	
1867.			
Jan. 5.	By balance in Treasury paid over to successor.....	637.26—	\$3,642.50

SAMUEL E. RANKIN, STATE TREASURER.

RECEIPTS.

1867.			
Jan. 7.	To balance of predecessor, W. H. Holmes....	\$ 637.26	
Jan. 21.	To amount received from Clerk of Humboldt county, Eads' loans.....	156.08	
Feb. 25.	To amount received from J. Tracy, District Attorney, Eads' loans.....	207.80	
Mar. 5.	To amount received from J. Tracy, District Attorney, Eads' loans.....	1,236.95	
May 15.	To amount received from J. Tracy, District Attorney, Eads' sureties.....	2,000.00	
May 31.	To amount received from J. Tracy, District Attorney, Eads' loans.....	600.00	
July 31.	To amount received from J. Tracy, District Attorney, Eads' sureties.....	1,250.00	
Sept. 2.	To amount received from J. Tracy, District Attorney, Eads' sureties.....	1,500.00	

Oct. 24.	To amount received from H. O'Connor, Attorney General, Eads' loans.....	\$ 538.85
		<hr/>
1867.	CR.	\$8,126.94
Nov. 2.	By balance in Treasury.....	\$8,126.94
		<hr/>
Nov. 2.	To balance in Treasury.....	\$8,126.94

STATE TREASURER, (W. H. HOLMES), TEMPORARY FUND.

RECEIPTS.

1866.		
Feb. 5.	To amount received from Interest on U. S. Bonds.....	\$2,530.16
Feb. 17.	To amount received from Interest on U. S. Bonds.....	992.80
Mar. 3.	To amount received from Interest on U. S. Bonds.....	860.50
Mar. 14.	To amount received from State, (Interest on loans).....	9,240.77
May 31.	To amount received from Interest on U. S. Bonds, exchanged for State Bonds, 1868.....	15.11
June 25.	To amount received from Interest on Thompson & Tiffany's note, (Eads' loans).....	500.00
July 5.	To amount received from Interest on U. S. Bonds exchanged for State Bonds, 1868.....	42.24
July 5.	To amount received from Interest on U. S. Bonds.....	922.32
Sept. 6.	To amount received from Interest on U. S. Bonds.....	2,836.85
Sept. 10.	To amount received from State, (Interest on loans).....	2,843.99
Nov. 30.	To amount received from Interest on Thompson & Tiffany's note, (Eads' loans).....	36.44—20,821.18

DISBURSEMENTS.

1866.	
Mar. 14.	By amount included in the apportionment of March, 1866, and transferred to Revenue to reimburse the same for Warrants issued under Sections 1967 and 1969 of Revision of 1860.....
	13,624.23

<p>\$ 5 ----- \$8.12 \$8.12 -----</p>	<p>Sept.10. By amount included in apportionment of September, 1866, (as above)\$7,160.51</p> <p>1867.</p> <p>Jan. 5. By balance in Treasury, paid over to successor..... 36.44—2,0821.18</p>
---	--

SAMUEL E. RANKIN, (STATE TREASURER,) TEMPORARY FUND.

RECEIPTS.

<p>D.</p>	<p>1867.</p> <p>Jan. 7. To balance in Treasury from predecessor.....\$ 36.44</p> <p>Jan. 22. To amount received from Interest on U. S. Bonds..... 791.92</p> <p>Jan. 25. To amount received from Interest on U. S. Bonds..... 1,368.75</p> <p>Feb. 21. To amount received from Interest on U. S. Bonds 992.80</p> <p>Feb. 21. To amount received from Interest on Iowa Bonds, 1868..... 700.00</p> <p>Mar. 9. To amount received from Interest on State Loans..... 5,108.19</p> <p>Mar. 9. To amount received from J. Tracy, Interest on Eads' Loans..... 47.13</p> <p>June 1. To amount received from Premium and Int. on U. S. 7-30 Bonds.... 1,328.00</p> <p>June 25. To amount received from Interest on U. S. 7-30 Bonds..... 91.25</p> <p>Aug. 6. To amount received from Interest on U. S. 7-30 Bonds..... 1,277.50</p> <p>Aug. 29. To amount received from Premium and Interest on U. S. 7-30 and State Bonds..... 4,785.01</p> <p>Sept. 4. To amount received from Interest on State Loans..... 1,105.25</p> <p>Oct. 31. To amount received from Premium on \$25,000 7-30 Bonds sold.... 1,212.50</p> <p>Oct. 31. To amount received from Interest on \$25,000 7-30 Bonds..... 456.87—19,301.61</p>
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CONTRA.

<p>1867.</p> <p>Mar. 9. By amount included in the apportionment of March, 1866, and transferred to Revenue, to reimburse the same for Warrants issued under Sections 1967 and 1969, of Revision of 1860..... 8,998.10</p>

Sept. 4.	By amount included in apportionment of September, 1867, (as above).....	8,634.14
Nov. 2.	By balance in Treasury.....	1,669.37—19,301.61
Nov. 2.	To balance in Treasury.....	<u>\$1,669.37</u>

23D—STATEMENT E.

SHOWING the amount of Permanent School Fund in the several counties on the first day of June, 1867, as shown by the Auditor's books, and also by Clerk's reports.

COUNTIES.	Amount as per Auditor's Books.	Amount as per Clerks' Reports.
Adair.....	\$ 15,038.23	\$ 15,038.23
Adams †.....	13,708.19	13,790.32
Allamakee †.....	106,472.87	90,474.56
Appanoose †.....	20,435.30	20,488.19
Audubon †.....	5,706.83	5,365.48
Benton.....	40,634.16	40,636.52
Black Hawk †.....	54,731.46	*54,731.46
Boone †.....	19,448.19	19,317.91
Bremer †.....	45,124.10	45,631.50
Buchanan.....	21,715.00	21,715.00
Buena Vista.....	No fund.	No fund.
Butler....	13,422.86	*13,422.86
Calhoun.....	5,104.45	5,104.45
Carroll.....	14,246.43	14,731.13
Cass.....	3,440.00	3,440.00
Cedar....	41,765.43	41,765.43
†Cerro Gordo.....	13,159.94	15,370.94
Cherokee.....	770.00	770.00
†Chickasaw.....	20,257.14	21,190.49
Clarke.....	32,112.49	32,126.25
Clay.....	No fund.	No fund.
†Clayton.....	54,518.55	54,555.55
†Clinton.....	60,319.40	63,670.70
Crawford.....	12,650.84	12,650.84
†Dallas.....	21,593.99	21,576.73
†Davis.....	26,985.28	25,214.31
†Decatur.....	67,989.30	63,852.93
Delaware.....	32,984.07	32,984.07
Des Moines.....	35,404.72	35,406.64

NOTE.—Counties marked thus * have not reported for June 1, 1867; and in such cases the figures in the last reports from said counties are taken as being the nearest approximation to the correct amount.

† For explanation of discrepancies in these amounts, see remarks on School Fund.

AUDITOR'S REPORT.

STATEMENT E — CONTINUED.

COUNTIES.	Amount as per Auditor's Books.	Amount as per Clerk's Report.
Dickinson.....	No fund.	No fund.
†Dubuque.....	\$ 45,988.17	\$ 47,331.32
Emmett.....	No report.	No report.
Fayette.....	64,475.83	64,475.83
Floyd.....	22,877.97	22,867.96
Franklin.....	13,288.72	13,268.70
†Fremont.....	12,511.30	13,822.99
Greene.....	10,164.58	10,164.58
Grundy.....	21,323.44	21,323.46
Guthrie.....	8,105.08	8,105.08
Hamilton.....	19,355.99	19,323.60
†Hancock.....	2,428.80	2,649.10
†Hardin.....	20,451.90	*17,534.87
Harrison.....	25,883.35	25,883.35
Henry.....	15,856.94	15,856.94
†Howard.....	26,711.47	*23,430.53
Humboldt.....	5,306.82	5,306.82
Ida.....	1,280.00	1,280.00
Iowa.....	80,099.12	80,099.12
†Jackson.....	32,490.05	32,689.55
Jasper.....	20,465.89	20,442.24
Jefferson.....	25,493.33	25,493.33
Johnson.....	32,338.75	32,342.45
†Jones.....	57,938.13	*57,541.52
†Keokuk.....	22,080.04	21,959.55
†Kossuth.....	40,753.88	6,879.42
Lee.....	41,277.15	41,277.15
Linn.....	35,639.60	35,639.60
†Louisa.....	17,976.57	16,823.83
†Lucas.....	18,583.98	*17,235.93
†Madison.....	23,875.35	23,906.15
†Mahaska.....	32,586.01	32,623.60
†Marion.....	26,524.31	26,008.40
†Marshall.....	26,369.73	26,259.36
Mills.....	18,152.96	18,175.36
†Mitchell.....	10,293.90	9,964.84
Monona.....	13,226.72	13,269.72

* Counties marked thus * have not reported for June 1, 1887, and in such cases the figures in the last reports from said counties are taken as being the nearest approximation to the correct amount.

† For explanation of discrepancies in these amounts see remarks on School Fund.

‡ Hardin county reports \$1,460.17 of Permanent School Fund stolen at safe robbery.

‡ Marion county reports \$515.91 of Permanent School Fund stolen at safe robbery.

STATEMENT E—CONTINUED.

COUNTIES.	Amount as per Auditor's Books.	Amount as per Clerks' Reports.
Monroe.....	\$ 15,612.41	\$ 15,612.41
Montgomery.....	9,774.06	9,774.98
Muscatine.....	24,777.77	24,777.77
O'Brien.....	No fund.	No fund.
†Page.....	14,278.70	14,858.53
Palo Alto.....	No fund.	No fund.
Plymouth.....	1,343.74	1,337.74
Pocahontas.....	No fund.	No fund.
†Polk.....	31,664.36	33,751.08
†Pottawattamie.....	4,999.67	*5,399.66
†Poweshiek.....	55,850.50	*34,704.96
†Ringgold.....	25,092.99	25,419.39
Sac.....	3,012.43	3,012.43
Scott.....	36,124.21	36,124.21
Shelby.....	5,813.96	5,823.96
Sioux.....	No fund.	No fund.
†Story.....	22,545.78	22,647.34
†Tama.....	36,847.01	37,204.59
†Taylor.....	11,137.01	10,867.67
†Union.....	22,323.39	31,785.61
Van Buren.....	19,843.92	19,853.41
Wapello.....	\$ 26,931.73	\$ 26,931.73
Warren.....	19,612.18	19,612.18
Washington..	36,609.48	26,609.48
†Wayne.....	35,834.99	35,659.42
†Webster.....	26,781.30	22,031.08
Winnebago.....	2,800.00	2,800.00
†Winneshek.....	53,041.93	53,412.06
†Woodbury.....	3,761.00	*3,929.61
Worth.....	6,190.80	6,190.80
†Wright.....	6,982.15	4,685.23
Total.....	\$ 2,221,497.52	\$ 2,181,101.07

28TH.—AMOUNT OF PERMANENT SCHOOL FUND AND HOW INVESTED.

This Fund is composed of the following sums as near as can be determined from the reports received and the books in this office, to-wit:

*Counties marked thus * have not reported for June 1, 1867, and in such cases the figures in the last Reports from said counties are taken as being the nearest approximation to the correct amount.

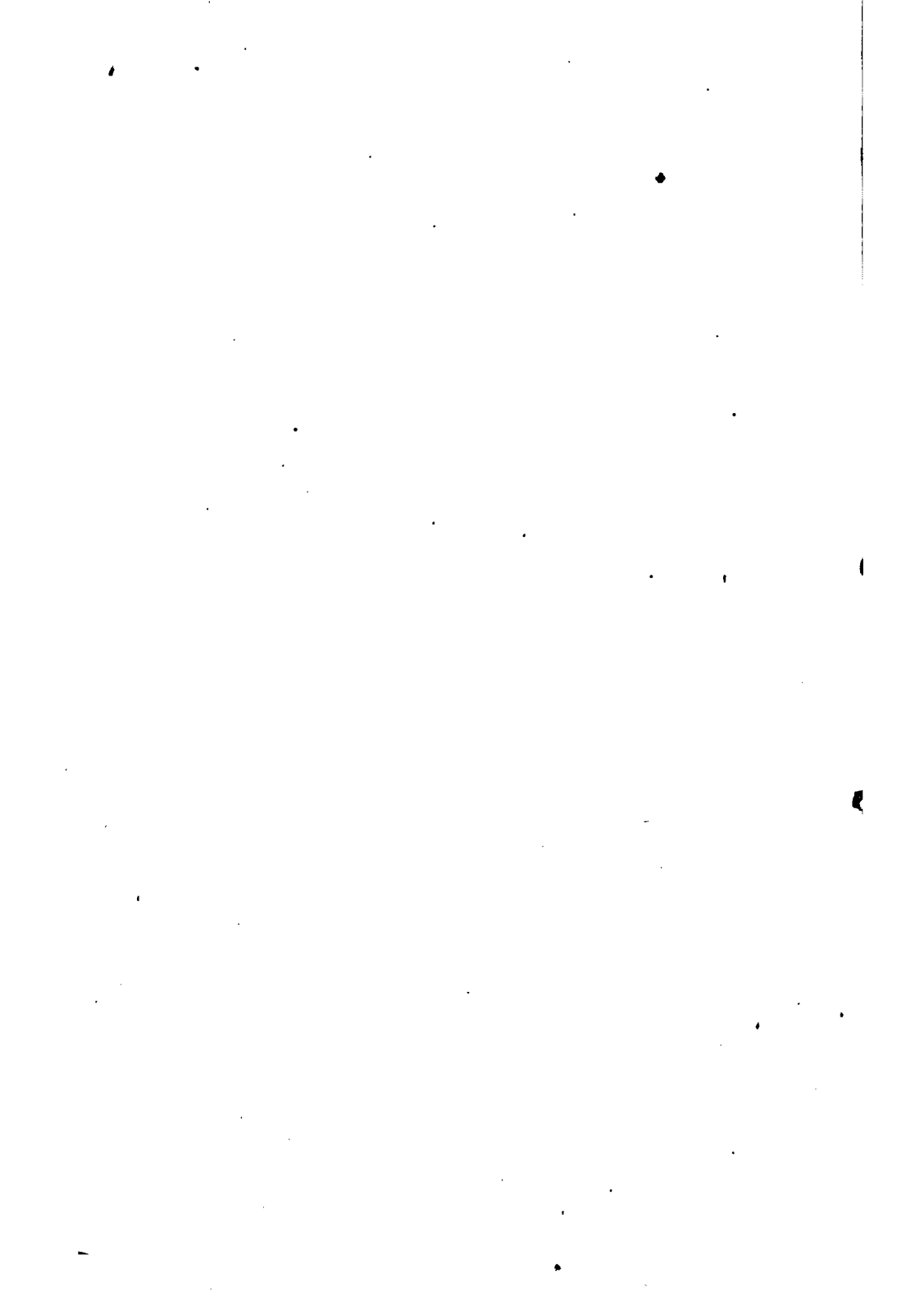
†For explanation of discrepancies in these amounts see remarks on School Fund.

AUDITOR'S REPORT.

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Amount in the counties as per Clerks' Reports....	*\$2,181,101.07
Amount loaned to the State.....	122,295.75
Amount of Eads' loans unpaid.....	64,293.10
Amount loaned Med. Department, State University.	15,000.00
Amount invested in U. S. Bonds.....	102,008.00
Amount due from J. C. Bishop, Ex-School Fund Commissioner of Mitchell county.....	6,162.69
Amount due from W. W. Reed, Ex-School Fund Commissioner of Shelby county.....	31.25
Amount due from Ex-School Fund Commissioner of Madison county.....	569.13
Amount due from Ex-School Fund Commissioner of Story county.....	231.55
Amount in hand of State Treasurer.....	8,126.94
	<hr/>
	\$2,499,819.48
Add for losses ascertained and credited to counties..	16,891.17
Add for discrepancy between amount of Permanent Fund in counties as reported by the Clerks and the amount as shown by Auditor's books.....	40,396.45
	<hr/>
	\$2,557,107.10

* The amount in the counties as shown by the Auditor's Books is \$2,221,497.52
As several counties have not reported for June, 1867, either of these amounts are
but approximations to the true amount.



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