

# ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

# THIRTEENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

BEGUN JANUARY 10, AND ENDED APRIL 13, 1870.

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PUBLISHED BY AUTHORITY.

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1870.

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 where 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, Iowa, this 8th day of June, A. D. 1870.

ED WRIGHT, *Secretary of State.*

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## STATE GOVERNMENT, 1870.

*List of State Officers, Judges of the Supreme, District, and Circuit 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.....
Wm. H. Fleming....	Private Secretary.....	Clinton.....
Madison M. Walden...	Lieutenant-Governor.....	Appanoose.....
Ed Wright.....	Secretary of State.....	Cedar.....
F. A. Warner.....	Deputy Secretary of State.....	Polk.....
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.....
Abraham S. Kissell...	Superintendent of Pub. Inst....	Scott.....
Lewis I. Coulter....	Dep. Supt. of Pub. Inst.....	Linn.....
Nathaniel B. Baker....	Adjutant and Inspector-General and A. Q. M. G.....	Clinton.....
F. M. Mills.....	State Printer.....	Polk.....
James S. Carter.....	State Binder.....	Polk.....

## JUDICIAL DEPARTMENT.

### SUPREME COURT.

NAME.	POSITION.	COUNTY FROM WHICH ORIGINALLY CHOSEN.	POST-OFFICE.
Chester C. Cole.....	Chief Justice .....	Polk .....	Des Moines.
George G. Wright.....	Judge .....	Van Buren .....	Des Moines.
Joseph M. Beck.....	Judge .....	Lee .....	Ft. Madison.
*Elias H. Williams....	Judge .....	Clayton .....	Clermont ...
Charles Linderman....	Clerk .....	Page .....	Des Moines.
Henry O'Connor.....	Attorney-General .....	Muscatine .....	Muscatine ..
Edward H. Stiles.....	Reporter of Decisions.	Wapello.....	Ottumwa ...

### DISTRICT COURTS.

DIST.	NAME.	POSITION.	COUNTY FROM WHICH CHOSEN.	POST-OFFICE
1	*Joshua Tracy.....	Judge .....	Des Moines....	Burlington ..
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 .....	Muscatine .....	Muscatine .....
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	*George B. Corkhill..	District Attorney ..	Henry.....	Mt. Pleasant..
2	James B. Weaver.....	District-Attorney ..	Davis .....	Bloomfield....
3	Charles E. Millard ..	District-Attorney ..	Mills .....	Glenwood .....
4	Orson Rice.....	District-Attorney ..	Dickinson .....	Spirit Lake...
6	*Edgar T. Ensign....	District-Attorney ..	Polk .....	Des Moines....
6	Moses A. McCoid.....	District-Attorney ..	Jefferson .....	Fairfield .....
7	Lyman Ellis.....	District-Attorney ..	Clinton.....	Lyons.....
8	William G. Thompson.	District-Attorney ..	Linn .....	Marion .....
9	J. B. Powers .....	District-Attorney ..	Black Hawk .....	Waterloo.....
10	C. T. Granger.....	District-Attorney ..	Allamakee .....	Waukon .....
11	John H. Bradley.....	District-Attorney ..	Marshall.....	Marshalltown..
12	Irving W. Card.....	District-Attorney ..	Cerro Gordo .....	Mason City....

\* Appointed to fill a vacancy.

## STATE GOVERNMENT.

V

## CIRCUIT COURTS.

District.	Circuit.	NAME.	POSITION.	COUNTY FROM WHICH CHOSEN.	POST-OFFICE.
1	1	John B. Drayer.....	Judge....	Henry.....	Mt. Pleasant ..
1	2	John C. Power.....	Judge....	Des Moines.....	Burlington ..
2	1	Robert Sloan.....	Judge....	Van Buren.....	Keosauqua. ...
2	2	Henry L. Dashiell.....	Judge....	Monroe.....	Albia.....
3	1	R L. Douglass.....	Judge....	Pottawattamie ..	Council Bluffs ..
3	2	James W. McDill .....	Judge....	Union.....	Afton.....
4	1	Addison Oliver .....	Judge....	Monona.....	Onawa.....
4	2	J. M. Snyder.....	Judge....	Humboldt.....	Springvale ..
5	1	John Mitchell.....	Judge....	Polk.....	Des Moines ..
5	2	Frederick Mott.....	Judge....	Madison.....	Winterset ..
6	1	Lucian C. Blanchard.....	Judge....	Poweshiek .....	Montezuma ..
6	2	*Stephen N. Lindley.....	Judge....	Jasper.....	Newton.....
7	1	Henry H. Benson.....	Judge....	Muscatine.....	Muscatine .....
7	2	George B. Young .....	Judge....	Clinton.....	DeWitt .....
8	1	William E. Miller.....	Judge....	Johnson.....	Iowa City .....
8	2	Sylvanus Yates.....	Judge....	Cedar.....	Tipton.....
9	1	Winslow T. Barker .....	Judge....	Dubuque.....	Dubuque .....
9	2	Sylvester Bagg .....	Judge....	Black Hawk.....	Waterloo .....
10	1	Martin V. Burdick.....	Judge....	Winneshieki .....	Decorah .....
10	2	Benjamin T. Hunt .....	Judge....	Clayton.....	Elkader.....
11	1	Henry Hudson.....	Judge....	Boone.....	Montana.....
11	2	S. L. Rose.....	Judge....	Hamilton .....	Webster City ..
12	1	George W. Ruddick.....	Judge....	Bremer.....	Waverly .....
12	2	Harvey N. Brockway .....	Judge....	Hancock.....	Upper Grove ..

\*Appointed to fill a vacancy.

## THIRTEENTH GENERAL ASSEMBLY.

CONVENED AT THE CAPITOL, DES MOINES, JANUARY 10, 1870.  
ADJOURNED APRIL 13, 1870.

## SENATE.

Dist's.	COUNTIES.	SENATORS.	POST-OFFICES.
1	Lee.....	E. S. McCulloch.....	Primrose.....
2	Van Buren.....	Jacob G. Vale.....	Bonaparte.....
3	Davis.....	* Henry C. Traverse.....	Bloomfield.....
4	Appanoose.....	† W. F. Vermilion.....	Centerville.....
5	Monroe and Wayne.....	* Edward M. Bill.....	Albia.....
6	Clarke, Lucas, and Union.....	* James D. Wright.....	Chariton.....
7	Decatur, Ringgold, and Taylor..	* Isaac W. Keller.....	Mount Ayr.....
8	Adams, Fremont, and Page....	* Napoleon B. Moore.....	Clarinda.....
9	Montgomery, Cass, Mills, and Pottawattamie.....	* Jefferson P. Casady....	Council Bluffs.....
10	Des Moines.....	Charles Beardsley.....	Burlington.....
11	Henry.....	John P. West.....	Mt. Pleasant.....
12	Jefferson.....	* Abial R. Pierce.....	Fairfield.....
13	Wapello.....	Augustus H. Hamilton..	Ottumwa.....
14	Louisa.....	James S. Hurley.....	Wapello.....
15	Washington.....	* Granville G. Bennett..	Washington.....
16	Muscatine.....	Samuel McNutt.....	Muscatine.....
17	Keokuk.....	J. W. Havens.....	Sigourney.....
18	Mahaska.....	† John N. Dixon.....	Oskaloosa.....
19	Marion.....	† John M. Cathcart.....	Attica.....
20	Warren.....	* George E. Griffith.....	Indianola.....
21	Madison, Adair, Dallas, and Guthrie.....	Benjamin F. Murray....	Winterset.....
22	Scott.....	Robert Lowry.....	Davenport.....
	Scott.....	H. R. Claussen.....	Davenport.....
23	Clinton.....	Alexander B. Ireland....	Camanche.....
24	Cedar.....	* William P. Wolf.....	Tipton.....
25	Johnson.....	* Samuel H. Fairall.....	Iowa City.....
26	Iowa.....	* Matthew Long.....	Stellapolis.....
27	Poweshiek and Tama.....	Joseph Dysart.....	Vinton.....
28	Jasper.....	Frank T. Campbell.....	Newton.....
29	Polk.....	B. F. Allen.....	Des Moines.....
30	Jackson.....	* Lewis P. Dunham.....	Maquoketa.....
31	Jones.....	John McKean.....	Anamosa.....
32	Linn.....	* Robert Smyth.....	Mount Vernon.....
33	Benton.....	* James Chapin.....	Vinton.....
34	Marshall and Hardin.....	* Wells S. Rice.....	Marshalltown.....
35	Dubuque.....	* F. M. Knoll.....	Dubuque.....
	Dubuque.....	M. B. Mulkern.....	Dubuque.....
36	Delaware.....	* Joseph Grimes.....	Colesburg.....
37	Buchanan.....	* William G. Donnan....	Independence.....

## SENATE—CONTINUED.

Dist's.	COUNTIES.	SENATORS.	POST-OFFICE.
38	Black Hawk.....	George W. Couch.....	Waterloo.....
39	Clayton.....	* Homer E. Newell.....	McGregor.....
40	Fayette.....	* William Larrabee.....	Clermont.....
41	Allamakee.....	* L. E. Fellows.....	Lansing.....
42	Winneshiek.....	† H. C. Bulis.....	Decorah.....
43	Chickasaw, Floyd, and Howard	* John G. Patterson.....	Charles City.....
44	Bremer, Butler, and Grundy....	¶ Emmons Johnson.....	Waverley.....
45	Hamilton, Story and, Boone....	* Isaac J. Mitchell.....	Boonsboro'.....
46	Mitchell, Worth, Cerro Gordo, Franklin, Wright, Hancock... Winnebago and Kossuth.....	* Marcus Tuttle.....	Clear Lake.....
47	Webster, Greene, Carroll, Cal- houn, Sac, Humboldt, Poca- hontas, Buena Vista, Palo Alto, Clay, Emmet, and Dickinson.....	* Theodore Hawley.....	Fort Dodge.....
48	Audubon, Shelby, Harrison, Monona, Crawford, Ida, Woodbury, Plymouth, Chero- kee, O'Brien, Sioux, and the unorganized counties of Lyon, and Osceola.....	Charles Atkins.....	Onawa City.....

\* Elected in 1867 for full term.

† Elected in 1868 to fill vacancy.

‡ Elected in 1869 to fill vacancy.

¶ Elected in 1870, to fill vacancy.

‖ Re-elected.

NOTE.—Mr. McCulloch was a member of the House in the Fourth and Fifth Legislative Assemblies; also, of the House in the Third and Eighth, and of the Senate in the Fifth and Sixth General Assemblies. Mr. McNutt was a member of the House in the Tenth, Eleventh, and Twelfth General Assemblies; Mr. McKean, in the Eleventh and Twelfth; Mr. Fellows, Mr. Griffith, Mr. Traverse, and Mr. Bennett, in the Eleventh; Mr. Murray in the Twelfth; Mr. Wolf in the Tenth; Mr. Grimes in the Seventh; Mr. West in the Ninth and Eleventh; Mr. Fairall in the Ninth and Mr. Smyth in the First, also of the House in the Sixth Legislative Assembly. Mr. Hurley was a member of the Senate in the Ninth and Tenth General Assemblies; Mr. Dysart in the Ninth; Mr. Patterson in the Tenth and Eleventh; Mr. Knoll in the Tenth and Eleventh, also of the House in the Ninth.

## OFFICERS OF THE SENATE.

*President*, Madison M. Walden, Centreville, Appanoose county.

*Secretary*, James M. Weart, Independence, Buchanan county.

*Assistant Secretary*, John A. T. Hull, Birmingham, Van Buren county.

*Second Assistant Secretary*, C. V. Gardner, Avoca, Pottawattamie county.

*Engrossing Clerk*, George H. Ballou, Davenport, Scott county.

*Enrolling Clerk*, E. G. Stanley, Anamosa, Jones county.

*Sergeant-at-Arms* Val Mendel, Albia, Monroe county.

*Door-keeper*, N. F. Weber, Decorah, Winneshiek county.

*Postmaster for the General Assembly*, George F. Work, Newton, Jasper county.

*Assistant Postmaster*, Robert B. Baird, Muscatine county.

## HOUSE OF REPRESENTATIVES.

Dist.	COUNTIES.	REPRESENTATIVES.	POST-OFFICES.
1	Lee.....	Christian Hirschler.....	Franklin Center.....
	Lee.....	David S. Bell.....	Hillsboro.....
	Lee.....	Patrick Gibbons.....	Keokuk.....
2	Des Moines.....	William Harper.....	Kossuth.....
	Des Moines.....	Thomas J. Sater.....	Danville.....
3	Henry.....	Joshua G. Newbold.....	Hillsboro.....
	Henry.....	Joshua W. Satterthwait.....	Mt. Pleasant.....
4	Jefferson.....	Joseph Ball.....	Fairfield.....
	Jefferson.....	William Hopkirk.....	Lockridge.....
5	Van Buren.....	*Joel Brown.....	Birmingham.....
	Van Buren.....	George N. Rosser.....	Hickory.....
6	Wapello.....	*Charles Dudley.....	Agency City.....
	Wapello.....	John H. Carver.....	Kirkville.....
7	Davis.....	Timothy O. Norris.....	Troy.....
8	Monroe.....	Benjamin F. Elbert.....	Albia.....
9	Appanoose.....	Claudius B. Miller.....	Moravia.....
10	Lucas.....	A. H. Stutsman.....	Chariton.....
11	Wayne.....	Lewis Miles, Jr.....	Corydon.....
12	Decatur.....	Fred A. Teale.....	Decatur.....
13	Clarke.....	John L. Millard.....	Liberty.....
14	Union and Adams.....	*Neal W. Rowell.....	Afton.....
15	Ringgold and Taylor.....	*Leonard T. McCoun.....	Bedford.....
16	Page.....	William Butler.....	Clarinda.....
17	Mills.....	*John Y. Stone.....	Glenwood.....
18	Fremont.....	James M. Hood.....	Hamburg.....
19	Pottawattamie.....	John Beresheim.....	Council Bluffs.....
20	Cass, Adair, and Montgomery.....	Wesley W. Merritt.....	Red Oak Junction.....
21	Madison.....	John H. Hartenbower.....	Winterset.....
22	Warren.....	Alexander H. Swan.....	Indianola.....
23	Marion.....	D. T. Durham.....	Iola.....
	Marion.....	Benjamin F. Keables.....	Pella.....
24	Mahaska.....	M. E. Cutts.....	Oskaloosa.....
	Mahaska.....	John F. Lacey.....	Oskaloosa.....
25	Keokuk.....	*John Morrison, Jr.....	Butler.....
	Keokuk.....	B. A. Haycock.....	Richland.....
26	Washington.....	*Joseph D. Miles.....	Crawfordsville.....
	Washington.....	†Samuel Bigger.....	Washington.....
27	Louisa.....	George D. Harrison.....	Columbus City.....
28	Muscatine.....	John Mahin.....	Muscatine.....
	Muscatine.....	William C. Evans.....	West Liberty.....
29	Cedar.....	James W. Beaty.....	Clarence.....
	Cedar.....	J. Q. Tufts.....	Wilton Junction.....
30	Scott.....	*Matthias J. Rohlf.....	Davenport.....
	Scott.....	Carlos C. Applegate.....	Le Claire.....
	Scott.....	John W. Green.....	Davenport.....
31	Clinton.....	*Aylett R. Cotton.....	Lyons.....
	Clinton.....	Samuel H. Rogers.....	Wheatland.....
	Clinton.....	Benjamin Spencer.....	Maquoketa.....
32	Jackson.....	James Dunne.....	Otter Creek.....
	Jackson.....	Emory DeGroat.....	Van Buren.....
33	Johnson.....	*John P. Irish.....	Iowa City.....
	Johnson.....	David Stewart.....	North Liberty.....
34	Iowa.....	James P. Ketcham.....	Marengo.....
35	Poweshiek.....	Erastus Snow.....	Grinnell.....
36	Polk.....	*John A. Kasson.....	Des Moines.....
	Polk.....	George W. Jones.....	Des Moines.....
37	Jasper.....	Caleb Bundy.....	Prairie City.....
	Jasper.....	John H. Taft.....	Newton.....
38	Dallas.....	Cole Noel.....	Adel.....



## HOUSE OF REPRESENTATIVES—CONTINUED.

Dist.	COUNTIES.	REPRESENTATIVES.	POST-OFFICES.
39	Greene, Calhoun, Pocahontas, and Humboldt.....	Gillum S. Toliver.....	Jefferson.....
40	Shelby, Audubon, and Guthrie..	William H. Campbell.....	Panora.....
41	Harrison.....	George H. McGavren.....	Missouri Valley...
42	Boone.....	John F. Hopkins.....	Swede Point.....
43	Story.....	William K. Wood.....	Iowa Center.....
44	Tama.....	*James Wilson.....	Buckingham.....
45	Benton.....	*John W. Traer.....	Vinton.....
46	Marshall.....	Delos Arnold.....	Marshalltown.....
47	Linn.....	Oliver O. Stanchfield.....	Cedar Rapids.....
	Linn.....	E. A. Warner.....	Waubeek.....
48	Jones.....	*John Russell.....	Wyoming.....
	Jones.....	P. G. Bonewitz.....	Langworthy.....
49	Dubuque.....	Theophilus Crawford.....	Peosta.....
	Dubuque.....	John Christoph.....	Dyersville.....
	Dubuque.....	William Mills.....	Dubuque.....
	Dubuque.....	Fred O'Donnell.....	Dubuque.....
50	Delaware.....	*Cummings Sanborn.....	Earlville.....
51	Clayton.....	Samuel Murdock.....	Garnaville.....
	Clayton.....	H. B. Taylor.....	Strawberry Point..
52	Allamakee.....	*Pierce G. Wright.....	Ludlow.....
	Allamakee.....	D. Dickerson.....	Hardin.....
53	Buchanan.....	Daniel S. Lee.....	Independence.....
54	Fayette.....	*Aaron Brown.....	Fayette.....
	Fayette.....	Joseph Hobson.....	West Union.....
55	Winneshiek.....	*Horace B. Williams.....	Hesper.....
	Winneshiek.....	A. O. Lommen.....	Decorah.....
56	Mitchell and Howard.....	Amos S. Faville.....	Mitchell.....
57	Chickasaw.....	George W. Butterfield.....	Nashua.....
58	Floyd.....	H. O. Pratt.....	Charles City.....
59	Bremer.....	O. C. Harrington.....	Horton.....
60	Black Hawk.....	T. B. Carpenter.....	Cedar Falls.....
	Black Hawk.....	Jesse Wasson.....	La Porte City.....
61	Butler and Grundy.....	S. B. Dumont.....	Union Ridge.....
62	Hardin.....	Henry L. Huff.....	Eldora.....
63	Wright, Hamilton, and Franklin	*John D. Hunter.....	Webster City.....
64	Webster.....	Galusha Parsons.....	Fort Dodge.....
65	Winnebago, Worth, Hancock, and Cerro Gordo.....	B. F. Hartshorn.....	Mason City.....
66	Kossuth, Palo Alto, Emmet, and Dickinson.....	Harwood G. Day.....	Estherville.....
67	Woodbury, Plymouth, Sioux, O'Brien, Lyon, and Osceola..	Constant R. Marks.....	Sioux City.....
68	Sac, Buena Vista, Cherokee, and Clay.....	George H. Wright.....	Grant City.....
69	Monona, Crawford, Carroll, and Ida.....	J. D. Miracle.....	Denison.....

\* Members in the House of the Twelfth General Assembly.

† Elected in 1870 to fill vacancy.

NOTE.—Mr Russell was a member of the House in the Ninth, Tenth, and Eleventh General Assemblies, and Speaker in the Twelfth. Mr. Brown, of Van Buren, Mr. Dudley, Mr. Rohlfis, Mr. Wright of Allamakee, and Mr. Williams, were members of the House in the Eleventh and Twelfth General Assemblies. Mr. Rosser in the Fifth; Mr. Harper in the Third; Mr. Arnold in the Sixth; Mr. Millard in the Eighth; Mr. Christoph in the Tenth; and Mr. Cotton in the

Twelfth; and of the Constitutional Convention of 1857. Mr. Murdock was a member of the Constitutional Convention of 1844; a member of the Senate in the First and Second General Assemblies, and of the House in the Third and Seventh. Mr. Cutts was a member of the Senate in the Tenth and Eleventh General Assemblies; and Mr. Brown of Fayette, in the Sixth and Seventh.

#### OFFICERS OF THE HOUSE OF REPRESENTATIVES.

*Speaker*—Aylett R. Cotton, Lyons, Clinton county.

*Chief Clerk*—Charles Aldrich, Marshalltown, Marshall county.

*First Assistant Clerk*—B. Van Steenburg, Andrew, Jackson county.

*Second Assistant Clerk*—H. C. Rippey, Jefferson, Greene county.

*Engrossing Clerk*—Mary E. Spencer, Clinton, Clinton county.

*Enrolling Clerk*—W. P. Gaylord, Rock Grove City, Floyd county.

*Sergeant-at-Arms*—Henry C. Russell, Crawfordsville, Washington county.

*Door-Keeper*—Thomas Morgan, Columbus City, Louisa county.

# COMMISSIONERS IN OTHER STATES.

*List of Commissioners for Iowa in other States, published as required by Section 11, of Chapter 44, of the Acts of the Thirteenth General Assembly, Approved, March 30, 1870, showing the Post-office address, date of Commission, date of Qualification, and the date of expiration of each commission.*

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
<b>CALIFORNIA.</b>				
James R. Lowe, Jr. . . . .	San Jose. . . . .	June 27, 1868	Oct. 23, 1868	June 26, 1871
Frank V. Scudder. . . . .	San Francisco. . . . .	July 6, 1869	July 21, 1869	July 5, 1872
Samuel Cross. . . . .	Sacramento City. . . . .	May 9, 1870	July 4, 1870	July 3, 1873
Emile V. Sutter. . . . .	San Francisco. . . . .	May 14, 1870	July 4, 1870	July 3, 1873
Edward Cadwalader. . . . .	Sacramento. . . . .	May 25, 1870	Aug. 4, 1870	Aug. 3, 1873
<b>ILLINOIS.</b>				
Joseph A. Phelps. . . . .	Chicago. . . . .	July 21, 1868	Aug. 13, 1868	July 20, 1871
Moses C. Brown, Jr. . . . .	Rockford. . . . .	Nov. 9, 1868	Jan. 27, 1869	Nov. 8, 1871
Henry Wisner. . . . .	Chicago. . . . .	Nov. 16, 1868	Nov. 18, 1868	Nov. 15, 1871
Edwin A. Sherburne. . . . .	Chicago. . . . .	Dec. 30, 1868	Mar. 15, 1869	Dec. 29, 1871
Newton Lull. . . . .	Chicago. . . . .	Oct. 5, 1869	Nov. 16, 1869	Oct. 4, 1872
Frank S. Balch. . . . .	Chicago. . . . .	Dec. 31, 1869	Jan. 27, 1870	Dec. 30, 1872
Francis De Pfuhl. . . . .	Chicago. . . . .	Feb. 1, 1870	Feb. 4, 1870	Jan. 31, 1873
J. S. Gould. . . . .	Chicago. . . . .	Apr. 20, 1870	May 2, 1870	May 1, 1873
Simeon W. King. . . . .	Chicago. . . . .	May 9, 1870	July 4, 1870	July 3, 1873
Phillip A. Hoyne. . . . .	Chicago. . . . .	May 11, 1870	July 4, 1870	July 3, 1873
Willet Dorland. . . . .	Chicago. . . . .	May 12, 1870	June 4, 1870	June 3, 1873
Cyrus Bentley. . . . .	Chicago. . . . .	May 18, 1870	July 4, 1870	July 3, 1873
<b>KANSAS.</b>				
Thos. M. O'Brien. . . . .	Leavenworth. . . . .	Aug 12, 1867	Sept. 9, 1867	Aug. 11, 1870
<b>LOUISIANA.</b>				
Edward Barnett. . . . .	New Orleans. . . . .	Nov. 20, 1867	Dec. 26, 1867	Nov. 19, 1870
John G. Eustis. . . . .	New Orleans. . . . .	Dec. 10, 1868	Dec. 23, 1868	Dec. 9, 1871
<b>MAINE.</b>				
James O'Donnell. . . . .	Portland. . . . .	May 3, 1870	July 4, 1870	July 3, 1873
<b>MASSACHUSETTS.</b>				
Henry F. Brown. . . . .	Brimfield. . . . .	Dec. 1, 1868	Jan. 13, 1869	Nov. 30, 1871
B. A. G. Fuller. . . . .	West Roxbury. . . . .	Mch. 27, 1869	July 24, 1869	Mch. 26, 1872
Samuel A. B. Abbott. . . . .	Boston. . . . .	Sept. 25, 1869	Sept. 30, 1869	Sept. 24, 1872
James B. Bell. . . . .	Boston. . . . .	May 3, 1870	July 4, 1870	July 3, 1873
Walter Curtis. . . . .	Boston. . . . .	May 3, 1870	July 4, 1870	July 3, 1873
James B. Thayer. . . . .	Boston. . . . .	May 11, 1870	July 4, 1870	July 3, 1873
Hales W. Suter. . . . .	Boston. . . . .	May 18, 1870	July 4, 1870	July 3, 1873
Stephen P. Webb. . . . .	Salem. . . . .	May 18, 1870	July 4, 1870	July 3, 1873
Samuel Jennison. . . . .	Boston. . . . .	May 25, 1870	July 4, 1870	July 3, 1873
Otis Gray Randall. . . . .	Boston. . . . .	May 26, 1870	July 4, 1870	July 3, 1873
Robt. B. Caverly. . . . .	Lowell. . . . .	June 1, 1870	July 4, 1870	July 3, 1873

## COMMISSIONERS IN OTHER STATES—CONTINUED.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
<b>MARYLAND.</b>				
James McSherry, Jr.	Frederick .....	Mar. 31, 1868	Apr. 13, 1868	Mar. 30, 1871
Henry R. Dulany...	Baltimore .....	July 30, 1869	Aug. 14, 1869	July 29, 1872
Wm. B. Hill, . . .	Baltimore .....	May 3, 1870	July 4, 1870	July 3, 1873
H. L. Emmons, Jr. . .	Baltimore .....	May 14, 1870	July 4, 1870	July 3, 1873
<b>MISSOURI.</b>				
Theodore Papin....	St. Louis .....	Nov. 30, 1867	Dec. 4, 1867	Nov. 29, 1870
Edward W. Shands . .	St. Louis .....	Dec. 21, 1867	Dec. 24, 1867	Dec. 20, 1870
Gilbert J. Wetenhall.	St. Louis .....	June 16, 1868	June 27, 1868	June 15, 1871
Joseph L. Papin....	St. Louis .....	Sept. 28, 1868	Oct. 1, 1868	Sept. 27, 1871
Thomas Whitaker . . .	Bucklin.....	Feb. 2, 1869	Mar. 10, 1869	Feb. 1, 1872
<b>NEVADA.</b>				
H. M. Barnes.....	Belmont.....	Apr. 24, 1868	May 12, 1868	Apr. 23, 1871
<b>NEW JERSEY.</b>				
Jos. F. Randolph, Jr.	Jersey City.....	May 12, 1868	Sept. 11, 1868	May 11, 1871
Samuel S. Moore . . .	Elizabeth.....	Apr. 20, 1870	May 2, 1870	May 1, 1873
<b>NEW YORK.</b>				
William Savage.....	New York.....	July 27, 1867	Aug. 15, 1867	July 26, 1870
Sigismond Lasar . . .	New York.....	Nov. 11, 1867	Nov. 16, 1867	Nov. 10, 1870
John P. Hudson.....	New York.....	Jan. 18, 1868	Jan. 24, 1868	Jan. 17, 1871
Clarence M. Hyde....	New York.....	Feb. 24, 1868	Feb. 29, 1868	Feb. 23, 1871
Clarence F. Moulton .	New York.....	Mar. 23, 1868	Mar. 27, 1868	Mar. 22, 1871
Edward H. Perkins, Jr	New York.....	Apr. 15, 1868	Apr. 24, 1868	Apr. 14, 1871
George M. Van Hosen	New York.....	Apr. 18, 1868	May 7, 1868	Apr. 17, 1871
William V. Archer....	New York.....	May 25, 1868	June 1, 1868	May 24, 1871
Josiah H. Bissell....	Rochester .....	May 26, 1868	May 30, 1868	May 25, 1871
Benjamin L. Johnson.	New York.....	May 12, 1868	May 28, 1868	May 11, 1871
William H. Barker . .	New York.....	Aug. 1, 1868	Oct. 27, 1868	July 31, 1871
Rufus K. McHarg....	New York.....	Oct. 13, 1868	Oct. 16, 1868	Oct. 12, 1871
Frederic N. Dodge . .	New York.....	Nov. 11, 1868	Nov. 24, 1868	Nov. 10, 1871
William S. Dunn....	New York.....	Nov. 25, 1868	Dec. 10, 1868	Nov. 24, 1871
George R. Jaques....	New York.....	Dec. 19, 1868	Dec. 23, 1868	Dec. 18, 1871
Nathaniel Gill.....	New York.....	Jan. 14, 1869	Jan. 20, 1869	Jan. 13, 1872
Rodney Durkee . . .	Suspension Bridge	Jan. 21, 1869	Feb. 2, 1869	Jan. 20, 1872
J. Leander Starr . . .	New York.....	Mar. 3, 1869	Mar. 8, 1869	Mar. 2, 1872
William H. Russell . .	New York.....	Mar. 30, 1869	Apr. 2, 1869	Mar. 29, 1872
John B. Dumont . . .	New York.....	Apr. 3, 1869	Apr. 16, 1869	Apr. 2, 1872
Judson Jarvis . . . .	New York.....	Apr. 7, 1869	Apr. 20, 1869	Apr. 6, 1872
Horace Andrews....	New York.....	Apr. 26, 1869	Apr. 30, 1869	Apr. 25, 1872
James M. Slevin.....	New York.....	Aug. 14, 1869	Sept. 7, 1869	Aug. 13, 1872
Arthur W. Knapp....	New York.....	Jan. 21, 1870	Jan. 27, 1870	Jan. 20, 1873
John A. Hillery . . .	New York.....	Feb. 17, 1870	Feb. 24, 1870	Feb. 16, 1873
Wm. C. McHarg . . .	Albany .....	Apr. 20, 1870	May 6, 1870	May 5, 1873
Chas. Nettleton.....	New York.....	Apr. 29, 1870	July 4, 1870	July 3, 1873
David W. Price.....	New York.....	Apr. 20, 1870	May 2, 1870	May 1, 1873
Joseph B. Nones....	New York.....	May 3, 1870	July 4, 1870	July 3, 1873
Fred. R. Anderson....	New York.....	May 3, 1870	July 4, 1870	July 3, 1873
Geo. W. Colles.....	New York.....	May 6, 1870	July 4, 1870	July 3, 1873
Sylvester Lay . . . .	New York.....	May 6, 1870.	July 4, 1870	July 3, 1873

COMMISSIONERS IN OTHER STATES—CONTINUED.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
NEW YORK—CONTINUED.				
Fred. G. King.....	New York.....	May 14, 1870	July 4, 1870	July 3, 1873
F. A. Wilcox.....	New York.....	May 14, 1870	July 4, 1870	July 3, 1873
Alexander Ostrander	New York.....	May 18, 1870	July 4, 1870	July 3, 1873
William F. Lett.....	New York.....	May 20, 1870	July 4, 1870	July 3, 1873

OHIO.

John H. Orf.....	Columbus.....	Dec. 3, 1867	Dec. 10, 1867	Dec. 2, 1870
Sam'l. E. Crawford...	Cincinnati.....	Oct. 20, 1868	Oct. 28, 1868	Oct. 19, 1871
James Wade, Jr.....	Cleveland.....	Jun. 1, 1870	July 4, 1870	July 3, 1873

PENNSYLVANIA.

Wm. H. Whitehead..	Philadelphia....	Jan. 28, 1868	Feb. 8, 1868	Jan. 27, 1871
Wm. M. Barlow....	Philadelphia....	May 25, 1868	June 3, 1868	May 24, 1871
John F. Young.....	Philadelphia....	Oct. 19, 1868	Feb. 9, 1869	Oct. 18, 1872
William B. Wiley...	Lancaster.....	Nov. 24, 1868	Feb. 10, 1869	Nov. 23, 1871
George H. Morgan...	Harrisburg....	Aug. 24, 1869	Aug. 30, 1869	Aug. 23, 1872
Charles Chauncey...	Philadelphia....	Nov. 10, 1869	Dec. 18, 1869	Nov. 9, 1872
Henry Phillips, Jr...	Philadelphia....	Nov. 29, 1869	Dec. 2, 1869	Nov. 28, 1872
F. Herbert Janvier..	Philadelphia....	Jan. 14, 1870	Jan. 18, 1870	Jan. 13, 1873
Edwd. D. Ledyard...	Philadelphia....	Apr. 20, 1870	May 2, 1870	May 1, 1873
Theo. D. Rand.....	Philadelphia....	May 3, 1870	July 4, 1870	July 3, 1873
Chas. H. T. Collis...	Philadelphia....	May 3, 1870	July 4, 1870	July 3, 1873
Sam'l B. Huey.....	Philadelphia....	May 3, 1870	July 4, 1870	July 3, 1873
Sam'l L. Taylor.....	Philadelphia....	May 3, 1870	July 4, 1870	July 3, 1873
Edward Shippen...	Philadelphia....	May 3, 1870	July 4, 1870	July 3, 1873
William F. Robb....	Pittsburg.....	May 3, 1870	July 4, 1870	July 3, 1873
John O'Neill.....	Titusville.....	May 3, 1870	July 4, 1870	July 3, 1873
Joseph Frankish...	Philadelphia....	May 4, 1870	July 4, 1870	July 3, 1873
Thomas Hockley....	Philadelphia....	May 9, 1870	July 4, 1870	July 3, 1873
S. W. Pennypacker..	Philadelphia....	May 10, 1870	June 4, 1870	June 3, 1873
John Russell.....	Philadelphia....	May 20, 1870	July 4, 1870	July 3, 1873

SOUTH CAROLINA.

Augustus E. Cohen...	Charleston.....	May 26, 1868	June 2, 1868	May 25, 1871
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TENNESSEE.

Melville M. Bigelow.	Memphis.....	Aug. 5, 1867	Aug. 13, 1867	Aug. 4, 1870
Henry P. Woodard.	Memphis.....	Oct. 13, 1868	Oct. 19, 1868	Oct. 12, 1871

VERMONT.

William S. Newton..	Brattleboro....	Feb. 15, 1870	Mar. 9, 1870	Feb. 14, 1873
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VIRGINIA.

Geo. C. Holt.....	Hallifax C. H....	May 25, 1870	July 4, 1870	July 3, 1873
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DISTRICT OF COLUMBIA.

Jos. T. K. Plant....	Washington....	Sept. 28, 1869	Oct. 4, 1869	Sept. 27, 1872
James N. Callan....	Washington....	Apr. 20, 1870	May 2, 1870	May 1, 1873
William Hurley....	Washington....	Apr. 20, 1870	May 2, 1870	May 1, 1873
Nicholas Callan....	Washington....	May 3, 1870	July 4, 1870	July 3, 1873
Anthony Hyde.....	Georgetown....	May 18, 1870	July 4, 1870	July 3, 1873

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2	An act fixing the times for holding the terms of the District Court in the fourth judicial district. Approved, January 27, 1870.....	H. F. 7	3
8	An act to amend chapter 115 of the Revision of 1860, relative to drawing jurors. Approved, January 27, 1870.....	H. F. 11	5
4	An act to legalize the organization of the independent school-district of Ainsworth, Washington county. Approved, January 29, 1870.....	H. F. 2	5
5	An act for the abatement of taxes in Clinton township, Clinton county, Iowa. Approved, February 4, 1870.....	H. F. 28	6
6	An act to provide for the collection of school-house tax, and tax for library, in the independent school-district of Missouri Valley, in Harrison county, Iowa.....	H. F. 70	7
7	An act to repeal section 2498 of the Revision of 1860. Approved, February 7, 1870.....	S. F. 41	8
8	An act to amend the School Laws of Iowa. Approved, February 9, 1870.....	H. F. 90	9
9	An act to repeal chapter 22 of the acts of the Twelfth General Assembly, and revive and re-enact the last paragraph of section 1 of chapter 45 of the acts of the Eleventh General Assembly, fixing the time of holding the District Court in Hardin county. Approved, February 9, 1870.....	H. F. 99	11
10	An act to legalize the devoting of the swamp and overflowed lands, and the indemnity lands obtained for swamp and overflowed lands of Cerro Gordo county, Iowa, to the construction of the McGregor and Sioux City Railway, through said county. Approved, February 9, 1870.....	S. F. 84	12
11	An act to legalize the sale of indemnity swamp lands and scrip in certain counties. Approved, February 9, 1870.....	S. F. 25	13
12	An act to provide for the election of a police judge, and the establishment of a police court in cities acting under special charters. Approved, February 9, 1870.....	H. F. 84	14
13	An act to legalize the incorporation of the town of Toledo in Tama county. Approved, February 28, 1870.....	H. F. 164	15
14	An act to amend sections 1068, 1069, and 1070, of the Revision of 1860, and to provide additional means for the collection of charges, assessments, and taxes, on lots of land within municipal corporations. Approved, February 28, 1870....	S. F. 16	16
15	An act authorizing the building of bridges across the Maquoketa river in Jackson county. Approved, March 2, 1870....	H. F. 50	17
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18	An act to amend an act entitled an act to encourage the organization of fire companies, passed January 28, 1857. Approved, March 4, 1870.....	H. F. 89	19
19	An act to appropriate money for the State Reform School. Approved, March 8, 1870.....	S. F. 120	20
20	An act to amend section 2, chapter 100, of the laws of the Twelfth General Assembly. Approved, March 8, 1870.....	H. F. 40	20
21	An act to amend section 2700, of chapter 114, of the Revision of 1860. Approved, March 8, 1870.....	H. F. 81	21
22	An act to legalize the tax lists of Henry county, Iowa, for the year A. D. 1869. Approved, March 8, 1870.....	S. F. 154	21
23	An act to legalize the incorporation of the regular Baptist Church, at Jordan's Grove, Linn county, State of Iowa. Approved, March 9, 1870.....	H. F. 171	22
24	An act to amend chapter 144 of Acts of the Twelfth General Assembly, in relation to the protection of crops against the invasion of stock. Approved, March 11, 1870.....	S. F. 50	23
25	An act to repeal an act authorizing general banking in the State of Iowa, passed March 22, 1858. Approved, March 16, 1870.....	H. F. 236	23
26	An act to restrain stock from running at large. Approved, March 17, 1870.....	Sub. for H. F. 3 & 18	24
27	An act legalizing certain elections in the city of Council Bluffs, and also legalizing the acts of the officers elected thereat. Approved, March 17, 1870.....	H. F. 108	26
28	An act to legalize the election of corporation officers in the town of Le Claire, county of Scott, and State, of Iowa, on the first Monday of March, A. D. 1869. Approved, March 17, 1870.....	H. F. 214	27
29	An act to amend section three of chapter 113, of the laws of the Tenth General Assembly, and section eleven of chapter 148, of the laws of the Ninth General Assembly, and to regulate the sale of school-lands. Approved, March 21, 1870.....	H. F. 1	28
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32	An act making further appropriations for the deaf and dumb asylum. Approved, March 22, 1870.....	S. F. 48	31
33	An act to authorize Thomas Mitchell and others to cut a canal across a strip of land to straighten the Des Moines river. Approved, March 23, 1870.....	H. F. 220	32
34	An act to encourage immigration to the State of Iowa. Approved, March 23, 1870.....	H. F. 184	33
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40	An act to authorize the sale of lands and town lots for taxes in certain cases for an amount less than the taxes, interest, and costs due thereon. Approved, March 26, 1870.....	S. F. 12	39
41	An act to repeal sections 16, 17, 18, 19, 20, 21, 22 and 24, of chapter 86, of the acts of the Twelfth General Assembly, and providing for appeals from the district and circuit courts to the Supreme Court, and fixing times of holding courts. Approved, March 30, 1870.....	S. F. 20	40
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43	An act to amend section 3275 of the revision of 1860, as to the duties of certain treasurers. Approved, March 30, 1870.	S. F. 140	43
44	An act providing for the appointment of commissioners in other states, and to regulate the powers of commissioners of other states in this State. Approved, March 30, 1870.....	S. F. 94	43
45	An act to authorize cities to receive donations of ground and library buildings, and to maintain free public libraries and reading rooms. Approved, March 30, 1870.....	S. F. 3	46
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47	An act to amend section 664 of the Revision of 1860. Approved, March 30, 1870.....	H. F. 317	48
48	An act to legalize the acts of the trustees, mayor, and recorder of the town of Iowa Falls, Iowa. Approved, March 30, 1870.....	H. F. 314	48
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68	An act to amend article 3, of chapter 29, of the Revision of 1860. Approved, April 6, 1870.....	H. F. 60	67
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73	An act to carry out the provisions of an act of Congress, approved May 15, 1856, granting lands to Iowa to aid in the construction of railroads, and to secure the early completion of the Tete des Morts branch of the Dubuque and Sioux City railroad. Approved, April 7, 1870.....	S. F. 86	72
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77	An act to amend Section 1020 of the Revision of 1860, and to provide for orders for the record of village-plats to be made by a Circuit or District Judge in vacation. Approved, April 7, 1870.....	S. F. 170	78
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84	An act to authorize and empower cities to build and maintain toll-bridges, and to provide therefor. Approved, April 9, 1870 .....	S. F. 73	85
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107	An act for the improvement of the penitentiary, and to provide for the salary and compensation of the warden. Approved, April 12, 1870.....	S. F. 181	111
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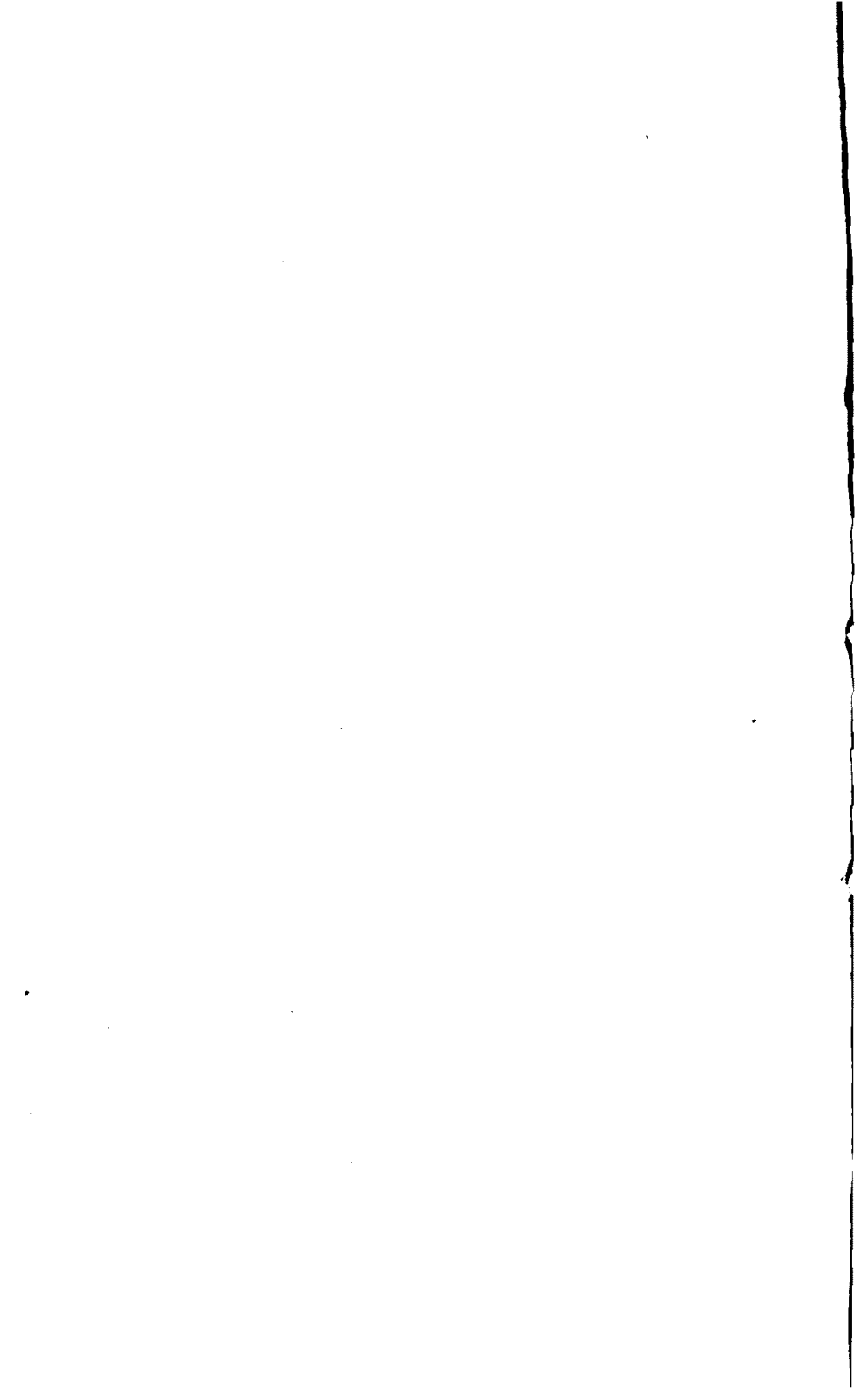
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# ACTS OF THE THIRTEENTH GENERAL ASSEMBLY

OF THE

## STATE OF IOWA.

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

### CHAPTER 1.

APPROPRIATION FOR MILEAGE, EXPENSES OF TEMPORARY ORGANIZATION AND POSTAGE OF GENERAL ASSEMBLY.

AN ACT Making an Appropriation for the Payment of the Mileage JANUARY 26.  
of the Members of the Thirteenth General Assembly, and the Per Diem of the Temporary Officers and employees thereof, and for Postage.

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:—

SEC. 2. For the payment of the mileage of the members of the Senate, including Lieutenant Governor Walden, the sum of two thousand six hundred dollars. Mileage of Senators \$2,600.

SEC. 3. For the payment of the mileage of the members of the House of Representatives, the sum of five thousand four hundred and ninety-two and 60-100 dollars. Mileage of representatives \$5,492 60

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 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. of Treasurer ;  
of officers of Houses ;

SEC. 6. To James M. Weart, for two days' services as temporary secretary of the Senate, ten dollars. Secretary Senate

SEC. 7. To N. F. Weber, for two days' services as temporary sergeant-at-arms of the Senate, eight dollars. Sergt-at-arms.

- SEC. 8. To James McConnell, for two days' services as temporary doorkeeper of the Senate, eight dollars.
- Doorkeeper.
- SEC. 9. To Arthur Lawrence, Eddie Long, and H. H. Lee, each, for two days' services as temporary messengers of the Senate, six dollars.
- Messengers.
- SEC. 10. To G. G. Bennett, for five days' services as temporary president of the Senate, twenty-five dollars.
- President *pro tem*.
- SEC. 11. To Charles Dudley, for two days' services as temporary speaker of the House of Representatives, ten dollars.
- Speaker H. R.
- SEC. 12. To Charles Aldrich, for two days' services as temporary clerk of the House of Representatives, ten dollars.
- Clerk.
- SEC. 13. To B. Van Steinburg, for two days' services as assistant clerk of the House of Representatives, ten dollars.
- Assistant clerk.
- SEC. 14. To H. C. Russell, for two days' services as temporary sergeant-at-arms of the House of Representatives, eight dollars.
- Serg't-at-arms.
- SEC. 15. To M. M. Grannis, for two days' services as assistant postmaster, for the House of Representatives, eight dollars.
- Assistant P. M.
- SEC. 16. For the payment, in part, of the postage of the Thirteenth General Assembly, the sum of five thousand dollars, to be paid upon the 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 \$5,000.
- SEC. 17. 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 Statesman papers published at Des Moines, Iowa.
- Taking effect.
- Approved, January 26, 1870.

I hereby certify that the foregoing act was published in the *Iowa State Register and Statesman*, January 28, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 2.

## COURTS IN FOURTH JUDICIAL DISTRICT.

AN ACT Fixing the Times for holding the Terms of the District Court in the Fourth Judicial District. JANUARY 27.

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 be hereafter commenced and held as follows:—

In Woodbury county, on the first Monday in March, and the third Monday in August. Woodbury co.

In Monona county on the third Monday in March, and the second Monday after the third Monday in August. Monona co.

In Harrison county on the fourth Monday in March, and the third Monday after the third Monday in August. Harrison co.

In Shelby county, on the second Monday after the fourth Monday in March, and the fifth Monday after the third Monday in August. Shelby co.

In Crawford county, on the third Monday after the fourth Monday in March, and the sixth Monday after the third Monday in August. Crawford co.

In Clay county, on the fifth Monday after the fourth Monday in March, and the seventh Monday after the third Monday in August. Clay co.

In Buena Vista county, on the first Thursdays after the Mondays above fixed for commencing court in Clay county. Buena Vista co.

In Dickinson county, on the sixth Monday after the fourth Monday in March, and the eighth Monday after the third Monday in August. Dickinson co.

In Emmet county, on the seventh Monday after the fourth Monday in March, and the first Thursday following the Monday above fixed for holding the fall term in Dickinson county. Emmet co.

In Palo Alto county, on the eighth Monday after the fourth Monday in March, and the ninth Monday after the third Monday in August. Palo Alto co.

In Pocahontas county, on the first Thursday following the Mondays above fixed for holding court in Palo Alto county. Pocahontas co.

In Humboldt county, on the ninth Monday after the fourth Monday in March, and the tenth Monday after the third Monday in August. Humboldt co.

**Kossuth co.** In Kossuth county, on the tenth Monday after the fourth Monday in March, and the eleventh Monday after the third Monday in August.

**Calhoun co.** In Calhoun county, on the eleventh Monday after the fourth Monday in March, and the twelfth Monday after the third Monday in August.

**Sac co.** In Sac county, on the first Thursday following the Monday above fixed for holding the summer term in Calhoun, and the thirteenth Monday after the third Monday in August.

**Ida co.** In Ida county, on the fourteenth Monday after the third Monday in August.

**O'Brien co.** In O'Brien county, on the first Thursday following the Monday above fixed for holding court in Ida county.

**Cherokee co.** In Cherokee county on the twelfth Monday after the fourth Monday in March, and the fifteenth Monday after the third Monday in August.

**Plymouth co.** In Plymouth county, on the first Thursday after the Monday above fixed for holding the fall term in Cherokee county.

**Sioux co.** In Sioux county, on the sixteenth Monday after the third Monday in August.

**Saving clause.** SEC. 2. All writs, processes, and proceedings, pending in any of said courts, and returnable at the terms now fixed by law, shall be deemed pending and returnable at the terms as fixed by this act; and no suit, notice, recognition, indictment, or other proceeding shall be quashed or held invalid, by reason of this act, or by reason of the change of the terms of court hereby made.

**Repeal. Counties detached.** SEC. 3. All other acts or parts of acts, fixing the times for holding the district courts in said judicial district, and attaching certain counties therein, to others, for judicial purposes, and all other acts inconsistent herewith, 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 Daily Iowa State Register, and The Sioux City Journal.

Approved, January 27, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, January 29, and in *The Sioux City Journal*, February 10, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 3.

## DRAWING JURORS.

AN ACT to Amend Chapter 115 of the Revision of 1860, relative JANUARY 29.  
to drawing Jurors.

SECTION 1. *Be it enacted by the General Assembly of* <sup>Rev. ch. 115.</sup>  
*the State of Iowa, That the words "county judge" and*  
*"county court," where the same appear in sections 2727,*  
*2728, 2730, and 2732, chapter 115, of the Revision of*  
*1860, be and the same are hereby repealed, and in lieu*  
*thereof, there be enacted and inserted the words, County*  
*auditor.* <sup>Auditor to assist</sup>  
<sup>in drawing jurors</sup>

SEC. 2. This act, being of immediate importance, <sup>Taking effect.</sup>  
shall take effect from and after its publication in the Iowa  
State Register and Des Moines Bulletin, papers published  
in Des Moines, Iowa.

Approved, Jan. 27, 1870.

I hereby certify that the foregoing Act was published in the *Daily*  
*Iowa State Register* and *Des Moines Bulletin*, January 29, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 4.

LEGALIZING AN INDEPENDENT SCHOOL-DISTRICT IN WASH-  
INGTON COUNTY.

AN ACT to Legalize the Organization of the Independent School- JANUARY 29.  
District of Ainsworth, Washington County.

WHEREAS, On the 24th day of April, 1868, the trustees <sup>Preamble.</sup>  
of Oregon township, Washington county, Iowa, did, at the  
written request of ten legal voters, in said township,  
establish the boundaries of the independent school-district  
of Ainsworth, and the people within said boundaries met  
agreeably to the call of said trustees, and voted for a  
separate organization, and afterwards elected officers  
as required by law; and,

WHEREAS, Said meeting should have been called by the  
board of directors of the district-township of Oregon, as

1868, ch. 28. required by chapter 28, laws of Twelfth General Assembly; and

WHEREAS, The said independent district contains all the requirements of said act; therefore,

Ind. sch.-dist. of Ainsworth legally organized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That said independent school-district of Ainsworth, Washington county, Iowa, be and the same is hereby declared to be fully and legally organized and incorporated, with the boundaries as established by said trustees, the same as though all the requirements of the said act of 1868 had been fully complied with.

Acts of district confirmed. SEC. 2. All the acts of the *de facto* officers of said independent district of Ainsworth are hereby confirmed, and are declared to have the same force and effect as though said organization had been established as required by said statute.

Taking effect. Proviso. SEC. 3. This act shall be in force from and after its publication in *The Washington County Press* and the *Washington Gazette*, newspapers published in Washington, Iowa: *provided*, it be published without expense to the state.

Approved, January 29th, 1870.

I hereby certify that the foregoing act was published in *The Washington County Press* February 9th, and the *Washington Gazette* February 11th, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 5.

### ABATEMENT OF TAXES IN CLINTON COUNTY.

FEBRUARY 4. AN ACT for the Abatement of Taxes in Clinton Township, Clinton county, Iowa.

Preamble. WHEREAS, The farming lands of Clinton township, Clinton county, Iowa, were, by mistake of the assessor of said township, assessed, for the year 1869, in excess of the true valuation of the same, and such excessive assessment failed to be corrected through the inadvertence of the board of supervisors of said county; therefore,

Assessment of farming lands in Clinton tp. reduced. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the assessment of the farming lands of Clinton township, Clinton county, Iowa, for the year 1869, be and the same is hereby abated, and reduced twenty per

cent. ; and no other or greater tax shall be levied or collected in said township of Clinton, in the county of Clinton, than would have been levied or collected, if said assessment had originally been made twenty per cent. less.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in Clinton Herald and Lyons Mirror, papers published in the county of Clinton, Iowa: *provided*, said publication shall be had without expense to the State.

Taking effect.

Proviso.

Approved, February 4, 1870.

I hereby certify that the foregoing act was published in the *Clinton Herald* and *Lyons Mirror*, February 19, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 6.

### CERTAIN TAXES IN HARRISON COUNTY.

AN ACT to Provide for the Collection of School-house Tax, and Tax for Library in the Independent School-District of Missouri Valley, in Harrison county, Iowa. FEBRUARY 4.

WHEREAS, At the regular meeting of the electors of the independent school-district of Missouri Valley, Harrison county, Iowa, held at Missouri Valley, in said county and State, on the 8th day of March, 1869, a tax of ten mills on the dollar was voted, by the qualified electors of said district, on the taxable property of said district on account of school-house fund, also a tax of one-half mill on the dollar on the taxable property of said district for library ; and

Preamble.

WHEREAS, The secretary of the board of directors of said district failed to certify said tax to the board of supervisors of said county within the time prescribed by law ; now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the secretary of the board of directors of the independent district of Missouri Valley, in Harrison county, Iowa, is hereby authorized and directed to certify said tax to the county auditor, whose duty it shall be to enter the same on the tax-books of said county, and charge the treasurer of said county with the same, and take his receipt therefor.

Sec. of Ind. sch.-  
Dist. of Mo. Val-  
ley to certify tax  
to co. auditor.

Duty of county  
auditor.

**Duty of county treasurer.** SEC. 2. And it shall be the duty of the treasurer of said county to collect said tax and pay it to the treasurer of said district, in the same manner as is now prescribed by law.

**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 Register, a paper published at Des Moines, and The Harrisonian, a newspaper at Missouri Valley, Harrison county, Iowa: *provided*, said publication is made without expense to the State.

**Proviso.**

NOTE.—This bill having remained with the Governor three days, (Sunday excepted,) the General Assembly being in session, has become a law, this 4th day of February, A. D. 1870.

ED WRIGHT, *Secretary of State.*

I hereby certify that the foregoing act was published in the *Register*, February 6, 1870, and in *The Harrisonian* February 11, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 7.

### THE DESCENT OF PROPERTY TO MOTHERS OF INTESTATES.

FEBRUARY 7. AN ACT to Repeal Section 2498 of the Revision of 1860.

**Sec. 2498, Rev. repealed.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 2498, of the Revision of 1860, be, and the same is hereby repealed.

**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 State Register and Statesman, papers published at Des Moines, Iowa.

Approved, February 7th, 1870.

I hereby certify that the foregoing act was published in the *State Register* February 11, and in the *Statesman* February 12, 1870.

ED WRIGHT, *Secretary of State.*



## CHAPTER 8.

## INDEPENDENT SCHOOL-DISTRICTS.

AN ACT to Amend the School Laws of Iowa.

FEBRUARY 9.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 1 of chapter 28, of the acts of the Twelfth General Assembly, be amended to read as follows: That the provisions of section 84 of chapter 172 of the acts of the Ninth General Assembly, approved April 8, 1862, and of the acts amendatory thereto, shall apply only to towns and cities containing not less than three hundred inhabitants, within their recorded plat, and to the territory contiguous thereto: *provided,* that this act shall not affect independent districts already organized.

1863, chapter 28 amended.

1862, chapter 172

What may constitute ind. dists.

Provido.

Ind. dists. may unite.

How.

New organization

Proceedings in organizing new districts.

Six directors.

Term.

SEC. 2. Independent districts, located contiguous to each other, may unite and form one and the same independent district, in the manner following: At the written request of any ten legal voters residing in each of said independent districts, their respective boards of directors shall require their secretaries to give at least ten days notice of the time and place for a meeting of the electors residing in such districts, by posting written notices in at least five public places in each of said districts, at which meetings the said electors shall vote by ballot for or against a consolidated organization of said independent districts; and if a majority of the votes cast at the election, in each district, shall be in favor of uniting said districts, then the secretaries shall give similar notice of a meeting of the electors as provided for by the law for the organization of independent districts. The independent districts, thus consolidated, shall be completed, and its directors governed by the same provisions of the law, which apply to other independent districts.

SEC. 3. Section 86, of Chapter 172, of the Acts of the Ninth General Assembly, is amended to read as follows: Should a majority of the votes be cast in favor of such separate organization, the board of directors of the district township shall give similar notice of a meeting of the electors for the election of six directors. Two of these directors shall hold their office until the first annual meeting after their election, and until their successors are elected and qualified; two until the second; and two until

Classified. the third annual meeting thereafter: their respective terms of office to be determined by lot. The said six directors shall constitute a board of directors for the district, and they shall at their first regular meeting in each year elect a president, secretary, and treasurer, the two latter to be chosen outside of the board.

Officers of board. 1864; chapter 57. SEC. 4. Section 89, of chapter 172, of the Acts of 1862, as amended by chapter 57 of the Acts of 1864, is amended by adding thereto the following: And the treasurer shall make a statement to the district meeting of the receipts and disbursements of the preceding year.

Statement by district treasurer. 1862; chapter 172 SEC. 5. Section 90 of said chapter 172 is amended to read as follows: The annual meeting of all independent school-districts formed as herein contemplated, or under the laws in force at the time of the taking effect of this act, shall be held on the second Monday in March for the transaction of the business of the district, and for the election by ballot of two directors as the successors of the two whose term expires, who shall continue in office for three years; and the president, secretary, and one of the directors then in office, shall act as judges of the election, and shall issue certificates of election to the persons elected for the ensuing term.

Directors to be chosen in ind. dists. Officers of board. SEC. 6. The electors of the independent districts organized and in operation previous to the taking effect of this act shall, at the regular meeting on the second Monday of March, 1870, elect six directors, two of whom shall continue in office until the next annual meeting thereafter, and until their successors are elected and qualified, two for two years, and two for three years, their respective terms of office to be determined by lot, and said six directors shall organize as contemplated by section 3 of this act for the original formation of an independent district.

Six directors elected in March, 1870. Classified. SEC. 7. This act, being deemed of immediate importance by the General Assembly, shall take effect and be in full force from and after its publication in the Daily Iowa State Register and Daily Des Moines Bulletin.

Approved, February 9, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and *Des Moines Daily Bulletin* February 10, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 9.

## TERMS OF DISTRICT COURT IN HARDIN COUNTY.

AN ACT to Repeal Chapter 22 of the Acts of the Twelfth General Assembly, and Revive and Re-enact the last Paragraph of Section 1, of Chapter 45, of the Acts of the Eleventh General Assembly, fixing the Time of holding the District Court in Hardin County. FEBRUARY 9.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter 22, of the Acts of the Twelfth General Assembly, approved March 9th, 1868, is hereby repealed, and that there is revived and re-enacted, in lieu thereof, the last paragraph of section 1, of chapter 45, of the acts of the Eleventh General Assembly, approved March 23d, 1866, namely: "and in the county of Hardin, on the sixth Monday after the fourth Monday in April and September." 1868: chapter 22 repealed.  
1866: chapter 45.  
Hardin co. D. C. June and Nov.

SEC. 2. All writs, processes, proceedings, and actions pending in or returnable to the district court of Hardin county, Iowa, at the times now fixed by law for the terms of said court, 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 the provisions of this act, or the changes herein made, in the time of holding the said district court. Saving clause.

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 Marshall County Times and The Eldora Ledger. Taking effect.

Approved, February 9th, 1870.

I hereby certify that the foregoing Act was published in *The Marshall County Times*, February 24, and *The Eldora Ledger*, \*—, 1870.

ED WRIGHT, Secretary of State.

\* See Addenda.

## CHAPTER 10.

## SWAMP AND INDEMNITY LANDS OF CERRO GORDO COUNTY.

FEBRUARY 9. AN ACT to Legalize the Devoting of the Swamp and Overflowed Lands, and Indemnity Lands obtained for Swamp and Overflowed Lands of Cerro Gordo County, Iowa, to the Construction of the McGregor and Sioux City Railway through said County.

Preamble.

WHEREAS, The board of supervisors of Cerro Gordo county did, on the 21st day of August, A. D. 1868, enter into a contract with the McGregor and Sioux City Railway Company, whereby said county did agree to devote and convey certain indemnity lands for swamp and overflowed lands, belonging to said county, to said McGregor and Sioux City Railway Company, in consideration of said company constructing, and putting in operation, a line of railway through said county, on certain terms and restrictions in said contract, particularly set forth; and

WHEREAS, Said board of supervisors did submit said contract to the people of said county for ratification, at an election by them specially called for that purpose, at which election said contract was ratified by a large majority of the voters of said county, and said contract was by said county, and said McGregor and Sioux City Railway Company, carried into effect, according to the terms and conditions thereof; and

WHEREAS, Doubts have arisen as to the authority of said board of supervisors to call said election; whereby the title to said lands is rendered doubtful, and less valuable than it would otherwise be; therefore,

Grant of swamp and indemnity lands of Cerro Gordo county legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the contract entered into by the board of supervisors of Cerro Gordo county, Iowa, with the McGregor & Sioux City Railway Company, giving, granting, and devoting indemnity lands for swamp and overflowed lands belonging to said county, to said McGregor & Sioux City Railway Company, in consideration of the construction by said company, its successors or assigns, [of] a line of railway through said county, according to all the terms, limitations, and restrictions set forth in said contract; also the election called and held in and by said county, by order of said board of supervisors to ratify said contract by the vote of the people of said county, and all acts, doings, proceedings, and conveyances, done, had, or

made, under and by virtue of said contract, and the ratification thereof by the people, be and hereby are made legal, valid, and binding on all parties thereto, in all respects, and to all intents and purposes, and that the records, contracts, and other evidences are receivable in evidence in any court of law or chancery in this State or the United States, any illegality or informality in the making of said contract, calling or holding of said election, and submission of said contract to the people thereof for ratification, to the contrary notwithstanding; and any and all such illegalities or informalities are hereby legalized; and said contract and the proceeding thereunder, are hereby made valid and binding according to their true intent and meaning: *provided*, that nothing in this act contained shall in any wise affect the legal or equitable rights of third persons, if any such there be, who may have acquired any right or interest in said lands before the same were granted, or attempted to be granted and ceded, to said McGregor and Sioux City Railroad[way] Company.

SECTION 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 Weekly State Register, and Iowa Statesman, newspapers published in Des Moines, Iowa, without expense to the State. Taking effect.

Approved, February 9, 1870.

I hereby certify that the foregoing act was published in the *Weekly State Register*, February 2, and in the *Iowa Statesman*, February 12, 1870.

ED WRIGHT, *Secretary of State*.

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## CHAPTER 11.

### LEGALIZING SALES OF LANDS AND SCRIP BY CERTAIN COUNTIES.

AN ACT to Legalize the Sale of Indemnity Swamp Lands and FEBRUARY 9.  
Scrip in certain Counties.

WHEREAS, The counties of Allamakee, Fayette, Chickasaw, and Washington have heretofore sold and conveyed all lands patented to said counties as indemnity for swamp lands, or the scrip entitling said counties to such indemnity lands; and, Preamble.

WHEREAS, Doubts have arisen whether the laws providing for the sale of such lands or scrip were in all respects strictly complied with; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the sale of the said indemnity lands or scrip by each of the said counties of Allamakee, Fayette, Chickasaw, and Washington, and all conveyances of the same to the purchasers, be held as legal and binding as if all the proceedings for the sale and conveyance of said lands or scrip had been in strict compliance with law.

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

Approved, February 9th, 1870.

I hereby certify that the foregoing Act was published in *The Statesman* February 12, 1870, and in the *Daily State Register* February 17, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 12.

### POLICE JUDGES IN CITIES UNDER SPECIAL CHARTERS.

**FEBRUARY 9.** AN ACT to Provide for the Election of a Police Judge, and the Establishment of a Police Court, in Cities acting under Special Charters.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the legal voters of any city in the State of Iowa, now acting under the provisions of special charters heretofore granted, may at their next annual election, and every two years thereafter, at the time of electing the municipal officers of such corporation, elect a suitable person to be known as Police Judge, who shall qualify and give bond in like manner as justices of the peace are required to do.

**SEC. 2.** That whenever any such city shall have elected a police judge, as aforesaid, all the powers, jurisdiction, duties, fees, and emoluments, of said judge and his court shall be the same as are now provided by sections 1117,

1118, 1119, and 1120, of chapter 51 of the revision of Rev. chapter 51.  
 1860, providing for such an officer in cities acting under  
 the general incorporation law for incorporated cities and  
 towns, the same as though said sections were herein spe-  
 cifically set forth.

SEC. 3. Nothing herein contained shall be construed No requirement.  
 to compel any such city to elect a police judge, where they  
 may choose to dispense with the same.

SEC. 4. If this act shall not take effect in time for the Temporary pro-  
 vision.  
 election of a police judge at the annual election of any  
 such city for 1870, then the city council or board of trus-  
 tees of any such city may appoint some suitable person to  
 such position, who shall hold the same till the next annual  
 election and his successor is elected and qualified.

SEC. 5. All moneys coming into the hands of such police Moneys to be ac-  
 counted for.  
 judge in his official capacity, shall be accounted for in the  
 same manner as justices of the peace are required to account  
 for moneys coming into their hands officially.

SEC. 6. This act being deemed by the General Assem- Taking effect.  
 bly of immediate importance shall take effect and be in  
 force from and after its publication in the Des Moines  
 Register and the Des Moines Bulletin, newspapers publish-  
 ed at Des Moines, Iowa.

Approved, February 9, 1870.

I hereby certify that the foregoing Act was published in the *Regis-  
 ter*, February 17, and in the *Des Moines Bulletin*, February 17, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 13.

### TOWN OF TOLEDO.

AN ACT to Legalize the Incorporation of the Town of Toledo, in FERRY 23.  
 Tama county.

SECTION 1. *Be it enacted by the General Assembly of  
 the State of Iowa,* That all acts had in the incorporation Incorporation of  
 Toledo made  
 valid.  
 of the town of Toledo, in the county of Tama, and State  
 of Iowa, shall be deemed and held to be regular, notwith-  
 standing any omissions which may have occurred in the  
 publication of any notices required by law; and all irregu-  
 larities in the incorporation of said town shall not affect  
 nor in any manner impair the same.

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

Approved, February 28, 1870.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 2, and in the *Tama County Republican*, March 10, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 14.

### COLLECTION OF DELINQUENT SPECIAL TAXES IN MUNICIPAL CORPORATIONS.

FEBR'Y 28. AN ACT to Amend Sections 1068, 1069, and 1070 of the Revision of 1860, and to Provide Additional Means for the Collection of Charges, Assessments, and Taxes on Lots of Land within Municipal Corporations.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That any municipal corporation, now or hereafter organized under the provisions of chapter fifty-one of the Revision of 1860, may, in addition to the means provided by sections 1068, 1069, and 1070 of said Revision, if by ordinance it so elects, cause any or all delinquent charges, assessments, and taxes, made or levied under and by virtue of and for the purposes specified in said sections, or referred to therein, to be certified to the County Auditor of the county and be collected and paid over by the treasurer of the county, in the same manner as taxes are authorized to be certified, collected, and paid over by section three of chapter twenty-five of the laws of the Tenth General Assembly of the State of Iowa, entitled "an act to amend chapter fifty-one of Revision of 1860 in relation to the incorporation of cities and towns."

Approved, February 28th, 1870.

Taking effect.

Rev. chapter 51.

Collection of special taxes in cities under general law.

1864, chapter 10.



CHAPTER 15.

BRIDGES OVER MAQUOKETA RIVER.

AN ACT Authorizing the Building of Bridges across the Maquoketa River in Jackson County. MARCH 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That on and after the passage of this act, it shall be lawful to build bridges across the Maquoketa river in Jackson county. Maquoketa river may be bridged.

SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Des Moines Bulletin and Jackson County Sentinel.

Approved, March 2, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Bulletin*, March 3, and in *The Jackson Sentinel*, March 10, 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 16.

INDEPENDENT SCHOOL DISTRICT OF DUNLAP, HARRISON COUNTY.

AN ACT to Legalize the Organization of the Independent School District of Dunlap, county of Harrison, Iowa. MARCH 2.

WHEREAS, On the 18th day of July, 1868, the trustees of the township of Harrison, Harrison county, Iowa, in accordance with the result of an election held by the electors of sub-district number one, of the district township of Harrison, did declare the said sub-district to be an independent school-district, having for its territory sections number 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, in township 81, north, in range 41, west; and, Preamble.

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That said independent school-district of Dunlap, county of Harrison, Iowa, be, and the same is hereby declared to be fully and legally organized and incorporated, with the boundaries as set forth in the preamble hereto, the same as though all the provisions of the Ind. school-dist. of Dunlap legally organized.

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 18th day of July, 1868.

Acts of officers  
legalized.

SEC. 2. All the acts of the *de facto* officers of said independent school-district of Dunlap, 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 18th day of July, A. D. 1868.

Taking effect.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after the date of its publication in the Register, a paper published in Des Moines, Iowa, and the Harrisonian, published at Missouri Valley, Iowa.

Approved, March 2, 1870.

I hereby certify that the foregoing act was published in the *Register*, March 3, and *The Harrisonian*, March 11, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 17.

### TOWN OF MONROE.

MARCH 4.

AN ACT to Legalize the Incorporation of the Town of Monroe, and also to Legalize the Acts and Doings of the Common Council of said town, under said Act of Incorporation.

Preamble.

1858; ch. 157.  
1868; ch. 61.

WHEREAS, The town of Monroe, in Jasper county, was duly incorporated under the general incorporation law of 1858, and chapter sixty-one of the Acts of the Twelfth General Assembly, in the manner prescribed therein; and

WHEREAS, Under such incorporation, town officers were elected and qualified, who proceeded to exercise the powers delegated to them by law; and

WHEREAS, No record of any of the above proceedings was ever made by the County Judge of said county, on the record books of the same; and at none of the elections since held have registrations of voters been made, as required by law; therefore,

Incorporation of  
Monroe legalized

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the incorporation of the said town of Monroe as above cited be and the same is hereby legalized, and that all ordinances passed and duly recorded, licenses issued, or other acts or proceedings done by the

Common Council thereof, under such incorporation, be, and the same are hereby legalized and made valid, the same as though no irregularity had ever existed in the incorporation of said town.

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 Bulletin and Monroe Record; *provided* such publication shall be made without expense to the State. Taking effect. Proviso.

Approved, March 4, 1870.

I hereby certify that the foregoing Act was published in the *Des Moines Daily Bulletin*, March 5, and *Monroe Record*, March 12, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 18.

### ENCOURAGEMENT OF FIRE COMPANIES.

AN ACT to Amend an Act entitled An Act to Encourage the Organization of Fire Companies, passed January 28, 1857. MARCH 4.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 1763 of the Revision of 1857; ch. 156, Rev. § 1768. be and the same is hereby amended by inserting after the words "military duty," where they first occur in such section, the words "from the performance of labor on the highways," on account of poll tax. Firemen exempted from labor on highways.

SEC. 2. To entitle any person to the exemptions provided in section one of this act, he shall on or before the first day of April of each year, file with the clerk or recorder of the proper city or town, a certificate, signed by the foreman of the company of which said person is a member, that the person holding said certificate is an active member of said Fire Company, and thereupon the clerk or recorder shall enter said exemption upon the street tax list, for that year. Exemption—how obtained.

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

Approved, March 4, 1870.

I hereby certify that the foregoing act was published in the *Daily State Register*, March 6, and in the *Daily Statesman*, March 7, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 19.

## STATE REFORM SCHOOL.

MARCH 8. AN ACT to Appropriate Money for the State Reform School.

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 sum of seven thousand dollars, to pay an indebtedness contracted by the board of trustees of the State Reform School for Juvenile Offenders, and for the support of said institution.

Ap'ropriation for  
Reform School,  
\$7,000.

Object.

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

Approved, March 8th, 1870.

I hereby certify that the foregoing Act was published in the *Des Moines Statesman*, March 9, and in the *Iowa State Register*, March 10, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 20.

## MAXIMUM ROAD TAX.

MARCH 8. AN ACT to Amend Section 2, Chapter 100, of the Laws of the Twelfth General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the word "three," in the eleventh line of Section 2, Chapter 100, of the laws of the Twelfth General Assembly, be stricken out, and the word "five" be substituted therefor.

1868; ch. 100.

Road-tax may be  
five mills.

Taking effect.

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

Approved, March 8th, 1870.

I hereby certify that the foregoing Act was published in the *Des Moines Bulletin*, March 9, and in the *Iowa State Register*, March 10, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 21.

## WOMEN AND COLORED PERSONS MAY BE ATTORNEYS-AT-LAW.

AN ACT to Amend Section 2700, of Chapter 114, of the Revision of MARCH 8.  
1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section 2700, of Chapter 114, of the Revision of 1860, be, and the same is hereby amended, by striking out the words "white male," from the first line of said section, and by inserting in third line of said section, after the word "he," the words "or she." Rev. § 2700.  
Women and colored persons may be licensed to practice law;

Approved, March 8th, 1870.

## CHAPTER 22.

## LEGALIZING TAX-LISTS OF HENRY COUNTY.

AN ACT to Legalize the Tax-Lists of Henry County, Iowa, for the MARCH 8.  
Year A. D. 1869.

*Whereas*, The clerk of the board of supervisors of Henry county, Iowa, failed to attach a warrant under his hand, and official seal of said board of supervisors, to the tax-lists of said Henry county, of Iowa, for the year A. D. 1869; therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the tax-lists delivered by the clerk of the board of supervisors of Henry county, Iowa, for the year A. D. 1869, to the treasurer of said Henry county, Iowa, without his warrant and official seal attached thereto, be, and the same are hereby legalized and made valid in all respects, as though said warrants and official seal were thereto attached. Tax-Lists without warrant and seal legalized.

SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Mt. Pleasant Journal and Henry County Press, newspapers published in Mt. Pleasant, Iowa, provided such publication be without expense to the State. Taking effect.

Approved, March 8, 1870.

I hereby certify that the foregoing Act was published in the *Mt. Pleasant Journal* \*— and in the *Henry County Press*, March 16, 1870.

ED WRIGHT, *Secretary of State.*

\* See Addenda.

## CHAPTER 23.

## BAPTIST CHURCH OF JORDAN'S GROVE, LINN COUNTY.

MARCH 9. AN ACT to Legalize the Incorporation of the Regular Baptist Church, at Jordan's Grove, Linn county, State of Iowa.

Preamble.

WHEREAS, On the fifth day of February, A. D. 1868, Chandler Jordan, Bailey Browdish, Wm. D. Litzenburg, Jennings Crawford and H. W. Sigworth did form themselves into a body corporate under the name of the Regular Baptist Church of Jordan's Grove, and filed a certificate of such organization in the office of the recorder of Linn county, State of Iowa, on the 22d day of May, A. D. 1868, but failed to file the same in the office of the Secretary of State until the 3d day of February, 1870; and

WHEREAS, Said certificate fails to set forth the fact that said persons were of full age and citizens of the United States and of the State of Iowa, as required by law; and

WHEREAS, The said persons and their associates have continued to act from said 22d day of May, A. D. 1868, as such body corporate, and as such have acquired property and made contracts; now, therefore,

Articles of Incorporation declared valid.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the aforesaid articles of incorporation be and the same are hereby declared legal and valid, and no informality, irregularity or illegality in the formation of said body corporate, 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.

Regular Baptist Church of Jordan's Grove legalized.

SEC. 2. That the said Regular Baptist Church of Jordan's Grove be and the same is hereby declared a body corporate, organized and created on the said 22d day of May, A. D. 1868, and all conveyances to said church and its officers for its benefit, and all contracts with and by said church, are hereby declared legal and binding to the same extent as if the said church had been fully and legally incorporated on the said 22d day of May, A. D. 1868.

This act to take effect from and after its publication in the State Register and Des Moines Bulletin, papers published at Des Moines, Iowa. Taking effect.

Approved, March 9, 1870.

I hereby certify that the foregoing Act was published in the *Des Moines Bulletin*, March 10th, and in the *Daily Iowa State Register*, March 12th, 1870.

ED WRIGHT, *Secretary of State.*

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## CHAPTER 24.

### DISTRAINING STOCK.

AN ACT to Amend Chapter 144 of Acts of the Twelfth General Assembly, in Relation to the Protection of Crops against the invasion of Stock. MARCH 11.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section ten, of chapter one hundred and forty-four, of laws enacted by the Twelfth General Assembly, be and is hereby amended by striking out of said section ten, all after the word "county," in the 12th line of said section, and inserting in lieu thereof the words, "And shall remain in force until the legal voters of such county, in pursuance of the provisions of this act, shall determine otherwise." 1865; ch. 10. Stock law to remain in force till voted down.

Approved, March 11th, 1870.

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## CHAPTER 25.

### REPEAL OF GENERAL BANKING ACT.

AN ACT to Repeal an Act authorizing General Banking in the State of Iowa, passed March 22, 1858. MARCH 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That an Act entitled "An Act authorizing General Banking in the State of Iowa," passed March 22, 1858, be and the same is hereby repealed. Rev.; Ch. 65, repealed.

Taking effect.

SEC. 2. This act to take effect from and after its publication in the Iowa State Register and Des Moines Bulletin.

Approved, March 16, 1870.

I hereby certify that the foregoing Act was published in the *Iowa State Register* March 18, and in the *Des Moines Bulletin* March 17, 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 26.

RESTRAINING STOCK.

MARCH 17. AN ACT to Restrain Stock from running at large.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the owners of cattle, horses, mules, sheep, swine, and other stock, shall be liable for all damages done by such stock.

Owners liable for damage done by stock.

SEC. 2. The owner or person in actual possession of any cultivated lands in this State, shall have a lien on all and any stock, that shall trespass on such lands.

Land owners or occupants to have lien on trespassing stock.

SEC. 3. The owner of any stock trespassing on the improved lands of another, shall pay to the owner of the land so damaged, the actual amount of the damages so sustained.

Owner of stock to pay.

SEC. 4. The person who is in possession of the land so trespassed upon, may distrain any trespassing stock and retain the same, in some safe place, at the expense of the owner thereof, until said damages are paid.

Possessor of land may distrain.

SEC. 5. Within twenty-four hours after the stock has been restrained (Sunday not being included) the party so injured, shall notify the township trustees, to be and appear, on the premises to view and assess the damages; when two or more of the trustees have assembled, they shall proceed to view, and assess the damages and the amount to be paid for keeping said stock; and if the person or persons, owning such distrained stock, refuse to pay the damages so assessed, then it shall be the duty of the trustees to post up notices in three conspicuous places, in the township where such damages were done, that the said stock, or so much thereof as is necessary to pay said damages, with costs of sale, shall be sold to the highest bidder; any money or stock left after satisfying such claims, shall be returned to the owner of the stock

Township trustees to be notified.

To assess damage.

Sale of stock.



so disposed of; said sale shall take place at the inclosure, where such stock was distrained, between the hours of one and three P. M., on the tenth day after the posting of said notices: *provided*, that if any one or more of said trustees are in any way interested in said damages, the trustee or trustees, not so interested, shall appoint some one or more, as the case may require, to act in the place of the person or persons so interested; the owner of the stock, or the person entitled to the possession thereof, when known, shall also be notified of the time and place of the meeting of said trustees to assess said damages.

SEC. 6. The trustees shall make their assessment in writing and file the same with the township clerk, to be of record in his office, and they shall receive the sum of one dollar per day each, for each assessment. All persons aggrieved by the action of the trustees, under this act, may appeal to the Circuit Court of the proper county, in all cases, where the amount of assessment shall exceed forty dollars. The appeal-bond shall be filed with the clerk of the township in a penalty double the value of the property distrained, with good and sufficient securities, to be approved by the clerk; and from and after the filing of the appeal bond, the same shall operate as a *supersedeas*. The clerk, after an appeal is taken, shall certify all the original papers to the clerk of the circuit court, within the time prescribed for the appeal, for which he shall receive the sum of one dollar and fifty cents fees.

SEC. 7. If the owners of such distrained stock are not known it shall be treated as estrays.

SEC. 8. At the regular meeting of the board of supervisors in June, of each year, a majority of the board shall determine whether the adoption of the provisions of this act shall be submitted to the legal voters of the county, at the ensuing general election; and if the supervisors so declare, there may be written or printed on each ballot either of the sentences, following, to-wit: "For the act restraining stock from running at large;" "Against the act restraining stock from running at large;" and if a majority of all the votes cast, for or against said proposition at said election, be for said act, then, and not otherwise, shall the provisions of this act be in full force in such county: *provided*, a majority of the board of supervisors may submit the question, whether the provisions of this act shall be repealed by a majority vote in any county in which it may have

Special election. been adopted; and *provided*, further, that any board of supervisors in any county in this State may submit the question of adopting the provisions of this act, at a special election called for that purpose.

Taking effect in the counties. SEC. 9 The provisions of this act shall take effect in ninety days after being adopted by any county in this State.

Publication. SEC. 10. This act being deemed of immediate importance, shall be in force on and after its publication in the Daily State Register and Daily Des Moines Bulletin, papers published at Des Moines, Iowa.

Approved, March 17, 1870.

I hereby certify that the foregoing Act was published in the *Des Moines Daily Bulletin*, March 18, and in the *Daily Iowa State Register*, March 19, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 27.

### CITY OF COUNCIL BLUFFS.

MARCH 17. AN ACT Legalizing certain Elections in the City of Council Bluffs, and also Legalizing the Acts of the Officers elected thereat.

Preamble. WHEREAS, On the second Monday in March, A. D. 1858, the City of Council Bluffs, in the county of Pottawattamie, and State of Iowa, did hold its election for officers of said city, and did thereat elect certain officers, as prescribed in, and required by the amended charter of said city, passed by the General Assembly of this State, and approved January 23, 1857, entitled "An act to amend the charter of the city of Council Bluffs," which said officers duly qualified and entered upon the discharge of their respective duties; and

6th G. A. : ch. 102

Elections on wrong days. WHEREAS, Annually thereafter, for the period of eleven years, and up to the year A. D. 1869, on the said second Monday of March, [of each year,] the said city of Council Bluffs did hold an election for city officers as aforesaid, who duly qualified and entered upon the discharge of their respective duties; and

WHEREAS, Said elections, by law, should have been on the first Monday in April of each year in lieu of the time at which they were held as aforesaid, therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the said elections of officers of the city of Council Bluffs as aforesaid, on the second Monday in March, A. D. 1858, and annually thereafter, on said day, up to the year A. D. 1869, and the vote of the electors thereat for the purpose aforesaid, be and the same are hereby legalized to all intents and purposes, as fully and as effectually as if said elections had been held at the time provided by law. Elections for city officers legalized.

SEC. 2. All warrants issued, all elections for the levying of special taxes, whether paid or to be paid by bond or otherwise, all obligations of indebtedness, all ordinances and resolutions passed, all sales of city property for taxes, all taxes levied for municipal and other purposes, all contracts made, and all the acts of said city of Council Bluffs and of its said officers, of what kind and character soever, between the years A. D. 1858 and 1869, be and the same are hereby legalized to all intents and purposes, as fully and effectually as if said elections had been held on the day provided by law. Acts of city and officers legalized.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and the Council Bluffs Nonpareil, anything in the statutes of this state to the contrary notwithstanding; *provided*, that said publication be without expense to the State. Taking effect. Proviso.

Approved, March 17, 1870.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 22, and the *Council Bluffs Nonpareil*, \*—1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 28.

### LE CLAIRE, SCOTT COUNTY.

AN ACT to Legalize the Election of Corporation Officers in the Town of Le Claire, County of Scott, and State of Iowa, on the 1st Monday of March, A. D. 1869. MARCH 17.

WHEREAS, At the charter election held on the first Monday of March, A. D. 1869, for the election of Mayor, Recorder, Trustees, and other corporate officers, the clerk of said corporation failed to make a registry of the Preamble.

\* See Addenda.

1868; ch. 171. votes of said corporate town of Le Claire, as provided in Chapter 171, of the laws of the Twelfth General Assembly; therefore,

Town election, without registry, legalized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That said election, held on the first Monday of March, A. D. 1869, for corporate officers of said town of Le Claire, is hereby legalized, the same as though a registry had been made as provided in said Chapter 171 of the Laws of the Twelfth General Assembly.

Taking effect. SEC. 2. This Act to take effect after its publication according to law.

Approved, March 17, 1870.

## CHAPTER 29.

### SALE OF SCHOOL LANDS.

MARCH 21. AN ACT to Amend Section 3 of Chapter 118 of the Laws of the Tenth General Assembly, and Section 11 of Chapter 148 of the Laws of the Ninth General Assembly, and to Regulate the Sale of School Lands.

1862: ch. 118. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 3 of chapter 118 of the laws of the Tenth General Assembly be and the same is hereby repealed, and that in lieu thereof the following is hereby enacted: "Sec. 3. Hereafter no part of the sixteenth section, nor land selected in lieu thereof, nor any part of the five hundred thousand acre grant, nor any other school lands whatsoever, shall be sold for a less sum than the minimum price of six dollars per acre, except as by law hereinafter provided, and in no case for less than the amount at which it has been appraised; provided, however, that the sale of section number sixteen, township ninety-two, range thirty-one, and lots numbers two, three, four, five, six and seven in section sixteen, township ninety-three, range thirty-four in Pocahontas county, sold by the board of supervisors of said county prior to the receipt of the resolution of this General Assembly withdrawing school lands from sale by the auditor of said county shall not be affected by the passage of said resolution.

Minimum price. \$6 per acre.

Sale in Pocahontas county not affected.

**SEC. 2.** No school lands of any kind shall be sold until there shall be at least twenty-five legal voters resident in the congressional township in which said school land is situated, and in a fractional township of less than thirty-six sections the number of voters residing therein, must have at least the same ratio to twenty-five as the number of sections, or parts of sections, in said township has to thirty-six, which fact in all cases must be shown to the satisfaction of the board of supervisors.

Pre-requisites to sale.

25 voters

**SEC. 3.** Where the board of supervisors of any county shall have once, at least, offered for sale any school-lands in compliance with the requirements of section 1970 and 1971, of the Revision of 1860 and of this act, and are unable to sell the same for as large an amount as the minimum price of six dollars per acre; and if in the opinion of said board of supervisors said land can not be sold for that price, and it is for the best interests of the school fund that the same be sold for a less price, then, and in that case said board of supervisors may instruct the auditor of said county to transmit by mail, or otherwise, to the Register of the State Land Office, a certified copy of the proceedings of said board of supervisors in relation to the order of sale of said land, and subsequent proceedings in relation thereto, including the action of the township trustees, and the price per acre at which said land shall have been appraised, which transcript the Register of the State Land Office shall submit to the State Census Board; and if a majority of said Census Board, including the Register of the State Land Office, shall approve of the sale of said land for less than the minimum price of six dollars per acre, then the Register of the State Land Office shall certify such approval to the auditor of the county from whence said transcript came, which certificate shall be transcribed in the minute-book of the board of supervisors of said county, and thereupon said land may again be offered and sold to the highest bidder, as provided in section 1971 of Revision of 1860, without being again appraised; but in no case under the provisions of this section shall any school-land be sold for a less sum than one dollar and twenty-five cents per acre.

Rev.: §§1970 and 1971.

When land has been offered without bidders.

Action of board supervisors.

Of Auditor;  
Of Reg. S. L. O

Of Census Bd.

Of Reg. S. L. O

Lands may be sold.

Minimum \$1.25.

**SEC. 4.** Section 11 of chapter 148 of the Laws of the Ninth General Assembly, is hereby repealed.

Repeal.

**SEC. 5.** When any lands have been bid in by the State in behalf of the school-fund on execution founded on a judgment in favor of said fund, such land shall be sold in the same manner as other school lands.

Lands bid in on execution.

**SEC. 6.** This act being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register and Des Moines Bulletin, newspapers published at Des Moines, Iowa.

Approved, March 21, 1870.

I hereby certify that the foregoing Act was published in the *Iowa State Register* and *Des Moines Bulletin*, March 22, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 30.

### TOWN OF LEON.

**MARCH 21.** AN ACT to Legalize the Incorporation of the Town of Leon, Decatur county, Iowa.

**WHEREAS,** The Mayor of the incorporated town of Leon, incorporated under the general incorporation laws of the State of Iowa, failed to call an election on the first Monday in March, A. D. 1869, for the election of a mayor, five councilmen, and one recorder, as required by law; and

**WHEREAS,** The mayor, councilmen and recorder then in office held over and continued to discharge the duties of their respective offices in every respect as though they had been regularly elected; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the organization of the said incorporated town of Leon, in the county of Decatur and State of Iowa, and all acts done by said mayor and recorder, and all ordinances passed and published by said council, while holding over as aforesaid, be, and the same are hereby declared to be legal and valid, to all intents and purposes, as fully and completely as though the said mayor, council, and recorder had been elected as required by law.

**SEC. 2.** This act being deemed of immediate public importance, shall take effect from and after its publication in the Decatur County Journal, and Leon Pioneer, newspapers published at Leon, Iowa, without expense to the State.

Approved, March 21, 1870.

I hereby certify that the foregoing act was published in the *Decatur County Journal*, March 31, 1870, and in the *Leon Pioneer*, April 8, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 31.

## LIST OF BLIND PERSONS.

AN ACT to Provide Information concerning the Blind.

MARCH 22.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of each county superintendent of common schools in this State to report on the first day of November of each year to the Superintendent of the Iowa institution for the blind, the name, age, residence, and post-office address of every blind person and every person blind to such an extent as to be unable to acquire an education in the common schools and who resides in the county in which he is superintendent.

Duty of county superintendent.

Approved, March 22, 1870.

## CHAPTER 32.

## DEAF AND DUMB ASYLUM.

AN ACT making further Appropriations for the Deaf and Dumb Asylum. MARCH 22.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Thomas Officer, Caleb Baldwin and G. M. Dodge, commissioners to superintend the erection of buildings for a Deaf and Dumb Asylum near Council Bluffs, with the Governor, who shall be *ex-officio* a commissioner, be and they are hereby continued as such commissioners.

Former commissioners continued

SEC. 2. The said commissioners shall receive and disburse all moneys hereby appropriated for the completion of that part of said building authorized and provided for in chapter 107, Acts of the Twelfth General Assembly, approved April 7, 1868, and for the erection of the necessary outbuildings, shops, and other necessary improvements. In case of vacancy in said board, caused by death, resignation, or otherwise, the same shall be filled by an appointment by the Governor.

Their duty.

Vacancy.

SEC. 3. That in addition to the sum heretofore appropriated, there is hereby appropriated the sum of thirty-five thousand dollars, or so much thereof as may be necessary for the purposes aforesaid. The same to be paid upon the drafts of said commissioners upon the Auditor of State.

SEC. 4. That all drafts drawn by said commissioners upon the Auditor of State shall be audited and paid as other claims; *provided*, that no draft upon the Auditor by said commissioners except the first one for work done or material furnished, shall be audited and paid until the commissioners shall have filed their vouchers with the Auditor for all moneys disbursed by them.

SEC. 5. That no draft shall be made or money paid out of the Treasury, except for work done or material furnished, and in making estimates by the superintendent, it shall only be upon work done, material furnished, and actually upon the grounds, upon which said building is being erected.

SEC. 6. 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.

Approved, March 22, 1870.

I hereby certify that the foregoing act was published in the *Daily Bugle* March 25, and *Daily Nonpareil* March 30, 1870.

ED WRIGHT, *Secretary of State*,

## CHAPTER 33.

### CANAL IN POLK COUNTY AUTHORIZED.

MARCH 23. AN ACT to Authorize Thomas Mitchell and others to cut a Canal across a Strip of Land, to straighten the Des Moines River.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Thomas Mitchell, Erastus Smith, Joseph Caldwell, A. E. Person, John Owens, C. D. Person, and others, owners of land in section thirty-one, township seventy-eight, north of range twenty-two, west of the fifth principal meridian of Iowa, be and they are hereby authorized to cut a ditch, or canal across the bend of said Des Moines river in section thirty-one, township seventy-eight, north of range twenty-two west of the fifth principal meridian, so as to allow the river to run across said bend through said ditch or canal.

Certain persons may cut canal across bend of D. M. River. in §81, tp. 78, r. 22.



SEC. 2. This act being deemed of immediate importance shall take effect by publication in the State Register and Des Moines Bulletin, papers published at Des Moines, without expense to the State. Taking effect.

Approved, March 23, 1870.

I hereby certify that the foregoing act was published in the *State Register*, and *Des Moines Bulletin*, March 24, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 34.

### BOARD OF IMMIGRATION CREATED.

AN ACT to Encourage Immigration to the State of Iowa.

MARCH 28.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby created a Board of Immigration, which shall be composed of seven members. The Governor of the State shall be *ex officio* President of the Board, and he shall appoint one member from each congressional district for two years and until their successors are elected and qualified. Composition of board.

SEC. 2. The Board of Immigration shall meet in the city of Des Moines, on the first Monday in April of each year. Meetings.

SEC. 3. It shall be the duty of this Board to do all, and everything, which may and will enhance and encourage immigration into this State, either from the Eastern states of the United States, or from the Eastern hemisphere. Duty.

SEC. 4. The Board shall elect at their first meeting, a Secretary from their own number, or outside of the same. The secretary shall act as Commissioner of Immigration. He shall be a person who is familiar with the agricultural, mineral, and other resources of the State, and it shall be his duty to prepare, publish, and distribute pamphlets and documents, setting forth facts and statistics, illustrating the advantages and material resources of the State, and containing correct information for immigrants, in relation to its climate, soil, production[s], schools, railroads, and all other matters of interest to said immigrants. It shall further be the duty of Secretary ;  
to be commis-  
sioner of immi-  
gration ;  
qualifications ;  
duty.

Correspondence. said commissioner to maintain correspondence with associations and parties generally interested in immigration, and may publish, or cause to be published, in Eastern journals, essays and articles, treating on, and describing truly, the agricultural, mineral, commercial, social, and other characteristics of the State. The said secretary shall act under the control of the Board of Immigration, and shall [make a] report of his doings to the same, at their regular meeting.

Essays and articles.   
 Report.   
 Compensation. SEC. 5. The secretary shall receive a just compensation for his services, [to be] determined by the Board, [and] to be paid out of the funds created [as] hereinafter provided.

Board may appoint agents. SEC. 6. The Board of Immigration shall have power, whenever deemed expedient by them, to appoint an agent, or agents, either for the Eastern States of the United States or for Europe, for the purpose of aiding and advising immigration; and such agent, or agents, shall act solely under the instruction of the Board of Immigration, who shall also fix and allow them a just compensation for their services.

Vacancy, how filled. SEC. 7. In case of a vacancy in the Board, occurring by death, removal, resignation, or otherwise, such vacancy shall be filled by the Governor.

Board to co-operate with Board at Washington;   
 to make reports of doings. SEC. 8. It shall be the duty of said Board to cooperate with the board of immigration at Washington City, and to make regular reports of their labor and proceedings to the General Assembly of the State, accompanied by such references, suggestions and statistics, as may furnish good and reliable data, and a proper basis for further legislation on the subject of immigration.

Mileage. SEC. 9. The members of the Board shall receive no compensation for their services, but shall be allowed the same amount of mileage that is allowed the members of the General Assembly, to be paid out of the State treasury, but shall in no case be allowed for more than two meetings in one year.

\$5,000 appropriated. SEC. 10. For the purpose of carrying the provisions of this act into effect, the sum of five thousand dollars, or so much of it as may be necessary, which amount shall include the salary of the secretary, is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to be audited and paid as claims may accrue, under the provisions of this act; orders to be drawn by the president and countersigned by the secretary of the Board.

Orders—how drawn.   
 Taking effect. SEC. 11. 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 Homestead, newspapers published in the city of Des Moines, Iowa.

Approved, March 23, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, March 29, and in *The Iowa Homestead*, April 1, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 35.

### LEGALIZING FIRE COMPANIES IN WATERLOO.

AN ACT to Legalize the Organization of the Red Jacket Fire and Hose Company in the town of Waterloo, and the Organization of the Waterloo Hook and Ladder Company. MARCH 24.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the organization of the Red Jacket Fire and Hose Company under chapter 95 of the acts of the General Assembly of one thousand eight hundred and sixty-two, and the organization of the Waterloo Hook and Ladder Company under said act, be and the same are hereby declared to be valid and legal, and of the same force and effect, as if the said town of Waterloo had been at the time of the passage of said act an incorporated town; and the members of said companies and each of them shall be entitled to all the rights and privileges of members of like companies in incorporated towns from the date of the organization of said companies respectively.

9th G. A.; ch. 95

Organization of two fire companies in unincorporated town legalized.

Members of companies entitled to rights, etc.

SEC. 2. This act being deemed of immediate importance shall take effect from and after its publication in the Iowa State Register and Waterloo Courier.

Taking effect.

Approved, March 24, 1870.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Waterloo Courier*, March 31, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 36.

## STATE UNIVERSITY.

MARCH 24. AN ACT Appropriating Funds to the State University of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be appropriated out of any moneys in the State treasury not otherwise appropriated, the sum of twenty-five thousand dollars, for the use and support of the State University for the next two years.

SEC. 2. Of the amount so appropriated, one-half shall be paid over annually to the treasurer of the Board of Trustees of the University upon an order from the executive committee thereof, countersigned by the secretary of the board, and addressed to the State Treasurer.

SEC. 3. This act to take effect and be in force from and after its publication in the State Register and Iowa City Republican.

Approved, March 24, 1870.

I hereby certify that the foregoing act was published in the *State Register*, March 29, and in the *Iowa City Republican*, March 30, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 37.

DISTRICT-TOWNSHIP AND INDEPENDENT DISTRICT OF TOLEDO.

MARCH 25. AN ACT to Legalize the Tax-Levy of the District-Township of Toledo, and the Independent District of Toledo, in the Township of Toledo, in Tama County, for the year 1869.

Preamble. WHEREAS, The electors of the district-township of Toledo did, at their annual March meeting in 1869, vote a tax of ten mills on the dollar, on the taxable property of the district-township, for school-house purposes; and

WHEREAS, The board of directors of the district-township of Toledo did, on the fifteenth day of March of said year, apportion the said tax among the sub-districts as follows: on sub-district number one, ten mills on the dollar; on sub-district number two, eight mills on the dollar; on sub-district number three, two mills on the

dollar; on sub-district number four, ten mills on the dollar; and,

WHEREAS, Said board of directors did at the same time vote a tax of one mill on the dollar for contingent fund, and also a tax of five mills on the dollar for teachers' fund; and,

WHEREAS, The directors of the independent district of Toledo, township of Toledo, did on [the] 19th day of July, A. D. 1869, vote a tax of ten mills on the dollar for teachers' fund, and four mills on the dollar, contingent fund, on the taxable property of said district; and,

WHEREAS, The board of supervisors of Tama county, at their regular session in September in 1869, omitted, when making the levy of taxes for the year 1869, to levy the said amounts certified as voted by the district-township of Toledo, and the independent district of Toledo, in the township of Toledo; and,

Board supervisors omitted to make levy.

WHEREAS, The auditor of said county placed said amounts on the tax books for said year; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the action of the auditor of Tama county, in placing upon the tax-books the amounts levied by the district-township of Toledo, and independent district of Toledo, in the township of Toledo, be and the same is hereby legalized.

Action of auditor legalized.

SEC. 2. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Tama County Republican, newspapers published in Des Moines and Toledo, Iowa: *Provided,* That such publication be without expense to the State.

Taking effect.

Approved, March 25, 1870.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Tama County Republican* March 31, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 38.

### POWERS OF BOARDS OF SUPERVISORS IN BUILDING BRIDGES ENLARGED.

AN ACT Authorizing Counties to Build Bridges.

MARCH 25.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Board of Supervisors of any organized county in this State, having a population of

Board of Super-  
visors may allow  
for bridges \$10,-  
000 to \$20,000,  
when.

fifteen thousand, may appropriate, for the construction of a bridge, the sum of ten thousand dollars, and for each additional five thousand of population, there may be appropriated two thousand dollars additional: *Provided*, That in no case shall they appropriate for said purpose to exceed twenty thousand dollars.

Repealing clause.

SEC. 2. All acts or parts of acts in any way conflicting with the provisions of this act, are hereby repealed.

Taking effect.

SEC. 3. This act, being deemed of immediate importance, the same shall take effect upon its publication in the State Register and Cedar Rapids Times, newspapers published at Des Moines and Cedar Rapids.

Approved, March 25, 1870.

I hereby certify that the foregoing act was published in the *State Register* March 29, and in the *Cedar Rapids Times*, April 7, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 39.

### STORY COUNTY "POOR FARM."

MARCH 30. AN ACT to Legalize the Action of the Board of Supervisors of Story County, Iowa, in Relation to the Issuance of Bonds to the Amount of Seven Thousand Dollars, for the Purpose of purchasing Land for a "Poor-Farm" for the use of said County, and for the Erection of Buildings thereon.

Preamble.

WHEREAS, The board of supervisors of Story county, Iowa, at their sessions in June and September, 1868, made an appropriation of five thousand dollars for the purpose of purchasing land for a poor-farm for the use of said county, and for the erection of buildings thereon; and

WHEREAS, Said board, at their January session in 1869, made the further appropriation of two thousand dollars for the purpose of making improvements on said lands; and

WHEREAS, Said board of supervisors caused the bonds of the county, bearing ten per cent interest, to be issued for said several sums so appropriated; and

WHEREAS, Doubts are entertained as to the regularity and power of said board of supervisors to issue the bonds of the county as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa* That the action of the board of supervisors of Story county, Iowa, and all things done by said board relating to the issuance of said bonds be declared valid and binding in every respect, and that the said appropriations made by said board be declared legal in every respect, and to the same extent as if said board had acted strictly according to law. Appropriations and issue of bonds legalized.

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 Story County Ægis. Taking effect.

Approved, March 25, 1870.

I hereby certify that the foregoing Act was published in the *Iowa State Register*, March 29, and the *Story County Ægis*, March 30, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 40.

### SALE OF LANDS AND LOTS FOR LESS THAN AMOUNT OF DELINQUENT TAXES.

AN ACT to Authorize the Sale of Lands and Town-Lots for Taxes MARCH 26.  
in certain Cases, for an Amount less than the Taxes, Interest, and Cost due thereon.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of the several county treasurers of this State, on the 1st Monday of October, A. D. 1870, or any adjourned sale thereafter, to offer and sell at public sale, to the highest bidder therefor, all lands and town-lots which then remain liable to sale for delinquent taxes, and which have heretofore been advertised and offered at public sale, and passed for want of bidders, for two or more years, by giving general notice of such sale for six weeks previous thereto, in the official paper of each of their respective counties, which said notice shall refer to, and embrace, the general provisions of this act. Duty of county treasurers. Sale.

SEC. 2. That in ascertaining the interest and penalties, to be paid upon the redemption of such real estate from such sale, the sum paid for any piece or parcel of real estate sold, under and by virtue of the provisions of this act, shall be taken to be the full amount of taxes, interest, Sum paid to be considered full amount of taxes, interest, etc.

and costs due on such parcel, at the time of such sale, and all the provisions of the revenue laws of Iowa, not inconsistent with this act, shall apply to such sale, and to the redemption of any real estate sold by virtue of this act, and the amount so paid for any parcel of real estate, shall be apportioned, *pro rata*, among the different funds to which it belongs.

Apportionment.

Unavailable tax.

SEC. 3. The amount of taxes due on any real estate sold under the provisions of this act, in excess of the amount for which the same was sold, shall be credited as unavailable tax to the county treasurer by the county auditor, apportioning the amount among the different funds to which the same belongs. The amount of such excess due to funds belonging to the State, shall be reported by the county auditor to the Auditor of State as unavailable, who shall give the counties credit for the same.

Auditor of State to give credit.

Taking effect.

SEC. 4. This act being deemed of immediate importance shall take effect from and after its publication in the *Des Moines Statesman* and the *State Register*, newspapers published at Des Moines, Iowa.

NOTE.—This bill having remained with the Governor three days, (Sunday excepted,) the General Assembly being in session, has become a law this 26th day of March, A. D. 1870.

ED WRIGHT, *Secretary of State.*

I hereby certify that the foregoing act was published in the *Des Moines Statesman*, March 29, and in the *Iowa State Register*, March 29, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 41.

### ABOLISHING THE GENERAL TERM COURT.

MARCH 30. AN ACT to Repeal Sections 16, 17, 18, 19, 20, 21, 22, and 24 of Chapter 86 of the Acts of the Twelfth General Assembly, and Providing for Appeals from the District and Circuit Courts to the Supreme Court, and fixing Times of holding Courts.

1868 : ch. 86.

Sections provid-  
ing for general  
term repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That sections 16, 17, 18, 19, 20, 21, 22, and 24 of chapter 86 of the acts of the Twelfth General Assembly be, and the same are hereby repealed.



SEC. 2. All appeals from the circuit and district courts shall be to the Supreme Court, and shall be taken in the same manner, under the same rules, and with the same effects as appeals were taken from the district to the Supreme Court before the passage of chapter 86, laws of the Twelfth General Assembly: *Provided*, That appeals from the circuit court and from the district court shall be taken within six months from the rendition and entry of the judgment or order appealed from, and not after, and the provisions of sections 2631 and 2632 of the Revision of 1860, and all other provisions of the laws of this State, now in force, in anywise affecting or regulating appeals from the district court, shall apply in like manner and with like effect to appeals from the circuit to the Supreme Court, subject to the provisions of this act: *Provided further*, And when the time for appeal from the district or circuit courts to the general term, as provided by chapter 86 of the acts of the Twelfth General Assembly, has expired, before the taking effect of this act, and no appeal has been perfected, that the right of appeal is not revived by this act, and no appeal shall lie.

Appeals to Supreme Court.

When to be taken

Rev., §§2631-32.

Right of appeal not revived.

SEC. 3. The district judge of each judicial district shall, on or before the first day of December, A. D. 1871, and every alternate year thereafter, designate, by an order made under his hand, the times for holding the terms of each circuit court in his district for the two years ensuing, which order shall be filed with the clerk of the circuit court in each county in each judicial district.

District judge to designate times of holding. Circuit Court.

SEC. 4. All appeals pending or taken to the general term at and before the passage of this act, and which remain undisposed of, shall be deemed pending in the Supreme Court without further notice, and the clerk of [the] district court having charge of such records shall immediately certify the same to the Supreme Court, and the Clerk of the Supreme Court shall docket the same as though the appeal had been taken directly to the Supreme Court; and in all cases wherein the judges of either court have reserved their decisions, under section 22 of chapter 86, acts of the Twelfth General Assembly, and said general term court has not yet acted thereon, the said causes shall be returned to the court in which said causes have originated; but in such cases, where appeals have been taken to the Supreme Court after the general term court had rendered a decision thereon, then the Supreme Court shall hear and determine the same with the same force and effect as provided in chapter 86 aforesaid.

Appeals transferred.

Cases where judges have reserved decision returned to inferior court;

where decision had been rendered and appeals taken, Supreme Court to hear.

**SEC. 5.** 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 Daily Des Moines Statesman, newspapers published in the city of Des Moines, Iowa.

Approved, March 30, 1870.

I hereby certify that the foregoing act was published in *The Daily Des Moines Statesman*, March 31, and in the *Daily Iowa State Register*, April 1, 1870.

ED WRIGHT, *Secretary of State.*

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## CHAPTER 42.

### ARGUMENT TERM AT DUBUQUE.

MARCH 30. AN ACT Allowing the Counties of Hamilton, Franklin, and Wright to have their Causes heard at the Argument Term of the Supreme Court held at Dubuque.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the counties of Hamilton, Franklin, and Wright are hereby authorized and allowed to take all their cases to the argument term of the Supreme Court to be held at the city of Dubuque in the months of April and October in each year, as now provided by chapter 27, of the acts of the Twelfth General Assembly.

Hamilton, Franklin, and Wright counties may take appeals to Dubuque term of Supreme Court.  
1868; ch. 27.

**SEC. 2.** This act shall take effect and be in force from and after its publication in the Iowa State Register and The Hamilton Freeman.

Taking effect.

Approved, March 30, 1870.

I hereby certify that the foregoing Act was published in the *Iowa State Register*, April 1, and in *The Hamilton Freeman*, April 6, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 43.

## COLLECTION OF JUDGMENTS AGAINST CIVIL CORPORATIONS.

AN ACT to Amend Section 3275 of the Revision of 1860, as to the MARCH 30.  
Duties of certain Treasurers.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That to section 3275, of the Revision of 1860, there be added the following words: "And when a tax has been so levied, and the same, or any part thereof, has been collected, the treasurer shall on demand, without a warrant from the clerk of the board of supervisors, pay the the same to the creditor, or his attorney, taking a receipt therefor, and if not demanded, may pay the same to the clerk of the court where the judgment was rendered, taking his receipt therefor." Rev., §3275.  
Treasurers of counties may pay certain moneys on judgments without warrant.

SEC. 2. All acts, or parts of acts, inconsistent with this, are hereby repealed. Repeal.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the *Des Moines Daily Bulletin* and *Daily Statesman*, newspapers published at Des Moines, Iowa. Taking effect.

Approved, March 30, 1870.

I hereby certify that the foregoing Act was published in the *Des Moines Daily Bulletin*, March 31, and in *Daily Des Moines Statesman*, March 31, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 44.

## COMMISSIONERS IN OTHER STATES, AND IN THIS STATE.

AN ACT Providing for the Appointment of Commissioners in other States, and to Regulate the Powers of Commissioners of other States in this State. MARCH 30.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Governor may appoint and commission, in each of the United States and Territories, one or more Commissioners, to continue in office for the term of three years from the date of commission, unless Governor may appoint.

**Powers of commissioners.** such appointment shall be sooner revoked by the Governor; such commissioners, when qualified as hereinafter provided, shall be empowered to administer oaths, take depositions and affidavits to be used in the courts of this State, and to take acknowledgments or proof of deeds and other instruments to be recorded and used in this State.

**Effect of official acts.** SEC. 2. Oaths administered by any such commissioner, affidavits and depositions taken by him, and acknowledgments as aforesaid certified by him over his official signature and seal, are made as effectual in law to all intents and purposes, as if done and certified by a clerk of the district court or justice of the peace of this State.

**Qualification; before whom.** SEC. 3. Before such commissioner can perform any of the duties of his office, he is required to take and subscribe an oath, that he will support the constitution of the United States, and the constitution of the State of Iowa, and that he will faithfully perform the duties of such office, which oath shall be taken and subscribed before some judge or clerk of a court of record in the State in which the commissioner is to exercise his appointment, and certified under the hand of the person taking it, and the seal of his court—or by a duly authorized commissioner for Iowa, resident in said State, which certificate shall be filed in the office of Secretary of State of this State, and on which shall be the official signature and a clear impression of the official seal of such commissioner.

**Oath, with signature and seal, where filed.** SEC. 4. Each commissioner, exercising the authority of conferred upon him by this act, shall have an official seal, on which shall be engraved the words "COMMISSIONER FOR IOWA," with his surname at length, and at least the initials of his christian name; also the name of the State in which he has been commissioned to act, which seal must be so engraved as to make a clear impression on wax or wafer.

**Description of seal.** SEC. 5. A signature and impression of such seal of any commissioner, qualified as herein provided, and corresponding with that on file in the office of the Secretary of State, shall be entitled to the same credit as evidence, in the courts and public offices of this State, as the signature and seal of a clerk of the district court or notary public of this State.

**Effect of signature and seal.** SEC. 6. Such commissioner is authorized to demand for his services the same fees as may be allowed for similar services, by the laws of the State in which he is to exercise his office.

**Fees.** SEC. 7. All persons who have heretofore been appointed and commissioned as commissioners in other States and territories, pursuant to the provisions of any previous laws

of the territory or State of Iowa, and whose commissions were issued prior to the fourth day of July, A. D. 1867, shall continue to hold such offices until the fourth day of July, A. D. 1870, at which time all of said appointments shall be considered as revoked; and all appointments made since the fourth day of July, A. D. 1867, shall continue in force for the term of three years from and after the date of commission.

Commissioners appointed before July 4, 1867, to hold office till July 4, 1870;

others to hold for three years.

SEC. 8. The Secretary of State, upon the reception of the certificate as provided in section three of this act, shall examine the same, and if this act has been strictly complied with, it shall be his duty to forward to said commissioner a certificate, properly attested, that he has been duly commissioned as a commissioner for Iowa; and that he is duly qualified as required by the laws of Iowa, authorizing the appointment of commissioners in other States; and it shall be the further duty of the Secretary of State to forward a duplicate of said certificate to the Secretary of State in which said commissioner may have been appointed.

Duty of Secretary of State.

Certificate to commissioner and duplicate to Secretary of other State.

SEC. 9. The Secretary of State shall, within twenty days after the taking effect of this act, send a copy thereof by mail, to each and every person that has ever held a commission as commissioner for Iowa; which notice shall be addressed to the place of residence of each commissioner as shown by the certificates of qualification on file in his office.

Secretary to notify present commissioners.

SEC. 10. The Secretary of State shall, on or before the 10th day of July, 1870, send to the Secretary of State of each of the States and territories, a complete list of persons in their respective States, or territories, who are properly qualified as commissioners for Iowa, which list shall show the date of expiration of each commission, and request that a similar list of appointments for said State be furnished the State of Iowa.

List to other States.

Request for similar list from other States.

SEC. 11. The Secretary of State shall cause to be published with the session laws of the Thirteenth General Assembly, and of each subsequent General Assembly, a full and complete list of all commissioners for Iowa, who are duly qualified, and whose commissions do not expire on or before the 4th day of July, of the year in which such publication is made which list shall give the post-office address, date of qualification, and date of expiration of the commission of each commissioner.

List of commissioners to be published with laws.

SEC. 12. Commissioners of the like nature, appointed in this State, under the authority of any other of the United States or territories, are hereby invested with the

Powers of commissioners of other States.

authority of a justice of the peace, to issue subpoenas requiring the attendance of witnesses before them, to give their testimony by deposition or affidavit in any matter in which such deposition or affidavit may be taken by the law of such other State, and they are also authorized to administer oaths in any matter in relation to which they are required or permitted by such law of the other State; and false swearing in such cases is hereby made subject to the penal laws of this State, relating to perjury: *provided*, that such commissioner shall cause to be filed in the office of Secretary of State, a certificate of the Secretary of the State or territory for which he claims to act, that he is properly appointed and qualified as required by the laws of said State, and has in his possession a certificate that this section has been complied with.

Perjury.

Such commis-  
sioners to file cer-  
tificate of qualifi-  
cation.Secretary of State  
to keep record;  
to collect fees.

SEC. 13. The Secretary of State shall keep in his office a complete record of all appointments made by the Governor, pursuant to the provisions of this act, and shall be authorized to collect, as fees, the sum of three dollars for each commission, and the amount now allowed by law for certificates.

Repealed: Rev.,  
ch. 15; and acts  
1864: ch. 119.

SEC. 14. Sections 188, 189, 190, 191, 192, 193, and 194 of the Revision of 1860, and chapter 119, of the [acts of the] Tenth General Assembly, be and the same are hereby repealed.

Taking effect.

SEC. 15. 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 in Des Moines, Iowa.

Approved, March 30th, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 1, and *The Iowa Homestead*, April 15, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 45.

### PUBLIC LIBRARIES IN CITIES.

MARCH 30. AN ACT to Authorize Cities to receive Donations of Ground and Library Buildings, and to maintain Free Public Libraries and Reading-Rooms.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be lawful for the city council of any city of the first or second class, in this

State, to levy annually a tax not exceeding one-half mill on the dollar of the taxable property in such city, for the purpose of maintaining therein a free public library and reading-room: *Provided*, a suitable lot and building shall first be donated to such city for that purpose; and any city, of the first or second class, is hereby authorized to receive such donation in trust forever for the benefit of its citizens.

Cities may levy  $\frac{1}{2}$  mill tax for public library, &c

Proviso.

City authorized to receive donation of real estate.

SEC. 2. That the city council shall appoint, from time to time, such trustees or officers, or both, of said public library and reading-room, as it shall deem proper, and confer upon them such authority, including the power to enact by-laws, as may be necessary for the government of, and as will conduce to render such library and reading-room of public utility.

City council to appoint and empower trustees.

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

Taking effect.

Approved, March 30, 1870.

I hereby certify that the foregoing act was published in *The Daily Des Moines Statesman*, March 31, and in the *Daily Iowa State Register*, April 1, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 46.

### INTEREST ON SCHOOL FUND LOANS.

AN ACT Fixing the Rate of Interest on Loans of the Permanent School-Fund. MARCH 30.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the rate of interest on all school-fund now on hand or hereafter coming into the treasury of any county, when loaned out according to law, shall be fixed at not less than ten per cent. per annum.

Minimum rate 10 per cent.

SEC. 2. All acts or parts of acts conflicting with the provisions of this act be and they are hereby repealed.

Repeal.

Approved, March 30, 1870.

## CHAPTER 47.

## VACANCIES IN PUBLIC OFFICES—HOW FILLED.

MARCH 30. AN ACT to Amend Section 664, of the Revision [of 1860.]

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 664 of the Revision [of 1860] be so amended as to read as follows: Until such election, vacancies, except in the office of Governor, shall be filled as follows:—In State offices by the Governor. In county offices by the board of supervisors. In township offices by the trustees; but where the offices of the three trustees are vacant the clerk shall appoint, and, if the offices of the three trustees and the clerk are all vacant, then the county auditor shall appoint.

When offices of tp. trustees and clerk are vacant, auditor to appoint

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

Taking effect.

Approved, March 30, 1870.

I hereby certify that the foregoing act was published in *The Des Moines Statesman*, March 31, 1870, and in the *Daily Iowa State Register*, April 1, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 48.

## TOWN OF IOWA FALLS.

MARCH 30. AN ACT to Legalize the Acts of the Trustees, Mayor, and Recorder of the Town of Iowa Falls, Iowa.

WHEREAS, The town of Iowa Falls, in the county of Hardin and State of Iowa, is an incorporated town, incorporated under the general incorporation laws of said State; and

Preamble.

WHEREAS, Doubts have arisen as to whether some of the acts and ordinances enacted by the board of trustees of said town are legal; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all the official acts of the board of



trustees of the town of Iowa Falls, county of Hardin and State of Iowa, and all the ordinances enacted by the said board previous to the passage of this act are hereby legalized.

All official acts, and ordinances, of trustees of Iowa Falls legalized.

SEC. 2. This act being of immediate importance shall take effect and be in force from and after its publication in the State Register and Iowa Falls Sentinel: *Provided*, such publication shall be without expense to the State.

Taking effect.

Approved, March 30, 1870.

I hereby certify that the foregoing act was published in the *State Register* April 1, and in the *Iowa Falls Sentinel*, April 6, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 49.

### LEGALIZING ACTS OF A DEPUTY RECORDER IN MONTGOMERY COUNTY.

AN ACT to Legalize the Acts of Ashford B. Elwood, a Deputy Recorder of Montgomery County, Iowa. MARCH 30.

WHEREAS, Ashford B. Elwood, a deputy recorder in and for Montgomery county, Iowa, performed official acts after the death of his principal, from the 13th day of November, A. D., 1868, until the 31st day of December, A. D., 1868; therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the official acts of the said Ashford B. Elwood, as deputy recorder of Montgomery county, Iowa, from the 13th day of November, A. D., 1868, until the 31st day of December, A. D., 1868, be and the same are hereby legalized, and made as valid, to all intents and purposes, as if no vacancy had occurred in the office of recorder.

Acts of deputy after death of recorder legalized.

Approved, March 30, 1870.

## CHAPTER 50.

## INDEPENDENT SCHOOL-DISTRICT OF VANDALIA.

MARCH 30. AN ACT to Legalize the Proceedings of the Regular Annual Meeting of the Electors of the Independent School-District of Vandalia, Jasper County, Iowa.

Preamble. WHEREAS, At the regular annual meeting of the independent district of Vandalia, held on the 14th day of March, 1870, the polls were not kept open during the time required by law; and,

WHEREAS, At such meeting directors were elected and taxes voted; and

WHEREAS, It is claimed by some that the election and vote for such tax, at such meeting, are void; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the proceedings had at such meeting, relating to the election of directors and voting of taxes, are hereby legalized, as fully as if the provisions of the law governing such meetings had been fully conformed to.

Proceedings, where polls were not open proper time, legalized.

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 Des Moines Daily Bulletin.

Approved, March 30, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin*, March 31, and in the *Daily Iowa State Register*, April 1, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 51.

## CITY OF WATERLOO.

MARCH 30. AN ACT to Legalize the Organization, Election of Officers, and Acts of the City of Waterloo as a City of the Second-Class.

Preamble. WHEREAS, In the year A. D. 1868, the City of Waterloo was organized as a city of the second-class; and

WHEREAS, The petition presented to the county court, asking the submission to the people [of] the question of incorporating as a city of the second-class, had a provision in

it fixing the number and boundaries of the wards, and the election board at the first election of officers required the electors to vote by wards, as described in the petition; and

WHEREAS, Doubts have arisen whether said election was in strict conformity with law; therefore, Doubts of legality

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 the election of all the officers elected at said election, and all the acts of said officers, and ordinances passed by the board of trustees elected at said election, be and the same are hereby declared as legal and valid, to all intents and purposes, as fully and completely as if all the proceedings for the organization of said city, and the election of said officers, had in all respects been in strict compliance with law. Organization, election, acts, and ordinances legalized.

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 Iowa State Reporter and Waterloo Courier, newspapers published at Waterloo, Iowa. Taking effect.

Approved, March 30, 1870.

I hereby certify that the foregoing act was published in the *Iowa State Reporter*, April 6th, and in the *Waterloo Courier*, April 7th, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 52.

### POLK COUNTY SWAMP-INDEMNITY LANDS.

AN ACT to Legalize the Sale of certain Lands by Polk County.

MARCH 40.

WHEREAS, On the 24th day of December, 1868, the county of Polk, by its board of supervisors, by deed of that date, conveyed to Dwight N. Lathrop certain lands, belonging to said county, and situate in the counties of Webster and Calhoun, in consideration of certain money, which has been fully paid and receipt thereof acknowledged by said county of Polk, a description of which lands is given in said deed as recorded with the land records of said counties where the same are situated; therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the conveyance of said lands by the county of Polk, to said Dwight N. Lathrop, is hereby ratified and confirmed, and made valid in said grantee, as fully and perfectly as if all the requisite formalities of law prescribed therefor, had been duly observed, and followed in respect thereto.

Approved, March 30, 1870.

## CHAPTER 53.

### TOWN OF AUBURN, FAYETTE COUNTY.

MARCH 30. AN ACT to Legalize the Plat of the Town of Auburn, in Fayette county, Iowa, and to Legalize all Conveyances of Lots heretofore made by the Number of Lots and Blocks as now specified in said Plat.

WHEREAS, The original plat of the town of Auburn, in Fayette county, Iowa, which was made several years since, is lost, and was never recorded; and

WHEREAS, A new plat of said town in all respects as near as possible like the old one has been made, and was filed in the recorder's office of said county on the 4th day of January, 1870; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the survey and plat of the town of Auburn in Fayette county, and State of Iowa, made and completed in December, 1869, by H. J. Ingersoll, county surveyor, by his deputy, S. P. Crosby, and filed for record in the office of the recorder of said county, on the 4th of January, 1870, at 11 o'clock, A. M., and recorded in plat-book No. 1, page 49, be and the same is 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.

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 one of this act had

been on record in said county at the time said conveyances were made.

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, a newspaper published at Des Moines, Iowa, and the West Union Gazette, a paper published at West Union, Iowa, without expense to the State.

Approved, March 30, 1870.

I hereby certify that the foregoing act was published in the State Register, April 1, and in the West Union Republican Gazette, April 15, 1870.

ED WRIGHT, Secretary of State.

CHAPTER 54.

FUNDING OF COUNTY INDEBTEDNESS.

AN ACT to Provide for the Funding of County Indebtedness, and for the Payment thereof. MARCH 30.

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That in any county in this State having a population exceeding 3,000 inhabitants, the outstanding indebtedness of which, on the first day of January, 1870, exceeded the sum of five thousand dollars, the board of supervisors, by a vote of two-thirds of all the members thereof, shall be and they are hereby empowered, if they deem it for the public interest, to fund the same and issue bonds of the county therefor, in sums not less than one hundred dollars, nor more than one thousand dollars each, having not more than ten years to run, and bearing a rate of interest not exceeding ten per cent. per annum, payable semi-annually, which bonds shall be substantially in the following form :

Counties of 8,000 inhabitants, may, by two-thirds vote of supervisors, fund debt of over \$5,000.

Bonds: amount, time, interest.

No.....

The county of.....in the State of Iowa, for value received, promises to pay to.....or order, at the office of the treasurer of said county in.....on the first day of.....18..., or at any time before that date, at the pleasure of the county, the sum of.....dollars, with interest at the rate of.....per cent, per annum, payable at the office of said treasurer

Form of bond.

semi-annually, on the first days of.....and.....  
 in each year on presentation and surrender of the interest-  
 coupons hereto attached. This bond is issued by the board  
 of supervisors of said county under the provisions of chap-  
 ter 54, of the acts of the Thirteenth General Assembly of  
 the State of Iowa, and in conformity with a resolution of  
 said board, dated.....day of.....187...

In testimony whereof, the said county, by its board of  
 supervisors, has caused this bond to be signed  
 by the chairman of the board, and attested  
 by the auditor, with the county seal attached,  
 this.....day of.....187...



.....  
 Chairman of board of supervisors.

Attest :

.....  
 Auditor.....

Form of coupon. And the interest coupon shall be in the following form :

\$.....The treasurer of.....county, Iowa,  
 will pay the holder hereof, on the.....day of.....  
 187..., at his office in....., ..... dollars, for interest on  
 county bond No....., issued under provisions of chapter  
 54 of acts of Thirteenth General Assembly of Iowa.

.....  
 County Auditor.

Act to be printed on bond. A copy of this act shall be printed on the back of each  
 bond issued under its provisions.

Duty of treasurer. SEC. 2. Whenever bonds issued under this act shall be  
 duly executed, numbered consecutively, and sealed, they  
 shall be delivered to the county treasurer, and his receipt  
 taken therefor, and he shall stand charged, on his official  
 Disposal of bonds. bond, with all bonds delivered to him, and the proceeds  
 thereof, and it shall be his duty to sell the same, or ex-  
 change them on the best available terms, for any legal  
 indebtedness of the county, outstanding on the first day of  
 To be sold for not less than par and interest. May, 1870, but in neither case for a less sum than the face  
 value of the bonds, and all interest accrued on them at the  
 date of such sale or exchange ; and if any portion of said  
 Disposal of proceeds. bonds are sold for money, the proceeds thereof shall be  
 applied exclusively to the payment of liabilities existing  
 against the county, at and before the date above named.  
 When they are exchanged for warrants and other legal  
 evidences of county indebtedness, the treasurer shall at  
 once proceed to cancel such evidences of indebtedness, by  
 indorsing on the face thereof the amount for which they

were received, the word "canceled," and the date of cancellation.

He shall also keep a record of bonds sold or exchanged by him, by number, date of sale, amount, date of maturity, and name and post-office address of purchasers, and, if exchanged, what evidences of indebtedness were received therefor; which record shall be open at all times to inspection by the public. Whenever the holder of any bond shall sell and transfer it, the purchaser shall notify the treasurer of such purchase, giving at the same time the number of the bond transferred, and his post-office address, and every such transfer shall be noted on the record. The treasurer shall also report under oath to the board, at each regular session, a statement of all bonds sold or exchanged by him since preceding report, and the date of such sale or exchange, and when exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale, or exchange, which latter sum shall be charged to him as moneys received on bond-fund, and so entered by him in his books.

SEC. 3. It shall be the duty of the board of supervisors to cause to be assessed and levied each year, upon the taxable property of the county, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds accruing before the next annual levy, and such proportion of the principal, that at the end of three years, the sum raised from such levies shall equal at least twenty per cent. of the whole amount of bonds issued; at the end of five years at least forty per cent. of the amount; and at and before the date of maturity of the bonds, shall be equal to the whole amount of principal and interest; and the money arising from such levies shall be known as the bond-fund, and shall be used for the payment of bonds and interest-coupons, and for no other purpose whatever; and the treasurer shall open and keep in his books, a separate and special account thereof, which shall at all times show the exact condition of said bond-fund.

SEC. 4. Whenever the amount in the hands of the treasurer, belonging to the bond-fund, after setting aside the sum required to pay interest maturing before the next levy, is sufficient to redeem one or more bonds, it shall be his duty to notify the owner of such bond or bonds, that he is prepared to pay the same, with all interest accrued thereon, and if not presented for payment or redemption,

Record of bonds.

Transfer of bonds.

Report to board.

Duty of board of supervisors.

Levy.

Bond-fund.

Duty of treasurer.

Payment of principal.

within thirty days after the date of such notice, the interest on such bonds shall cease, and the amount due thereon shall be set aside for its payment whenever presented. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number; and the notice herein required shall be directed to the post-office address of the owner as shown by the record kept in the treasurer's office.

Bonds to be redeemed in numerical order.

Proceedings on failure of board to make levy.

Owner to file with Auditor of State.

Census Board to make levy.

Tax to be paid into State treasury

SEC. 5. If the board of supervisors of any county which has issued bonds under the provisions of this act, shall fail to make the levy necessary to pay such bonds, or interest-coupons at maturity, and the same shall have been presented to the county treasurer, and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the Auditor of State, taking his receipt therefor, and the same shall be registered in the Auditor's office; and it shall then be the duty of the Census Board, at their next session as a board of equalization, and at each annual equalization thereafter, to add to the State tax to be levied in said county, a sufficient rate to realize the amount of principal or interest past due, and to become due prior to the next levy, and the same shall be levied and collected as a part of the State tax, and paid into the State treasury, and passed to the special credit of such county, as bond-tax, and shall be paid by warrant, as the payments mature, to the holder of such registered obligations as shown by the register in the office of the State Auditor, until the same shall be fully satisfied and discharged; any balance then remaining being passed to the general account and credit of said county.

Construction.

SEC. 6. The provisions of this act are not intended and shall not be construed to embrace the indebtedness of any county, arising from bonds issued to aid in the construction of any railroad.

Taking effect.

SEC. 7. This act shall be in force, and take effect, from and after its publication in the *Daily Iowa State Register*, and in the *Des Moines Daily Bulletin*, newspapers published at Des Moines, Iowa.

Approved, March 30, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 3, and in the *Des Moines Daily Bulletin*, April 4, 1870.

ED WRIGHT, *Secretary of State.*



CHAPTER 55.

DISTRICT-TOWNSHIP OF CASS COUNTY.

AN ACT to Legalize the Election of a Sub-Director in District APRIL 4.  
 Number Five in the District-Township of Grant, in the County  
 of Cass, and State of Iowa, on the 12th day of March, 1870.

WHEREAS, At an election held on the 12th day of Preamble.  
 March, 1870, in sub-district number five, in the township  
 school-district of Grant, in the county of Cass, and State  
 of Iowa, said sub-director was elected by acclamation,  
 when the school-laws require such election to be by ballot;  
 now therefore,

SECTION 1. *Be it enacted by the General Assembly* Election by acclamation legalized.  
*of the State of Iowa,* That the election of a sub-director in  
 sub-district number five, in the township school-district of  
 Grant, in the county of Cass, State of Iowa, on the 12th  
 day of March, 1870, be and the same is hereby legalized  
 the same as though such election had been by ballot.

SEC. 2. This act to take effect from and after its pub- Taking effect.  
 lication in the Cass County Weekly Messenger and Demo-  
 cratic Free Press, without expense to the State.

Approved, April 4, 1870.

I, Ed Wright, hereby certify that the foregoing act was published  
 in the *Cass County Weekly Messenger* on the\* . . . . day of . . . . . and  
 in the *Democratic Free Press* on the\* . . . . day of . . . . . 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 56.

TOWN OF MASON CITY.

AN ACT to Legalize the Incorporation of the Town of Mason City,  
 Iowa, and the Election of Officers for said Incorporation; also,  
 to Legalize the Acts of the *de facto* Officers.

APRIL 4.

WHEREAS, The citizens of the town of Mason City, in  
 the county of Cerro Gordo and State of Iowa, did apply  
 by petition to the circuit court of said county, for the Preamble.  
 appointment of commissioners to submit to the legal voters  
 of said town, the question of incorporating the same, and

\* See Addenda.

WHEREAS, Said court at the November term, 1869, did appoint five commissioners, who afterwards did call an election and submitted said question to the legal voters thereof; and

WHEREAS, At said election a large majority of the votes polled were in favor of incorporating said town; and

WHEREAS, Said commissioners did afterwards call an election for the election of officers of said incorporation, at which election there were elected a mayor, recorder, treasurer, marshal, and five trustees; and

WHEREAS, The officers of said incorporation, thus elected, did order another election, within said town for the election of officers for said incorporation; and

WHEREAS, The election last aforesaid, was held on the 7th day of March, 1870, and a full set of corporate officers were elected thereat; and

Doubts of legality WHEREAS, Doubts have arisen as to the legality of said acts of incorporation, and the said election of officers; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all acts done, and proceedings had, to enable the town of Mason City to become incorporated under chapter fifty-one of the Revision of 1860, and chapter sixty-one, laws of the Twelfth General Assembly amendatory thereto, be and the same are hereby declared to be valid and binding in all respects, and all such acts and proceedings are hereby legalized as fully as if the same had been done in strict compliance with the provisions of law relating to the incorporation of towns and cities.

Rev.; ch. 51.  
1868; ch. 61.

Proceedings in  
incorporating le-  
galized.

Acts of officers  
do;

SEC. 2. That all acts of any or all of the officers of said incorporation, whether *de facto* or otherwise, are hereby declared to be legal, valid, and binding in all respects.

also, election of  
1870.

SEC. 3. That the election of officers held within said town of Mason City, on the 7th day of March, 1870, for the election of municipal officers of said incorporation, be and the same are hereby legalized and declared to be valid in all respects, and all officers elected at said election be and they are hereby declared to be officers of said incorporation, the same as if the law had been strictly complied with in all respects.

Taking effect.

SEC. 4. This act, being deemed of immediate importance, shall take effect from and after its publication in the State Register, a newspaper published at Des Moines,

Iowa, and the Cerro Gordo Republican, published at Mason City, Iowa: *Provided*, the same be done without expense to the State.

Approved, April 4, 1870.

I hereby certify that the foregoing Act was published in the *State Register*, April 6, and in the *Cerro Gordo Republican*, on the..... day of\*.....1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 57.

### PUBLICATION AND DISTRIBUTION OF THE LAWS.

AN ACT to Provide for the Publication and Distribution of the APRIL 4.  
Laws of the Thirteenth General Assembly of the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of* Printed and dis-  
tributed, how.  
*the State of Iowa*, That the laws passed at the regular 1868; ch. 81.  
session of the Thirteenth General Assembly shall be printed and distributed pursuant to the provisions of an act entitled "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.

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

Approved, April 4, 1870.

I hereby certify that the foregoing act was published in *The Daily Iowa State Register* and *Des Moines Daily Bulletin*, April 6, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 58.

### DANIEL CONRAD, J. P., CLINTON COUNTY.

An Act to Legalize the Acts of Daniel Conrad while acting as Jus- APRIL 4.  
tice of the Peace in Deep Creek Township, in Clinton County.

WHEREAS, Daniel Conrad, for a time during the year Preamble.  
1869, acted as justice of the peace in Deep Creek town-  
ship, in Clinton county, under the belief that his bond as

\*See Addenda.

bond not approved such justice which he had filed with the auditor of said county, had been approved, which was afterward found not to be the case; therefore.

Acts legalized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the acts of the said Conrad, while so acting as justice of the peace, be and the same are hereby declared to be valid and legal the same as if said bond had been duly approved.

Taking effect. SEC. 2. This act shall take effect and be in force from and after the time it is published in the newspapers known as the Daily Iowa State Register and in the Lyons Weekly Mirror, which publication shall be without expense to the State.\*

Approved, April 4, 1870.

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## CHAPTER 59.

### SINKING-FUND IN CITIES AND TOWNS.

APRIL 5. AN ACT to Amend Section 1125 of Chapter 51 of the Revision of 1860.

Rev.: §1125. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section 1125 of Chapter 51 of the Revision of 1860, be and the same is hereby amended, by striking out the words "one mill," in the fifth line, and inserting, in place thereof, the words "two mills."

Maximum tax for sinking-fund.

Approved, April 5, 1870.

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## CHAPTER 60.

### INDEXES IN LEE COUNTY.

APRIL 5. AN ACT to Legalize New Indexes in the Recorder's Office of Lee County, Iowa, at Keokuk.

Preamble. WHEREAS, In the year 1863, certain new indexes of part of the records of Lee county, in the recorder's office at Keokuk, were made but not compared; and

WHEREAS, By authority of the board of supervisors

\* See Addenda.

of said Lee county, given at the January term, A. D. 1869, said indexes have been compared with the records and corrected; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That said indexes be, and the same are hereby, legalized and declared valid, and shall be considered and deemed by all courts of this State, legal and effectual: *provided*, That nothing in this act shall be construed to affect the rights of purchasers, or incumbrances, accrued prior to the passage hereof. New indexes legalized.  
Proviso.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and The Keokuk Constitution. Taking effect.

Approved, April 5, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 8, and in *The Constitution* on the . . . . day of . . . . ., 1870.\*

ED WRIGHT, *Secretary of State*.

CHAPTER 61.

APPROPRIATION FOR WORK ON STATE HOUSE.

AN ACT Relative to the Claim of S. A. Robertson, for Work done on State-House.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the sum of fourteen hundred dollars be and the same is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to pay S. A. Robertson, for building additional thickness to partition-walls in basement of State-House, the same having been done under and by direction of the Census Board; and that the Auditor of State be directed to draw a warrant on the Treasurer of State, in favor of said Robertson, for that amount. \$1,400 appropriated for work in basement of State-House.

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

Approved, April 5, 1870.

I hereby certify that the foregoing act was published in the *Daily State Register* and *Des Moines Daily Bulletin*, April 8, 1870.

ED WRIGHT, *Secretary of State*.

\* See Addenda.

## CHAPTER 62.

## RIGHT OF WAY—NON-RESIDENTS.

APRIL 5. AN ACT Amending Article 3, of Chapter 55, of the Revision of 1860, granting Right of Way to Railroad Companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the words "non-resident" as used in article 3, of chapter 55 of the Revision of 1860, and in this act, shall be held to mean persons not residing in the county in which the lands [lie] over which the right of way is required.

Meaning of "non-resident." in article 3, of chapter 55 of the Revision of 1860, and in this act, shall be held to mean persons not residing in the county in which the lands [lie] over which the right of way is required.

Revision: ch. 55, art. 3.

SEC. 2. When any railroad company desires to locate its road over the lands of any non-resident, no demand of right of way shall be necessary, except the publication of the notice herein provided for.

Publication of notice — demand unnecessary.

SEC. 3. Notice for condemning right of way for railroad purposes, over the lands of non-residents, may be substantially in the following form, to-wit :

## "RIGHT-OF-WAY NOTICE."

To (here name each person who is known to be a non-resident owner of any lands in the county over which the right-of-way is desired), and all other persons having any interest in, or owning any of, the following described real estate, to-wit: (here describe by numbers, in tracts not exceeding one-sixteenth of a section each, thus: north-east quarter of north-west quarter, and north-west quarter of north-west quarter, of section 5, north-east quarter of north-east quarter, north-west quarter of north-east quarter, of section 6, all in township 96, range 22, etc.,) you are hereby notified that the ..... railroad company has located a line of railroad over the above described real estate, and desire the right-of-way over the same, to-wit: a strip or belt of land.....feet in width, through the center of which strip or belt of land the center line of said railroad will run, leaving.....feet on each side of said center line, together with such widths as may be necessary for bermes, waste banks, and burrowing-pits, and wood and water stations; and unless you proceed to have the damages to the same appraised according to law, on or before the.....day of..... A. D., 18., (a date at least four weeks after the first publication of the notice,) said company will proceed to have the

Form of notice.

same appraised on the.....day of....., (a date at least eight weeks after the first publication of the notice,) at which time you will be at liberty to appear before the appraisers on the subject of the assessment of damages to your land.

.....Railroad Company.

By.....Attorney or.....  
Right-of-Way Agent.

Which notice shall be published in some newspaper in the county, if there be one, and if there be no newspaper in the county, then in the nearest county, through which the proposed railroad runs, in which there is a newspaper, for at least eight successive weeks prior to the day fixed for appraisement, at the instance of the railroad company, and shall be sufficient demand of, and notice to, all persons having any interest in any of the lands described in the notice. How published.

SEC. 4. The appraisement may be made and returned in tracts larger than forty acres, and all the lands appearing of record to belong to one person, and lying in one tract, may be included in one appraisement and return, unless the agent or attorney of the company, or the appraisers, shall have actual knowledge that the tract so appearing of record does not belong wholly to the person in whose name it appears of record; and in case of such knowledge, the appraisement shall be made of the different parcels, as they are known to be owned. Appraisement, how made and returned.

SEC. 5. All acts and parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SEC. 6. This act, being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Weekly State Register and Daily Bulletin, newspapers published in Des Moines, Iowa. Taking effect.

Approved, April 5, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin*, April 8, and in the *Weekly Iowa State Register*, April 13, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 63.

## LEGALIZING A SUB-DISTRICT IN MARION COUNTY.

APRIL 6. AN ACT to Legalize the Erection of Sub-district Number 3, Perry Township, Marion County, Iowa.

Preamble. WHEREAS, The county superintendent of Marion county, Iowa, did, on the 9th of December, 1868, in accordance with law, attach the west three-fourths of section six, of township 77, range 20, in Red Rock township, in said county, to sections one and two, and parts of eleven and twelve, in township 77, range 21, Perry township, for school purposes, forming out of said sections, and parts of sections, sub-district number 3, in the district township of Perry, of said county; and,

WHEREAS, The said superintendent, from neglect or oversight, failed to sign the order establishing said sub-district as aforesaid; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the erection and the establishment of said sub-district number 3, as stated in the preamble hereof, be and is [are] hereby legalized and made as complete and valid as though said order had been signed by the county superintendent aforesaid.

Erection of sub-district legalized, notwithstanding failure of county supt. to sign order

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

Taking effect.

Approved, April 6th, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 8, and in *The Des Moines Daily Statesman*, on the 11th day of April, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 64.

## INDEPENDENT SCHOOL-DISTRICT IN CLAYTON COUNTY.

APRIL 6. AN ACT to Legalize the Acts of the Independent School-District of Monona, Iowa.

Preamble. WHEREAS, The directors of the independent school-district of Monona, Iowa, did, between the 16th day of March, A. D., 1868, and the 1st day of June, A. D.,



1869, for the purpose of providing for the erection of a school-house for the use of said school-district, issue therefor bonds in excess of the amount authorized by law; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That said over issue of bonds be and is hereby legalized. Over issue of bonds legalized.

SEC. 2. This act, being deemed of immediate importance, by this General Assembly, shall take effect and be in force from and after its publication in the Iowa State Register, and the Des Moines Bulletin, newspapers published in Des Moines, Iowa, *provided,* such publication be without expense to the State. Taking effect.

Approved, April 6, 1870.

I hereby certify that the foregoing act was published in the *Iowa State Register,* and the *Des Moines Bulletin,* April 9, 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 65.

STREETS AND ALLEYS.

AN ACT to Authorize the Improvement of Streets and Alleys: APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the city council, or trustees, of any incorporated city or town, whether organized under special charter, or under the provisions of chapter 51, of the Revision of 1860, and the acts amendatory thereto, are hereby empowered to provide, by ordinance, for grading, constructing, and repairing the sidewalk in front of or upon the side of any lot, or any part thereof, for the grading, paving, or macadamizing of any street, avenue, or alley, or any part of either of the same, and for the construction and repair of gutters and sewers, and that said city council, or trustees, have full power and authority to provide by ordinance, for the levy of a special tax upon the lots, parcels of ground, or any part of either of the same, fronting upon, or lying along, the street, avenue, or alley which is to be improved, or is improved, under the powers herein conferred, for the purpose of paying the expenses of the improvement. Powers of city & town authorities with reference to sidewalks, streets, alleys, gutters, & sewers; may levy special tax.

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

Approved, April 6, 1870.

I hereby certify that the foregoing Act was published in the *Iowa State Register*, April 10, and in *The Daily Des Moines Statesman*, April 13, 1870.

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## CHAPTER 66.

### DISTRICT COURT OF LEE COUNTY.

APRIL 6. AN ACT Changing the Time of holding the District Court at Keokuk, Lee county.

**1866; ch. 21.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Chapter 21, of the Acts of the Eleventh General Assembly, be and the same is hereby repealed, and the following is enacted in lieu thereof: That a term of the district court shall be held at Keokuk, in Lee county, Iowa, on the Tuesday before the first Monday in September, in the year A. D. 1870, and in each year thereafter.

**Repealed.**

**Time of holding court.**

**Saving clause.** SEC. 2. All writs, pleadings, processes, and proceedings, pending in and returnable to said district court at Keokuk, at its term as heretofore prescribed, commencing on the second Monday of September, shall be deemed to be pending in and returnable to said court at the term to commence on the Tuesday before the first Monday in September, as hereinbefore provided.

Approved, April 6, 1870.

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## CHAPTER 67.

### IRA E. DRAPER, N. P., JASPER COUNTY.

APRIL 6. AN ACT to Legalize the Notarial Acts of Ira E. Draper, a Notary Public of Jasper County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the official acts of Ira E. Draper, a notary public of Jasper county, done and performed by

him after the expiration of his notarial commission, being from the 12th day of February, 1868, to the first day of October of the same year, are hereby legalized and made as valid as if the said acts had been done before the expiration of said commission. Official acts, after expiration of commission, legalized.

SEC. 2. This act to take effect from and after its publication in the Newton Free Press and the Jasper County Republican, without expense to the State.\* Taking effect.

Approved, April 6, 1870.

## CHAPTER 68.

### FEEES OF THE CLERK OF THE DISTRICT COURT.

AN ACT to Amend Article 3, of Chapter 29, of the Revision of 1860. APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That article 3, of chapter 29, of the Revision of 1860, be amended by striking out the words "The clerk shall receive no fees," and insert[ing] therefor the words "The clerk's fees shall be paid from the county treasury." Clerk's fees where State fails to be paid from county treasury.

SEC. 2. This act to take effect, and be in force, from and after its publication in the State Register, and Des Moines Bulletin. Taking effect.

Approved, April 6, 1870.

I hereby certify that the foregoing act was published in the *State Register* and *Des Moines Daily Bulletin*, April 8, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 69.

### WORKING PRISONERS IN COUNTY JAILS.

AN ACT to Authorize the Working of Persons confined in the Jails of the State, and to Protect Prisoners.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any able-bodied male person, APRIL 7.

\*See Addenda.

Prisoners in jail between 16 & 50, under sentence, may be required to labor.

Court to decide as to hard labor.

Labor may be where.

Sheriff to superintend work when prisoner is confined for violating law.

Marshal to superintend, when.

Officer to prevent escape.

Penalty for attempting to escape, or refusing to labor.

Rev. § 5184.

Proviso.

over the age of sixteen years, and not over the age of fifty years, now or hereafter confined in any jail in this State, under the judgment of any court of record, or of any other tribunal authorized to imprison for the violation of any law, ordinance, by-law, or police regulation, may be required to labor during the whole or part of the time of his sentence, as hereinafter provided, and such court or other tribunal, when passing final judgment of imprisonment, whether for non-payment of fine or otherwise, shall have the power to determine, and shall determine, whether such imprisonment shall be at hard labor or not as contemplated in this bill.

SEC. 2. Such labor may be on the roads, streets, or public highways, on or about public buildings or grounds, or at such other places in the county, where confined, and during such reasonable time of the day, as the person having charge of the prisoners may direct, and not exceeding eight hours per day.

SEC. 3. In the case the sentence be for the violation of any of the statutes of the State, the sheriff of the county where the imprisonment is, shall superintend the performance of the labor authorized by this act, and shall furnish the tools and material, if necessary, to work with at the expense of the county in which the convict is confined, and such county shall be entitled to his earnings.

SEC. 4. When the imprisonment is pursuant to the judgment of any police court, police magistrate, mayor, or other tribunal of any incorporated city or town, for the violation of any ordinance, by-law, or other regulation, the marshal shall superintend the performance of the labor authorized by the provisions of this act, and shall furnish the tools and materials if necessary, at the expense of the city or town requiring the labor, and such city or town shall be entitled to the earnings of its convicts.

SEC. 5. The officer having charge of any convicts, for the purpose specified in this act, may use such means as, and no more than, are necessary to prevent escape, and if any convict attempt to escape, either while going from or returning to the jail, or while at labor, or at any time, or if he refuse to labor, the officer having him in charge, after due inquiry, may, to secure such person, or to cause him to labor, use the means authorized by section 5184 of the Revision of 1860: *Provided*, such punishment shall be inflicted within the jail or jail inclosure: *Provided, further*, that the time spent within the jail inclosure for refusal to work shall not be considered as any part of the time for which the prisoner is sentenced.

SEC. 6. For every day's labor performed by any convict, under the provisions of this act, there shall be credited, on any judgment for fine and costs against him, the sum of one dollar and fifty cents, and no person shall be entitled to the benefits of section 5005 of the Revision of 1860, if, in the opinion of the sheriff, the judgment may be satisfied by the labor of the person as herein authorized.

Prisoners to be credited for labor on fines.

Rev. § 5005.

SEC. 7. That if any officer or other person treat any prisoner in a cruel or inhuman manner, he shall be punished by fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding twelve months, or by both such fine and imprisonment.

Cruel treatment punished.

SEC. 8. It shall be the duty of such officer having such prisoner in charge, to preserve the same from insult and annoyance, and communication with others while at labor, and going to and returning from the same, and may use such means as are necessary and proper therefor; and any person persisting in insulting, and annoying, or communicating with any prisoner, after being commanded by such officer to desist, shall be punished by a fine not exceeding ten dollars, or by imprisonment not exceeding three days.

Duty of officer in charge.

Persons insulting or annoying prisoners punished.

Approved, April 7, 1870.

## CHAPTER 70.

### STATE BANK ACT REPEALED.

AN ACT to Repeal an Act entitled an Act to Incorporate the State Bank of Iowa, and to Enable it to wind up its Affairs. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That an act entitled, An act to incorporate the State Bank of Iowa, passed March 20, 1858, be and the same is hereby repealed, and the several branches organized under said law are hereby dissolved.

Rev. : ch. 68 repealed.

Branches dissolved.

SEC. 2. The officers of said bank, and of the several branches respectively, shall immediately proceed to redeem the notes and pay the liabilities of the same, and to wind up the affairs of said State Bank, and of the respective branches thereof in the manner provided in the next section.

Officers to wind up bank and branches.

SEC. 3. The officers of said State Bank shall immediately give notice of the winding-up of the affairs of said Bank, and the several branches thereof, by publication in the

Officers to give notice in newspapers.

State Register and Des Moines Bulletin, newspapers published at the city of Des Moines, and also in some newspaper published at each of the places where the several branches are located, which notices shall be published in such newspapers for three months; and any notes or demands against such bank or the said branches, which shall not be presented for payment within two years from the last publication of the notices, as aforesaid, shall be forever barred, and shall cease to be valid claims against said bank or the branches thereof, and the said bank, and the branches thereof, shall be forever discharged from all liabilities on the same, and at the end of said two years the said officers shall respectively settle up the affairs of the said bank and its branches, and the said State Bank shall distribute to the several branches the deposits made with such bank to secure the notes of such branches in proportion to which they shall be entitled to the same, and said officers of said branches shall distribute any surplus remaining, after paying the liabilities of such branches, to the stockholders thereof.

Notes or demands not presented in two years barred

State bank to distribute surplus.

SEC. 4. This act to take effect from and after its publication in the Iowa State Register and Des Moines Bulletin.

Taking effect.

Approved, April 7, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and in the *Des Moines Daily Bulletin*, April 9, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 71.

### INDEPENDENT DISTRICT OF STRAWBERRY POINT.

APRIL 7. AN ACT to Legalize the Issue of Warrants in the Independent School-District of Strawberry Point, Clayton County, Iowa.

Preamble. WHEREAS, At the annual meeting of the electors of the independent school-district of Strawberry Point, Clayton county, held on the 12th day of March, 1866, the board of directors was authorized to issue warrants on district treasurer, payable in five years, to draw interest at ten per cent. per annum; [and]

WHEREAS, Doubts have arisen as to the legality of the issue of said warrants; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the action of the board of directors of independent school-district of Strawberry Point, Clayton county, in reference to the issue of warrants in the months of May and June, in the year 1866, are hereby declared legal and valid, the same as if issued in strict conformity to the statutes relating thereto. Action of board of directors, in issuing 10 per cent. warrants, payable in five years, legalized.

**SEC. 2.** This act, being deemed of immediate importance, shall be in force from and after its publication in Clayton County Press and Clayton County Journal, without expense to the State. Taking effect.

Approved, April 7, 1870.

I hereby certify that the foregoing act was published in the *Clayton County Press* on the \*— day of —, and in *The Clayton County Journal* on the 20th day of April, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 72.

DISTRICT-TOWNSHIP OF ST. CHARLES, FLOYD COUNTY.

AN ACT to Legalize the Issue of certain School-Warrants by the APRIL 7.  
Board of Directors of the District-Township of St. Charles, in Floyd County, Iowa, and the Levy of Taxes to pay the same.

WHEREAS, The board of directors of the district township of St. Charles, in Floyd county, Iowa, in the years A. D. 1865, 1866, and 1867, issued warrants upon the school-house fund of said district-township, to the amount of ten thousand dollars, drawing interest at the rate of ten per cent per annum, for the purpose of raising funds with which to build a school-house in sub-district number three, in said district-township; and Preamble.

WHEREAS, Doubts have arisen as to the legality of the issue of said warrants; therefore,

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the issue of said warrants, and the levy of all taxes to pay the same, be and the same are hereby legalized, and said warrants are hereby made valid and binding to all intents and purposes. Issue of warrants bearing 10 per ct. int. legalized.

\* See Addenda.

Taking effect.

SEC. 2. This act shall be in force from and after its publication in the *Floyd County Advocate*, and *Charles City Intelligencer*, newspapers published in *Charles City*, Iowa, *provided*, such publication shall be without expense to the State.

Approved, April 7, 1870.

I hereby certify that the foregoing act was published in the *Floyd County Advocate*, on the \*— day of —, and in the *Charles City Intelligencer*, on the \*— day of —, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 73.

### TETE DES MORTS BRANCH RAILROAD.

APRIL 7.

AN ACT to Carry out the Provisions of an Act of Congress, approved May 15, 1856, granting Lands to Iowa to aid in the Construction of Railroads, and to Secure the early Completion of the Tete des Morts Branch of the Dubuque and Sioux City Railroad.

1869: ch. 124.

Grant to D., B. and S. R. R. Co. resumed.

Proviso.

Compensation for work done.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Dubuque, Bellevue and Sabula Railroad Company, having failed and refused to accept the terms and conditions of chapter 124, of the acts of the Twelfth General Assembly, relating to the construction of the Tete des Morts branch railroad, and the grant of land connected therewith; and said company not having proceeded in good faith to construct said branch road, and open the same for business, as required by said act; therefore, all the right, title, and interest in and to the land granted or intended to be granted to said Dubuque, Bellevue and Sabula Railroad Company, by any of the provisions of said chapter 124 of the acts of the Twelfth General Assembly, be and the same is hereby absolutely and entirely resumed by the State: *Provided, however*, That nothing in this act shall be construed to prevent the said Dubuque, Bellevue and Sabula Railroad Company from claiming and recovering reasonable compensation for any work actually done by said company, on the line of said branch road, from any person or company to whom said land-grant may hereafter be transferred, and who may proceed to construct said branch road.

\*See Addenda.



SEC. 2. The right of the Dubuque, Bellevue, and Sabula Railroad Company to the land-grant conferred upon it by chapter 124, of the acts of the Twelfth General Assembly, having ceased and determined, there shall be and is hereby granted to, and conferred upon, the Dubuque, Bellevue and Mississippi Railway Company, to aid in the construction of the Tete des Morts branch road, required to be built by the act of Congress granting lands to Iowa to aid in the construction of railroads in said State, a *pro rata* of six sections per mile of said land-grant: *Provided*, That said Dubuque, Bellevue, and Mississippi Railway 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, A. D. 1870. Said lands shall be of an average quality and value of the lands granted by Congress as aforesaid, to aid in the construction of railroads in Iowa; and the Governor of Iowa shall select, or cause to be selected, the lands hereby granted to the Dubuque, Bellevue, and Mississippi Railway Company, or cause the same to be reserved from lands outside of the six-mile limit of said grant, and upon completion of said branch road as above provided, he shall execute a patent for said lands to said Dubuque, Bellevue, and Mississippi Railway Company.

Grant conferred on D. B. and M. Railway Co.

Road to be completed before '72.

Governor to select lands, or cause them to be reserved.

Patent.

SEC. 3. The Dubuque, Bellevue, and Mississippi Railway Company is hereby required to signify its acceptance of the terms and conditions of this act by a written instrument, signed by the president of said company, and filed with the Governor, within thirty days after the passage of this act; and said 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. If the said Dubuque, Bellevue, and Mississippi Railway Company shall fail or refuse to accept this grant, upon the conditions herein imposed, and in the time and manner herein prescribed, the Census Board of this State is hereby required 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 into effect, in good faith, the enterprise hereinbefore provided for, 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, sub-

Co. to accept within 30 days; to be subject to rules, regulations, enacted by G. A.

If co. does not accept, Census Board to grant.

Grantee to file acceptance with Sec. of State.

ject to all the limitations and provisions 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.

Taking effect.

SEC. 4. 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 7th, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 10, and in *The Daily Des Moines Statesman*, April 13, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 74.

### CERTAIN BIRDS NOT TO BE KILLED.

APRIL 7. AN ACT for the Protection of Birds.

Preamble.

WHEREAS, The birds of this State are useful to the farmer, gardener, and horticulturist, from the great amount of noxious insects which they annually destroy; and,

WHEREAS, It is the judgment of this General Assembly that their wanton and useless destruction should not only be strictly prohibited, but that every encouragement be given for their rapid propagation; therefore,

Killing or trapping certain birds not lawful; exceptions.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall not be lawful for any person to kill, trap, ensnare, or in any manner destroy any of the birds of this State, excepting birds of prey, the migratory aquatic birds, and those which are useful for food, and the killing of which, at certain seasons of the year, is now permitted by law: *Provided*, That persons killing birds for scientific purposes, or for preservation in museums and cabinets, shall be exempt from the penalties of this act, upon making satisfactory proof of the purposes for which they have killed any such bird or birds.

Proviso.

Killing for scientific purposes, &c, allowed.

Eggs of young not to be destroyed.

SEC. 2. That this prohibition shall also apply to the destruction of the eggs or young of all such birds.

SEC. 3. Any person so offending shall be guilty of a misdemeanor, and upon conviction thereof, before any

justice of the peace, mayor, or police justice, shall be fined in any sum not less than five dollars, nor more than twenty-five dollars, with costs of prosecution, and shall stand committed until said fine and costs are paid. fine of \$5 to \$25, with costs.

SEC. 4. This act shall take effect and be in force from and after its publication in the Des Moines Daily Register and Des Moines Daily Bulletin. Taking effect.

Approved, April 7, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* April 10, and in the *Des Moines Daily Bulletin* April 11, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 75.

### REVISION OF THE LAWS.

AN ACT Creating a Commission to Revise the Statutes of Iowa, and Defining their Duties, and Providing for the Publication and Distribution of their Report. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That William H. Seevers, of Mahaska county, John C. Polley, of Clinton county, and William J. Knight, of Dubuque county, be, and they are hereby appointed Commissioners who shall perform the duties herein specified. Commissioners appointed.

SEC. 2. Before entering upon the discharge of their duties they shall severally take, subscribe, and file in the office of the Secretary of State the oath required by section 56 of Revision of 1860. Oath to be filed with Secretary.

SEC. 3. They shall carefully revise the statutes of this State, rewrite the same, divide them into appropriate parts, arrange them under proper titles and chapters, omit all parts repealed and such as have become obsolete, insert all amendments, so as to make the same complete, transpose words and sentences, arrange and number the same in their proper order, and when necessary change the phraseology by leaving out and inserting words and sentences so as to adapt the same to the form of county government and system of courts as fixed by law. They shall omit from such revision all statutes of a private, local, Duty; to revise, rewrite, divide, arrange, etc., the statutes. What to omit.

or temporary character; those relating to the apportionment of the State into congressional, senatorial, representative, and judicial districts; all references to prior laws, decisions, notes, and references to their own report or that or any former commission on revision.

SEC. 4. They shall by July 4th, 1871, complete the duties assigned them, make a report to the Governor of what they have done, what changes they have made, what statutes omitted, and what amendments and further legislation they deem necessary. They shall write out in full and embody in the latter part of their report such sections as they recommend should be added to our statutes: *Provided*, That the Commissioners shall not enter upon the discharge of their duties, until after the general election in 1870, and if at said election the people shall vote in favor of holding a convention to revise the constitution of the State, the said Commissioners shall not, previous to the meeting of the next General Assembly, perform any of the duties imposed by this act.

To complete by July 4, '71, and report to Governor.

Amendments & additions.

Comm'rs not to enter upon duty until after election of 1870, and not then if const. conv. is called.

Governor to cause report to be printed.

Disposal of copies

SEC. 5. The Governor shall cause one thousand copies of such report to be printed by September 1st, 1871, which shall be disposed of as follows: Two copies to each member of the Thirteenth and Fourteenth General Assemblies and each officer thereof; two to each of the judges of the several courts; the same number to the Attorney-General and each district-attorney; two for the office of each county auditor; ten for each member of the commission hereby created, and same number to each member of the Commission of Legal Inquiry; five to law department of State University; five to the State Historical Society; and one to each college in the State. These shall be distributed at the expense of the State by November 1, 1871. Any copies remaining shall be kept to be disposed of by the General Assembly.

Pay of comm'rs \$10 a day and 10 cents a mile.

How paid.

SEC. 6. The compensation of each Commissioner shall be ten dollars per day for each and every day actually employed, and ten cents for each and every mile necessarily traveled in the discharge of their duties, which shall be paid out of any money in the State treasury not otherwise appropriated, as follows: The chairman of such commission shall certify as to the correctness of charges per diem and mileage, to the Auditor of State, whose duty it shall be to draw warrants on the State Treasurer therefor from time to time as required.

Sec. of State to furnish stationery, etc.

SEC. 7. The Secretary of State shall furnish the Commissioners with such stationery and statutes as they may require for the performance of their duty.

Approved, April 7, 1870.

## CHAPTER 76.

## FAIRFIELD.

AN ACT to Legalize the Organization and Acts, Ordinances, Orders, APRIL 7.  
 Notices, and Proceedings of the City of Fairfield as a City of  
 the Second Class.

WHEREAS, The city of Fairfield on the 6th day of June, Preamble.  
 1867, did by a majority vote of its citizens abandon the  
 special charter of said city for the purpose of organizing  
 under the provisions of chapter 51 of the Revision of  
 1860, laws of Iowa, and amendments thereto; and,

WHEREAS, Said city of Fairfield did, by an ordinance  
 passed by its council, February 19, 1868, and under an  
 election held in pursuance of said ordinance at the annual  
 election held on the first Monday of March thereafter, elect  
 the officers of, and assume the powers and functions of, a  
 city of the second-class; and,

WHEREAS, Said ordinance authorizing said election, was  
 passed after the proclamation of the Governor of the State  
 of Iowa, declaring the said city of Fairfield entitled to  
 become a city of the second class, had been published and  
 a copy thereof transmitted to the General Assembly of  
 the State of Iowa for the year 1868, according to the pro-  
 visions of section 1070 of the Revision of 1860; and, Rev. : §1070.

WHEREAS, Doubts have arisen as to the legality of the  
 organization of said city of Fairfield, as a city of the  
 second class, in consequence of irregularity and illegality  
 in abandoning said special charter, and in the census and  
 in the manner of taking the census, upon which the Gov-  
 ernor, Auditor, and Secretary of State based their state-  
 ment and proclamation hereinbefore referred to, declaring  
 the city of Fairfield entitled to become a city of the second-  
 class, which may embarrass said city in the full enjoy-  
 ment of the rights and privileges of a city of the second  
 class; therefore,

SECTION 1. *Be it enacted by the General Assembly of* Rev. : ch. 51,  
*the State of Iowa,* That the organization of the said city Organization of  
 of Fairfield as a city of the second-class, and all the ordi- Fairfield as city  
 nances and acts published by order of its council, together of 2d class legal-  
 with all other acts performed and done by its council in ized.  
 accordance with the powers and privileges of cities of the  
 second class from the date of its assumption of the powers  
 and functions of a city of the second class, be and the  
 same are hereby declared to be legal and valid to all

intents and purposes as fully and completely as if all the provisions of chapter 51 of Revision of 1860, laws of Iowa, and all subsequent acts of the legislature of the State of Iowa, had been strictly complied with.

Taking effect.

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 *Fairfield Ledger*, a newspaper published in the city of Fairfield, and in the *Iowa Weekly State Register*, a newspaper published in the city of Des Moines, without expense to the State.

Approved, April 7th, 1870.

I hereby certify that the foregoing act was published in the *Weekly Iowa State Register*, April 13, and in the *Fairfield Ledger*, April 14, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 77.

### RECORD OF VILLAGE-PLATS.

APRIL 7. AN ACT to Amend Section 1020 of the Revision of 1860, and to Provide for Orders for the Record of Village-Plats, to be made by a Circuit or District Judge in Vacation.

Rev. : § 1020. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 1020 of the Revision of 1860, be so amended as to read as follows, viz. : "The plat and acknowledgment shall then be presented to the circuit or district judge, who, if satisfied that the above requirements have been fully complied with, shall enter thereon an order that the whole be recorded."

Circuit or district judge may order plat to be recorded.

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

Taking effect. SEC. 3. This act being deemed of immediate importance shall take effect from and after its publication in the *Daily Iowa State Register* and *Des Moines Daily Bulletin*, newspapers published in the city of Des Moines, Iowa.

Approved, April 7, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 13, and in the *Des Moines Daily Bulletin*, April 15, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 78.

## DEAF AND DUMB ASYLUM AT COUNCIL BLUFFS.

AN ACT to Provide for Furnishing the Deaf and Dumb Asylum at Council Bluffs, and for the Removal and Maintenance of the School. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated the sum of twelve thousand dollars, or so much thereof as may be necessary, to furnish the Deaf and Dumb Asylum at Council Bluffs with the necessary furniture and apparatus for its occupancy by the school; said appropriation to be drawn and expended by and under the direction of the building committee, in the same manner as the appropriations are drawn for the construction of the building, and for the purpose of this act, the Principal of the institution shall be constituted a member of said board.

\$12,000 appropriated for furnishing building.

Principal to be one of bd. commissioners under this act.

SEC. 2. Whenever the trustees of said institution shall be notified by the building committee that the building at Council Bluffs is ready for occupancy by the school, they shall forthwith proceed to the removal of the school from Iowa City to Council Bluffs, together with all the property of the State used in connection therewith, except such articles as may be considered unnecessary, which may be disposed of in any manner, for the best interest of the State, under the direction of said trustees.

School to be removed from Iowa City—when.

SEC. 3. From and after the removal contemplated in the foregoing section, to meet current expenses, there is hereby appropriated the sum of forty dollars per quarter for each pupil in said institution, in lieu of the amount now appropriated by section four, chapter 106, laws of the Twelfth General Assembly.

Allowance for each pupil, \$40 per quarter.

1868; ch. 106.

SEC. 4. To meet the ordinary expenses of the institution, including furniture, books, school-apparatus, and compensation of officers and teachers, there is hereby appropriated the sum of eight thousand dollars per annum, or so much thereof as may be necessary.

\$8,000 per annum for expenses

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

Repealing clause.

Approved, April 7, 1870.

## CHAPTER 79.

## INDUSTRIAL HOME FOR THE BLIND.

APRIL 7. AN ACT to Establish an Industrial Home for the Blind.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there shall be established an Industrial Home for blind persons, who are unable to support themselves, in connection with the Iowa Institution for the Education of the Blind, which shall be controlled and directed by the same Board of Trustees.

SEC. 2. The Industrial Home shall be open to such blind persons of this State as shall be dependent upon their own labor for support, and who, in the opinion of the Trustees, shall in other respects be proper subjects to be admitted into that department of the institution.

SEC. 3. An itemized account of all material and expenses connected with the Home shall be kept by the Superintendent of the institution; he shall also keep an account with each person employed in the Home, charging them with material furnished, and crediting them with articles manufactured, at the market price, and any balance remaining, after deducting a reasonable amount for board and clothing, (if any has been furnished,) shall be paid to the person who shall have performed the labor.

SEC. 4. The sum of \$2,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, to furnish stock and machinery and defray the incidental expenses in establishing such Industrial Home for the Blind: *Provided*, That no portion of said appropriation shall be used for the erection of buildings.

Approved, April 7, 1870.

## CHAPTER 80.

## CITIES MAY TAKE LANDS FOR CERTAIN PUBLIC USES.

APRIL 7. AN ACT to Empower Cities to take Private Property and appropriate the same to Public Uses in certain Cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That, in addition to the powers conferred upon cities by chapter 127, of the laws of the Tenth



General Assembly, it is hereby provided that whenever it shall be deemed necessary by any city to enter upon, take, appropriate, and hold any lands within or without the territorial limits of such city, for the use of public squares, parks, commons, cemeteries, hospital-grounds, or any other proper and legitimate municipal use, then such city may proceed to ascertain the damages to the owners of such lands by reason of the appropriation thereof, as aforesaid, as is now provided by law for the opening of streets, by proceeding to condemn private property, and, upon the payment of the damages assessed, the fee-simple title to any lands so condemned shall vest in the city, provided the same right of appeal shall be preserved to the owners as in proceedings to appropriate land for opening streets.

Cities may take lands for squares, parks, cemeteries, hosp't'l gr'ds, etc., after paying assessed damages

Appeal.

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

Taking effect.

Approved, April 7, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 13, and in *The Daily Des Moines Statesman*, April 13, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 81.

### CITIES AND TOWNS.

AN ACT Authorizing Cities and Towns to punish for the Violation of Ordinances and By-Laws. APRIL 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the board of trustees, city council, or other legislative power of any city or town, now or hereafter incorporated under the laws of this State, shall have power to provide by ordinance for the punishment of any person found guilty of violating any ordinance or by-law of such city or town, by fine, penalty, or forfeiture, not exceeding one hundred dollars, or by imprisonment in jail not to exceed thirty days; but such city or town using

Penalty may be \$100 fine, or 30 days in jail.

Liabilities to county for expenses in jail. any-county jail shall be liable to the county for the expenses and costs of keeping such prisoners; which may be recovered by action therefor.

Commitment when fines are not paid. SEC. 2. Whenever the fine and costs imposed for the violation of any ordinance or by-law are not paid, the person convicted may, by the officer having jurisdiction in the case, be committed until fine and costs are paid: *Provided, however,* that no imprisonment in such cases shall be for more than thirty days.

Approved, April 7, 1870.

## CHAPTER 82.

### PROHIBITORY LIQUOR LAW.

APRIL 8. AN ACT to Provide for the Prohibition of the Sale of Ale, Wine, and Beer in Counties, by a Vote of the People.

Rev. : ch. 64. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be unlawful for any person to sell by himself, his clerk, steward, or agent, directly or indirectly, any ale, wine, malt liquors, or beer of any kind, except as provided in section 1560 and article 2, of chapter 64 of the Revision of 1860, and acts amendatory thereto, and the keeping of ale, wine, malt liquors, or beer, of any kind, with intent on the part of the owner thereof, or any other person acting under his authority, or by his permission, to sell the same within the State contrary to the provisions of this act, is hereby prohibited, and the ale, wine, malt liquors, or beer of any kind so kept, together with the vessels in which it is contained, are declared a nuisance, and shall be forfeited and dealt with as hereinafter provided.

Unlawful to sell ale, wine, malt liquors, or beer, except, etc. Same prohibited. Liquors and vessels a nuisance.

Penalties and procedure. SEC. 2. The penalties for any violation of this act, and the mode of procedure against any person or persons for the violation of any of the provisions thereof, shall be the same in all cases as is now provided for in case of the sale of intoxicating liquors, in chapter 64 of the Revision of 1860, and the selling or keeping for sale, contrary to the provisions of this act, any of the liquors prohibited by the first section of this act, in any house or place, shall constitute said house or place a nuisance, and the building, as well as the person or persons so offending against the

House where sold a nuisance.

provisions of this act, shall be subject to the same penalties, and may be proceeded against in the same manner as is provided in the case of intoxicating liquors in section 1564 of the Revision of 1860; and for the purposes herein set forth, ale, wine, malt liquors, or beer of any kind shall be considered intoxicating liquors. Rev.: §1564.  
What considered intoxicating liquors.

SEC. 3. At their regular session in June of each year, the board of supervisors in each organized county in this State shall determine whether the adoption of the provisions of this act shall be submitted to the legal voters of the county at the ensuing general election, and if the supervisors so declare, by resolution to be spread upon the records of said board, also to be published for four consecutive weeks next preceding said election in one or more newspapers in said county, if one there be, and if not, then by posting the same in three public places in each township of said county; there may be written or printed on each ballot cast at said election, either of the sentences following, to-wit: "For Prohibition;" "Against Prohibition;" and, if a majority of all the votes cast at such election in said county be "for prohibition," then, and not otherwise, shall the provisions of this act be in full force in said county from and after the first Monday in January next following such election, and the board of supervisors shall so declare by resolution to be spread upon their records. And if a majority of the votes cast shall be "against prohibition," then and in that case chapter 64 of the Revision of 1860 shall remain and be in full force in such county, and this amendatory act shall be null and void in such county. Board of supervisors may determine on submitting act to people.  
Prohibition to take effect, when.

SEC. 4. Section 2 of chapter 154 of the laws of the Twelfth General Assembly is hereby repealed, so far as it relates to counties adopting the provisions of this act, but to none other. 1868: ch. 154,  
What repealed.

SEC. 5. This act, being deemed of immediate importance, shall be in full force from and after its publication in the Daily State Register and Daily Bulletin, newspapers published at Des Moines, Iowa. Taking effect.

Approved, April 8, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 13, and in the *Des Moines Daily Bulletin*, April 15, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 83.

## PROPERTY OF NON-RESIDENT MINORS.

APRIL 8. AN ACT to Authorize Foreign Guardians to receive the Property within this State belonging to non-resident Minors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That foreign guardians of non-resident minors may be authorized to receive personal property. wherein such minor has personal property to receive the same, on complying with the provisions of the following sections :—

SEC. 2. Such foreign guardian shall file in the office of the clerk of the circuit court in the county where the property is situated, a certified copy of his official bond, duly authenticated by the court granting the letters of guardianship, and shall also execute a receipt for the property received by him.

SEC. 3. Upon the filing [of] the bond as provided by the last section, and the court being satisfied with the amount of said bond, said court shall order the personal property of the minor to be delivered to the guardian; and the court shall spread the bond and receipt on the records of his office, and direct the clerk to notify, by mail, the court granting the letters of guardianship, [of] the amount of property allowed to the guardian, and the date of the delivery of the same.

SEC. 4. This act to take effect from and after its publication in the Iowa State Register and Des Moines Bulletin, papers published at Des Moines, Iowa.

Approved, April 8, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 13, and in the *Des Moines Daily Bulletin*, April 15, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 84.

## TOLL BRIDGES IN CITIES.

AN ACT to Authorize and Empower Cities to build and maintain APRIL 9.  
Toll-Bridges, and to provide therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That all cities within this State, through* Cities may build and maintain toll-bridges.  
or into which any river or stream of water may flow, are hereby authorized and empowered to build and maintain any number of toll-bridges over and across any such rivers or streams, as in the discretion of the city council of any such city, shall seem best for the public interest: *Provided,* Proviso.  
The power herein conferred shall not be construed in any way to affect the vested rights of any person or corporation now existing in or to any toll-bridge franchise.

SEC. 2. For the purpose of carrying into effect the power above conferred upon cities, it shall be lawful for any city to issue its bonds with coupons attached, bearing interest at a rate not exceeding ten per cent. per annum, for the payment of the cost of building and maintaining any such bridge or bridges: *Provided,* City to issue coupon-bonds; maximum interest.  
The indebtedness so created shall not at any one time exceed in amount five per cent. of the assessed valuation of the taxable property within said city, and provided such bonds shall not run for a longer term than twenty years. Proviso: maximum amount; duration.

SEC. 3. It shall be lawful for any such city, and the duty thereof, to set aside and pledge, and keep as a separate fund for the liquidation and payment of any such bonds and coupons, all the tolls received from all persons for travel or passage of animals, teams, or freight, over or upon any such bridge or bridges, after deducting the necessary expenses of operating and maintaining any such bridge or bridges, and such additional revenue of the city, as may be necessary. Fund for redemption of bonds and coupons.

SEC. 4. Any ordinance which may be passed in pursuance of the authority conferred by this act, for the building of any such bridge or bridges, and the payment therefor, shall provide the rates of toll which shall be charged and collected, for the passage of persons, teams, animals, and freights, and such rates shall not be changed until the indebtedness on account of the building, operating, and maintaining of such bridge or bridges is liquidated, and when such indebtedness is liquidated such bridge shall be free to the public. Rates of toll not to be changed.

**Regulation of toll-bridges.** **SEC. 5.** It shall be lawful for any city wherein any such toll-bridge is situate, to regulate the manner of riding and driving thereon of all teams and animals, and to enforce such regulations by declaring the violation of the same a misdemeanor, and imposing therefor such penalties as are authorized by law to be imposed in the case of other misdemeanors, and to impose such penalties for a willful refusal to pay lawful toll; and the rates of toll shall be conspicuously posted at the ends of such bridges.

**Rates of toll to be posted.**

**Construction.** **SEC. 6.** This act shall not be construed to affect in any way the power and authority now conferred upon cities to create and provide for the payment of any indebtedness for other purposes than those mentioned in this act.

**Taking effect.** **SEC. 7.** This act being deemed of immediate importance shall take effect from and after its publication in the *Daily State Register* and *Daily Bulletin*, newspapers published at Des Moines.

Approved, April 9, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 13th, and in the *Des Moines Daily Bulletin*, April 16, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 85.

### INDEPENDENT SCHOOL-DISTRICT OF MOINGONA.

**APRIL 9.** AN ACT to Legalize the Acts of the Officers of the Independent School-District of the Town of Moingona, in the County of Boone.

**Preamble.** WHEREAS, The town of Moingona, in the county of Boone, did on the eleventh day of January, 1867, organize as an independent school-district, and as such independent school-district *have* [has] levied taxes, and issued bonds for the construction of school-houses, and *have* [has] proceeded to build said houses; and,

**Records not preserved.** WHEREAS, Through the neglect of the officers of said district, the proper records of the organization of said district have not been preserved; and,

**Other irregularities.** WHEREAS, There have been other irregularities in the proceedings of the officers of said district since the organization of the same; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the organization of the independent school-district of the town of Moingona, in Boone county, be and the same is hereby legalized and made valid, and all of the official acts of the officers of said independent school-district are hereby legalized and made of the same legal force and effect that they would have had, had they been performed and done in strict compliance with law. Organization of dist. and official acts of officers 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, and The Montana Standard, without expense to the State. Taking effect.

Approved, April 9, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 13th, and in *The Montana Standard*, April 16, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 86.

### COMPILATION OF ROAD-LAWS.

AN ACT to Provide for the Compilation and Publication of the Road-Laws, and the Distribution of the same. APRIL 11.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Secretary of State and Attorney-General be and they are hereby directed to cause to be carefully compiled, the "road-laws" of this State, embracing all acts or parts of acts now in force, including those of the Thirteenth General Assembly, having reference to establishing roads; also the duties of officers in connection therewith, and the management of the road funds, duties of township trustees, township clerks, and road-supervisors. Sec. of State and Att'y-Gen'l. to compile road-laws.

SEC. 2. There shall be prepared full marginal references, and complete index and appendix, which shall contain all the necessary forms for notices and receipts, together with blank forms for supervisors' bonds, and such other necessary blank forms as may be deemed necessary; also a table showing the fees or *per diem* of each township officer. References, index, appendix, forms, and table of fees to be prepared.

SEC. 3. There shall be printed twenty thousand copies of the compilation provided for in sections one and two of this act, under the supervision of the Secretary of State, which shall be bound in pamphlet form.

SEC. 4. The Secretary of State shall distribute a sufficient number of copies of said "road-laws" and forms among the organized counties of this State, to supply each organized township with fifteen copies, and the county auditor shall deliver to the township clerk of each organized township in his county, a number sufficient to furnish each township officer and road-supervisor with one copy, for which said clerk shall give his receipt, and the clerk shall deliver one copy to each officer entitled thereto, who shall receipt for and carefully preserve the same, and deliver it up at the expiration of his term of office, to the township clerk, to be delivered by him in like manner to his successor in office.

SEC. 5. For preparing the compilation, marginal references, index, and appendix, as herein provided for, and superintending the printing, and binding, [and] for distribution thereof to the several organized counties, the Secretary of State shall be allowed the sum of four hundred dollars, one-fourth to be paid when the printing is completed, one-fourth when the distribution is made to fifty counties, and the remainder when the distribution is completed; and the Attorney-General shall be allowed fifty dollars for his services as herein contemplated.

SEC. 6. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the State Register and Bulletin, newspapers published at Des Moines, Iowa.

Approved, April 11, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin*, April 13th, and in the *Daily Iowa State Register*, April 14, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 87.

### STATE UNIVERSITY OF IOWA.

APRIL 11. AN ACT for the Government of the State University.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the objects of the State University, established by the constitution at Iowa City, shall be to



provide the best and most efficient means of imparting to young men and young women on equal terms a liberal education, and thorough knowledge of the different branches of literature, the arts and sciences with their varied applications. The University, so far as practicable, shall begin the courses of study, in its collegiate and scientific departments, at the points where the same are completed in high schools; and no students shall be admitted who have not previously completed the elementary studies, in such branches as are taught in the common schools throughout the State.

Courses of study, where to begin.

SEC. 2. The University shall never be under the exclusive control of any religious denomination whatever.

Not to be under denominational control.

SEC. 3. The University shall be governed by a Board of Regents, consisting of the Governor of the State, who shall be *ex-officio* president of the Board, and the Superintendent of Public Instruction, and the President of the University, who shall also be member [s] *ex-officio*, together with one person from each congressional district of the State, who shall be elected by the General Assembly.

Government.

Board of Regents; composition.

How chosen.

SEC. 4. The members of said Board, elected by the Thirteenth General Assembly, shall, at their first meeting, be divided into three classes, consisting of two each. The number in each class, as the congressional districts of the State increase, shall be kept as nearly equal as practicable. The members of the first class shall hold office for the term of two years, those of the second for four years, and those of the third for six years, and until their respective successors are elected and qualified. The General Assembly shall elect members every two years, as the terms of office of the respective classes expire. The Board of Regents shall fill all vacancies occurring therein, except when the legislature is in session, and the persons so appointed shall hold their offices until the next session of the General Assembly.

Members to be classified.

Classes to be kept equal.

Future elections.

Vacancies.

SEC. 5. The University shall include a collegiate, scientific, normal, law, and such other departments, with such courses of instruction and elective studies, as the Board of Regents may determine; and the Board shall have authority to confer such degrees, and grant such diplomas and other marks of distinction as are usually conferred and granted by other Universities.

Departments.

Elective studies.

SEC. 6. The first regular meeting of the Board of Regents, under this act, shall be on the last Tuesday in June, 1870; and the meetings thereafter at such time as

Board may confer degrees, etc.

appoint. The president of the Board may call meetings when he deems it expedient, or meetings may be called by any three members of

an executive committee, consisting of three responsible persons, shall be appointed by the Board of Regents, who shall audit all claims, and the treasurer shall draw all orders for such audited claims, but before payment such orders shall be countersigned by the secretary. Said committee shall keep a specific and complete record of all matters relating to the expenditure of money, which record shall be presented to the Board of Regents at each regular meeting

The Board of Regents shall elect a Secretary, to hold his office at the pleasure of the Board. It shall be the duty of the Secretary to record all the proceedings of the Board and to carefully preserve all its books and papers, and he shall exhibit what parts of the same as he may have sold, when the same were sold, and to whom, on what terms, what purchase-money has been paid, and when paid, how much is due on each sale, by whom and when payable, what lands remain unsold, and their appraised value, if appraised, or their value, if not appraised. His books shall contain a list of the permanent fund of the University and the amount of each kind of stocks, if any, and the value thereof, and when due, and the interest thereon, and when and where payable, the amount of each debt, and when made, and payable to whom, and at what interest, and when and where any further sales of lands, or further sales of stocks, shall be made, the secretary shall enter the same in his books as above set forth. The secretary shall sign and register all orders for money on the part of the Board; and the treasurer shall not pay any order on the part of the Board unless the same be countersigned by the

The Board of Regents shall elect a Treasurer, to hold his office at the pleasure of the Board. It shall be the duty of the Treasurer as treasurer to keep a true and faithful account of all moneys received and paid out by him, and upon the duties of his office he shall take an oath that he will faithfully perform the duties of his office; and he shall also give a bond in the amount of ten thousand dollars conditioned for the faith-

ful discharge of his duties as treasurer, and that he will at all times keep and render a true account of moneys received by him as such treasurer, and of the disposition he has made of the same, and that he will at all times be ready to discharge himself of the trust, and to pay over when required; which bond shall have two or more good sureties, and shall be approved, as to its form and the sufficiency of its sureties, by the Board of Regents and also the Auditor and Secretary of State, and shall be filed in the office of the latter.

approval;

filed with Secretary of State.

SEC. 10. The treasurer of the University shall have a set of books, in which he shall keep an accurate account of all transactions relative to the sale and disposition of University lands, and the management of the fund arising therefrom; which books shall exhibit what parts and portions of land have been sold, at what prices and to whom, and how the proceeds have been invested, and on what securities, and what lands still remain unsold, where situated, and of what value respectively.

Treasurer to keep accounts of lands.

SEC. 11. The treasurer shall, on the first day of June and December of each year, notify in writing each person in default of payment of either principal or interest of funds loaned by or due to the University, and shall cause suit to be commenced against such delinquents, when in his judgment the best interest of the institution requires.

Notify persons in default.

SEC. 12. The Board of Regents shall enact laws for the government of the University, and shall appoint a president and the requisite professors and tutors, together with such other officers as they may deem expedient, and shall determine the salaries of such officers, the compensation of the secretary and treasurer, and the amount of fees to be paid for tuition. They shall remove any officer connected with the University, when in their judgment the good of the institution requires it.

Duty of the B'rd.

Appointment, pay, and removal of officers.

SEC. 13. The Board of Regents is authorized to expend such portion of the income of the University fund, as it may deem expedient in the purchase of apparatus, library, and cabinet of natural history, in providing suitable means to keep and preserve the same, and in procuring all other necessary facilities for giving instruction.

Apparatus, library, etc.

SEC. 14. All specimens of natural history and geological and mineralogical specimens, which are or hereafter may be collected by the State geologist of Iowa, or by any others appointed by the State to investigate its natural history and physical resources, shall belong to and be the property of the State University, and shall form a part of

Cabinet of natural history.

its cabinet of natural history which shall be under **the** charge of the professor of that department.

**SEC. 15.** No sales of lands belonging to the **University** shall hereafter take place unless the same shall be decided upon at a regular meeting of the Board of Regents, or **at** one called for that particular purpose, and then only **in** the manner, upon the notice, and on the terms which **the** Board shall prescribe; and no member of the Board shall be either directly or indirectly interested in any purchase of such lands upon sale, nor shall the secretary or treasurer be so interested. It shall be lawful for the Board to invest any portion of the permanent endowment fund not otherwise invested, as well as any surplus income which is not immediately required for other purposes, in United State stocks or stocks of the State of Iowa, or by note and mortgage on unencumbered real estate the value of which, after deducting the value of all perishable improvements thereon, shall be double the amount of the sum loaned, and hold the same for the University, either as a permanent fund or as an income to defray current expenses as said Board of Regents may deem expedient. It shall not be lawful for the Board to use any portion of the permanent fund for the ordinary expenses of the institution.

Manner of selling lands.

Members and officers of Board not to be interested in sales.

Investment of fund.

Permanent fund not to be used for expenses of institution.

**SEC. 16.** The president of the University shall make a report on the fifteenth day of September, preceding the meeting of the General Assembly, to the Board of Regents, which shall exhibit the condition and progress of the institution in its several departments, the different courses of study pursued therein, the branches taught, the means and methods of instruction adopted, the number of students, with their names, classes, and residences, and such other matters as he may deem proper to communicate.

**SEC. 17.** The Board of Regents shall, on the first day of October preceding each regular meeting of the General Assembly, make a report to the Superintendent of Public Instruction, which report, with that of the president of the University, shall be embodied in the said Superintendent's report to the General Assembly. The report of the Board of Regents shall contain the number of professors, tutors, and other officers, with the compensation of each, the condition of the University fund, and the income derived therefrom, the amount of expenditures and the items thereof, with such other information and recommendations as they may deem expedient to lay before the General Assembly.

President to report to Board.

Board to report to Supt. Pub. Instruction.

Supt. Pub. Inst. to embody same in his report.

Report—what to contain.

SEC. 18. The Regents shall receive no compensation except for mileage in traveling to and from the meetings of the Board; which shall be at the same rate, and computed in the same manner, as the mileage allowed to members of the General Assembly. The Auditor of State is hereby authorized to audit and allow the claims for such attendance, for not more than three meetings annually.

Regents to receive only mileage.

Auditor to audit.

SEC. 19. 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 Iowa City Republican.

Taking effect.

Approved, April 11, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 12th, and in the *Iowa City Republican*, April 23th, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 88.

### SETTLERS ON CERTAIN LANDS.

AN ACT in Relation to Occupying Claimants.

APRIL 12.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when any person shall have settled upon any lands within said State, and shall have occupied the same for three years, under or by virtue of any law of said State, or any contract with its proper officers, for the purchase of said land, or under any law of, or by virtue of any purchase from, the United States, and shall have made valuable improvements thereon, and who shall have been, or shall hereafter be, found not to be the true owner thereof, or not to have acquired a right to purchase the same, from the State or the United States, such person shall be deemed an occupying claimant within the meaning of chapter ninety-seven of the Revision of eighteen hundred and sixty.

Settlers occupying lands obtained of State or U. S., and found not to be owners, to be deemed occupying claimants.

Rev.: ch. 97.

SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in *The Iowa North-West*, and *The Montana Standard*.

Taking effect.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in *The Iowa North West* on the 21st day of April, and in *The Montana Standard* on the 23d day of April, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 89.

## TOWNSHIP BOARD OF EQUALIZATION.

APRIL 19. AN ACT to Constitute Township Trustees a Board of Equalization for their respective Townships.

**Township trustees to equalize property.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the township trustees of each township shall constitute a board of equalization of assessments for their respective townships, and have power to equalize the assessment of the property liable to taxation in the township, substantially the same, so far as is practicable, as is done by the board of supervisors between the several townships.

**Annual meeting.** SEC. 2. Said board shall meet at the office of the township clerk, on the first Monday in May of each and every year, and at such meeting they shall add to such **Additions to assessments.** assessment any taxable property in the township not included in the assessment as returned by the assessors, placing the same to the name of the proper person or persons, and shall assess the value thereof.

**Corrections in assessments.** SEC. 3. Any person who may feel aggrieved at anything in the assessment of his property, may appear before said board of equalization in person or by agent, at the time and place mentioned in the preceding section, and have the same corrected in such manner as to the said board may seem just and equitable, and it shall be the **Duty of township assessor.** duty of the township assessor to meet with said board and correct the assessment books as they may direct.

**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 Des Moines Bulletin and Des Moines Statesman, newspapers published at Des Moines.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin*, on the 18th day of April, and in *The Daily Des Moines Statesman*, on the 18th day of April, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 90.

## PENALTY ON DELINQUENT TAXES.

AN ACT in Relation to the Penalty on certain Taxes.

APRIL 12.

WHEREAS, There are doubts as to whether or not the penalty on delinquent taxes under our general revenue law may apply to taxes levied by order of courts, to pay judgments rendered on city and county indebtedness; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the penalty provided for in section seven hundred and sixty of the Revision of 1860, and in section thirteen of chapter one hundred and seventy-three of the acts of the Ninth General Assembly, upon delinquent taxes, shall not be construed to apply, and shall not apply, upon taxes levied by order of any court to pay judgments on city or county bonded indebtedness, and upon such taxes no other penalty than the interest which such judgments draw shall be collected.

Preamble.

Penalty shall not apply on taxes levied to pay judgments.  
Rev.: §760.  
1869: ch. 173.

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

Repealing clause

SEC. 2. This act being deemed of immediate importance shall be in force from and after its publication in the Iowa State Register, and Des Moines Statesman, newspapers published in Des Moines, Iowa.

Taking effect.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and *The Daily Iowa Statesman*, April 16th, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 91.

## RIGHT OF WAY OVER ABANDONED RAILROAD LINES.

AN ACT to Facilitate the Acquisition of the Right of Way over the Line of Abandoned Railways, and to Facilitate the Construction of the same.

APRIL 12.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in any case where a railroad con-

Railroads not operated, or where construction has ceased, for over 10 years, thro' negligence, to be deemed abandoned.

structed in whole or in part by a corporation or other person, under the laws of this State, has ceased to be operated or used for more than ten years, or in any case where the construction of a railroad has been commenced by any corporation or person, within the State, and work on the same has ceased for more than ten years and such railroad still remains unfinished, through the negligence of the corporation or person who undertook to construct the same, it shall be deemed and taken that the corporation or person thus in default has abandoned and surrendered all right and privilege to control over so much of the line of their road as remains unused or unfinished as aforesaid.

Other corporations may acquire right of way over abandoned work.

SEC. 2. In every case of abandonment of the work of operating or constructing a railroad within this State as provided in the preceding section, it shall be lawful for any other corporation or person to enter upon such abandoned work or any part thereof, and to acquire the right of way over the same and the right to any unfinished work or grading found thereon and the title thereto, by proceeding in the manner provided by law for taking private property for works of internal improvement, conforming in all particulars as near as may be to the provisions of chapter fifty-five of the revised laws of Iowa: *Provided*, That parties who have previously received compensation in any form for the right of way on the line of such abandoned road-bed, the consideration for which has not been refunded to them, shall not be permitted to recover the second time, but the value of such road-bed and right of way, excluding the work done thereon, when taken for a new company, shall be assessed to the former company or its legal representative.

Rev., ch. 55.

Compensation.

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

Taking effect.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and *The Daily Des Moines Statesman*, April 13th, 1870.

ED WRIGHT, *Secretary of State.*



## CHAPTER 92.

## MARSHALL COUNTY.

AN ACT to Legalize certain Acts of the Board of Supervisors of APRIL 12.  
Marshall County.

WHEREAS, The county board of supervisors of Marshall Preamble.  
county, Iowa, established certain county roads under section 42 of the Iowa "road-law;" on receiving the written consent of the proprietors of the land to be used for the purpose, without any evidence of any notice of the same having been given by the petitioners asking said roads; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the aforesaid acts of the board of supervisors of Marshall county, Iowa, be and the same are hereby declared valid and binding as though they had been performed in strict compliance with law. Establishment of certain co. roads without evidence of notice made valid.

SEC. 2. This act to take effect from and after its publication according to law. Taking effect.

Approved, April 12, 1870.

## CHAPTER 93.

## THE GRAY UNIFORM OF SECOND AND THIRD IOWA.

AN ACT to Amend Chapter 123 of the Laws of the Eleventh General Assembly relating to the Gray Uniform furnished to certain Members of the Second and Third Iowa Infantry. APRIL 12.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of five thousand dollars, or so much thereof as may be necessary to refund to members of the 2d and 3d Iowa Infantry, the cost of the "gray uniform," (so-called), said amounts to be ascertained and drawn in the manner now provided by chapter 123, laws of the Eleventh General Assembly, and chapter 8, laws of the Twelfth General Assembly. \$5,000 appropriated to refund cost of gray uniform of 2d and 3d Iowa Infantry. 1866. Ch. 123. 1868. Ch. 8.

Approved, April 12, 1870.

## CHAPTER 94.

## SCHOOL-DISTRICTS IN ADJOINING COUNTIES.

APRIL 12.

AN ACT to Provide for the Erection of School-Districts from Territory lying in Adjoining Counties.

Portions of adjoining counties may be made into school-districts—how.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That where, on account of unbridged streams or other impassable obstructions, or of the location of settlements, any portion of the inhabitants of any sub-district or district in one county cannot with reasonable facility, in the opinion of the county superintendent, enjoy the advantage of any school located in such county, the said county superintendent, with the written consent of the county superintendent of the county to which the territory is to be attached, may attach such part of such sub-district or district in said county to any adjoining district in the county contiguous, and the order changing the boundaries of the districts shall be transmitted to the secretaries of the respective districts affected thereby; and when the district to which such territory is attached is a district-township, then the county superintendent, of the county to which such territory is attached, shall erect a new sub-district with part of the said adjoining township, and, when such district is an independent district, then the said county superintendent shall attach such territory to said independent district; but such changes shall be made only between the first day of October and the first day of March; and any party aggrieved by such order may appeal to the Superintendent of Public Instruction. The territory thus attached to another county shall belong to such county for voting, levying of taxes, enumeration of children, and all other school purposes, but the secretary of the school-district shall report the taxes levied upon such attached territory as provided in section 31 of chapter 172, of the laws of the Ninth General Assembly and the acts amendatory thereto, to the clerk of the board of supervisors in the county from which such territory has been taken, and the taxes shall be collected by the county treasurer of the same, and the two latter officers shall apportion school-funds for such territory, and serve notices on the school-officers of said district, the same as if all were within their county; and the school-officers of the district to which such territory is attached shall draw

Attached territory to be sub-district, except, etc.

When changes to be made.

Appeal.

Territory attached to belong to adjoining county for all school purposes.

1862; ch. 172.

Taxes to be collected by whom.

warrants or such county treasurer for the taxes and other school-funds belonging to said attached territory the same as if said territory belonged geographically to their county. Warrants, how drawn.

Approved, April 12, 1870.

## CHAPTER 95.

### CERTAIN REAL ESTATE IN IOWA CITY.

**AN ACT** Authorizing the Conveying of certain Property in Iowa City, by Register of State Land-Office. APRIL 12. \_\_\_\_\_

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the Register of the State Land-Office is hereby directed to execute and deliver, in the name of the State, patents for property in Iowa City, Johnson county, Iowa, as follows: one to Charles Baye, for sixteen and one-half feet off the south side of north half of lot five in block one hundred and three; one to Christopher Miller, for south half of said lot; and one to Mathias Lieboed, for lot two in block fifty-eight; such conveyances being without expense to the State, and on the express condition that the State shall in no event be liable thereon or thereby. Reg. S. L. O. to execute patents for property in Iowa City.

**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 Bulletin, a newspaper published at Des Moines, Iowa, and in the State Press, a newspaper published at Iowa City, without expense to the State. Taking effect.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin* April 18th, and in the *Democratic State Press* April 20th, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 96.

## HOSPITAL FOR THE INSANE.

APRIL 12. AN ACT Making further Appropriation for the Hospital for the Insane at Mount Pleasant.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated, out of any money in the treasury not otherwise appropriated, the following sums for the purposes herein named, viz.: for erecting barn, five thousand dollars; for building a chimney, ten thousand dollars; for improvement of boiler-house, three thousand dollars; for a settling reservoir and filter, six thousand five hundred dollars; for steam boilers, four thousand five hundred dollars; for fencing and improving grounds, two thousand five hundred dollars; for contingent fund, two thousand five hundred 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.

\$31,000 appropriated for improvements and repairs.

Proviso: diversion of specific appropriations.

\$2,500 voted for purchase of tract of land.

**SEC. 2.** There is hereby appropriated two thousand five hundred dollars for the purchase of a tract of land known as the 37½ acre tract, lying on the south side of, and adjoining the lands now owned by the State: *Provided,* the said 37½ acres can be secured in fee-simple to the State of Iowa, for the said sum of two thousand five hundred dollars, otherwise the money shall not be drawn from the State treasury.

How drawn and paid.

**SEC. 3.** The money hereby appropriated shall be drawn and paid on the order of the Trustees, which order be audited and paid as other claims.

Taking effect.

**SEC. 4.** This act shall take effect upon its publication in the State Register and Evening Statesman, papers published at Des Moines.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 17th, and in *The Des Moines Daily Statesman*, April 18th, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 97.

## SOLDIERS' ORPHANS' HOMES.

AN ACT Making additional Appropriation for the Iowa Soldiers' Orphans' Homes. APRIL 12.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated, out of any money in the State treasury not otherwise appropriated:—for the Soldiers' Orphans' Home at Davenport: for repairs and furniture, five thousand dollars; for library, six hundred dollars. For the Soldiers' Orphans' Home at Glenwood: for fencing, two hundred and fifty dollars; for team and wagon, four hundred dollars; for farming implements, fifty dollars; for grading grounds, one hundred dollars; for furniture and bedding, five hundred dollars; for barn, four hundred dollars; for general repairs for two years, one hundred and fifty dollars; for making and fitting up bath-room, one hundred and fifty dollars; for school-furniture, seventy-five dollars; for library, one hundred dollars; for miscellaneous expenses, three hundred and twenty-five dollars. For the Soldiers' Orphans' Home at Cedar Falls: to complete the building, five thousand dollars; for barn and sheds, twelve hundred dollars; for desks and seats for school-rooms, and for furniture and bedding, two thousand dollars; for heating apparatus, six thousand dollars; for improving grounds and farm, fifteen hundred dollars; for building cistern and wells, eight hundred dollars; for library, four hundred dollars; making in all the sum of twenty-five thousand dollars.

Appropriations for improvements, repairs, furniture, library, etc.

Home at Davenport, \$5,600.

Home at Glenwood, \$2,500.

Home at Cedar Falls, \$16,900.

SEC. 2. The money shall be drawn from the State treasury upon the Auditor's warrants issued upon the orders of the president of the Board of Trustees, only as it shall be needed.

Money, how drawn.

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

Taking effect.

Approved, April 12th, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *The Daily Des Moines Statesman*, April 19th, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 98.

## FIELD-TENANTS.

APRIL 12. AN ACT to Amend Section 2218 of the Revision of 1860 in Relation to Tenants.

Rev.: §2218. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 2218 of the Revision of 1860, be amended by inserting, after the word "March" in said section, the following: "Except in case of field-tenants, or croppers, whose lease shall be held to expire when the crop is harvested, unless otherwise agreed upon."

Lease of croppers to expire after harvest, unless etc.

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

Approved, April 12, 1870.

I hereby certify that the foregoing Act was published in the *Daily Iowa State Register*, April 19, and in the *Des Moines Daily Bulletin*, April 21, 1870,

ED WRIGHT, *Secretary of State*.

## CHAPTER 99.

## REUNION OF IOWA SOLDIERS.

APRIL 12. AN ACT Appropriating Money to defray the Expenses of a Reunion of Iowa Soldiers.

Preamble.

WHEREAS, The Governor of this State has, at the request of the officers and soldiers of Iowa, invited them to a general reunion in the month of June next; and

WHEREAS, The several railroads of this State have offered the most generous arrangements for the transportation of these officers and soldiers to and from the place of their reunion; now, in testimony of the high appreciation by the people of this State of the patriotic and gallant services rendered to their country, and the honor conferred upon this State by her officers and soldiers in the late war, and in order to secure all the elements of success to the coming reunion,

SEC. 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 sum of fifteen thousand dollars, or so much thereof as may be necessary, to be paid on orders of the Governor, approved by the Census Board, for subsistence, stores, supplies, and other provisions for the comfort and convenience of our citizen soldiers at said reunion. \$15,000 appropriated for subsistence, stores, etc., at re-union.

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 Des Moines Bulletin, newspapers published at Des Moines. Taking effect.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 19, and the *Des Moines Daily Bulletin* April 21st, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 100.

### TAXATION OF EXPRESS AND TELEGRAPH COMPANIES.

AN ACT to Provide for the Taxation of the Real and Personal Property of Express and Telegraph Companies. APRIL 13.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa,* That all property, real and personal, in the State, owned by telegraph and express companies, shall be listed and assessed for taxation, and shall be subject to the same levies, as property belonging to individuals. Property of telegraph and express companies to be taxed as individual property is.

SEC. 2. That chapter one hundred and eighty of the acts of the Twelfth General Assembly is hereby repealed, and that taxes heretofore levied upon forty per cent. of gross receipts of such companies and remaining unpaid are hereby remitted. Ch. 180, acts of 1868, repealed, & taxes uncollected remitted.

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

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and in *The Daily Des Moines Statesman*, April 19, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 101.

## TOWN OF WEST LIBERTY.

APRIL 12. AN ACT to Legalize certain Acts of the Mayor and Town Council of the Incorporated Town of West Liberty.

Preamble. WHEREAS, The mayor of the incorporated town of West Liberty, in Muscatine county, Iowa, removed outside the limits of said town; and,

WHEREAS, The town council of said town, believing they had authority to fill the vacancy occasioned by such removal, did, on the first of November, 1869, appoint George C. Shipman to fill such vacancy until the election in March, 1870; and,

WHEREAS, The said Shipman performed the duties of mayor of said town faithfully, and it appears to have been the wish of the electors of said town that he should act as such Mayor for the time for which he was appointed; therefore,

Action of town council in electing mayor to fill vacancy legalized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the action of said council in making said appointment be, and is hereby, legalized to the extent that none of the acts of said Shipman as Mayor, done during the time for which he was appointed, shall be held to be illegal or invalid by reason of the irregularity of said appointment, or of the want of power to make the same.

Taking effect. SEC. 2. This act being deemed by the General Assembly of immediate importance, shall take effect on publication in the West Liberty Enterprise and Muscatine Journal, newspapers published in Muscatine county, Iowa, without expense to the State.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Liberty Enterprise*, April 15, and in the *Muscatine Evening Journal*, April 16, 1870.

ED WRIGHT, *Secretary of State.*



CHAPTER 102.

LOCAL TAX TO AID RAILROADS.

AN ACT to Enable Townships, Incorporated Towns, and Cities to Aid in the Construction of Railroads. APRIL 19.

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SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be lawful for any township, incorporated town, or city, to aid in the construction of any projected railroad in this State, as hereinafter provided.

Townships, etc., may aid in building railroads.

SEC. 2. Whenever a petition shall be presented to the council or trustees of any incorporated town or city, or trustees of 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 railroad to be submitted to the voters thereof, it shall be the duty of the trustees, or council, or board of trustees, to immediately give notice of a special election, by publication in some newspaper published in the county, if any be published therein, and also by posting said notice in five public places in each township, city, or town, at least twenty days before said election, which notice shall specify the time and place of holding said election, the line of road proposed to be aided, the rate per centum of tax to be raised, and the township or townships, incorporated town, or city, in which such tax shall be expended; 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 clerk, recorder, or clerk of said election shall forthwith certify to the county auditor the rate per centum of the tax thus voted by such township, city, or town. The board of supervisors shall, at the time of levying the ordinary taxes next following said special election, levy all taxes voted under the provisions of this act, and cause the same to be placed on the tax-lists of the proper townships, cities, or towns, and said taxes shall be collected at the same time, in the same manner, and be subject to the same penalties for non-payment as other taxes: *Provided*, That the aggregate amount of tax levied under the provisions of this act, in any township, city, or town, shall not exceed five per centum of the assessed value of the property of said township, city, or town.

Petition by 1/3 of resident tax-payers.

Duty of trustees, council, or board; special election; newspaper publication and posting.

What notice shall specify.

If adopted, rate of tax to be certified to county auditor.

Board of supervisors to make levy.

Collection of tax.

Maximum.

**SEC. 3.** The funds collected under the provisions of this act shall be paid out by the county treasurer to the treasurer of the railroad company, upon the orders of the president or managing director of the railroad company, whose road such tax has been voted to aid; which orders shall be accompanied by sworn estimates of the engineer in charge of the work on such road showing that double the amount of such orders has been expended for the construction of such road, in accordance with the terms of the notice provided for in section two of this act, and also by a certificate signed by the members of the council or board of trustees, or a majority of the members thereof, of the township, city, or town, voting the tax for which said orders are drawn, to the effect that the provisions of this act have been so complied with as to entitlesaid company to the amount called for by such orders, and it is hereby expressly provided that no part of the funds raised under the provisions of this act shall be expended in any other townships than those specified in the notice of election: *Provided, however,* That should the said taxes not be drawn from the county treasury in accordance with the provisions of this act by the railroad company in whose favor the same may have been voted, within two years after the date of the collection thereof, then the right of said railroad company to said funds shall be deemed forfeited, and the same shall be repaid by the county treasurer to the persons from whom the same may have been collected.

**SEC. 4.** All railroads constructed by or with the aid of any taxes levied and collected under the provisions of this act, shall be subject to the control of the General Assembly in regard to the management of the same and the charges for the transportation of freight and passengers thereon.

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

**SEC. 6.** This act being deemed by the General Assembly of immediate importance, shall take effect from and after its publication in the Iowa State Register and the Des Moines Statesman, newspapers published in Des Moines, Iowa.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and *The Daily Des Moines Statesman*, April 16, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 103.

## GREENE'S SUPREME COURT REPORTS.

AN ACT to Provide for the Purchase of G. Greene's Reports of the Decisions of the Supreme Court of Iowa. APRIL 12.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Commissioners of the State Library be and they are hereby authorized and required to, at as early time as practicable, purchase, at an expense of not exceeding five dollars per copy, two hundred copies of each volume of G. Greene's reports of the decisions of the Supreme Court of Iowa. Commissioners of State library to purchase 200 copies of Greene's reports.

SEC. 2. On the certificate of the said Commissioners to the Auditor of State, of the purchase of said reports, and the deposit thereof in the State library, he shall draw his warrant upon the State Treasurer, payable to the order of the person of whom the purchase was made, for the purchase-money of said books, not exceeding the price above named, which shall be paid out of any money in the State treasury not otherwise appropriated. Auditor to draw warrant on certificate of com'rs.

SEC. 3. It shall be the duty of the said Commissioners to retain said reports in the State library for distribution and exchange, as now provided by law in relation to other Iowa reports. Reports to be retained in library for distribution, etc.

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 Des Moines Bulletin, newspapers published at Des Moines, Iowa. Taking effect.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and *Des Moines Daily Bulletin*, April 13, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 104.

## SETTLERS ON DES MOINES RIVER LANDS.

AN ACT for the Relief of certain Settlers upon the Des Moines River Lands. APRIL 13.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any person who shall have settled upon any of the odd sections of land along the

Settlers on odd sections without valid titles may make proof of improvements and loss.

Register of S. L. O. to report.

Census Board to determine damage, and file award.

Conveyances to claimants.

Register S. L. O. to issue patents, when.

Proviso.

Taking effect.

Des Moines river by virtue of any purchase or pre-emption thereof, under the laws of the United States or of the State of Iowa, whose title has been or shall hereafter be held invalid, may make proof of the value of the improvements made by him upon such land, and the actual loss sustained by him on account of such failure of title, before the Register of the State Land Office; which proof so made shall be reported by the said Register to the Census Board, who shall thereupon ascertain and determine the actual damage, not otherwise provided for, sustained by such claimant by reason of said failure of title, and shall make and file with the Register of the State Land-Office, such decision and award in respect thereto, as shall seem equitable and proper.

SEC. 2. In case Congress shall hereafter make a grant of lands to the State of Iowa, for the purpose of indemnifying the persons mentioned in the first section of this act, the same shall be conveyed to the persons who shall establish their claims, as the preceding section provides; and the Register of the State Land-Office shall issue patents therefor, whenever directed by the Census Board: *Provided*, that in case said lands shall be insufficient to fully indemnify all of the persons mentioned in this act, the same shall be conveyed to said claimants in such proportions as the Census Board shall deem equitable and just.

SEC. 3. This act, being deemed of immediate importance, shall take effect from and after its publication in *The Iowa North West* and *Montana Standard*.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in *The Iowa North West*, April 21, 1870, and in *The Montana Standard*, April 23, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 105.

### IMPROVED TAX SYSTEM AND INDEX.

APRIL 12.

AN ACT to Improve the Tax System of this State, and to Avoid Errors in the Assessment of Real Estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the several boards of supervisors

of this State, or any of them, are hereby authorized to use, in their respective counties, the system for the assessment and collection of taxes, known and described as the "Weeks's Tax System," and also "Weeks's Condensed Index," anything in the statutes of this State to the contrary notwithstanding.

Boards of supervisors authorized to use Weeks's Tax System and Condens'd Index

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 Register and Statesman, newspapers published at Des Moines, Iowa.

Taking effect.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 16, and in *The Daily Des Moines Statesman*, April 16, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 106.

### TAXATION OF RAILROAD PROPERTY.

AN ACT for the Taxation of Railroad Property.

APRIL 12.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That each railroad company, owning or operating a railroad in this State, shall annually, on or before the fifteenth day of February of each year, make out and file with the Treasurer of State a sworn statement, setting forth, first—the amount of gross receipts of their railroad for the year ending the thirty-first day of December preceding; second—the number of miles of main track of their railroad in each county on the thirty-first day of December preceding; which statement shall be sworn to by the president and secretary of such company and by the general superintendent of their railroad or any two of them.

B. R. Co.'s to file with Treasurer of State statement of gross receipts.

SEC. 2. The State Treasurer shall levy on said gross receipts a tax as follows, viz.: On the first \$3,000 or part thereof per mile, one per centum; and on receipts of over \$3,000 and under \$6,000 per mile, two per centum; and on the excess of receipts over \$6,000 per mile, three per centum; which taxes the said railroad companies shall pay on or before the first day of March, after which time said taxes if not paid shall become delinquent, and the same penalties and interest shall attach as on other taxes.

Treasurer of State to make levy.

Taxes delinquent.

SEC. 3. 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 under execution, except that no process shall be necessary, to authorize the treasurer to seize and sell property for the collection of said taxes.

Treasurer to collect. When and how.

SEC. 4. One-fifth of the taxes levied and collected as aforesaid shall remain in the State treasury to be used in the same manner as the several revenues of the State, and the other four-fifths of said taxes shall be 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 treasurer of the county entitled thereto.

Treasurer of state to apportion four-fifths of taxes to counties, according to miles of road.

Duty of Treasurer in case company shall fail to furnish statement.

SEC. 5. If any railroad company shall fail to furnish the sworn statement required by this act on or before the time herein provided, the Treasurer of State shall on or before the first day of March ascertain as nearly as possible the gross earnings of such delinquent company, and shall assess thereon the tax as herein provided, together with a penalty thereon of thirty per cent. for such neglect, which tax and penalty shall be collected as provided by the third section of this act. When the Treasurer of State has to incur any expense either in the assessment or collection of said taxes after they become delinquent, he shall add one per centum on the amount of taxes due, which shall be his compensation for said assessment and collection. The taxes herein provided for shall be in lieu of all taxes for any and all purposes on the road-bed, right of way, track, rolling-stock and necessary buildings for operating their road, except as hereinafter provided; 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 be situated.

Penalty.

One per cent of be added to am't.

SEC. 6. No provision of this act shall be held to apply to any railroad bridge across the Mississippi or Missouri river, but such bridges shall be assessed and taxed on the same basis as the property of individuals.

Not applicable to R. R. bridges over certain rivers.

Repealing clause.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved, April 12, 1870.

## CHAPTER 107.

## PENITENTIARY OF THE STATE.

AN ACT for the Improvement of the Penitentiary, and to Provide APRIL 12.  
for the Salary and Compensation of the Warden.

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, or so much thereof as may be necessary for the several objects named, viz. : for the purpose of completing the hospital building, the sum of two thousand five hundred dollars; for the purpose of completing the cells, the sum of six thousand dollars; for the purpose of furnishing and repairing the Warden's house, the sum of twelve hundred dollars; for the purpose of increasing the library the sum of three hundred dollars, annually, for two years, to be expended under the direction of Hon. J. M. Beck, assisted by the chaplain; for the purpose of supplying the prison with water, by sinking an artesian well, the sum of four hundred dollars: *Provided*, the contractors for the prison labor will spend an equal amount for the completion of said well, should it be found necessary; for general repairs, the sum of five hundred dollars.

\$11,200 appropriated for improvements and library.

SEC. 2. The money hereby appropriated shall be expended under the direction of the Warden, the plans and estimates being first submitted to the Census Board and approved by said Board.

How expended; Warden; Census Board.

SEC. 3. The Warden shall be allowed, in addition to the salary now allowed by law, provisions for his family and guests.

Provisions allowed Warden.

SEC. 4. There is hereby further appropriated the sum of \$9,519.63 paid out on account of losses by fire at the Penitentiary, which sum was paid out by order of the Census Board, and for which the Treasurer holds the Warden's receipt.

\$9,519.63 for loss by fire.

SEC. 5. This act being deemed of immediate importance shall take effect from and after its publication in the State Register and Iowa Homestead, papers published at Des Moines, Iowa.

Taking effect.

Approved, April 12, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 20, 1870, and in *The Iowa Homestead*, April 22d, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 108.

## GENERAL INSURANCE LAW AMENDED.

APRIL 12. AN ACT to Amend Section Forty, of Chapter One Hundred and Thirty-Eight of the Acts of the 12th General Assembly, to regulate Insurance Companies.

1868, ch. 18c. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section forty, of chapter one hundred and thirty-eight of the acts of the Twelfth General Assembly, be and the same is hereby so amended in the third line of said section that the word "two" shall read "seven," and that in the sixth and seventh lines of said section the words "and occupied" be and the same are hereby stricken out, and the words "except the secretary" be inserted immediately after the word "employees" in said section.

700 persons may organize to insure their own property or lives. Property need not be occupied by owner. May pay sec'y.

Approved, April 12, 1870.

## CHAPTER 109.

## CARE OF THE INSANE.

APRIL 12. AN ACT for the Government of Hospitals for the Insane, Defining the Legal Relations of Insane Persons, and Providing for their Care and Protection.

Hospitals for the Insane at Mount Pleasant and Independence. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Hospital for the Insane, located at Mount Pleasant, in Henry county, shall hereafter be known by the name of the Iowa Hospital for the Insane at Mount Pleasant; and the Hospital for the Insane, located at Independence, in Buchanan county, shall be known by the name of the Iowa Hospital for the Insane at Independence. Each of said Hospitals shall be under the charge of seven Trustees, as herein provided, four of whom shall constitute a quorum for the transaction of business; the Governor of the State shall be *ex officio* a member of the board.

Each under ch'rg of Trustees; Governor one.

Present Trustees to continue in office. SEC. 2. The present Trustees of the Mount Pleasant Hospital shall hold their offices for the periods for which they have been respectively appointed; that is to say,



Luke Palmer and Andrew W. McClure, until the 4th day of July, 1870; Maturin L. Fisher and Benjamin Crabb, until the 4th day of July, 1872; and Micajah T. Williams, George Acheson, and Martin L. Edwards, until the 4th day of July, 1874; and Luke Palmer and Andrew W. McClure, aforesaid, are hereby appointed their own successors, respectively, for six years from the 4th day of July, 1870. The Trustees of the Independence Hospital shall be Maturin L. Fisher and Dr. John F. Ely, who shall hold their offices until the 4th day of July, 1872; T. W. Fawcett and G. W. Bemis, who shall hold their offices until the 4th day of July, 1874; and E. G. Morgan, J. M. Boggs, and Dr. C. C. Parker, who shall hold their offices until the 4th day of July, 1876. The first two shall serve for two years, the second two for four years, and the last three for six years, from the 4th day of July, 1870. In all cases, when the term of [a] Trustee expires, his successor shall be appointed by the General Assembly for six years; and the incumbent shall hold office until his successor is appointed and qualified. All vacancies occurring shall be filled by the Governor until the meeting of the General Assembly.

Two reappointed.

Trustees of Hospital at Independence; classified.

General Assembly to elect.

Vacancies provided for.

SEC. 3. The Trustees, before entering upon the duties of their office, shall take and subscribe an oath or affirmation to support the constitution of the United States, and of this State, and also faithfully to discharge the duties required of them by law, and the by-laws that may be established. They shall be paid their actual and necessary expenses and three dollars per day during the time they are actually engaged in the discharge of their official duties; such payment to be made out of the State treasury, out of any moneys not otherwise appropriated, by an order drawn by the secretary of the Board, and approved by the superintendent. The Board of Trustees shall hold an annual meeting upon the first Wednesday of December of each year, at the Hospital, when they shall choose one of their number president, and another secretary, and shall also choose a treasurer, for the year then ensuing, and until their successors are elected and qualified. They shall also hold quarterly meetings on the first Wednesday[s] in March, June, and September, excepting as provided in the next section.

Oath of office.

Compensation.

Annual meeting officers of Board.

Quarterly meetings.

SEC. 4. The first meeting of the Trustees of the Independence Hospital, shall be held on the call of the Commissioners charged with superintending the construction of the building. The Commissioners shall fix the time of

First meeting of Trustees of Independence hospital to be called by the Commissioners.

such meeting at such period as will allow the Trustees time to organize, choose a superintendent and other resident officers, and make needful preparation for the reception of patients, by the time the building shall be so far advanced as to admit of such occupancy; and they shall notify each of the Trustees of the time so fixed.

**SEC. 5.** It shall be the duty of the Board of Trustees, or a majority thereof, to inspect the Hospital under their charge at each quarterly meeting; and a committee of the Board may visit the Hospital monthly. The Trustees shall make a record of all their proceedings in books kept for the purpose; and at the annual meeting preceding the regular sessions of the General Assembly they shall make a report to the Governor of the condition and wants of the Hospital, which shall be accompanied by full and accurate reports of its superintendent and treasurer, and an account of all moneys received and disbursed.

**SEC. 6.** The Trustees shall have the general control and management of the Hospital under their charge; they shall have full power to make all by-laws necessary for the government of the same, not inconsistent with the laws and constitution of the State, and to conduct the affairs of the institution in accordance with the laws and by-laws regulating the same. They shall appoint a Medical Superintendent, an Assistant Physician or Physicians, a Steward, and a Matron, who shall reside in the Hospital and be styled resident officers of the same, and be governed and subject to all the laws and by-laws for the government of the said institution: *Provided, however,* that the Trustees, may, in their discretions, dispense with a steward, and in such case cause the duties of a steward to be performed by the other officers, under such rules and regulations as the Board may adopt. They may also, in their discretion, and upon the nomination of the superintendent, appoint a chaplain and prescribe his duties. The Board of Trustees shall, from time to time, fix the salaries and wages of the officers and other employees of the Hospital, and certify the same to the Auditor of State; and they may remove any officer or any other employee of such institution: *Provided,* that the salary of the superintendent shall not be more than fifteen hundred dollars per annum; the salary of the assistant physician shall not be more than six hundred dollars per annum; the salary of the steward shall not be more than seven hundred dollars per annum; the salary of the matron shall not be more than three hundred dollars per annum.

**SEC. 7.** The Board of Trustees may take, in the name

Board of Trustees  
to inspect.

Monthly visit.

Trustees to keep  
record and make  
report.

Powers of the  
Trustees.

Officers of Hospital.

Salaries and wages.

Removal.

Proviso: salaries  
limited.

of the State, and hold, in trust, for the Hospital, any land conveyed or devised, and any money or other personal property given or bequeathed, to be applied for any purpose connected with the institution.

Trustees may take and hold property in trust.

SEC. 8. No Trustee, or any officer of the Hospital, shall be either directly or indirectly interested in the purchase of building material, or any article of furniture or supply for the use of the institution.

Trustees nor officers to be interested in contracts.

SEC. 9. No member of the Board of Trustees shall be eligible to the office of superintendent of the Hospital during the term for which he was appointed, nor within one year after his term shall have expired.

Trustees not eligible to office of superintendent.

SEC. 10. The treasurer shall execute a bond to the State of Iowa for the use of the Hospital (naming which) in a sum, and with such securities, as the Board of Trustees shall approve, conditioned that he will faithfully perform the duties of his office, and pay over and account for all money that shall come into his hands. He shall receive such compensation as the Board shall fix, not exceeding one-half of one per cent. on all moneys received and paid out by him. Upon authority granted by the Board he shall have power to draw from the State treasury out of money not otherwise appropriated, upon his order, approved by the superintendent and not less than two of the Trustees, and under seal of the Hospital, a sufficient amount, from time to time, for the purpose of defraying any deficiencies that may arise in the current expenses of the Hospital. Upon the presentation of such order to the Auditor of State, it shall be the duty of the Auditor to draw a warrant on the Treasurer of State for the amount therein specified.

Trustees' bond.

His compensation.

Moneys, how drawn from State treasury.

Duty of Auditor.

SEC. 11. The superintendent of the Hospital shall be a physician of acknowledged skill and ability in his profession. He shall be the chief executive officer of the Hospital, and shall hold his office for six years unless sooner removed as above provided. Before entering on the duties of his office, he shall take and subscribe an oath or affirmation, faithfully and diligently to discharge the duties required of him by law. He shall have the entire control of the medical, moral, and dietetic treatment of the patients, and he shall see that the several officers of the institution faithfully and diligently discharge their respective duties. He shall employ attendants, nurses, servants, and such other persons as he may deem necessary for the efficient and economical administration of the affairs of the Hospital, assign them their respective places

Qualifications, term of office, and powers of superintendent.

and duties, and may at any time discharge any of them from service.

**SEC. 12.** The superintendent, or the steward and matron, under his direction, and not otherwise, shall make all purchases for the Hospital, where and in such manner as they can be made on the best terms, keep the accounts, pay employees, and have a personal superintendence of the farm, grounds, and all the property of the Hospital.

**SEC. 13.** The superintendent shall provide an official seal upon which shall be inscribed the statute name of the Hospital under his charge, and the name of the State.

**SEC. 14.** The assistant physicians shall be medical men of such character and qualifications as to be able to perform the ordinary duties of the superintendent during his necessary absence or inability to act.

**SEC. 15.** In each organized county of the State there shall be a board of commissioners, consisting of three persons, to be styled Commissioners of Insanity, two of whom shall constitute a quorum. The clerk of the circuit court shall be *ex-officio* a member of such board and clerk of the same. The other members shall be appointed by the judge of said court. One of them shall be a respectable practicing physician, and the other a respectable practicing lawyer; and the appointment shall be made of persons residing as convenient as may be to the county-seat. Such appointment may be made during the session of the court or in vacation; and if made in vacation, it shall be by written order, signed by the judge and recorded by the clerk of the court. Immediately on the taking effect of this act, the judge shall make the first appointment. He shall then appoint one for one year, and the other for two years; as their respective terms expire their successors shall be appointed for two years. The appointment of successors may be made at any time within three months prior to the expiration of the term of the incumbent, who shall hold his office until his successor is appointed and qualified. In the temporary absence or inability to act of two of the commissioners, the judge of the circuit court, if present, may act in the room of one of such commissioners; or the commissioner present may call to his aid a respectable practicing physician or lawyer, who, after qualifying as in other cases, may act in the same capacity. The record, in such cases, must show the fact of such absence.

**SEC. 16.** Before entering upon the duties of their office, the persons so appointed shall take and subscribe an oath or affirmation to support the constitution of the United

Superintendent to make purchases and superintend property.

Seal.

Qualifications of assistant physicians.

County board of commissioners of insanity; clerk of court to be a member and clerk.

Circuit judge to appoint.

Term.

Temporary vacancy.

Oath.

States and of the State of Iowa, and to faithfully discharge their duties according to law, as such commissioners; which obligation shall be filed with the clerk of said court, who shall enter a memorandum thereof on the records. They shall organize by choosing one of their number president. They shall hold their meetings for business at the office of the clerk of said court, unless, for good reasons, they shall fix on some other place. If they deem necessary or advisable, they may hold sessions at such regular times as they may fix. They shall also meet on notice from the clerk.

SEC. 17. The term "clerk," as herein used, means clerk of said board of commissioners, unless otherwise expressed. The said clerk shall sign and give or issue all notices, appointments, warrants, subpoenas, or other process required to be given or issued by the commissioners, affixing thereto his seal as clerk of said court. He shall file and carefully preserve in his office all papers connected with any inquest by the commissioners, and properly belonging to his office, with all notices, reports, and other communications. He shall keep separate books in which to minute the proceedings of the board; and his entries therein shall be sufficiently full to show, with the papers filed, a complete record of their findings, orders, and transactions. The notices, reports, and communications, herein required to be given or made, may be sent by mail, unless otherwise expressed or implied; and the fact and date of such sending, and of their reception, must be noted on the proper record.

SEC. 18. The said commissioners shall have cognizance of all applications for admission to the Hospital, or for the safe keeping otherwise, of insane persons within their respective counties, excepting in cases otherwise specially provided for. For the purpose of discharging the duties required of them, they shall have power to issue subpoenas and compel obedience thereto, to administer oaths, and do any act of a court necessary and proper in the premises.

SEC. 19. Applications for admission to the Hospital must be made in writing, in the nature of an information, verified by affidavit. Such information must allege that the person in whose behalf the application is made, is believed by the informant to be insane, and a fit subject for custody and treatment in the Hospital; that such person is found in the county, and has a legal settlement therein, if such is known to be the fact; and, if such settlement is not in the county, where it is, if known; or

President.

Meaning of term "clerk"; his duties.

Jurisdiction and powers of county commissioners.

Applicants for admission.

Information.

where it is believed to be, if the informant is advised on the subject.

Commissioners to investigate.

SEC. 20. On the filing of an information as above provided, the commissioners shall at once take steps to investigate the grounds of the information. For this purpose, they may require that the person for whom such admission is sought be brought before them, and that the examination be had in his or her presence; and they may issue their warrant therefor, and provide for the suitable custody of such person until their investigation shall be concluded. Such warrant may be executed by the sheriff, or any constable of the county; or, if they shall be of opinion, from such preliminary inquiries as they may make—and in making which they shall take the testimony of the informant, if they deem necessary or desirable, and of other witnesses, if offered,—that such course would probably be injurious to such person, or attended with no advantage, they may dispense with such presence. In their examination they shall hear testimony for and against such application, if any is offered. Any citizen of the county, or any relative of the person alleged to be insane, may appear and resist the application, and the parties

Warrant.

Examined physician.

by may appear by counsel, if they elect. The commissioners, whether they decide to dispense with the presence before them of such person or not, shall appoint some regular practicing physician of the county to visit or see such person, and make a personal examination touching the truth of the allegations in the information, and touching the actual condition of such person, and forthwith report to them thereon. Such physician may, or may not, be of their own number; and the physician so appointed and acting shall certify, under his hand, that he has, in pursuance of his appointment, made a careful personal examination as required; and that, on such examination, he finds the person in question insane, if such is the fact, and if otherwise, not insane; and in connection with his examination, the said physician shall endeavor to obtain from the relatives of the person in question, or from others who know the facts, correct answers, so far as may be, to the interrogatories hereinafter required to be propounded in such cases, which interrogations and answers shall be attached to his certificate.

Certificate physician.

Finding of commissioners.

SEC. 21. On the return of the physician's certificate, the commissioners shall, as soon as practicable, conclude their investigation; and, having done so, they shall find whether the person alleged to be insane, is insane; whether, if insane, a fit subject for treatment and custody

in the Hospital; whether the legal settlement of such person is in their county, and if not in their county, where it is, if ascertained. If they find such person is not insane, they shall order his or her immediate discharge, if in custody. If they find such person insane, and a fit subject for custody and treatment in the Hospital, they shall forthwith issue their warrant and a duplicate thereof, stating such finding, with the settlement of the person, if found; and if not found, their information, if any, in regard thereto, authorizing the superintendent of the Hospital to receive and keep such person as a patient therein. Said warrant and duplicate, with the certificate and finding of the physician, shall be delivered to the sheriff of the county, who shall execute the same by conveying such person to the Hospital, and delivering him or her, with such duplicate, and physician's certificate, and finding, to the superintendent thereof. The superintendent, over his official signature, shall acknowledge such delivery on the original warrant, which the sheriff shall return to the clerk of the commissioners, with his costs and expenses indorsed thereon. If neither the sheriff, or his deputy is at hand, or, if both are otherwise engaged, the commissioners may appoint some other suitable person to execute the warrant in his stead, who shall take and subscribe an oath or affirmation faithfully to discharge his duty, and shall be entitled to the same fees as the sheriff. The sheriff, or any other person so appointed, may take to his aid such assistance as he may need to execute such warrant; but no female person shall thus be taken to the Hospital without the attendance of some other female, or some relative of such person. The superintendent, in his acknowledgment of delivery, must state whether there was any such person in attendance, and give the name or names, if any. It is, however, hereby provided, that if any relative or immediate friend of the patient, who is a suitable person, shall so request, he shall have the privilege of taking and executing such warrant, in preference to the sheriff, or any other person, and without taking such oath or affirmation; and for so doing he shall be entitled to his necessary expenses, but to no fees. The requirements of this and the preceding section are modified by the provisions of the next section.

Discharge of same.

Warrant for commitment of insane.

Sheriff to execute warrant.

Superintendent to acknowledge.

Commissioners to appoint officer temporarily.

Female person, how taken.

Relative or friend may execute warrant.

SEC. 22. If the commissioners find that the person so committed to the Hospital has, or probably has, a legal settlement in some [other] county in the State, they shall immediately notify the commissioners of such county of such finding and commitment; and the commissioners so

When legal settlement is in different county, proceedings.

notified shall thereupon inquire and ascertain, if possible, whether the person in question has a legal settlement in their county, and shall immediately notify the superintendent of the Hospital, and the commissioners of the county from which such person was committed, of the result of such inquiry. If the legal settlement of a person so committed cannot for a time be ascertained, and is afterwards found, the notices so required shall then be given.

**SEC. 23.** When the superintendent of the Hospital has been duly notified, as herein required, that a patient sent to the Hospital from one county has a legal settlement in another county of the State, he shall thereafter hold and treat such patient as from the latter county; and such holding shall apply to expenses already incurred in behalf of such patient, and remaining unadjusted.

**SEC. 24.** Expenses incurred as herein provided by one county, on account of an insane person whose legal settlement is in another county of the State, shall be refunded, with lawful interest thereon, by the county of such settlement; and shall be presented to the board of supervisors of the county sought to be charged, which shall be allowed and paid the same as other claims.

**SEC. 25.** Patients in the Hospital having no legal settlement in the State, or whose legal settlement cannot be ascertained, shall be supported at the expense of the State. This provision shall apply to all such patients now in the Hospital, touching expenses already incurred and remaining unpaid, if any such there be; and the Trustees may authorize the superintendent to remove any such patient, at the expense of the State, if they see proper.

**SEC. 26.** All patients in the Hospital shall be regarded as standing upon an equal footing; and the several patients, according to their different conditions of mind and body, and their respective needs, shall be provided for and treated with equal care: *Provided*, that if the relatives or immediate friends of any patient shall desire it, and shall pay the expense thereof, such patient may have special care, and may be provided with a special attendant, as may be agreed upon with the superintendent. In such cases, the charges for such special care and attendance shall be paid quarterly in advance.

**SEC. 27.** The relatives or friends of any patient in the Hospital shall have the privilege of paying any portion or all of the expenses of such patient therein; and the Superintendent shall cause the account of such patient to be credited with any sums so paid.

Same.

Expenses in such cases.

What patients to be supported at expense of State.

Removal at do.

Treatment and care of patients.

Special care, when, and how paid for.

Relatives or friends may pay expenses.]



SEC. 28. If, in the case of any person[s] found to be insane and fit subjects for custody and treatment in the Hospital, as above provided, it shall be shown, to the satisfaction of the commissioners, that they cannot at once be admitted therein, for want of room, or for any other cause, and that they cannot with safety be allowed to go at liberty, the commissioners shall require that such patients shall be suitably provided for, otherwise, until such admission can be had, or until the occasion therefor no longer exists. Such patients may be cared for either as private or as public patients. Those shall be treated as private patients whose relations or friends will obligate themselves to take care of and provide for them, without public charge. In the case of any one treated as a private patient, the commissioners shall appoint some suitable person a special custodian, who shall have authority, and whose duty it shall be, in all suitable ways to restrain, protect, and care for such patient, in such manner as to best secure his or her safety and comfort, and in such manner as to best protect the persons and property of others. In the case of public patients, the commissioners shall require that they be, in like manner restrained, protected, and cared for, by the directors of the poor-house, or the overseers of the poor, at the expense of the county, and they may accordingly issue their warrant to such directors or overseers, who shall forthwith comply with the same. If there is no poorhouse for the reception of such patients, or if no more suitable place can be found, they may be confined in the jail of the county in charge of the sheriff.

Provision for patients when they cannot be admitted to Hospital.

Special custodian for private patient.

Public patients.

SEC. 29. On application to the commissioners in behalf of persons alleged to be insane, and whose admission to the Hospital is not sought, made substantially in the manner above prescribed, and asking that provision be made for their care as insane—either public or private—within the county, and on proof of their insanity, and need of care as above pointed out, the commissioners may provide for their restraint, protection, and care, as in the case of other applications.

When admission to Hospital is not sought.

SEC. 30. On information laid before the commissioners of any county that a certain insane person in the county is suffering for want of proper care, they shall forthwith inquire into the matter, and, if they find the information well founded, they shall make all needful provision for the care of such persons, as provided in other cases.

Insane suffering for want of care, inquiry.

SEC. 31. No person supposed to be insane shall be restrained of his liberty by any other person, otherwise than

No restraint without authority, except, etc.

in pursuance of authority obtained as herein required, excepting to such extent and for such brief period as may be necessary for the safety of person and property until such authority can be obtained.

**SEC. 32.** Any person having care of an insane person and restraining such person, either with or without authority, who shall treat such person with wanton severity, harshness, or cruelty, or shall in any way abuse such person, shall be guilty of a misdemeanor, besides being liable in an action for damages.

Cruel treatment  
a misdemeanor  
and cause for ac-  
tion.

**SEC. 33.** Insane persons who have been under care, either as public or private patients, outside of the Hospital, by authority of the commissioners of any county, may, on application to that effect, be transferred to the Hospital, whenever they can be admitted thereto, on the warrant of such commissioners. Such admission may be had without another inquest, at any time within six months after the inquest already had unless the commissioners shall deem further inquest advisable

Outside patients,  
how admitted to  
Hospital.

**SEC. 34.** In each case of application for admission to the Hospital, correct answers to the following interrogatories, so far as they can be obtained, shall accompany the physician's certificate; and if on further examination, after the answers are stated, any of them are found to be erroneous, the commissioners shall cause them to be corrected:

Answers to ques-  
tions to accom-  
pany physician's  
certificate.

1. What is the patient's name and age? Married or single? If any children, how many? Age of youngest child?

Interrogatories.

2. Where was the patient born?

3. Where is his (or her) place of residence?

4. What has been the patient's occupation?

5. Is this the first attack? If not, when did others occur, and what was their duration?

6. When were the first symptoms of this attack manifested, and in what way?

7. Does the disease appear to be increasing, decreasing, or stationary?

8. Is the disease variable, and are there rational intervals? If so, do they occur at regular periods?

9. On what subjects or in what way is derangement now manifested? State fully.

10. Has the patient shown any disposition to injure others?

11. Has suicide ever been attempted? If so, in what way? Is the propensity now active?

12. Is there a disposition to filthy habits, destruction of clothing, breaking glass, &c?

13. What relatives, including grand parents and cousins, have been insane?

14. Did the patient manifest any peculiarities of temper, habits, disposition, or pursuits, before the accession of the disease?—any predominant passion, religious impressions, etc.?

15. Was the patient ever addicted to intemperance in any form?

16. Has the patient been subject to any bodily disease: epilepsy, suppressed eruptions, discharges of sores, or ever had any injury of the head?

17. Has restraint or confinement been employed? If so, what kind, and how long?

18. What is supposed to be the cause of the disease?

19. What treatment has been pursued for the relief of the patient? Mention particulars, and the effects.

20. State any other matter supposed to have a bearing on the case.

SEC. 35. If at any time it may become necessary, for want of room or other cause, to discriminate in the general reception of patients into the Hospital, a selection shall be made as follows: 1.—Recent cases, *i. e.*, cases of less than one year's duration, shall have preference over all others. 2.—Chronic cases, *i. e.*, where the disease is of more than one year's duration, presenting the most favorable prospects of recovery, shall be next preferred. 3.—Those for whom application has been longer on file, other things being equal, shall be next preferred. And, 4.—Where cases are equally meritorious, in all other respects, the indigent shall have the preference.

Order of preference if Hospital is crowded.

SEC. 36. On a statement in writing, verified by affidavit, addressed to a judge of the district or circuit court of the county in which the Hospital is situated, or of the county in which any certain person confined in the Hospital has his legal settlement, alleging that such person is not insane, and is unjustly deprived of his or her liberty, such judge shall appoint a commission of not more than three persons, in his discretion to inquire into the merits of the case, one of whom shall be a physician, and if two or more are appointed, another shall be a lawyer. Without first summoning the party to meet them, they shall proceed to the Hospital and have a personal interview with such person, so managed as to prevent him or her, if possible, from suspecting its object; and they shall make any inquiries and examinations they may deem necessary and proper, of the officers and records of the Hospital, touching the merits of the case. If they shall judge it pru-

Proceedings where person in Hospital is not insane.

Commission.

Personal interview.

dent and advisable they may disclose to the party the object of their visit, and either in the presence of such party, or otherwise, make further investigation of the matter. They shall forthwith report, to the judge making the appointment, the result of their examination and inquiries. Such report shall be accompanied by a statement of the case, made and signed by the superintendent. If, on such report and statement and the hearing of the testimony, if any is offered, the judge shall find the person not insane, he shall order his or her discharge. If, on the contrary, he shall so state, and authorize his or her continued detention.

**Report.** The finding and order of the judge, with the report and other papers, shall be filed in the office of the clerk of the court over which such judge presides, who shall enter a memorandum thereof on his record, and forthwith notify the superintendent of the Hospital of the finding and order of the judge, and the superintendent shall carry out the order. The commissioners appointed, as provided in this section, shall be entitled to their necessary expenses and a reasonable compensation, to be allowed by the judge, and paid by the State out of any funds not otherwise appropriated: *Provided*, that the applicant shall pay the same, if the judge shall find that the application was made without probable grounds, and shall so order.

**Statement by superintendent.**

**Finding and order of judge.**

**Pay of commission.**

**Proviso.**

**Frequency of commission.** SEC. 37. The commission so provided for shall not be repeated oftener than once in six months, in regard to the same party; nor shall such commission be appointed in the case of any patient within six months of the time of his or her admission.

**Habeas corpus.** SEC. 38. All persons confined as insane shall be entitled to the benefit of the writ of *habeas corpus*, and the question of insanity shall be decided at the hearing, and, if the judge shall decide that the person is insane, such decision shall be no bar to the issuing of the writ a second time, whenever it shall be alleged that such person has been restored to reason.

**Superintendent's duty in case of escape.** SEC. 39. If any patient shall escape from the Hospital, the superintendent shall cause immediate search to be made for such patient; and, if the patient cannot soon be found, he shall cause notice of such escape to be forthwith given to the commissioners of the county where the patient belongs; and, if such patient is found in their county, the commissioners shall cause him to be returned, and shall issue their warrant therefor, as in other cases, unless the patient shall be discharged, or unless, for good reasons, they shall provide for his or her care otherwise, of which they shall notify the superintendent.

**Escaped patient to be returned.**

SEC. 40. Any patient who is cured shall be immediately discharged by the superintendent. Upon such discharge, the superintendent shall furnish the patient, unless otherwise supplied, with suitable clothing, and a sum of money not exceeding twenty dollars, which shall be charged with the other expenses in the Hospital of such patient. The relatives of any patient not susceptible of cure by remedial treatment in the Hospital and not dangerous to be at large, shall have the right to take charge of and remove such patient, on consent of the Board of Trustees: *Provided*, that in the interim of the meetings of the board the consent of two of the Trustees shall be sufficient.

Patients cured to be discharged & furnished what.

Relatives may take charge of harmless incurables, when.

SEC. 41. On the application of the relations or immediate friends of any patient in the Hospital, who is not cured, and who cannot be safely allowed to go at liberty, the commissioners of the county where such patient belongs, on making provision for the care of such patient within the county, as in other cases, may authorize his or her discharge therefrom: *Provided*, no patient who may be under charge or conviction of homicide, shall be discharged without the order of the Board of Trustees.

Discharge of uncured patients on application of friends;

except those under charge of homicide.

SEC. 42. The Board of Trustees shall order the discharge or 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. 43. When patients are discharged from the Hospital by the authorities thereof, without application therefor, notice of the order of discharge shall at once be sent to the commissioners of the county where they belong; and the commissioners shall forthwith cause them to be removed, and shall at once provide for their care in the county as in other cases, unless such patients are discharged as cured.

Notice of discharge of patients when not applied for.

Care of same.

SEC. 44. The Trustees shall, from time to time, fix the sum to be paid per week for the board and care of patients, and to arrive at such sum, shall estimate the total outlay for the support of the Hospital, ascertaining such outlay as far as possible from the sums actually paid per annum; and the weekly sum so fixed, shall be the sum said Hospital shall be entitled to demand for the keeping of any patient; and the certificate of the superintendent, attested by the seal of the Hospital, shall be evidence, in all places, of the amount due as fixed.

Trustees to fix price for attention to insane.

**SEC. 45.** The superintendent shall certify to the Auditor of State on the first days of January, April, July, and October, the amount (not previously certified by him) due to said Hospital, from the several counties having patients chargeable thereto; and said Auditor shall pass the same to the credit of the Hospital. The Auditor shall, thereupon, notify the county auditor of each county, so owing, of the amount thereof, and charge the same to said county; and the board of supervisors shall add such amount to the next State tax, to be levied in said county, and pay the amount so levied into the State treasury.

Settlement with debtor counties.

Auditor's duty.

Board of supervisors to levy tax.

**SEC. 46.** The provisions herein made for the support of the insane at public charge, shall not be construed to release the estates of such persons nor their relatives, from liability for their support; and the auditors of the several counties, subject to the direction of the board of supervisors, are authorized and empowered to collect from the property of such patients, or from any person or persons legally bound for their support, any sums paid by the county in their behalf, as herein provided; and the certificate from the superintendent, and the notice from the Auditor of State, stating the sums charged in such cases shall be presumptive evidence of the correctness of the sums so stated. If the board of county supervisors, in the case of any insane patient who has been supported at the expense of the county, shall deem it a hardship to compel the relatives of such patient to bear the burden of his or her support, they may relieve such relatives from any part or all of such burden, as may seem to them reasonable and just.

Estates of patients not released for liability for expenses.

Relatives may be relieved.

Discharge of patients within the county.

**SEC. 47.** Whenever it shall be shown, to the satisfaction of the commissioners of insanity of any county, that cause no longer exists for the care, within the county, of any particular person as an insane patient in their county as herein provided, they shall order the immediate discharge of such person.

Compensation of commissioners.

Compensation of clerk.

**SEC. 48.** The commissioners of insanity shall be allowed at the rate of three dollars per diem each for all the time actually employed in the duties of their office. They shall also be allowed their necessary and actual expenses, not including charges for board. The clerk, in addition to what he is entitled to as commissioner, shall be allowed one half as much more, for making the required record entries in all cases of inquest, and of meetings of the board for any purpose, and for the filing of any papers required to be filed. He shall also be allowed twenty-five cents for each notice or process given or issued

under seal as herein required. The examining physician shall be entitled to the same compensation as a commissioner, and to mileage at the rate of ten cents per mile each way. The sheriff shall be allowed for his personal services in conveying a patient to the Hospital and returning therefrom at the rate of three dollars per day for the time necessarily and actually employed; and mileage the same as is allowed him in other cases, and for other services the same fees as for like services in other cases. Witnesses shall be entitled to the same fees as witnesses in the circuit court. The compensation and expenses provided for above shall be allowed and paid out of the county treasury in the usual manner. Whenever the commissioners issue their warrant for the admission of a person to the Hospital, and funds to pay the expenses thereof are needed in advance, they shall estimate the probable expense of conveying such person to the Hospital, including the necessary assistance, and not including the compensation allowed the sheriff; and on such estimate, certified by the clerk, the auditor of the county shall issue his order on the treasury of the county in favor of the sheriff or other person intrusted with the execution of such warrant; the sheriff, or other person executing such warrant, shall accompany his return with a statement of the expenses incurred; and the excess or deficiency may be deducted from or added to his compensation, as the case may be. If funds are not so advanced, such expenses shall be certified and paid in the manner above prescribed on the return of the warrant. When the commissioners order the return of a patient, compensation and expenses shall be in like manner allowed.

Compensation of examining physician.

Compensation of sheriff.

Fees of witnesses.

How paid.

Funds to pay expenses.

SEC. 49. Any officer required as herein to perform any act, and any person accepting an appointment under the provisions of this act, and willfully refusing or neglecting to perform his duty, as herein prescribed, shall be guilty of a misdemeanor, besides being liable to an action for damages.

Refusal or neglect to do duty a misdemeanor and cause of action for damages.

SEC. 50. When, in the case of any proceeding in court, it would otherwise be necessary to serve personally any person who is a patient in the Hospital, with a notice or process of any kind, and when, in the opinion of the superintendent, such personal services would injuriously affect such patient, the superintendent shall acknowledge service of the same in behalf of the patient, setting forth in connection such opinion, by indorsement to that effect upon the notice or other process, or a copy thereof, and the same shall stand in lieu of personal service.

Service of process of court on patient in Hospital.

**SEC. 51.** The warrant of the commissioners of insanity, authorizing the admission of any person to the Hospital as a patient, accompanied by a physician's certificate, as herein provided, shall operate to shield the superintendent and other officers of the Hospital against all liability to prosecution of any kind, on account of the reception and detention of such person in the Hospital: *Provided*, such detention shall be otherwise in accordance with the laws and by-laws regulating its management.

Superintendent and other officers shielded from prosecution.

Proviso.

**SEC. 52.** When the superintendent of the Hospital, in obedience to a subpoena, attends any court out of the county in which the Hospital is situated as a witness for either party, in the case of a person on trial for a criminal offense, and the question of the sanity of such person is raised, he shall be allowed, on such account, his necessary and actual expenses, and such *per diem* as is allowed to other witnesses, and such expenses and *per diem* shall be paid by the State. When compelled so to attend in civil cases, he shall be entitled to the same compensation, to be paid by the party requiring his attendance.

Pay of superintendent when required as witness

**SEC. 53.** The Superintendent shall affix the seal of the Hospital to any notice, order of discharge, report, or other paper required to be given by him, or issued.

Papers to bear seal.

**SEC. 54.** The term "insane," as used in this act, includes every species of insanity or mental derangement. The term "idiot" is restricted to persons foolish from birth, one supposed to be naturally without mind. No idiot shall be admitted into the Hospital.

Definition of terms "insane" and "idiot"

**SEC. 55.** The Trustees of the Hospital shall provide for furnishing the commissioners of the counties entitled to send patients to the Hospital with such blanks for warrants, certificates, etc., as will enable them with regularity and facility to comply with the provisions of the law; and, also, with copies of the by-laws of the Hospital, when printed.

Trustees to furnish commissioners blanks, and copies of by-laws.

**SEC. 56.** As soon as may be after the appointment of a superintendent of the Independence Hospital, the superintendents of the two Hospitals and the Governor of the State shall meet and adopt such regulations as they may deem expedient in regard to what patients or class of patients shall be admitted to and provided for in the respective Hospitals; or from what portions of the State patients, or certain classes of patients, may be sent to each or either Hospital; and they may change such regulations from time to time as they may deem best; and they shall make such publication of these regulations as they may deem necessary for the information of those interested. The regula-

Governor and superintendents to adopt regulations as to patients for the respective Hospitals



tions so adopted shall be conformed to by the parties interested.

SEC. 57. Sections 42, 43, 44, 45, 46, 47, 48, 49, and 50, of chapter 141, of the laws of the Seventh General Assembly, are hereby revived, and declared to be in full force and effect, so far as they do not conflict with the provisions of this act. 1858: ch. 141, certain sections of, revived.

SEC. 58. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed. Repeal.

Approved, April 12, 1870.

CHAPTER 110.

NEW CAPITOL BUILDING.

AN ACT to Provide a State Capitol.

APRIL 18.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby established a Board of Commissioners, consisting of the Governor, who shall be *ex-officio* president of the Board, and six other commissioners who shall be chosen by the Senate and House of Representatives in joint convention, and whose terms of office shall continue for two years from the date of their election and until their successors shall be elected and qualified, unless sooner removed from office as hereinafter provided; which Board shall be charged with the execution of the provisions of this act, and each member of which, excepting the Governor, shall give bonds to the State in the sum of fifty thousand dollars for the honest and faithful performance of his duties as such commissioner; and the majority of said Board shall constitute a quorum for the transaction of business; and said bonds shall be deposited with, and kept by, the Secretary of State. Each commissioner shall also keep and sign the oath prescribed by section 2180 of the Revision of 1860, which shall be filed with and kept by the Auditor of State. In addition to the Commissioners provided for in this act, Gen. G. M. Dodge, of Pottawattamie county, and Hon. James F. Wilson, of Jefferson county, are hereby appointed commissioners from the State at large, who shall hold their office for the term of two years, and until their successors

Board of commissioners established; Governor president.

How composed: election.

Duty.

Bond.

Quorum.

Bonds filed.

Oath of Office.

Rev., §2180.

Two commissioners appointed; duties and requirements.

are elected and qualified. Their duties shall be such as are imposed upon the other Commissioners, and they shall in all respects be subject to the same requirements herein made of the other Commissioners, except in the manner of their election.

Removal of Commissioners for malfeasance.

SEC. 2. Whenever it shall appear to the Governor, and to a majority of the Census Board, that either of said Commissioners has been guilty of any malfeasance in office to the detriment of the State, it shall be the duty of the Governor to remove him from his office by written order, setting forth the reasons for such removal, to be filed in the office of the Secretary of State, and by him notified to each member of said Board; and in case of any vacancy so created, or accruing by reason of death, removal from the State, or resignation, it shall be the duty of the Governor to nominate and appoint another Commissioner in his place, who shall hold his office until the election of his successor in the manner herein provided, and the Commissioners authorized by this act, except the Governor, shall each receive, as their only compensation, five dollars per day while employed in the discharge of their duties, and their actual traveling expenses.

Vacancy provided for.

Compensation of Commissioners.

Qualifications of superintendent.

SEC. 3. That said Board shall, with the assistance of a competent and impartial superintendent, who shall be an architect to be employed by them, who shall be a resident of this State, if a suitable person can be obtained, select and determine upon one of the plans for a capitol selected by the Census Board, pursuant to the act passed by the last General Assembly, approved April 6th, 1868, or upon some modification thereof, the cost of which shall not exceed the sum of one million five hundred thousand dollars, and shall then proceed with the work in the manner herein provided, and subject to the limitations following, namely:—

Board to select plan; maximum cost.

No contract beyond appropriation.

*First*—No contract shall be made, the amount of which shall bind the State beyond the sums at the time appropriated by law for such object.

Formalities to be observed in making contracts.

*Second*—All contracts for material and labor shall be in writing, and shall be signed by the contractor and by the President of the Board; and no contract to an amount exceeding one thousand dollars shall be made without prior advertisement for thirty days in at least four daily papers in this State, setting forth the materials and labor wanted, and the time at which bids will be received and opened and all contracts shall be awarded to the lowest responsible bidder, and all bills shall be filed in the office of the Secretary of State, together with such bonds as the Com-

missioners may require for the due performance of the same.

*Third*—In all cases where there are bidders and materials from this State, the preference shall be given, the quality and terms being equally favorable, to the bidders and materials within this State. Preference to this State.

*Fourth*—The Board shall keep a full and complete record of all their orders, contracts, and doings in the premises, and 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. Said Board may appoint from their own number an executive committee of three, and may delegate to them authority to do such things as the Board, at its regular sessions, may direct. Record.  
Appointment, duty, and compensation of the superintendent.  
Executive committee.

*Fifth*—All meetings of the Board shall be at Des Moines, and shall be held as often as once in three months, and more frequently if the same be found necessary, and be assembled on call of the President of the Board. Meetings.

SEC. 4. All payments shall be made by warrants issued by the Auditor upon certificate of the amount due given by the superintendent and countersigned by the President of the Board, and shall be paid in the name of the person to whom such payment is originally due; and no payment shall be made except for service then actually rendered or materials delivered. How payments shall be made.

SEC. 5. The building herein provided for shall be constructed of the best materials, and shall be fire-proof, shall be heated and ventilated in the most approved manner; shall contain suitable legislative halls; rooms for the judiciary; for executive offices; for the library; for the committees; for the archives and collections of the State Agricultural Society; and for all purposes of the State Government; and shall be erected on the ground held by the State for that purpose; and the work shall be prosecuted without unnecessary delay; and there is hereby appropriated for this object the sum of one hundred and fifty thousand dollars. Building, how to be constructed;  
and where to be erected.  
\$150,000 appropriated.

SEC. 6. No money hereby appropriated shall be paid out until the Census Board shall certify to the Treasurer of State that the resources of the treasury without increasing the rate of taxation are sufficient to meet the proposed disbursement after other appropriations are allowed. No money to be paid till when.

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

State Register, newspapers published at Des Moines, Iowa.

Approved, April 13, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 14, 1870, and in the *Des Moines Daily Bulletin*, April 15, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 111.

### STATE GEOLOGICAL REPORT.

APRIL 13. AN ACT Providing for the Publication of the Report of the State Geologist and for the Distribution of the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Census Board be and are hereby authorized to contract with the present State Printer for three thousand copies of the report of the State Geologist as now presented to this General Assembly: *Provided*, the expense shall not exceed ten dollars per copy for the first one thousand copies, and four dollars per copy for each additional copy. Said report to be equal in every respect, mechanically, to Hall's Geological Report of Iowa, or to the Illinois Geological Reports; the engravings, views, maps, diagrams, &c., to be equally as well executed; and the whole to be bound in two royal octavo volumes, *Provided, further*, that the said State Printer shall in consideration of the copyright of the report, stereotype the work, and retain the plates and the engraved stones and electrotypes, and supply the State on future orders at five dollars per copy.

SEC. 2. The State Geologist shall superintend the publication of said report, and be allowed a reasonable compensation therefor, to be fixed by the Census Board, and paid out of the fund heretofore appropriated for the prosecution of the geological survey, and remaining unexpended.

SEC. 3. That for the purpose of carrying out the provisions of section one of this act, there is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of eighteen thousand dollars, or so much thereof as may be necessary.

Census Board to contract with State Printer to print report of State Geologist.

Character of work required.

Report to be stereotyped; State to be supplied on future orders.

State Geologist to superintend publication; pay.

\$18,000 appropriated.

SEC. 4. That the report, when printed and bound, shall be disposed of as follows, to-wit: Two copies to every member of the Thirteenth General Assembly, every officer of State, and each Judge of the Supreme Court; one copy to each person who was a member of the Eleventh or Twelfth General Assemblies [y]; to each officer of the Senate and House, and each regular reporter of the Thirteenth General Assembly; to the office of each county auditor in the State; to each incorporated college and scientific institution in the State; to each Orphans' Home and Reform School; and to each person who has furnished gratuitous material for publication in the report; twenty-five copies to the State University, the State Agricultural College, the State Geologist, and the State library; five copies to the Assistant and Chemist of the Survey; two copies each to the Institutions for the Deaf and Dumb, and Blind, and both Hospitals for the Insane; one hundred copies to be placed in the hands of the Governor and State Geologist for distribution to scientific men and learned societies and colleges beyond the limits of the State; the remaining copies to be placed in the office of the Secretary of State, and disposed of as the Census Board may direct.

Disposal of the copies of the report.

SEC. 5. That all acts or parts of acts in contravention of the provisions of this act are hereby repealed.

Repealing clause.

SEC. 6. This act shall take effect and be in force from and after its publication in the Daily Iowa State Register, and the Daily evening Statesman, newspapers published at Des Moines, Iowa.

Taking effect.

Approved, April 13, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *The Des Moines Daily Statesman*, April 14, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 112.

### COMPENSATION OF STATE OFFICERS AND JUDGES.

AN ACT Defining and Establishing the Salary of the Governor, other State Officers, and Judges of the several Courts of the State. APRIL 13.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That from and after the passage of*

Governor's salary \$3,000; proviso.

this act the salary of the Governor of the State shall be three thousand dollars per annum: *Provided* no allowance shall be made for house-rent or personal expenses for the Governor or his family.

Salary of State officers, \$2,200 each;

SEC. 2. The salary of the Secretary of State, of the Auditor of State, of the Treasurer of State, of the Register of the State Land Office, and of the Superintendent of Public Instruction shall be two thousand two hundred dollars per annum each.

of private secretary and deputy state officers, \$1,200 each;

SEC. 3. The salary of the private secretary of the Governor, of the deputy Secretary of the State, of the deputy Auditor of State, of the deputy Treasurer of State, of the deputy Register of the State Land Office, and of the deputy Superintendent of Public Instruction, shall be one thousand two hundred dollars per annum each.

of Supreme Court judges, \$3,000, when;

SEC. 4. The salary of each Judge of the Supreme Court from and after the first day of January, 1871, shall be three thousand dollars per annum.

of district judges, \$2,200 each, when;

SEC. 5. The salary of each judge of the district court from and after the first day of January, 1871, shall be two thousand two hundred dollars per annum.

of circuit judges, \$1,500;

SEC. 6. The salary of each judge of the circuit court shall hereafter be eighteen hundred dollars per annum: *Provided, however*, that, during the term for which any of the supreme, district, or circuit judges of the courts aforesaid may have been elected or appointed, their salaries shall not be increased by virtue of the operation of this act: *Provided, further*, that any person elected to fill a vacancy shall receive the salaries provided in this act.

proviso: salaries of judges not to be increased during term of office.

How payable.

SEC. 7. The salaries aforesaid shall be payable in monthly installments at the end of each month, and shall be a full compensation for all the official services of said officers and their deputies.

Fees to be collected and paid to State Treasurer.

SEC. 8. The fees and allowances authorized by law to be charged and collected by Secretary of State, Auditor of State, Register of the State Land office, shall continue to be charged and collected by them, and an accurate and particular account kept of the same, which account shall be rendered monthly by each of said officers to the State Treasurer, verified by oath, and the amounts thus shown to be charged and collected by them shall be paid over to the Treasurer of State at the end of each month.

Repealing clause

SEC. 9. That all acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Taking effect.

SEC. 10 This act, being by the General Assembly deemed of immediate importance, shall take effect and be in

force from and after its publication in the Daily State Register and Des Moines Daily Statesman, newspapers published at Des Moines, Iowa.

Approved, April 13, 1870.

I hereby certify that the foregoing act was published in *The Des Moines Daily Statesman*, April 14, and in the *Daily Iowa State Register*, April 15, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 113.

### REPRESENTATIVE APPORTIONMENT ACT.

AN ACT Apportioning the State of Iowa into Representative APRIL 13.  
Districts, and Declaring the Ratio of Representation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That one representative for every eleven thousand one hundred and seventy inhabitants, in each representative district, is hereby constituted the ratio of apportionment. Ratio, 11,170.

SEC. 2. Lee county shall be the first district, and entitled to three representatives. Lee county's representatives.

SEC. 3. Des Moines county shall be the second district, and entitled to two representatives. Des Moines, 2.

SEC. 4. Henry county shall be the third district, and entitled to two representatives. Henry, 2.

SEC. 5. Jefferson county shall be the fourth district, and entitled to two representatives. Jefferson, 2.

SEC. 6. Van Buren county shall be the fifth district, and entitled to two representatives. Van Buren, 2.

SEC. 7. Wapello county shall be the sixth district, and entitled to two representatives. Wapello, 2.

SEC. 8. Davis county shall be the seventh district, and entitled to one representative. Davis, 1.

SEC. 9. Monroe county shall be the eighth district, and entitled to one representative. Monroe, 1.

SEC. 10. Appanoose county shall be the ninth district, and entitled to one representative. Appanoose, 1.

SEC. 11. Lucas county shall be the tenth district, and entitled to one representative. Lucas, 1.

SEC. 12. Wayne county shall be the eleventh district, and entitled to one representative. Wayne, 1.

- 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 Adams, 1. SEC. 15. Union and Adams counties shall be the fourteenth district, and entitled to one representative.
- Ringgold 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, and 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.
- Marion, 2. SEC. 24. Marion county shall be the twenty-third district, and entitled to two representatives.
- Mahaska, 2. SEC. 25. Mahaska county shall be the twenty-fourth district, and entitled to two representatives.
- Keokuk, 2. SEC. 26. Keokuk county shall be the twenty-fifth district, and entitled to two representatives.
- Washington, 2. SEC. 27. Washington county shall be the twenty-sixth district, and entitled to two representatives.
- Louisa, 1. SEC. 28. Louisa county shall be the twenty-seventh district, and entitled to one representative.
- Muscatine, 2. SEC. 29. Muscatine county shall be the twenty-eighth district, and entitled to two representatives.
- Cedar, 2. SEC. 30. Cedar county shall be the twenty-ninth district, and entitled to two representatives.
- Scott, 3. SEC. 31. Scott county shall be the thirtieth district, and entitled to three representatives.
- Clinton, 3. SEC. 32. Clinton county shall be the thirty-first district, and entitled to three representatives.
- Jackson, 2. SEC. 33. Jackson county shall be the thirty-second district, and entitled to two representatives.
- Johnson, 2. SEC. 34. Johnson county shall be the thirty third district, and entitled to two representatives.
- Iowa, 1. SEC. 35. Iowa county shall be the thirty-fourth district and entitled to one representative.



SEC. 36. Poweshiek county shall be the thirty-fifth district, and entitled to one representative. Poweshiek, 1.

SEC. 37. Polk county shall be the thirty-sixth district, and entitled to two representatives. Polk, 2.

SEC. 38. Jasper county shall be the thirty-seventh district, and entitled to two representatives. Jasper, 2.

SEC. 39. Dallas county shall be the thirty-eighth district, and entitled to one representative. Dallas, 1.

SEC. 40. Guthrie and Greene counties shall be the thirty-ninth district and entitled to one representative. Guthrie and Greene, 1.

SEC. 41. Audubon, Shelby, Crawford, and Monona counties shall be the fortieth district, and entitled to one representative. Monona, Shelby, Crawford, etc., 1.

SEC. 42. Harrison county shall be the forty-first district, and entitled to one representative. Harrison, 1.

SEC. 43. Boone county shall be the forty-second district and entitled to one representative. Boone, 1.

SEC. 44. Story county shall be the forty-third district and entitled to one representative. Story, 1.

SEC. 45. Tama county shall be the forty-fourth district and entitled to one representative. Tama, 1.

SEC. 46. Benton county shall be the forty-fifth district and entitled to two representatives. Benton, 2.

SEC. 47. Marshall county shall be the forty-sixth district, and entitled to one representative. Marshall, 1.

SEC. 48. Linn county shall be the forty-seventh district, and entitled to two representatives. Linn, 2.

SEC. 49. Jones county shall be the forty-eighth district, and entitled to two representatives. Jones, 2.

SEC. 50. Dubuque county shall be the forty-ninth district, and entitled to three representatives. Dubuque, 3.

SEC. 51. Delaware county shall be the fiftieth district and entitled to one representative. Delaware, 1.

SEC. 52. Clayton county shall be the fifty-first district, and entitled to two representatives. Clayton, 2.

SEC. 53. Allamakee county shall be the fifty-second district, and entitled to two representatives. Allamakee, 2.

SEC. 54. Buchanan county shall be the fifty-third district, and entitled to one representative. Buchanan, 1.

SEC. 55. Fayette county shall be the fifty-fourth district, and entitled to one representative. Fayette, 1.

SEC. 56. Winneshiek county shall be the fifty-fifth district, and entitled to two representatives. Winneshiek, 2.

SEC. 57. Mitchell and Howard counties shall be the fifty-sixth district, and entitled to one representative. Mitchell and Howard, 1.

- SEC. 58. Chickasaw county shall be the fifty seventh district, and entitled to one representative.
- Chickasaw, 1.
- SEC. 59. Floyd county shall be the fifty-eighth district, and entitled to one representative.
- Floyd, 1.
- SEC. 60. Bremer county shall be the fifty-ninth district, and entitled to one representative.
- Bremer, 1.
- SEC. 61. Black Hawk county shall be the sixtieth district, and entitled to two representatives.
- Black Hawk, 2.
- SEC. 62. Butler county shall be the sixty-first district, and entitled to one representative.
- Butler, 1.
- SEC. 63. Franklin and Grundy counties shall be the sixty-second district, and entitled to one representative.
- Franklin and Grundy, 1.
- SEC. 64. Hardin county shall be the sixty-third district, and entitled to one representative.
- Hardin, 1.
- SEC. 65. Wright, Hamilton, and Humboldt counties shall be the sixty-fourth district, and entitled to one representative.
- Wright, Hamilton, and Humboldt, 1.
- SEC. 66. Webster county shall be the sixty-fifth district, and entitled to one representative.
- Webster, 1.
- SEC. 67. Cerro Gordo, Worth, Hancock, and Winnebago counties shall be the sixty-sixth district, and entitled to one representative.
- Cerro Gordo, etc. 1.
- SEC. 68. Kossuth, Palo Alto, Pocahontas, and Calhoun counties shall be the sixty-seventh district, and entitled to one representative.
- Kossuth, etc., 1.
- SEC. 69. Carroll, Sac, Buena Vista, and Cherokee counties shall be the sixty-eighth district, and entitled to one representative.
- Carroll, etc., 1.
- SEC. 70. Woodbury, Ida, Plymouth, Sioux, and Lyon, counties shall be the sixty-ninth district, and entitled to one representative.
- Woodbury, Ida, etc., 1.
- SEC. 71. O'Brien, Clay, Dickinson, Emmet, and Osceola counties shall be the seventieth district, and entitled to one representative.
- Emmet, etc., 1.
- Approved, April 13, 1870.

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## CHAPTER 114.

GEORGE WILSON.

APRIL 13. AN ACT Making Appropriation for the Relief of George Wilson.

WHEREAS, George Wilson, a citizen of Clarke county, Iowa, did, on the first day of April, 1864, join Captain

Hardin's company of the Eighth Iowa Cavalry, then stationed at Franklin, Tennessee, and remained with said company until September 25th, 1864, but by no fault of his own was never mustered into the United States service; therefore.

Preamble.  
Enlisted, but never mustered.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there be appropriated out of the public treasury, of the State, the sum of one hundred and six dollars, to be paid to the said George Wilson.

\$106 appropriated.

Approved, April 13, 1870.

## CHAPTER 115.

### CENSUS BOARD MAY SETTLE WITH DEFAULTING COUNTY TREASURERS.

AN ACT to Authorize the State Census Board to Compromise and Collect Unavailable Balances and Accounts with Defaulting County Treasurers. APRIL 13.

WHEREAS, A large number of balances due the State are now standing upon the Auditor's books, which can never be made available, and also a number of unsettled accounts with defaulting county treasurers, which could be more advantageously arranged for the interest of the State, by compromising judiciously, than by litigation; therefore,

Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Census Board is hereby authorized and empowered to settle and collect the above classes of accounts and balances, by compromise, as to them may appear for the best interest of the State.

Census Board authorized to settle balances due from counties, and with defaulting co. treasurers.

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

Taking effect.

Approved, April 13, 1870.

I hereby certify that the foregoing act was published in the *Daily Des Moines Statesman*, April 18, and in the *Daily Iowa State Register*, April 20, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 116.

## COUNTY HIGH SCHOOLS.

APRIL 13. AN ACT to Authorize Counties to Establish and Maintain High Schools.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That each county in this State having a population of two thousand inhabitants, or over, as shown by the last State or federal census, may establish a high school, on the conditions and in the manner hereinafter prescribed, for the purpose of affording better educational facilities for pupils more advanced than those attending district schools, and for persons desiring to fit themselves for the vocation of teaching.

Counties of 2,000 people may establish high schools.

Purpose.

SEC. 2. When one third of the electors of a county, as shown by the returns of the last preceding election, shall petition the board of supervisors, requesting that a county high school be established in their county at the place in said petition named, then said board shall give twenty days' notice previous to the next general election, or previous to a special election duly called for that purpose, that they will submit the question to the electors of said county whether such high school shall be established; at which election said electors shall vote, by ballot, for or against establishing such county high school. The notice contemplated in this section shall be given through one or more newspapers published in said county, if any be published therein, and by at least one written or printed notice to be posted in each township.

On petition of  $\frac{1}{3}$  the electors, the board of supervisors to submit question to people at general or special election.

Notice of elect'n.

SEC. 3. After said election, the ballots on said question shall be canvassed in the same manner as in the election for county officers; and if a majority of all the votes cast on said question shall be in favor of establishing said school, the board of supervisors shall immediately proceed to appoint six persons, who shall be residents of the county, but not more than two of whom shall be residents of the same township, who shall, with the county superintendent of common schools, constitute a board of trustees for said high school. Each of said trustees, appointed as aforesaid, shall hold his office until his successor is elected and qualified; and shall be required, within ten days after appointment, to qualify, by taking the oath of office, and giving such bond

Canvass of election.

Board of supervisors to appoint trustees.

Co. supt. to be one.

Term, oath, and bond.

as may be required by the said board of supervisors, for the faithful discharge of his duties.

SEC. 4. At the next general election after said appointment, there shall be elected in such county six high school trustees, who shall be divided into three classes of two each; and each class to hold their office one, two, and three years respectively, and their respective terms to be decided by lot. And each year thereafter there shall be two such trustees elected to succeed those whose term is about to expire. And said trustees shall qualify and enter upon the duties of their office in the same manner, and at the same time, as other county officers.

Election of trustees; classification and terms.

Qualification of same.

SEC. 5. The county superintendent shall be *ex-officio* president of said board of *directors* [trustees]; and, at their first meeting in each year, they shall appoint, from their own number, a secretary and treasurer, who shall perform the usual duties devolving upon such officers, for the term of one year, or until their successors are appointed to take their places.

Co. Supt. to be president; board to appoint secretary and treasurer.

SEC. 6. At said meeting, or at some succeeding meeting called for such purpose, said trustees shall make an estimate of the amount of funds needed for building purposes, for payment of teachers' wages, and for contingent expenses, and they shall present to the board of supervisors, a certified estimate of the per centum of tax required to raise the amount desired for such purposes: *Provided, however,* that in no case shall the tax for such purposes exceed, in any one year, the amount of five mills on the dollar on the taxable property of the county, and, when the tax is levied for the payment of teachers' wages and contingent expenses only, shall not exceed two mills on the dollar.

Trustees to make estimate of funds and per centum of tax required.

Proviso: maximum levy for this purpose.

SEC. 7. The said tax shall be levied and collected in the same manner as other county taxes, and when collected the county treasurer shall pay the same to the treasurer of the county high school, in the same manner that school funds are paid to the district treasurers as required by law.

Collection of tax; disposition by co. treasurer.

SEC. 8. The said treasurer of the high school shall give such additional bond as the board of trustees may deem sufficient, and receive all moneys from the county treasurer, and from other parties, that belong to the funds of said school, and pay the same out only by direction of the board of trustees, upon orders duly executed by the president, countersigned by the secretary thereof, stating the purpose for which they were drawn. Both the secretary and treasurer shall keep an accurate account of all moneys received

Treasurer to give additional bond, and receive and pay out moneys.

Secretary and treasurer to keep accounts;

and expended for said school; and at the close of each year, and as much oftener as required by the board, they shall make a full statement of the financial affairs of the school.

and to make statement.  
 Selection of site; to be without expense to county.  
 Purchases and contracts;  
 maximum of same.

SEC. 9. The said board of trustees shall proceed as soon as practicable, after their appointment as aforesaid, to select the best site, in accordance with the vote of the county, that can be obtained without expense to the same; and the title thereof shall be vested in said county. They shall then proceed to make such purchases of material, and to let such contracts for their necessary school-buildings, as they may deem proper: *Provided, however,* That they shall not make any purchase or contract in any year to exceed the amount on hand, and to be raised by the levy of tax that year.

Employment and pay of teachers.  
 Model schools.  
 Students may teach.

SEC. 10. When said board of trustees shall have furnished a suitable building for the school, they shall employ some competent teacher to take charge of the same, and furnish such assistant teachers as they deem necessary, and provide for the payment of their salaries. As far as practicable, model schools shall be encouraged; and advanced students and those preparing to become teachers may be employed a portion of their time in teaching the younger pupils, in order that they may become familiar with the practice as well as theory of successful school teaching, and also avoid as far as practicable the expense of employing other assistant teachers.

Tuition free.  
 Regulations as to qualifications.  
 Apportionment of pupils;  
 designation of same.

SEC. 11. Tuition shall be free to all pupils of such school residing in the county where the same is located. The board of trustees, however, shall make such general rules and regulations as they deem proper in regard to age, and grade of attainments, essential to entitle pupils to admission in the school. If there should be more applicants than can be accommodated at any time, each district shall be entitled to send its equal proportion of pupils, according to the number of scholars it may have, as shown by the last report to the county superintendent of common schools. And the boards of the respective school-districts shall designate such pupils as may attend.

Pupils from other counties.

SEC. 12. If, at any time, the school can accommodate more pupils than apply for admission from that county, the vacancies may be filled by applicants from other counties, upon the payment of such tuition as the board of trustees may prescribe; but at no time shall such pupils continue in said school to the exclusion of pupils belonging in the county in which such high school is situated.

SEC. 13. In any county where there is no county high school, it shall be lawful for the board of supervisors thereof, upon the presentation of a petition signed by a majority of the qualified electors of the county, to levy a tax, not exceeding one mill on the dollar in any one year, sufficient to pay the tuition of those scholars who desire to attend the county high school of some other county, or a high school or high school department established in the county, and, when they do attend such high school, this tuition may be paid out of the funds levied for that purpose.

Tax where there is no high school

SEC. 14. The principal of any such high school, with the approval of the board of trustees, shall make such rules and regulations as he deems proper, in regard to the studies, conduct, and government of the pupils under his charge, and, if any such pupils will not conform to, and obey, the rules of the school, they may be suspended or expelled therefrom by the board of trustees.

Rules and regulations for school ;

penalty for violation

SEC. 15. The said board[s] of trustees shall annually make a report to the board[s] of supervisors of their respective county[ies], which shall specify, the number of students, both male and female, who have been in attendance at the county high school during the year, the branches of learning taught, the text-books used, the number of teachers employed, the amount of salary paid to them, the amount expended for library and apparatus and for buildings and all other expenses; also the amount of funds on hand, debts unpaid, and other information deemed important or expedient to report. Said report shall be printed in at least one newspaper in the county, if any is published therein, and a copy of the report shall be forwarded to the State Superintendent of Public Instruction.

Trustees to make annual report ; what to contain.

Report to be published, and copy sent to Supt. of Public Inst.

SEC. 16. The board of supervisors shall have power to fill any vacancy that may occur in the board of trustees of that county, by appointment, until the next general election, and a majority of any such board of trustees shall be a quorum for the transaction of business.

Vacancies.

Quorum of board.

SEC. 17. The board of supervisors may allow each member of the board of trustees the sum of two dollars per day for the time actually employed in the discharge of his official duties, and when such accounts are presented for payment, they shall be audited and paid out of the county treasury, in the same manner as other accounts against the county, and said trustees shall not be entitled to any further remuneration for services or expenses.

Pay of trustees.

Taking effect.

SEC. 18. This act being deemed of immediate importance shall be in force from and after its publication in the Iowa State Register and Des Moines evening Statesman, newspapers published in Des Moines, Iowa.

Approved, April 13, 1870.

I hereby certify that the foregoing act was published in the *The Des Moines Daily Statesman*, April 31, and in the *Daily Iowa State Register*, April 24, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 117.

### SPECIAL APPROPRIATION ACT.

APRIL 13.

AN ACT making appropriations for the per diem and expenses of the Thirteenth 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:—

Pay of members,  
etc., of H. R.,  
\$57,100.

How paid.

SEC. 2. For the payment of the *per diem* of the members, officers, and employees of the House of Representatives, the sum of fifty-seven thousand one hundred dollars, or so much thereof as may be necessary, the 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.

Pay of members,  
etc., of Senate,  
\$33,181.

SEC. 3. For the payment of the *per diem* of the members, officers, and employees of the Senate, the sum of thirty-three thousand one hundred and eighty-one dollars, or so much thereof as may be necessary, to be audited and paid as provided in section two of this act.

Expenses of com-  
mittee to visit  
Home at Daven-  
port, \$60;

SEC. 4. To I. W. Keller, W. W. Merritt, and J. W. Satterthwaite, for expenses incurred as a legislative committee to visit and report upon the condition of the Orphans' Home at Davenport, sixty-five dollars.

of do Home at  
Glenwood, \$75;

SEC. 5. To J. F. Lacey, Wm. Butler, and George E. Griffith, for expenses incurred as a legislative committee to visit and report upon the condition of the Orphans'



Home at Glenwood, twenty-five dollars each, seventy-five dollars.

SEC. 6. To John Morrison twenty-five dollars, Geo W. Couch ten dollars and seventy-five cents, and Theophilus Crawford twenty-five dollars, for expenses incurred as a legislative committee to visit and report upon the condition of the Blind Asylum at Vinton, sixty dollars and seventy-five cents. of do. Asylum of the Blind, \$60.75;

SEC. 7. To Joseph Grimes, John Russell, and A. S. Faville, for expenses incurred as a legislative committee to visit and report upon the condition of the Soldiers' Orphans' Home at Cedar Falls, fifteen dollars each, forty-five dollars. of do. Home at Cedar Falls, \$54;

SEC. 8. To F. Teale, M. J. Rohlf, and W. G. Donnan, thirty dollars each for expenses incurred as a legislative committee to visit and report upon the condition of the Institution for the Deaf and Dumb at Council Bluffs: ninety dollars. of do. bldg. for Deaf and Dumb, at Council Bluffs, \$90;

SEC. 9. To Joel Brown, C. B. Miller, and Robert Smyth, fifteen dollars each for expenses incurred as a legislative committee to visit and report upon the condition of the Deaf and Dumb asylum at Iowa City: forty-five dollars. of do. Institut'n of the Deaf and Dumb, at Iowa City, \$45.

SEC. 10. To Charles Beardsley, C. Dudley, and O. O. Stanchfield, for expenses incurred as a legislative committee to visit and report upon the condition of the State University, six dollars each: eighteen dollars. of do. State University, \$18;

SEC. 11. To G. G. Bennett, C. Sanborn, and T. B. Carpenter, for expenses incurred as a legislative committee to visit and report upon the condition of the Hospital for the Insane at Independence, twenty-five dollars each: seventy-five dollars. of do. Independence Hospital for the Insane, \$75;

SEC. 12. To A. R. Pierce, J. D. Miles, and J. P. Ketcham, for expenses incurred as a legislative committee to visit and report upon the condition of the Insane asylum at Mt. Pleasant, twenty dollars each: sixty dollars. of do. Mt. Pleasant do, \$60;

SEC. 13. To James Chapin, A. H. Stutsman, and T. O. Norris, for expenses incurred as a legislative committee to visit and report upon the condition of the Reform School, forty-nine dollars and eighty cents. of do. Reform School, \$49.80;

SEC. 14. To P. G. Wright, James Wilson, and M. Long, for expenses incurred as a legislative committee to visit and report upon the condition of the Agricultural Farm, twenty-nine dollars. of do. Agricultural College, \$29;

SEC. 15. To James D. Wright, Aaron Brown, and Samuel Murdock, for expenses incurred as a legislative of committee of investigation at Penitentiary, \$24.95

committee of investigation to the Penitentiary at Fort Madison, twenty-four dollars and ninety-five cents.

SEC. 16. To Amos Currier, Superintendent of Weights and Measures, for repairs and incidental expenses, one hundred dollars.

Supt. weights and measures, for repairs, etc., \$100;

SEC. 17. To Dr. Augustus W. Hoffmeister, surgeon of the State Penitentiary, for books and instruments lost by fire at the Penitentiary, thirty-five dollars and fifty cents.

Surgeon of penitentiary losses by fire, \$35.50

SEC. 18. To the Ohio and Mississippi Railroad Company, for transportation of two soldiers, November 26th, 1861, ten dollars and twenty cents.

O. & M. R. R. Co., \$10.20.

SEC. 19. To G. & C. Merriam, for balance due for Webster's Dictionaries furnished the State, three hundred and twenty-four dollars and forty cents, in full of all accounts for said dictionaries.

Webster's Dictionaries, \$324.40.

SEC. 20. To Capital City Band, for services rendered at the inauguration of Gov. Merrill, thirty dollars.

Music at inauguration, \$30.

SEC. 21. To Webster, Brother & Co., for one Estey organ for the State Penitentiary, two hundred and six dollars and twenty-five cents.

Organ at Penitentiary, \$206.25.

SEC. 22. To Betzer Brothers, for extra work upon the Governor's Message in the Holland language, and for express charges on the same, fifty-eight dollars and fifty cents.

Governor's message in Dutch, \$58.50.

SEC. 23. To H. J. Gesman, for translating the Governor's message and inaugural into the Holland language, forty dollars.

Translating the same, \$40.

SEC. 24. To John B. Letovsky, for translating and printing the Governor's inaugural in the Bohemian language, one hundred and twenty-five dollars.

Inaugural in Bohemian, \$125.

SEC. 25. To the Des Moines Gas Company, for gas fixtures for the capitol building, one thousand and thirty-three dollars and twenty cents.

Gas fixtures at capitol, \$1,033.20.

SEC. 26. To J. R. Baker, for paste furnished to the Thirteenth General Assembly, twenty-five dollars.

Paste for G. A., \$25.

SEC. 27. To the Des Moines post-office, for unpaid postage on newspapers, periodicals, and other mail matter, four hundred and twenty-five dollars and forty-six cents.

Unpaid postage, \$435.45.

SEC. 28. To B. Anundson, for translating, printing, and binding the Governor's inaugural and message in the Norwegian language, three hundred and sixty-five dollars.

Message and inaugural in Norwegian, \$365.

SEC. 29. To the United States Express Company, for express charges on Norwegian documents from Decorah, Iowa, to Des Moines, Iowa, sixteen dollars.

Express charges on same, \$16.

SEC. 30. To Henry Lischer, for printing the Governor's message in German, and for binding and express

Printing, etc., of Governor's message in German, \$281.62.

charges on the same, two hundred and thirty-one dollars and sixty-two cents.

SEC. 31. To J. P. Stibolt, for translating the Governor's message into the German language, forty dollars. Translating the same, \$40.

SEC. 32. To F. B. Zdrubek, for translating the Governor message into the Bohemian language, fifty dollars. Translating Governor's message into Bohemian, \$50.

SEC. 33. To F. B. Zdrubek, for printing the Governor's message in the Bohemian language, two hundred and fifty-two dollars and eighty cents. Printing same, \$252.80.

SEC. 34. To the United States Express Company, for express charges from Cedar Rapids to Des Moines, on the Governor's message, six dollars and twenty cents. Express ch'g's on same, \$6.20.

SEC. 35. For payment of the postage of the Thirteenth General Assembly, in addition to the amount heretofore appropriated, the sum of two thousand one hundred and eighty-five dollars. Additional postage of G. A., \$2,185.

SEC. 36. For payment of the postage of the Thirteenth General Assembly upon matter to be forwarded after the adjournment under the direction of the Secretary of State, and for other expenses not otherwise provided for, three hundred dollars. Do. after adjournment, and other expenses, \$300.  
Sec. of State to forward.

SEC. 37. For payment of the chaplains of the Senate, to be divided among themselves, the sum of two hundred and eighty-two dollars. Chaplains of the Senate, \$282;

SEC. 38. For payment of the chaplains of the House of Representatives, to be divided among themselves, the sum of two hundred and eighty-two dollars. of H. R., \$282.

SEC. 39. 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. Additional pay to chief clerk H. R., and secretary of Senate, \$400.

SEC. 40. For mileage of members of the Thirteenth General Assembly, not before provided for, two hundred and twenty-nine dollars. Mileage, \$229.

SEC. 41. For payment of additional clerk-hire in the House, for clerks and paper-folders retained after adjournment, employed by the chief clerk, the sum of four hundred dollars, or so much thereof as may be necessary, to be paid on the certificate of the chief clerk. Additional clerk hire, etc., H. R. \$400.

SEC. 42. For payment of additional clerk-hire in the Senate, the sum of eighty-five [dollars,] or so much thereof as may be necessary, to be paid upon the certificate of the secretary. Do. in Senate \$85.

SEC. 43. To the Register Printing Company, Des

Printing for Ad-  
jutant - General,  
\$60.05.

Moines, Iowa, for work done for the Adjutant-General, sixty dollars and five cents.

Expenses of in-  
vestigation at the  
Penitentiary,  
\$110.90.

SEC. 44. For the payment of witness and bailiffs fees before the committee to investigate charge against Martin Heisey, Warden of the State Penitentiary, one hundred and ten dollars and ninety cents.

Commission of  
Legal Inquiry,  
\$600.

SEC. 45. For payment of the Commission of Legal Inquiry, the sum of six hundred dollars.

Suppl's furnish'd  
to soldi'rs, \$85.20.

SEC. 46. For payment of S. F. Spofford for supplies furnished to soldiers called into service by the Governor, and not before provided for, the sum of eighty-five dollars and twenty cents.

Assist'nt-janitor,  
\$20.

SEC. 47. To John Tomlinson, for four days' service as assistant janitor, twenty dollars.

Sergeant-at-arms  
for attendance on  
investigating  
committee, \$100.

SEC. 48. To H. C. Russell, sergeant-at-arms of the House, for expenses of attendance on investigating committee, one hundred dollars.

Clerk of same,  
\$200; how paid.

SEC. 49. To C. M. Mosier, clerk of said committee, the sum of two hundred dollars, to be paid on certificate of the chairman of the investigating committee.

SEC. 50. For the payment of subscriptions of newspapers taken by the members of the Senate, the sums following, to-wit :

Newspapers for  
Senate.

Advertiser, Tipton, 24 copies.....	\$	18 00
Advertiser, Eddyville, 22 copies.....		16 50
Ægis, Story County, 1 copy.....		75
Advocate, Boone County, 1 copy.....		75
Advocate, Floyd County, 3 copies.....		2 25
Anzeiger, Iowa Staats, 65 copies.....		48 75
Age, Iowa, 1 copy..		75
Bugle, Council Bluffs, 27 copies.....		20 25
Bulletin, Buchanan County, 7 copies.....		5 25
Bugle, Council Bluffs, daily, 3 copies.....		9 00
Blade, Pella, 28 copies.....		21 00
Chronicle, Lansing, 1 copy.....		75
Citizen, Tama, 20 copies.....		15 00
Chronicle, Wilton, 1 copy.....		75
Courier, Waterloo, 25 copies.....		18 75
Citizen, Loyal, 4 copies .....		3 00
Constitution, Keokuk, Daily, 1 copy.....		3 00
Constitution, Keokuk, Weekly, 22 copies .....		16 50
Courier, Ottumwa, Daily, 3 copies.....		9 00
Courier, Ottumwa, Weekly, 11 copies.....		8 25
Courier, Muscatine, Weekly, 2 copies.....		1 50
CopperHead, Ottumwa, 12 copies.....		9 75
Democrat, Iowa, Humboldt Co. [True], 1 copy...		75

	\$	75	Newspapers for Senate—contin- ued.
Democrat, Bloomfield, 1 copy .....			
Democrat, Davenport, Daily, 9 copies.....	27	00	
Democrat, Davenport, Weekly, 36 copies.....	27	00	
Democrat, Fort Madison, 10 copies.....	7	50	
Democrat, Boone County, 4 copies .....	8	00	
Democrat, Marion County, 10 copies.....	7	50	
Des Moines, Upper, 20 copies.....	15	00	
Democrat, Decorah, 1 copy .....	75		
Demokrat, National, 76 copies.....	57	00	
Excelsior, Maquoketa, 10 copies .....	7	50	
Express, Monticello, 1 copy.....	75		
Enterprise, 2 copies .....	1	50	
Express, Montgomery, 10 copies.....	7	50	
Eagle, Vinton, 4 copies ..	3	00	
Evangelist, 56 copies .....	42	00	
Eureka, Anamosa, 10 copies .....	7	50	
Enterprise, Birmingham, 20 copies.....	15	00	
Enterprise, Garden Grove, 21 copies.....	15	75	
Freeman, Hamilton, 51 copies.....	38	25	
Gazette and Argus, Burlington, 3 copies.....	2	25	
Gazette, Cedar Falls, 5 copies.....	3	75	
Gazette, Davenport, Daily, 16 copies.....	48	00	
Gazette, Davenport, Weekly, 93 copies.....	69	75	
[Gazette,] Des Moines Valley, 22 copies.....	16	50	
Gazette, Monona County, 11 copies .....	8	25	
Gazette, Dallas, 10 copies.....	7	50	
Gazette, West Union, 1 copy.....	75		
Gazette, Western, 6 copies.....	4	50	
Gate City, Daily, 8 copies.....	24	00	
Gate City, Weekly, 21 copies.....	15	75	
Gleaner and Herald, 1 copy.....	75		
Hawk-Eye, Burlington Daily, 13 copies.....	39	00	
Hawk-Eye, Burlington Weekly, 112 copies.....	84	00	
Herald, Clinton, 22 copies.....	16	50	
Herald, Dubuque Daily, 12 copies.....	36	00	
Herald, Dubuque Weekly, 74 copies.....	55	50	
Hawk-Eye, Mount Vernon, 41 copies.....	30	75	
Herald, Oskaloosa, 86 copies.....	64	50	
Herald, Poweshiek County, 21 copies.....	15	75	
Harrisonian, 7 copies.....	5	25	
Herald, Page County, 1 copy.....	75		
Homestead, 354 copies.....	265	50	
Intelligencer, Charles City, 6 copies.....	4	50	
Independent, Moulton, 10 copies.....	7	50	
Journal, Sioux City, 11 copies.....	8	25	
Journal, Maquoketa, 10 copies.....	7	50	
Journal, Muscatine Daily, 3 copies.....	9	00	

Newspapers for  
Senate. Continu-  
ed.

Journal, Muscatine Weekly, 8 copies.....	\$ 6 00
Journal, Mount Pleasant, 46 copies.....	34 50
Journal, Indianola, 37 copies.....	27 75
Journal, People's, Vinton, 1 copy.....	75
Journal, Decatur County, 5 copies.....	3 75
Journal, Davenport Daily, 2 copies.....	6 00
Journal, Davenport, Weekly 20 copies.....	15 00
Journal, Iowa Stock, 15 copies.....	11 25
Ledger, Eldora, 84 copies.....	63 00
Journal, Iowa School, 8 copies.....	6 00
Ledger, Fairfield, 28 copies.....	21 00
Mirror, Lansing, 2 copies.....	1 50
Monitor, Corydon, 20 copies.....	15 00
Mirror, Lyons, 21 copies.....	29 75
Monitor, Wright County, 10 copies.....	7 50
Messenger, Cass County, 7 copies.....	5 25
Madisonian, Winterset, 31 copies.....	22 25
News, McGregor, 3 copies.....	2 25
Nonpareil, Council Bluffs, Daily, 5 copies.....	15 00
Nonpareil, Council Bluffs, Weekly, 9 copies.....	6 75
News, Sigourney, 8 copies.....	6 00
News, Democratic, Waverly, 3 copies.....	2 25
North-West, Iowa, 7 copies.....	5 25
News, Mitchell [Co.], 1 copy.....	75
Observer, DeWitt, 22 copies.....	16 50
Opinion, Glenwood, 12 copies.....	9 00
Post, Die Keokuk, 25 copies.....	18 75
Press, Winnebago, 11 copies.....	8 25
Pioneer, Worth County, 10 copies.....	7 50
Pokrok, Cedar Rapids, 10 copies.....	7 50
Patriot, Chariton, 25 copies.....	18 75
Press, Hampton Free, 10 copies.....	7 50
Press, State, Decorah, 8 copies.....	6 00
Press, Mechanicsville, 1 copy.....	75
Press, Mitchell county, 1 copy.....	75
Press, Free, Newton, 34 copies.....	25 50
Post, Nashua, 1 copy.....	75
Press, Atlantic Free, 12 copies.....	9 00
Press, State, Iowa City, 10 copies.....	7 50
Press, Washington, 20 copies.....	15 00
Post, Council Bluffs, 7 copies.....	5 25
Recorder, Jesup, 2 copies.....	1 50
Republican, Montezuma, 1 copy.....	75
Republican, Decorah, 8 copies.....	6 00
Register, Adair County, 10 copies.....	7 50
Review, Denison, 10 copies.....	7 50
Register, Marion, 11 copies.....	8 25

Register, Des Moines, Daily, 177 copies.....	\$531 00	Newspapers for Senate continued.
Register, Des Moines, Weekly, 1209 copies.....	906 75	
Republican, Iowa City, 2 copies.....	1 50	
Reporter, Iowa State, 10 copies.....	7 50	
Record, Ringgold, 6 copies.....	4 50	
Republican, Keosauqua, 22 copies.....	16 50	
Republican, Progressive, Marengo, 15 copies.....	11 25	
Republican, Cerro Gordo, 23 copies .....	17 25	
Republican, Davis County, 32 copies.....	24 00	
Republican, Toledo, Tama County, 1 copy.....	75	
Republican, Wapello, 6 copies.....	4 50	
Republican, Newton, 21 copies .....	15 75	
Recorder, Monroe, 1 copy .....	75	
Standard, Montana, 10 copies.....	7 50	
Sentinel, Cedar [Iowa] Falls, 12 copies.....	9 00	
Sun, Winterset, 15 copies.....	11 25	
Statesman, Des Moines Daily, 31 copies.....	93 00	
Statesman, Des Moines Weekly, 114 copies .....	85 50	
South-West, Bedford, 6 copies.....	4 50	
Signal, Cedar Rapids, 1 copy.....	75	
Star, Western, 10 copies.....	7 50	
Sentinel, Osceola, 20 copies.....	15 00	
Staats-Zeitung, Dubuque, 11 copies .....	8 25	
Times, North Iowa, 13 copies.....	9 75	
Times, Cresco, 2 copies.....	1 50	
Tribune, Iowa City, 1 copy.....	75	
Times, Dubuque Daily, 12 copies .....	36 00	
Times, Dubuque Weekly, 30 copies.....	22 50	
Times, Marshalltown, 13 copies.....	9 75	
Tribune, Afton, 20 copies.....	15 00	
Times, Cedar Rapids, 7 copies.....	5 25	
Times, Sioux City Daily, 1 copy.....	3 00	
Tribune, Die Iowa, Daily, 1 copy .....	3 00	
Tribune, Die Iowa, Weekly, 26 copies.....	19 50	
Times, Fort Dodge, 1 copy .....	75	
Union, West Union, 2 copies .....	1 50	
Union, Manchester, 11 copies .....	8 25	
Union, Belle Plaine, 1 copy.....	75	
Union, Albia, 40 copies.....	30 00	
Voter, Iowa, 20 copies .....	15 00	
Vindicator, Estherville, 1 copy .....	75	
V[e]dette, Panora, 5 copies .....	3 75	
Volks Zeitung, 6 copies.....	4 50	
Weekblad, Pella, 1 copy.....	75	
Courier, New Hampton, 1 copy .....	75	
Conservative, Independence, 2 copies.....	1 50	
Democrat, Bonaparte, 20 copies.....	15 00	

Newspapers for Senate—concluded.	Head-Light, Grand Junction, 8 copies .....	\$ 6 00
	<i>Die</i> [Der] Democrat, Davenport, Weekly, 38 copies .....	28 50
	<i>Die</i> [Der] Democrat, Davenport, Daily, 1 copy..	3 00
	School Journal, Iowa, 8 copies .....	6 00
	Spirit of the West, 1 copy .....	75
	Register, Decorah, 13 copies .....	9 75
	Sentinel, Maquoketa, 80 copies .....	60 00
	Bulletin, Des Moines, Weekly, 338 copies .....	253 50
	Bulletin, Des Moines Daily, 114 copies.....	342 00
	Irish Republic, 117 copies .....	87 75
	Post, Chicago Evening Daily, 9 copies .....	27 00
	Post, Chicago Evening Weekly, 5 copies .....	3 75
	Des Moines News Company .....	592 62
	Supplement Des Moines Bulletin, 534 copies .....	1068 00

SEC. 51. For the payment of the subscription of newspapers taken by the members of the House of Representatives, the sums following to-wit:

Newspapers for House of Representatives.	Annals of Iowa, 1 copy .....	\$ 75
	Atlas, Grundy County, 7 copies.....	5 25
	Advertiser, Tipton, 21 copies.....	15 75
	Advertiser, Eddyville, 1 copy.....	75
	Advance, Marshall County, 1 copy .....	75
	<i>Ægis</i> , Story County, 16 copies .....	12 00
	Advocate, Lyons City, 1 copy.....	75
	Advocate, Boone County, 80 copies..	60 00
	Advocate, Floyd County, 7 copies.....	5 25
	Anzeiger, Iowa Staats, 91 copies.....	68 25
	Age, Iowa, 2 copies.....	1 50
	Bugle, Council Bluffs Weekly, 5 copies.....	3 75
	Bulletin, Bachanan county, 12 copies.....	9 00
	Bulletin, Des Moines Weekly, 1181 copies.....	1,514 00
	Bulletin, Des Moines Daily, 172 copies.....	516 00
	Bulletin, Des Moines Supplement, 1120 copies...	2,240 00
	Blade, Pella, 48 copies .....	36 00
	Chronicle, Lansing, 6 copies.....	4 50
	Citizen, Tama, 1 copy .....	75
	Chronicle, Wilton, 4 copies.....	3 00
	Courier, Waterloo, 34 copies.....	25 50
	Constitution, Keokuk Weekly, 83 copies.....	62 25
	Courier, Ottumwa Weekly, 114 copies .....	85 50
	Courier, Ottumwa Daily, 5 copies.....	15 00
	Citizen, American, 1 copy.....	75
	Conservative, Independence, 1 copy .....	75
	Voter, Iowa, 24 copies.....	18 00
	Copper Head, 8 copies.....	6 00



Collegian, 2 copies.....	1 50	Newspapers for House of Repre- sentatives.—Con- tinued.
Democrat, Emmetsburg, 5 copies.....	3 75	
Democrat, True, Humboldt County, 1 copy .....	75	
Democrat, Davenport Weekly, 62 copies.....	46 50	
Democrat, Davenport Daily, 11 copies .....	33 00	
Democrat, Fort Madison, 40 copies.....	30 00	
Democrat, Iowa, 20 copies .....	15 00	
Democrat, Boone County, 28 copies .....	21 00	
Democrat, Marion County, 1 copy.....	75	
Des Moines, Upper, 1 copy.....	75	
Democrat, Decorah, 2 copies.....	1 50	
Demokrat, National, 256 copies .....	192 00	
Demokrat, Der, 63 copies.....	47 25	
Evangelist, 9 copies.....	6 75	
Excelsior, Maquoketa, 1 copy.....	75	
Express, Monticello, 10 copies.....	7 50	
Enterprise, 8 copies.....	6 00	
Era, Jefferson, 17 copies.....	12 75	
Express, Montgomery, 11 copies .....	8 25	
Eagle, Vinton, 2 copies.....	1 50	
Evangelist, Adel, 14 copies.....	10 50	
Eureka, Anamosa, 9 copies.....	6 75	
Enterprise, Birmingham, 30 copies .....	22 50	
Evergreen, 1 copy.....	75	
Enterprise, Garden Grove, 30 copies.....	22 50	
Freeman, Hamilton, 39 copies .....	29 25	
Fra Fjærnt og Naer, 6 copies.....	4 50	
Gazette, Adams County, 10 copies.....	7 50	
Gazette and Argus, 3 copies.....	2 25	
Gazette, Monona County, 30 copies.....	22 50	
Gazette, Dallas, 62 copies.....	46 50	
Gazette, West Union, 3 copies .....	2 25	
Gazette, Western, 10 copies .....	7 50	
Guide, Ackley, 1 copy.....	75	
Gate City, Weekly, 42 copies.....	31 50	
Gazette, Cedar Falls, 30 copies.....	22 50	
Gazette, Davenport Weekly, 178 copies.....	133 50	
Gazette, Davenport Daily, 31 copies.....	63 00	
Gleaner and Herald, 29 copies.....	21 75	
Gate City, Daily, 8 copies.....	24 00	
Hawk-Eye, Burlington Weekly, 165 copies... ..	123 75	
Hawk-Eye, Burlington Daily, 11 copies .....	33 00	
Head-Light, Grand Junction, 48 copies .....	36 00	
Herald, Der, Elkader, 15 copies.....	11 25	
Herald, Clinton, 19 copies.....	14 25	
Herald, Clinton Tri-Weekly, 1 copy .....	2 00	

Newspapers for  
House of Repre-  
sentatives con-  
tinued.

Herald, Dubuque Weekly, 222 copies.....	\$166 50
Herald, Dubuque Daily, 19 copies.....	57 00
Herald, Oskaloosa, 127 copies.....	95 25
Herald, Poweshiek, 19 copies.....	14 25
Herald, Western, 30 copies.....	22 50
Herald, New Hampton, 1 copy.....	75
Harrisonian, 41 copies.....	30 75
Herald, Page County, 15 copies.....	11 25
Homestead, 979 copies.....	732 75
Intelligencer, Ames, 2 copies.....	1 50
Intelligencer, Charles City, 2 copies.....	1 50
Independent, Humboldt County, 1 copy.....	75
Journal, Sioux City, 55 copies.....	41 25
Journal, Jackson County, 12 copies.....	9 00
Journal, Clayton, 55 copies.....	41 25
Journal, Muscatine Weekly, 29 copies.....	21 75
Journal, Mount Pleasant, 140 copies.....	105 00
Journal, Indianola, 36 copies.....	27 00
Journal, Davenport Weekly, 15 copies.....	11 25
Journal, Muscatine Daily, 19 copies.....	57 00
Journal, Davenport Weekly, 4 copies.....	3 00
Journal, Decatur County, 36 copies.....	27 00
Journal, Iowa Stock, 20 copies.....	15 00
Journal, Iowa School, 6 copies.....	4 50
Jurist, Western, 1 copy.....	75
Ledger, Eldora, 65 copies.....	48 75
Ledger, Fairfield, 99 copies.....	74 25
Leader, Tama County, 1 copy.....	75
Mirror, Lyons, 2 copies.....	1 50
Mirror, Lansing, 6 copies.....	4 50
Monitor, Corydon, 100 copies.....	75 00
W. T. Heywood, News Company.....	1308 16
Monitor, Wright County, 5 copies.....	3 75
Messenger, Cass County, 7 copies.....	5 25
Madisonian, 1 copy.....	75
News, McGregor, 2 copies.....	1 50
Nonpareil, Council Bluffs Weekly, 38 copies.....	28 50
Nonpareil, Council Bluffs, Daily, 13 copies....	39 00
News, Sigourney, 101 copies.....	75 75
News, Waverly, 8 copies.....	6 00
North-West, Iowa, 27 copies.....	20 25
News, Mitchell, 66 copies.....	49 50
Observer, DeWitt, 10 copies.....	7 50
Opinion, Glenwood, 16 copies.....	12 00
Post, Die Keokuk, 139 copies.....	104 25
Press, Winnebago, 8 copies.....	6 00
Pioneer, Worth County, 6 copies.....	4 50

Pioneer, Brighton, 1 copy.....	75	Newspapers for
Patriot, Chariton, 59 copies.....	\$ 44 25	House of Repre-
Press, Hampton Free, 11 copies.....	8 25	sentatives con-
Post, Nashua, 49 copies.....	36 75	tinued.
Press, Democratic Free, 1 copy.....	75	
Press, Washington, 36 copies.....	27 00	
Press, Henry County, 1 copy.....	75	
Post, Council Bluffs, 30 copies.....	22 50	
Plaindealer, Cresco, 5 copies.....	3 75	
Recorder, Jesup, 6 copies.....	4 50	
Republican, Montezuma, 12 copies.....	9 00	
Republican, Decorah, 12 copies.....	9 00	
Register, Iowa State, Weekly, 2686 copies.....	2014 50	
Register, Iowa State, Daily, 301 copies.....	903 00	
Register, Adair County, 3 copies.....	2 25	
Review, Denison, 30 copies.....	22 50	
Register, Marion, 52 copies.....	39 00	
Republican, Iowa City, 27 copies.....	20 25	
Reporter, Iowa State, 7 copies.....	5 25	
Record, Ringgold, 6 copies.....	4 50	
Republican, Keosauqua, 50 copies.....	37 50	
Republican, Progressive, 35 copies.....	26 25	
Republican, Cerro Gordo, 16 copies.....	12 00	
Republican, Davis County, 20 copies.....	15 00	
Republican, Tama County, 1 copy.....	75	
Republican, Wapello County, 6 copies.....	4 50	
Republican, Waverly, 5 copies.....	3 75	
Reporter, Franklin, 10 copies.....	7 50	
Republican, Springvale, 3 copies.....	2 25	
Register and Ventilator, 12 copies.....	9 00	
Republican, Jasper, 30 copies.....	22 50	
Recorder, Monroe, 17 copies.....	12 95	
Sentinel, Maquoketa, 61 copies.....	45 75	
Spirit of the West, 50 copies.....	37 50	
Standard, Montana, 16 copies.....	12 00	
Standard, Waukon, 6 copies.....	4 50	
Sentinel, Iowa Falls, 3 copies.....	2 25	
Sun, Winterset, 4 copies.....	3 00	
South-West, Iowa, 8 copies.....	6 00	
Star of the West, 40 copies.....	30 00	
Statesman, Weekly, 522 copies.....	391 50	
Statesman, Daily, 66 copies.....	198 00	
Star, Western, 15 copies.....	11 25	
Sentinel, Clark County, 22 copies.....	16 50	
Staats-Zeitung, 10 copies.....	7 50	
Times, North Iowa, 88 copies.....	66 00	
Tribune, Die, 27 copies.....	20 25	

Newspapers for House of Representatives—concluded.	Tribune, Afton, 20 copies.....	15 00
	Times, Dubuque Weekly, 161 copies.....	120 75
	Times, Dubuque Daily, 15 copies.....	45 00
	Times, Marshall County, 71 copies.....	58 25
	Times, Cedar Rapids, 35 copies.....	26 25
	Times, Sioux City Weekly, 1 copy.....	75
	Times, Sioux City Daily, 1 copy.....	3 00
	Times, Fremont, 24 copies.....	18 00
	Times, Fort Dodge, 6 copies.....	4 50
	Times, Volga Valley, 24 copies.....	18 00
	Union, Fayette County, 3 copies.....	2 25
	Union, Delaware County, 5 copies.....	3 75
	Union, Albia, 60 copies.....	45 00
	Union, American, 24 copies.....	18 00
	Vindicator, Northern, 26 copies.....	19 50
Vedette, Guthrie, 18 copies.....	13 50	
Weekblad, Pella, 30 copies.....	22 50	
Irish Republic.....	263 00	
Post, Chicago.....	15 00	
State Press.....	34 50	

Taking effect. SEC. 52. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Daily Des Moines Bulletin.

Approved, April 13, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and in the *Des Moines Daily Bulletin*, April 16, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 118.

### AGRICULTURAL COLLEGE APPROPRIATION ACT.

APRIL 13. AN ACT Making Appropriations for the Iowa State Agricultural College and Farm.

Appropriations for College and Farm. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated out of the State treasury from any moneys not otherwise appropriated, for the purpose hereinafter stated, the following sums of money, or so much thereof as may be necessary, viz.: for extending and completing the wings of

the College building, the sum of fifty thousand dollars; for building and completing a laboratory, the sum of five thousand dollars; for the erection and completion of a workshop for the students, the sum of five thousand dollars; for the erection of a building over the gasometer, five hundred dollars; for farm improvements, the sum of two thousand dollars; for purchasing seeds and plants for experimental grounds, the sum of five hundred dollars; for the purpose of tile-draining, the sum of one thousand dollars; for professors' dwelling-house, four thousand five hundred dollars.

For improvem'ts,  
repairs, etc.,  
\$68,500.

SEC. 2. The money hereby appropriated shall be expended under the direction of the Board of Trustees of the Agricultural *farm and college* [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, countersigned by the secretary, at such times and in such sums as may be required in making the improvements, and erection of such buildings as above required and described.

Expenditure of  
moneys.

SEC. 3. Vouchers shall be taken for all moneys expended by the Board of Trustees, in carrying out the provisions of this act, and a record shall be kept of all expenditures, showing the amount paid, and for what service rendered to whom paid and for what material furnished.

Vouchers to be  
taken.

SEC. 4. In all contracts entered into by said Board of Trustees, good and sufficient bonds shall be required for the faithful performance of the same; and the said 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 to be re-  
quired.

Trustees to make  
report of expend-  
itures.

SEC. 5. 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, countersigned by the secretary.

Treasurer to draw  
money and pay  
out same.

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

Taking effect.

Approved, April 13, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* April 20, and *The Iowa Homestead*, April 22, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 119.

## INDEMNITY SWAMP-LANDS OF IDA COUNTY.

APRIL 18. AN ACT to Legalize the Sale of the Indemnity Swamp-Lands of  
Ida County, Iowa.

Preamble.

WHEREAS, The county of Ida, through its officers, did on the third day of January, A. D. 1870, execute and deliver to W. J. Wag[o]ner a deed of certain indemnity swamp-lands belonging to said county of Ida, situated in the counties of Plymouth, Sioux, O'Brien, and Cherokee, as described in said deed, recorded in book "B," pages 67 and 68 of deeds in the recorder's office in Cherokee county, Iowa; and

WHEREAS, Such conveyance or deed was made in accordance with a contract previously entered into between said county of Ida and said W. J. Wag[o]ner for the consideration of certain bridges for said county of Ida, by said W. J. Wag[o]ner, which contract was submitted for approval to the voters of said county, and said contract was ratified by a large majority of the voters of said county at said election, and the terms of said contract had previous to the execution of said deed been complied with by said W. J. Wag[o]ner, to the satisfaction of the board of supervisors of said Ida county; and

WHEREAS, Doubts have arisen to the validity of such conveyance, and the technical regularity of all the proceedings in relation thereto; 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 the same is declared to be legal and effectual, and that said conveyance be held to invest the said W. J. Wag[o]ner, his heirs and assigns, with a good and indefeasible title to the lands, rights and interests intended to be conveyed by said deed, as fully and completely as if all the proceedings in the premises had been regular and lawful.

Approved, April 13, 1870.

Conveyance to  
W. J. Wagoner  
declared legal.

CHAPTER 120.

THE HOSPITAL BUILDING AT INDEPENDENCE.

AN ACT to Provide for the Completion of the North Wing, Rear Center Building, Engine-House, Chimney, and Ducts, and the Improvement of the Grounds and Farm of the Iowa Hospital for the Insane at Independence. APRIL 18.

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That the additional institution for the insane now in process of building, by the provisions of chapter 97, laws of the 12th General Assembly, shall be known as the "Iowa Hospital for the Insane at Independence." Name of institution. 1863 : ch. 97.

SEC. 2. That the present Commissioners, viz., E. G. Morgan, M. L. Fisher, and G. W. Bemis, together with the Governor of this State, who shall be ex-officio a member of said commission, shall, with the least possible delay cause to be erected and completed, the remainder of the north wing, the rear center building, the engine-house, chimney, and ducts of said building, in accordance with the plans and specifications selected in pursuance of the provisions of chapter 97, laws of the 12th General Assembly, or upon such modifications thereof as shall manifestly be for the best interests of the State. Commissioners continued, and Governor added; to proceed with building, etc.

SEC. 3. Said Board are authorized to employ laborers by the day or month upon said building, and to purchase all materials necessary to be used in the construction of the same, or to let by contract such portion or portions of the materials to be furnished or labor to be performed as shall seem to them for the best interests of the State and for the early completion of said buildings, subject always to the following restrictions, viz.: No contract shall be made which will bind the State for a greater sum than is at the time appropriated by law, nor shall any contract for more than one thousand dollars be made without advertising for four consecutive weeks in two newspapers published in this State, stating when bids will be received and opened, and the kind and amount of labor or material wanted, and all such contracts shall be let to the lowest responsible bidder, provided he offers satisfactory bond for the performance of the contract, but the Board may reserve the right to reject all bids offered. All contracts, for whatever sum, shall be in writing, signed by the contractor and by the president of the Board, and shall be kept on file by the commissioners. Day's work or contract, as B'd shall decide. Contract to be limited by amt appropriated, and if for over \$1,000, to be advertised, and let to lowest bidder, provided, etc. Bids may be rejected. Contracts to be in writing.

SEC. 4. In case any contractor shall fail, through inability or negligence, to perform his part of any contract made or to be made, relative to said building, whereby the progress of the work thereon is likely to be seriously retarded, said Board shall have authority to cancel such contract and settle with such contractor: *Provided*, such settlement can be made without loss to the State.

SEC. 5. That, in addition to the sum appropriated by the Twelfth General Assembly, there is hereby appropriated out of any money in the State treasury, not otherwise appropriated, the sum of one hundred and sixty-five thousand dollars, or so much thereof as may be necessary, for the completion and furnishing of said portions of said asylum, and for the improvement of the grounds and farm. The money hereby appropriated, and the unexpended portions of the appropriation heretofore made, shall be expended under the direction of the Board of Commissioners, and shall be drawn from the State treasury, from time to time, on the requisition of the Commissioners, upon the Auditor of State, in sums not exceeding fifteen thousand dollars, and such amount so drawn shall be expended and duplicate vouchers taken therefor, one of which shall be deposited with the Auditor of State before any additional sum shall be drawn.

SEC. 6. That each member of said Board of Commissioners, except the Governor, be required to give additional bonds in the sum of twenty thousand dollars, to be filed as provided in chapter 97, laws of the Twelfth General Assembly, which additional bonds shall be filed before any money shall be drawn by said Board, under the provisions of this act.

SEC. 7. All parts of chapter 97, of the laws of the Twelfth General Assembly, inconsistent with this act, are hereby repealed.

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

Approved, April 13, 1870.

I hereby certify that the foregoing act was published in *The Des Moines Daily Statesman*, April 19th, and in the *Daily Iowa State Register*, April 24, 1870.

ED WRIGHT, *Secretary of State.*

Authority of Board in case of failure of contractor.

\$165,000 appropriated.

Manner of expenditure, and of drawing money.

Not more than \$15,000 to be drawn at one time.

Commissioners to give bond in \$20,000, each.

Repealing clause.

Taking effect.



CHAPTER 121.

LIABILITIES OF RAILROAD COMPANIES.

AN ACT to Amend Section Seven, Chapter One Hundred and Sixty-Nine of the Laws of the Ninth General Assembly. APRIL 18.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section seven, chapter one hundred and sixty-nine of the laws of the Ninth General Assembly, be amended by adding to the end of the said section the following words: "All contracts to the contrary notwithstanding." 1869: ch. 169. Contracts not to relieve railroad companies from liability for damages sustained by individuals.

SEC. 2. This act being of immediate importance shall be in force from and after its publication in the Daily State Register and Iowa Statesman. Taking effect.

Approved, April 13, 1870.

I hereby certify that the foregoing act was published in the *The Des Moines Daily Statesman*, April 21, and in the *Daily Iowa State Register*, April 24, 1870.

ED WRIGHT, *Secretary of State.*

CHAPTER 122.

GENERAL APPROPRIATION ACT.

AN ACT Making Appropriations for the Payment of the Salaries of the State and Judicial Officers, Interest on the State Bonds, and for other State Purposes as therein mentioned. APRIL 18.

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, ending March 31st, 1872, the following sums of money be, and the same are hereby appropriated: Appropriations for two years. *Provided,* That no appropriation herein made shall exceed the amount which may be provided by law as the salary of any officer named in this act. No appropriation to exceed salary.

SEC. 2. For the payment of the salary of the Governor the sum of six thousand dollars; and for contingent expenses of the executive office the sum of two thousand dollars. Governor, \$6,000; contingent expenses, \$2,000.

Private Secret'y, or's private secretary, the sum of two thousand four hundred dollars.

Sec. of State and deputy; \$6,800. Secretary of State the sum of four thousand four hundred dollars, and for the salary of his deputy two thousand four hundred dollars.

Aud. of State and deputy, \$6,800. of State the sum of four thousand four hundred dollars; and for the salary of his deputy two thousand four hundred dollars.

Treasur'r of State and deputy; \$6,800. of State the sum of four thousand four hundred dollars; and for the salary of his deputy two thousand four hundred dollars.

Register of State L.O. and deputy, \$6,800. ister of the State Land-Office the sum of four thousand four hundred dollars; and for the salary of his deputy two thousand four hundred dollars.

Supt. of Public Inst. and deputy, \$6,800. intendent of Public Instruction the sum of four thousand four hundred dollars; and for the salary of his deputy two thousand four hundred dollars.

Salaries of Supreme Judges, \$24,000. Supreme Judges the sum of twenty-four thousand dollars; and for the expenses of the Supreme Court the sum of six thousand dollars, or so much thereof as may be necessary; and all the bills for such expenses shall contain the items thereof and shall be certified to as correct by one of the Judges of said Court before being audited.

Expenses of the Supreme Court, \$6,000; bills to be certified. SEC. 10. For the payment of the expenses of the Supreme Court, including hall-rent and incidentals, for the special term holden at Dubuque, the sum of fifteen hundred dollars annually, or so much thereof as may be necessary, the vouchers therefor to be approved by the Judges of said Court before being audited.

Do at Dubuque, \$1,500; vouchers, how approved. Attorney - Gen'l, \$3,000. SEC. 11. For the payment of the salary of the Attorney-General the sum of three thousand dollars.

District Judges, \$58,250. SEC. 12. For the payment of the salaries of the district judges the sum of fifty-three thousand two hundred and fifty dollars.

Circuit Judges, \$36,400. SEC. 13. For the payment of the circuit court judges the sum of eighty-six thousand four hundred dollars.

District attorn'ys, \$14,400. SEC. 14. For the payment of the salaries of the district attorneys the sum of fourteen thousand four hundred dollars.

SEC. 15. For the payment of the salary of the Adjutant General, the sum of four thousand dollars; and for the payment of clerk in the Adjutant-General's office the sum of two thousand four hundred dollars, or so much as may be necessary.

Adjt.-Gen'l, and clerks, \$6,400.

SEC. 16. For the payment of deficiency, in contingent fund, caused by extraordinary payments made for [from] said fund on account of losses by fire at the State Penitentiary, the sum of four thousand dollars.

Fire at Penitentiary, \$4,000.

SEC. 17. 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 dollars, or so much thereof as may be necessary, to be drawn only when necessary to pay said interest and expenses as they may become due.

Int. on war and defense bonds, \$42,200.

SEC. 18. For the payment of two annual installments of interest on school fund-loan to become due, the sum of thirty-seven thousand five hundred and nineteen dollars and sixty-five cents.

Int. on school-fund loan, \$37,519.65.

SEC. 19. The following sums of money are hereby appropriated for the use of the several State officers herein designated, to enable them to procure necessary clerical help: *Provided*, that such officers shall furnish proper vouchers, approved by the Census Board, to the Auditor of State, before the same shall be audited, and the amount of which expenditure, what for, and to whom paid, shall be reported to the next General Assembly:—

For clerical help;

vouchers to be approved by the Census Board; officers to report to G. A.:

SEC. 20. For the use of the Secretary of State, the sum of fifteen hundred dollars, or so much thereof as may be necessary.

Sec'y of State, \$1,500;

SEC. 21. For the use of the Auditor of State, the sum of two thousand dollars, or so much thereof as may be necessary, and the further sum of two hundred and fifty dollars to defray the expense of settlement with county officials on account of school-fund.

Auditor of State, \$2,250;

SEC. 22. For the use of the Treasurer of State the sum of fifteen hundred dollars, or so much thereof as may be necessary.

Treas. of State, \$1,500.

SEC. 23. For the payment of a janitor and necessary number of night-guards and firemen for the capital building, for two years, the sum of seven thousand dollars or so much thereof as may be necessary to be expended under the direction of the Census Board.

Janitor, guards, and firemen for capitol, \$7,000; how expended.

SEC. 24. For the payment of postage [for] State officers, furniture for State-house, and such other necessary expenses as are not specifically provided for, for the term

Gen'l contingent fund, \$20,000;

bilis to be certified and approved.

of two years, the sum of twenty thousand dollars, or so much thereof as may be necessary: *Provided*, That all bills properly chargeable to said appropriation shall be made out by items and certified to be correct by the officer incurring the expense and approved by the Census Board.

Salaries, when to be paid.

SEC. 25. 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.

For contingencies from fire, etc., \$10,000;

vouchers, how approved;

Auditor to report.

SEC. 26. For the purpose of providing for contingencies growing out of fire or providential occurrences there is hereby appropriated the sum of ten thousand dollars, or so much thereof as may be necessary: *Provided*, That for any expenditures made of said contingent fund, before the vouchers therefor shall be audited, they shall be examined by, and receive the full and unanimous approval in writing of the Census Board, and the Auditor shall make a full and complete record [report] of such expenditures to the next General Assembly.

House-rent for Govern'r, \$1,200.

Taking effect.

SEC. 27. For the payment of the rent of a house for the Governor during his term of office, six hundred dollars per annum.

SEC. 28. This act being deemed of immediate importance shall take effect from and after its publication in the Iowa State Register and Des Moines Bulletin, newspapers published in Des Moines.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 24, 1870, and the *Des Moines Bulletin*, April 26, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 123.

### PAY OF EMPLOYEES OF SENATE.

APRIL 14.

AN ACT to Supply a Deficiency in a Certain Appropriation for the Employees of the Thirteenth General Assembly.

\$282 additional for janitor and paper-folders for Senate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby appropriated, out of any money in the treasury not otherwise appropriated,

the sum of two hundred and eighty-two dollars to be paid to the janitor and paper-folders of the Senate under the resolution of the Senate adopted on the 11th day of April, 1870.

Approved, April 14, 1870.

## CHAPTER 124.

### SCHOOL-HOUSE SITES.

AN ACT to Empower School-Boards to procure School-House Sites. APRIL 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be lawful for any school-board in this State, whether of district-township or independent district, heretofore organized, or that may hereafter be organized under the laws of this State, to take and hold, under the provisions contained in this act, so much real estate as may be necessary for the location and construction of a school-house, and convenient use of the school: *Provided,* That the real-estate so taken, otherwise than by the consent of the owner or owners, shall not exceed one acre: *And provided further,* That grounds appropriated to orchards, gardens, and public parks shall be excluded from the provisions of this act: *And provided further,* that all sites shall be selected on some public road, and not within twenty rods of any residence, without the consent of the owner, except in case of independent districts.

School-boards may take sites for school-houses;

not to exceed one acre;

not to be in orchards, gardens, or public parks; to be on road;

and in district tps. not within 20 rods of residence, without consent.

SEC. 2. Such school-board may take and hold real estate for school-house purposes, for a price to be agreed upon with the owners thereof, or the damages to be paid by such school-board for any real estate taken as aforesaid, when not agreed upon, shall be ascertained and determined by appraisers to be appointed by the county superintendent of the county where such real estate is situated, in conformity with the provisions of this act.

Price may be agreed upon;

or to be determined by appraisers.

SEC. 3. If the owner of any real estate, on which said school-board may desire to locate a school-house, refuses or neglects to grant the site on his or her premises, or, if such owner cannot be found, the county superintendent of the county in which said real estate may be situated, shall, upon application of either party, appoint three disinter-

If owner refuses to grant, or cannot be found, co. supt. to appoint appraisers.

Duty of appraisers. ested persons of said county, unless a smaller number is agreed upon by the parties, whose duty it shall be, after taking an oath or affirmation, to faithfully and impartially discharge the duties imposed on them by this act, to inspect said real estate, and assess the damages which said owners will sustain by the appropriation of his or her land for the use of said house and school, (said county superintendent giving to the owner of such real estate the same notice as is required for the commencement of a suit at law in the district court of Iowa, of the time of such assessment of damages,) and make a report in writing to the county superintendent of said county, (giving the amount of damage, description of land, and exact location,) who shall file and preserve the same in his office. If said school-board shall, at any time before they enter upon said land for the purpose of building or constructing said house, deposit with the county treasurer, for the use of said owner, the sum so assessed as aforesaid, they shall be thereby authorized to build or construct said house, and maintain their right to said premises: *Provided*, That either party may have the right to appeal from such assessment of damages, to the circuit court of the county where such real estate is situated, within twenty days after receiving notice that such assessment is made, which appeal shall be final; but such appeal shall not delay the prosecution of work upon said house if said school-board shall first pay, or deposit with the county treasurer, the amount so assessed by such appraisers, and in no case shall said school-board be liable for costs on appeal, unless the owner of said real estate shall be adjudged a greater amount of damages than was awarded by said appraisers. The school-board shall in all cases pay costs of the first assessment.

Co. supt. to notify owner.

Appraisers to report to supt.

School-board authorized to build, when.

Appeal to circuit court; same final; not to delay work, if, etc.

Board not liable to costs on appeal, etc.

Board to pay costs of first assessment.

Title for school purposes only; to revert, when.

Taking effect.

**SEC. 4.** The title acquired by said school-districts in and to said real property, shall be for school-purposes only, and, in case the same should cease to be used for said purpose for the space of two years, then the title acquired in said land under this act shall revert to the owner of the fee-simple title of the same upon the repayment by him of the principal amount paid for said land by said districts without interest, together with the value of any improvements thereon erected by said district.

**SEC. 5.** This act, being deemed by the General Assembly of immediate importance, shall take effect from and after its publication in the Daily Iowa State Register, and

the Des Moines Daily Bulletin, papers published in Des Moines, Iowa.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and the *Des Moines Daily Bulletin*, April 26, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 125.

### RIGHT OF WAY.

AN ACT to Amend Chapter 55 of the Revision of 1860.

APRIL 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be lawful for any railroad company, for the use of which any land shall have been condemned, for right of way, under chapter 55 of the Revision of 1860, to have recorded in the record of deeds of the county where such land is situated, the report of the commissioners assessing damages, where the same shall not have been appealed from, and the amount of the assessment and costs shall have been paid to the sheriff, and such record shall have the effect of and be *prima facie* evidence of title in the railroad company to the right of way so taken, and shall constitute constructive notice of the rights of such company and [in] said real estate.

Revision : ch. 55.

RR. co. may have report of commissioners recorded, when.

Record evidence of title.

SEC. 2. This act shall be retroactive in its effect and shall apply to reports already recorded, as herein provided; but shall only be retroactive as far as it relates to the recording of the report of the commissioner[s].

Act retroactive.

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

Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *The Des Moines Daily Statesman*, April 21, and in the *Daily Iowa State Register*, April 26, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 126.

## HUSBAND AND WIFE.

APRIL 14. AN ACT to Amend Chapter 101 of the Revision of 1860, pertaining to Husband and Wife, and regulating their Rights and Liabilities.

Rev.: ch. 101. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That sections 2505 and 2506 of the Revision of 1860 be hereby repealed, and there be enacted in lieu thereof the following as sections 2505 and 2506, to-wit:

Liabilities of husband and wife. (Section 2505.) "Neither husband nor wife is liable for the debts or liabilities of the other incurred before marriage, and except as herein otherwise declared they are not liable for the separate debts of the other; nor are the wages, earnings, or property of either, nor is the rent or income of such property, liable for the separate debts of the other."

Contracts made and liabilities incurred by wife, how enforced. (Section 2506.) "Contracts may be made by a wife, and liabilities incurred, and the same enforced by or against her to the same extent and in the same manner as if she were unmarried."

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

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in *The Des Moines Daily Statesman*, April 21, and in the *Daily Iowa State Register*, April 26, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 127.

## DIVORCE AND ALIMONY.

APRIL 14. AN ACT to Amend Section 2532 of the Revision of 1860, in Relation to Divorce and Alimony.

Rev.: §2532. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 2532 of the Revision of 1860, be amended so as to read as follows:

Jurisdiction given to dist. court in county where either party lives. (Section 2532.) "The district court, in the county where the plaintiff or defendant resides, has jurisdiction of all cases of divorce and alimony, and of guardianship connected therewith."



SEC. 2. This act, being deemed by the General <sup>Taking effect.</sup> Assembly of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Statesman, newspapers published at Des Moines, Iowa.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in *The Des Moines Daily Statesman*, April 16, and in the *The Daily Iowa State Register*, April 26, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 128.

### DAM ACROSS CEDAR RIVER.

AN ACT to Authorize the Vinton Water-Power Company to Construct a Dam across Cedar River, in Taylor or Cedar Township, Benton County. <sup>APRIL 14.</sup>

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Vinton Water-Power Company, their heirs and assigns, are hereby authorized and empowered to construct a dam across the Cedar river, in Taylor or Cedar township, in Benton county.

SEC. 2. That said Water-Power Company as aforesaid, and their heirs and assigns, shall have the full and exclusive right to all the use of the water-power created by the erection of such dam; *Provided*, That nothing in this act shall be construed to relieve or exempt the said water-power company from any restriction or regulation now or hereafter imposed by law on such company.

SEC. 3. All the rights and privileges of this act shall continue for the term of fifty years from and after the date of the passage of this act.

SEC. 4. This act being deemed of immediate <sup>Taking effect.</sup> importance shall take effect from and after its publication in *The Vinton Eagle* and *People's Journal*, newspapers published in Vinton, Iowa: *Provided*, the same is without expense to the State.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in *The Vinton Eagle* April, 20, 1870, and in the *People's Journal*, April 21, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 129.

## APPROPRIATIONS FOR THE ASYLUM OF THE BLIND.

APRIL 14. AN ACT to Provide for the Support and Education of the Blind.

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 Blind, including furniture, books, and maps, the compensation of principal, matron, teachers, and employees, and to provide for contingencies, there is hereby appropriated the sum of eight thousand dollars annually, or so much thereof as may be necessary, to be drawn quarterly, dating from the 1st day of April, 1870, as provided by law.

\$8,000 appropriated annually for ordinary expenses and contingencies; when to be drawn.

SEC. 2. To enable the Trustees of said Institution to provide necessary steam heating and ventilating apparatus, the construction of concrete drain, two bathing-rooms, with conveniences, slate roof for main building, furnishing of the new wing, the purchase of two pianos, and one fire-proof safe, the erection of wood-shed and storage building and repairs and improvements on grounds belonging to said Institution, there is hereby appropriated the sum of twenty-three thousand eight hundred dollars, to be drawn quarterly upon estimates.

\$23,800 for improvements, repairs, pianos, and safes; to be drawn quarterly;.

SEC. 3. There is hereby appropriated the further sum of three thousand two hundred and sixteen dollars and fifty-four cents, to meet the accrued indebtedness of the Institution.

\$3,216.54 for accrued indebtedness;

SEC. 4. Said appropriations shall be drawn upon the order of the Trustees, signed by the president and secretary of the Board, made upon the Auditor of State, who shall draw his warrant in the name of such Institution on the Treasurer of State as ordered by the Trustees.

how drawn.

SEC. 5. That section one of chapter forty-three of the acts of the Eleventh General Assembly be and the same is hereby amended by striking out all of said section except the enacting clause.

1866: ch. 43, sec. 1, repealed.

SEC. 6. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register, and Des Moines Bulletin, newspapers published in Des Moines.

Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and the *Des Moines Daily Bulletin*, April 26 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 130.

## TOWN OF AFTON.

AN ACT to Legalize [the Incorporation of the Town of Afton, Union County, Iowa, and the Acts of the Officers acting thereunder. APRIL 14.

WHEREAS. The town of Afton, in Union county, Iowa, was on the thirtieth day of November, 1868, incorporated under the general incorporation law of the State of Iowa; and, Preamble.

WHEREAS. Doubts exist as to the regularity of the proceeding in the incorporation of said town; and,

WHEREAS; The officers elected at the first election after the incorporation of said town, failed to call an election on the first Monday of March, 1869, as provided by law, but continued to perform the duties of their said offices, by holding over until the regular election on the first Monday of March, 1870; therefore.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the incorporation of the town of Afton, in Union county, Iowa, be and the same is hereby legalized; and that all the official acts of the town council of said town of Afton, done and performed, from the first Monday in March, 1869, to the first Monday of March, 1870, be and the same are hereby declared as legal as if said officers had been duly elected at the regular election on the first Monday of March, 1869. Incorporation legalized, and acts of council holding over declared legal.

SEC. 2. This act being of immediate importance, shall take effect from and after its publication in the Iowa State Register, paper published at Des Moines, Iowa, and The Afton Weekly Tribune, paper published in Afton, Iowa, without expense to the State. Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in *The Afton Weekly Tribune*, April 21, and in the *Daily Iowa State Register*, April 26, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 131.

## SALARIES OF OFFICERS OF HOSPITALS FOR THE INSANE.

APRIL 14. AN ACT Supplementary to an Act, entitled an Act for the Government of Hospitals for the Insane, defining the Legal relations of Insane Persons, and providing for their Care and Protection.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the amount of the salaries of the superintendent and officers of the Insane asylum at Mt. Pleasant, be determined by the Board of Trustees of that institute[ion.]

18th G. A.: ch. 109;  
Trustees to fix salaries of officers of Hospitals.

SEC. 2. This act to take effect and be in force from and after its publication in the Des Moines Bulletin and Register.

Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin*, April 26, 1870, and the *Daily Iowa State Register*, April 26, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 132.

## INDEPENDENT SCHOOL-DISTRICT OF MISSOURI VALLEY.

APRIL 14. AN ACT to legalize the Organization of the Independent School-District of Missouri Valley, Harrison County, Iowa.

WHEREAS, On the twenty-fifth day of April, 1868, the trustees of the township of St. Johns, Harrison county, Iowa, in accordance with the result of an election held by the electors of sub-district number six, of the district-township of St. John, did declare the said sub-district to be an independent school-district, having for its territory section fifteen, and the north half of section twenty-two, in township seventy-eight, range forty-four; and,

Preamble.

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

Doubts as to legality.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That said independent school-district of Missouri Valley, county of Harrison, Iowa, be, and the

District declared to be legally organized.

same is hereby declared to be fully and legally organized and incorporated with the boundaries as set forth in the preamble hereto, the same as if all the provisions of the statute regulating the organization of the independent school-district had been fully complied with ; and the said district tis 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 twenty-fifth day of April, 1868.

SEC. 2. All the acts of the *de facto* officers, of said independent school-district of Missouri Valley, are hereby confirmed, and are declared to have the same force and effect, as if said organization had been fully and legally completed on the twenty-fifth day of April, 1868. Acts of officer confirmed.

SEC. 3. This act, being deemed of immediate importance, shall be in force from and after the date of its publication in *The Western Star*, and *The Harrisonian*, a paper published in Missouri Valley, Iowa. Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in *The Western Star*, April 23, 1870, and in *The Harrisonian*, April 22, 1870.

ED WRIGHT, *Secretary of State.*

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## CHAPTER 133.

### LEASING CHURCH PROPERTY.

AN ACT to Define the Rights of Church Corporations in the Case of Certain Grants.

APRIL 14.

WHEREAS, In many cities of this State there are church organizations that occupy, for religious purposes, lands and lots originally granted to them by the *county* [territory], and State of Iowa ; and,

Preamble.

WHEREAS, In many instances the said grants are now in the business portions of the cities wherein they are located, and it is therefore desirable that they should be used for business purposes, and it is also obvious that, if so permitted to be used, they will more nearly serve their purpose than now, by yielding a larger revenue for religious purposes ; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That church organizations occupying

Church societies occupying grants from territory or State may lease same;

disposal of income from same;

control of church affairs.

Taking effect.

property granted to them by the territory or State of Iowa, are hereby authorized and empowered to lease such property for business purposes, and to occupy other property with their church edifice: *Provided*, That all of the income derived from such leased property shall be devoted to maintaining the religious exercises and ordinances of the church to which the grant was originally made, and to no other purpose: *And provided further*, That such church and its affairs shall remain in the control of a regular Board of Trustees chosen in accordance with its charter.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after publication in the State Register and Des Moines Statesman.  
Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 26, and *The Des Moines Daily Statesman* April 26, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 134.

### REFORM-SCHOOL.

APRIL 14. AN ACT Making Appropriations for State Reform-School.

\$315,000 appropriated for support of school;

how paid;

duty of Board and of Auditor.

Trustees to rep't.

Taking effect.

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 State treasury, not otherwise appropriated, the sum of fifteen thousand dollars, or so much thereof as may be necessary for the support of said school, and for the payment of salaries of officers and employees; said moneys, or so much thereof as may be necessary for the purposes herein specified, shall be paid only as follows: the said Board, or its executive committee, shall certify to the Auditor the correctness of all claims on the several appropriations hereby made, and thereupon the latter shall issue his warrant on the Treasurer of State for the amount. The Trustees, in their next annual report, shall set forth a full itemized account of the expenditure of this appropriation.

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

publication in the Daily Bulletin and Des Moines Daily evening Statesman, newspapers published at Des Moines, Iowa.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin*, April 23, and in *The Des Moines Daily Statesman*, April 23, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 135.

### SWAMP-LANDS.

AN ACT to Amend Section One of Chapter Seventy-seven of the APRIL 14.  
Laws of the Ninth General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section one of chapter seventy-seven of the laws of the Ninth General Assembly be and the same is hereby amended as follows: Insert between the words "county" and "provided," in the seventeenth line thereof, "and for that purpose the boards of supervisors are hereby authorized to call a special election if properly petitioned for by the legal voters of the county." 1862; ch. 77.

Bd. supervisors may order special election on disposal of swamp-lands.

SEC. 2. This act, being deemed of immediate importance by the General Assembly, it shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Bulletin, Iowa.

Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 26, and in the *Des Moines Daily Bulletin*, April 26, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 136.

## INDEPENDENT DISTRICT OF ACKLEY.

APRIL 14. AN ACT to Legalize the Election of the Independent School-District of Ackley, Hardin County, Iowa, March 14th, 1870.

Preamble.

WHEREAS, The electors of the independent school-district of Ackley, Hardin county, Iowa, on the second Monday of March, A. D., 1870, held a school election in the said independent school-district, to elect the school officers and directors for the said independent district for the ensuing year, and neither the president, vice-president, and secretary, and [nor] one of the directors of the said independent school-district, were present, to act as the judges of the election and receive the ballots cast; but other persons were present who were electors of said independent school-district, and acted as the judges of the election, and received and canvassed the votes thereof; and other irregular informalities and failures to comply with the law occurred in the said election; and,

WHEREAS, Because thereof doubts have arisen as to the legality and validity of the said election; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the said election of the said officers and directors of the independent school-district of Ackley, Hardin county, Iowa, on the second Monday of March, A. D. 1870, and any other irregularities, informalities, and failure to comply with the law, which may have occurred in the election of the said officers and directors of the said district, be and the same are hereby legalized to all intents and purposes as fully and effectually as if the president, vice president, and the secretary, or the president and one of the directors of said independent school-district of Ackley had acted as the judges of said election and received the ballots, canvassed the same, and declared the result of the election, and as if no other irregularity, informality, or failure to comply with the law in the election of said officers and directors had occurred at said election. The said officers and directors of said independent district so elected are hereby declared the legal officers and directors of said independent district for the ensuing year, any law to the contrary notwithstanding.

Election where regular judges were not present, and other irregularities legalized.

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

Taking effect.



tion in the Ackley Mirror and The Eldora Ledger, newspapers published in Hardin county, Iowa; *provided*, the publication therein shall be without expense to the State.  
 Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Ackley Mirror* \_\_\_\_\_, and in *The Eldora Weekly Ledger*, \_\_\_\_\_, 1870.\*

ED WRIGHT, *Secretary of State*.

CHAPTER 137.

WARRANTS OF ARREST.

AN ACT to Amend Section 4538 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 4538 of the Revision of 1860 be amended as follows:—

APRIL 14. \_\_\_\_\_

Strike out the word “or” in the third line of said section, and insert after the word “district” in the same line the words “or circuit.”

Revision: §4538.

Warrant issued by circuit judge.

Strike out of the eighth line of said section the words, “judge of the county court or.”

Certificate to character of magistrate issuing warrant.

Strike out of the ninth line of said section the word, “county,” and insert in lieu thereof the word, “district.”

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 Bulletin* and *Des Moines Statesman*, newspapers published at Des Moines, Iowa.

Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin*, and in *The Des Moines Daily Statesman*, April 23, 1870.

ED WRIGHT, *Secretary of State*.

\* See Addenda.

## CHAPTER 138.

## CONSOLIDATION OF TAXES.

APRIL 14. AN ACT to Consolidate Taxes which are Uniform in Civil Townships and Independent School-Districts, and to Amend Section 746 of the Revision of 1860.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That all taxes which are uniform throughout any civil township or independent school-district, in each and every county of this State, shall be formed into a single tax, entered upon the tax-list in a single column, and denominated a consolidated tax; and that each tax-receipt shall show the per centum levied for each separate fund.

Uniform taxes to be consolidated tax;

tax-receipt to show per centum;

**SEC. 2.** That section 746 of the Revision of 1860 be, and the same is, hereby amended, so as to read as follows: "Section 746. At their regular meeting in September in each and every year, the board of supervisors shall levy the requisite tax for the current year in accordance with law, and shall record the same in the proper book, and it shall be the duty of the county auditor, as soon as practicable, to complete the tax-list by carrying out in a column by itself the consolidated tax, road-tax, polls, irregular tax (if any be levied), and total tax, and after adding up each column of said taxes, he shall apportion the consolidated tax among the respective funds to which it belongs, according to the number of mills levied for each of said funds, and shall carry forward the several amounts showing a summary of the total amount of each distinct tax.

county auditor's duty;

apportionment of consolidated tax among funds.

**SEC. 3.** The treasurer of each and every county shall, on or before the tenth day of each month, apportion the consolidated tax of each civil township or independent school-district in his county, collected during the preceding month, among the several funds to which it belongs, according to the number of mills levied for each fund contained in said consolidated tax, and having entered the amount of tax for each fund, including other taxes collected during the preceding month, upon his cash account, he shall report the amount of each distinct tax to the county auditor, who shall charge him up with the same.

Apportionment of tax collected by county treasurer.

**SEC. 4.** That all acts, or parts of acts, inconsistent with this act be, and the same are hereby repealed.

Repealing clause.

Approved, April 14, 1870.

CHAPTER 139.

RAILROAD COMPANIES.

AN ACT to Repeal Section Two of Chapter 169 of the Laws of the Ninth General Assembly, and enact a Substitute therefor, in Relation to the Duties of Railroad Companies. APRIL 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section two of chapter 169, of the laws of the Ninth General Assembly be, and the same is, hereby repealed. 1869: ch. 169, §2, repealed.

SEC. 2. In the month of June, in each and every year, every railroad company operating a railroad in this State, shall fix its maximum rates of fare for passengers and freight, for transportation of timber, wood, and coal, per ton, cord, or thousand feet, per mile, also its fare and freight per mile for transporting merchandise, and articles of the first, second, third, and fourth classes of freight; and on the first day of July following shall put up, at all the stations and depots on its road, a printed copy of such fare and freight, and cause a copy to remain posted during the year. For willfully neglecting so to do, or for willfully receiving higher rates of fare or freight than those posted, the company shall forfeit and pay to the State of Iowa, for the use of the school-fund, not less than one hundred dollars, nor more than two hundred dollars, to be recovered in any civil action in the name of the State; and it is hereby made the duty of the several district-attorneys, within their respective districts, to sue for and recover all sums forfeited as aforesaid; and such company shall also forfeit and pay to the person injured, double the amount of compensation or charge illegally taken, to be recovered by such person in a civil action. To fix maximum rates of fare and freight in June.  
Printed copy of rates to be posted in July, and to remain.  
Penalty.  
Duty of district attorneys.  
Payment to person injured.

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

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and in the *Des Moines Daily Bulletin*, April 26, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 140.

## MECHANICS' LIENS.

APRIL 14. AN ACT to Amend the Law in Respect to the Liens of Mechanics and Others.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 1847 of the Revision of 1860, is hereby amended by adding thereto the following:

Revision : §1847 amended.

Sub-contractor may within six months after work is done, etc., file statement with the clerk of dist. ct.

Notice.

Lien.

*Provided,* That any such sub-contractor may at any time within six months after his work or labor is done, or his materials furnished, make a statement thereof in writing, supported by affidavit that the same is just and true, and that the amount claimed is still justly due and owing to him, and may file the same with the clerk of the district court, in manner as aforesaid, and thereafter give notice thereof with a copy of such statement to the owner or proprietor, his agent or trustee, and to the contractor; and from and after the service of such notice his lien therefor shall have the same force and effect and be prosecuted in like manner as a lien by the contractor, but shall be enforced against the property only to the extent of the balance due to the contractor at the time of the service of such notice upon the owner or proprietor, his agent or trustee."

Rev. : Chap. 79.

Suits to enforce liens may be begun within two years;

but on demand shall be commenced within 30 days, or lien to be forfeited.

Application of section.

SEC. 2. All suits to enforce the several liens provided for in chapter 79 of the Revision of 1860, may be commenced at any time within two years from the time of filing the statement or claim for the lien as therein provided; but upon written demand by the owner of the property or his agent, served on the claimant of the lien, such suit shall be commenced within thirty days from the service of such notice; and the provisions of this section shall apply to all liens heretofore filed and not foreclosed by settlement or otherwise; and, if the claimant shall fail to bring his suit within the thirty days after such demand shall be served on him by the owner, his lien shall be forfeited.

Revision : §1865 repealed.

Proviso.

SEC. 3. Section 1865 of the Revision of 1860 is hereby repealed: *Provided,* That nothing in this act contained shall be construed to affect or prejudice the rights of any *bona fide* purchaser, without notice, of property to which any lien may have attached prior to the passage of this act.

SEC. 4. This act shall take effect and be in force from Taking effect. and after its publication in the Daily Iowa State Register and the Daily Bulletin, newspapers published at Des Moines, Iowa.

Approved, April 14th, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 26, and in the *Des Moines Daily Bulletin*, April 26, 1870,

ED WRIGHT, *Secretary of State.*

## CHAPTER 141.

### TOWN OF PRAIRIE CITY.

AN ACT to Legalize the Incorporation of the Town of Prairie APRIL 14.  
City, Jasper County, Iowa

WHEREAS, The qualified electors of the town of Prairie Preamble.  
City in Jasper county, Iowa, did comply with the laws of the 12th General Assembly, in submitting to the electors the question of incorporation of said town; and

WHEREAS, Upon submitting said question to the qualified voters thereof as required by the provisions of said laws, the same was duly adopted and ratified; and

WHEREAS, The judge of said county failed to file and have recorded in the office of the recorder of said county the petition together with the description and plat of said town, and further failed to deposit a copy of the same with the Secretary of State as provided in said act; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the incorporation of the said town of Prairie City be and the same is hereby legalized as fully and effectually as if the said county judge had filed in the office, and had recorded in the records of said county, and deposited with the Secretary of State, the petition together with the description and plat of said town, as required by the provisions of chapter 61 of the laws of the 12th General Assembly. Incorporation of Prairie City legalized, as if papers had been properly filed.

SEC. 2. That all ordinances and by-laws enacted or adopted by the council of said town, shall have the same force and effect as if the law had been fully complied with. Ordinances and by-laws same.

Taking effect.

SEC. 8. This act to take effect from and after its publication in the *Daily State Register* and *Des Moines Bulletin*.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, and in the *Des Moines Daily Bulletin*, April 27, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 142.

### PUBLICATION OF ORIGINAL NOTICES.

APRIL 14.

AN ACT to Amend Section 2833, of the Revision [of 1860].

Rev. : §2833.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 2833 of the Revision [of 1860] be so amended as to read as follows: "The publication must be made by publishing the notice required in section 2812, without addition, four consecutive weeks which last publication shall be at least ten days before the next term of court, in some newspaper published at least weekly, and printed in the county where the petition is filed, and if there be none printed in such county, then in such paper printed at the next nearest county of this State, which paper shall in either case be determined by the plaintiff, or his attorney.

Plaintiff, or his attorney, to select paper to publish.

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 *Iowa Statesman*, newspapers published at the city of Des Moines, Iowa.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, and in *The Des Moines Daily Statesman*, April 28, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 143.

## RELIEF OF CAPTAIN JOSEPH W. CALDWELL.

AN ACT for the Relief of Joseph W. Caldwell.

APRIL 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the claim of Joseph W. Caldwell, late of "Company I," 1st Iowa cavalry, for services as captain of said company, be referred to the Census Board for their determination, and if sufficient evidence is presented to said Board to satisfy the members thereof, that said claim is just, said Board are hereby authorized to give their certificate to said Caldwell for the amount allowed; said certificate to be directed to the Auditor of State, who, on the receipt thereof, shall issue his warrant on the State Treasurer for amount so allowed, to be paid out of any moneys in the State treasury not otherwise appropriated.

Claim of J. W. Caldwell referred to Census Board.

Board to give certificate, when.

Auditor's warrant.

SEC. 2. This act being deemed of immediate importance, shall be in full force on its publication in the Iowa State Register and Iowa Statesman, newspapers published at Des Moines.

Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, and in *The Des Moines Daily Statesman*, April 28, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 144.

## AGRICULTURAL COLLEGE AND FARM.

AN ACT to Change the Time of the Meeting of the Board of Trustees of the Iowa State Agricultural College and Farm, and for other Purposes.

APRIL 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the annual meeting of the Board of Trustees of the Iowa State Agricultural College and Farm shall be held at the Agricultural College on the first Wednesday of December in each year.

Meeting of Board to be in December.

**College year.** **SEC. 2.** The College year shall commence on the first day of December of each year, and terminate on the thirtieth of November of the following year; the biennial report of the Board of Trustees shall be filed in the office of the Governor not later than the fifteenth day of December preceding the regular meeting of the legislature. The Governor shall cause four thousand copies of the report to be printed and bound in paper and distributed as follows: two thousand copies of which shall be furnished to the Agricultural College, and the balance to be distributed as provided by chapter 114 of the laws of the Tenth General Assembly.

**Biennial report to be filed with Governor, when.**

**Reports, how distributed.**

**Oath of officers of Board.**

**SEC. 3.** The president, secretary, treasurer, and cashier shall take and subscribe the oath provided in section 2180 of the Revision of 1860.

**Fees from releasing of lands to be paid into treasury of College.**

**SEC. 4.** That the fees arising from the releasing of the lands be paid into the treasury of the Iowa State Agricultural College and Farm for the use thereof.

**Taking effect.**

**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 Des Moines Statesman, newspapers published in Des Moines, Iowa.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, and *The Des Moines Daily Statesman*, April 28, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 145.

### COMMISSIONERS OF THE STATE LIBRARY.

**APRIL 14.** AN ACT Making the Judges of the Supreme Court Library Commissioners.

**Supreme Judges to be Commissioners.** **SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the Judges of the Supreme Court are hereby created Commissioners of the State Library, and as such are to have the management and control thereof in the selection and exchange of books therefor, for which they are to receive no compensation.

**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 the Des Moines Daily Bulletin, newspapers published at Des Moines, Iowa.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* April 27, and the *Des Moines Daily Bulletin*, April 27, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 146.

### COUNTY AUDITORS.

AN ACT Authorizing County Auditors to Administer Oaths, and APRIL 14.  
Providing a Seal for said Officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That each county auditor in this State is hereby authorized and empowered to administer oaths, and in the performance of such act the county seal shall be his seal of office. County Auditor authorized to administer oaths and use co. seal.

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 Iowa State Register and the Daily evening Statesman, newspapers published at Des Moines, Iowa. Taking effect.

Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* April 27, and *The Des Moines Daily Statesman* April 28, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 147.

### PRIVATE ROADS.

AN ACT to Repeal Chapter 127, of the Acts of the Eleventh General Assembly of the State of Iowa. APRIL 14.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter 127 of the acts of the 1866: ch. 127 repealed.

Eleventh General Assembly of the State of Iowa, in relation to the establishment of private roads, be and the same is hereby repealed.

**Taking effect.** SEC. 2. This act to take effect from and after its publication in the State Register and Des Moines Bulletin, newspapers published at Des Moines, State of Iowa.  
Approved, April 14, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, and in the *Des Moines Daily Bulletin*, April 27, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 148.

### COUNTY BOARD OF SUPERVISORS.

APRIL 14. AN ACT to Amend Article 11 of Chapter 22 of the Revision of 1860, creating a Board of Supervisors, and Acts amendatory thereto.

**Rev. : ch. 22.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That on and after the first day of January, 1871, the Board of Supervisors in each organized county in this State, shall consist of three persons, and no ballot shall be cast at such election for two residents of the same township, or if so cast shall not be counted. The supervisors shall be qualified electors, and be elected by the qualified voters of their respective counties at the annual election in each year, and shall hold their office for three years, except, as hereinafter provided, and are hereby authorized and empowered to do and perform all such duties as are now done and performed by the county board of supervisors.

**Board to consist of three; how elected.**

**Term.**

SEC. 2. At the general election in 1870, there shall be elected, in each organized county in this State, three supervisors, one of whom shall hold his office for three years, one for two years, and one for one year, their respective terms to be determined by lot, by the board of canvassers of said county, at the time of canvassing said vote; and annually thereafter there shall be one supervisor elected, who shall not be a resident of the same township of either of the members holding over, and who shall continue in office three years and until his successor is elected and qualified.

**First election.**

**Classification.**

**One supervisor annually.**

**Residence.**

SEC. 3. Such supervisors shall meet at the county-seat [s]

of their respective counties, on the first Mondays of January, April, June, September, and the first Monday after the general election in each year, and such special meetings as are now provided for by law. Meetings.

SEC. 4. The members of the board of supervisors shall each receive four dollars for each day actually in session, and six cents per mile for every mile traveled in going to and from said session of the board: *Provided*, That in counties having a population less than 10,000, they shall not receive compensation for more than twenty days in one year; and in counties having a population of more than 10,000, but less than 30,000, for more than thirty days in the year; and in counties having a population of 30,000 or over, not more than forty days in one year. Pay and mileage;  
pay limited.

SEC. 5. A majority of the board of supervisors shall be a quorum to transact business, but should a division take place on any question, when only two members of the board are in attendance, the question shall be continued until there is a full board of supervisors. Quorum.  
Question in case of tie continued.

SEC. 6. Resignations of supervisors shall be made to the county auditor, and in case of vacancy in the board of supervisors, caused by resignation, death, removal, or other cause, except expiration of term of office, and the interest of the county shall require such vacancy to be filled before the next annual election, the auditor, clerk, and recorder of said county, or a majority of said officers, shall meet at the seat of justice of said county, and appoint one or more supervisors as the case may require, who shall continue in office until the next regular election and until a supervisor or supervisors are elected and qualified to fill such vacancies; and the absence of any supervisor from the county for six months in succession, shall be a resignation of the office. Resignation.  
Vacancies, how filled when necessary.

SEC. 7. The board of supervisors of any county may submit to the qualified voters of the county at any regular election, the question, "Shall the number of supervisors be increased to five or seven," as the board shall elect, in submitting the question. If the majority of the votes cast shall be for the increase of the number, then, at the next ensuing election for a supervisor, the requisite additional supervisors shall be elected, whose terms of office shall be determined by lot, in such a manner, that one-half of the additional members shall hold their office for three years, and one-half for two years. Effect of absence from county.  
Question may be submitted to people of increasing number.

SEC. 8. All acts and parts of acts inconsistent with this act are hereby repealed. Action if vote is favorable.  
Repealing clause

Approved, April 14, 1870.

## CHAPTER 149.

## INDEPENDENT SCHOOL-DISTRICT OF SHELLSBURG.

APRIL 15. AN ACT to Legalize the Organization of, and the Election of the Independent School-District of Shellsburg, Benton County, Iowa.

Preamble. WHEREAS, In the organization of the independent school-district of Shellsburg, Benton county, Iowa, doubts have arisen as to the citizens therein having fully complied with the provisions of the statutes in such cases made and provided, and particularly in the election of directors in the omission of the giving full notice of the holding said election; therefore,

Doubts as to notice, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the organization of the independent school-district of Shellsburg, Benton county, and the election of six directors therefor, are hereby legalized and made valid, to the same extent as if the organization of, and the election of six directors in, said independent school-district, had been made in strict conformity to the statutes in such cases made and provided.

Organization legalized.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in *The Vinton Eagle* and *People's Journal*, newspapers published at Vinton, Iowa.

Taking effect.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in *The Vinton Eagle*, April 27, and in the *People's Journal*, April 28, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 150.

## JUDGMENT AGAINST EXECUTORS.

APRIL 15. AN ACT to Amend Sections 3324 and 3325 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 3324 be amended so as to read as follows: The person against whom the petition is

Rev.: ch. 3324.

Netloc.

filed shall be notified by the plaintiff to appear on the first day of the term, and show cause, if any they have, why execution should not be awarded.

SEC. 2. That section 3325 be amended so as to read as follows: The notice shall be served and returned in the ordinary manner, and the same length of time shall be allowed for appearance as in civil actions, and service of such notice on non-resident defendants may be had in such cases by publication. How served.

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 be in force from and after its publication in the Daily State Register and Des Moines Daily Bulletin, newspapers published at Des Moines, Iowa. Taking effect.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, and in the *Des Moines Daily Bulletin*, April 27, 1870.

ED WRIGHT *Secretary of State.*

## CHAPTER 151.

### ASSOCIATIONS FOR THE PROTECTION OF PROPERTY.

AN ACT to Amend Section 1187 of the Revision of 1860, relating to Incorporations, APRIL 15.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 1187 of the Revision of 1860, be and the same is hereby amended by inserting, after the word "societies," the following words, "And associations for the detection of horse-thieves and of other depredators upon property." Incorporation of societies for detection of horse-thieves, etc.

SEC. 2. This act shall take effect and be in force from and after its publication in the State Register and Des Moines Daily Bulletin, papers published at Des Moines, Iowa. Taking effect.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, and the *Des Moines Daily Bulletin*, April 27, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 152.

## SHERIFF'S FEES.

APRIL 15. AN ACT to Amend Chapter 46 of the Laws of the Tenth General Assembly of the State of Iowa.

Advance in sheriff's pay. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter 46 of the laws of the Tenth General Assembly of the State of Iowa, be and the same is hereby amended by striking out of the fifth line of the first section thereof, the words "thirty-five cents," and inserting, in lieu thereof, the words "fifty cents;" also by striking out of the sixth line of the second section thereof, the word "twenty," and inserting in lieu thereof the word, "fifty;" and by striking out of the seventh line of the second section thereof, the words "one hundred and twenty," and inserting, in lieu thereof, the words "two hundred."

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 Iowa State Register and Des Moines Bulletin, newspapers published in Des Moines, Iowa.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in the the *Daily Iowa State Register*, April 27, and in the *Des Moines Daily Bulletin*, April 27, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 153.

## COURTS.

APRIL 15. AN ACT to Amend Chapter 86 of the Laws of the Twelfth General Assembly in Relation to Courts.

Jury in circuit courts. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no jury shall be summoned to attend the circuit courts except for the first and third terms thereof held in each year, unless by written direction of the judge.

SEC. 2. Said courts shall have exclusive jurisdiction in all appeals and writs of error from inferior tribunals in civil cases; but the district court shall have exclusive jurisdiction in all appeals from inferior tribunals in criminal cases: *Provided*, That for the purposes of this section all actions arising under the provisions of chapter[s] 58 and 184, of the Revision of 1860, shall be deemed criminal.

Appeals: from criminal cases in inferior tribunals to district court.

Rev.: chs. 58 and 184.

SEC. 3. Where the judge of the circuit court is personally interested in any probate matter pending therein, he shall order the same transferred to the district court, which shall have jurisdiction therein the same as the circuit court would otherwise have, and its proceedings therein shall be entered on the records of the circuit court.

Circuit judge interested in probate matter to transfer same to district court.

SEC. 4. The circuit court shall have the power to appoint trustees, in all cases where a vacancy occurs in the office of a trustee appointed by will, or when a trustee is necessary in the settlement or distribution of an estate, for the purpose of preserving or protecting the interests of devisees, heirs, or other persons interested.

Power of circuit court in relation to appointing trustees.

SEC. 5. Trustees appointed by will, or by the court, must qualify and give bond the same as executors, and shall be subject to control or removal by the court in the same manner.

Trustees to qualify and give bond

SEC. 6. All parts of chapter 86 of the Laws of the 12th General Assembly as are inconsistent with this act are hereby repealed.

Repealing clause

SEC. 7. This act being deemed by the General Assembly of immediate importance shall take effect from and after its publication in the Iowa State Register and Des Moines Statesman.

Taking effect.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in *The Des Moines Daily Statesman*, April 25, and in the *Daily Iowa State Register*, April 27, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 154.

### INDEPENDENT DISTRICT OF TIPTON.

AN ACT in Relation to certain School Taxes in the Independent School-District of Tipton, Cedar County, Iowa. APRIL 15.

WHEREAS, In the year 1869, the board of directors of

Preamble.

the independent school-district, of Tipton, in Cedar county, Iowa, voted a certain per centum of taxation for contingent fund, and a certain per centum for teachers' fund, and the same was certified by said board to the board of supervisors of said county, and was by said supervisors levied on said District; but the auditor of said county did by mistake, in making out the tax-books of said county, estimate the taxes on a portion of said district at a different per centum from that above specified, and included the same in another district; and,

WHEREAS, Said auditor has corrected said tax-books to agree with said vote, certificate, and levy, and included the same in said district; and it is uncertain whether he has such power under section 747 of the Revision of 1860; therefore,

Corrections in county tax-books where territory had been includ'd in wrong district, equalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the corrections made as aforesaid shall be valid, and the taxes on said books shall be paid in accordance with such correction, the same as though no error or mistake had been made in making out said books.

Taking effect.

SEC. 2. This act being deemed of immediate importance shall take effect by publication in *The Tipton Advertiser* and *Mechanicsville Press*, without expense to the State.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in *The Tipton Advertiser*, April 28, 1870, and in *The Mechanicsville Press*.\*

ED WRIGHT, *Secretary of State*.

## CHAPTER 155.

### INDEPENDENT SCHOOL-DISTRICT OF ESGATE.

APRIL 15.

AN ACT to Legalize the Organization of the Independent School-District of Esgate, in the Township of Farmers' Creek, *Jackson*, [Jackson] County.

Preamble.

WHEREAS, The trustees of the township of Farmers' Creek, Jackson county, Iowa, in accordance with the result of an election held by the electors of school-district number eight on the 28th of February, 1868, did declare the said district to be an independent school-district under the name of the independent school-district of E-gate,

\* See Addenda.



having the same boundaries as said school-district number eight; and,

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

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That said independent school-district of Esgate, in the county of Jackson, 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 Farmers' Creek 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 the powers, rights, and privileges, that would have belonged to said district had the same been legally organized on the 28th day of February, 1868. District declared legally organized.

SEC. 2. All the acts of the *de facto* officers of said independent district of Esgate, are hereby confirmed, and are declared to have the same form and effect as though said organization had been fully and legally completed on the 28th of February, 1868. Officers' acts confirmed.

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

Approved, April 28, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, and in the *Jackson Sentinel*, April 28, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 156.

### ADULTERATION OF MILK AND CHEESE,

AN ACT to Prevent and Punish the Adulteration of Milk and APRIL 15.  
Cheese.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa*, That whoever shall knowingly sell to any person or persons, deliver or bring to be manufactured to any cheese or butter manufactory in this State, any milk diluted with water, or in any way adulterated, Selling milk diluted or adulterated, etc.,

keeping back  
strippings fraud-  
ulently,

or using deleteri-  
ous material in  
cheese or butter,

liable to fine and  
damages.

Taking effect.

or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or shall keep back any part of milk known as "strippings," with intent to defraud, or shall knowingly sell the milk, the product of a diseased animal or animals, or shall knowingly use any poisonous or deleterious material in the manufacture of cheese or butter, shall, upon conviction thereof, be fined in any sum not less than twenty-five dollars, nor more than one hundred dollars, and liable in double the amount of damages to the person or persons, firm, association, or corporation, upon whom such fraud shall be committed.

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 Bulletin, newspapers published in Des Moines, Iowa.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, and in the *Des Moines Daily Bulletin*, April 27, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 157.

### SWAMP-LAND FUND OF JACKSON COUNTY.

APRIL 15. AN ACT to Legalize the Action of the Board of Supervisors of Jackson County, in Relation to Disbursement of Swamp-Land Fund.

Appropriations  
and divisions of  
swamp-land funds  
legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the appropriations and divisions heretofore made of the swamp-land funds of Jackson county to the several townships in said county, by the board of supervisors of said Jackson county, be, and the same are hereby, legalized.

Taking effect.

Sec. 2. This act to take effect from and after its publication in the State Register, and the Jackson County Sentinel, newspapers published in this State.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 27, 1870, and the *Jackson County Sentinel*.\*

ED WRIGHT, *Secretary of State.*

\* See Addenda.

## CHAPTER 158.

## ESTATES OF DECEDENTS.

AN ACT to Amend Chapter 100 of the Revision of 1860, in relation APRIL 15.  
to the Estates of Decedents.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That sections 2308, 2323, 2325, 2326, 2329, 2334, 2335, 2339, 2348, 2349, 2351, 2352, 2360, 2376, 2386, 2387, 2389, 2391, 2393, 2395, and 2399 of the Revision of 1860, be, and the same are hereby, repealed, and there is enacted in lieu thereof, and as such sections, the following: Rev.: ch. 100.

SEC. 2. (Sec. 2308.) That all bonds relating to probate matters shall be filed in the office of the clerk of the circuit court, and shall not be deemed sufficient until examined by the clerk, and his approval indorsed thereon. Bonds in probate matters, where filed.  
Clerk's approval.

SEC. 3. (Sec. 2323.) Any person, having the custody of a will, shall, at the first stated term of the court after being informed of the death of the testator, bring the same into open court, when it shall be publicly read; or such will may be filed with and opened by the clerk in vacation. Reading of will;  
in vacation.

SEC. 4. (Sec. 2325.) After being thus produced and read, a day shall be fixed by the court, or clerk, for proving the same, which day shall be during a term of court, and which hearing may be postponed, from time to time, in the discretion of the court. Probate.

SEC. 5. (Sec. 2326.) Notice of such hearing shall be given, which shall be signed by the clerk of the court and addressed to all whom it may concern, and be published in a weekly or daily newspaper, printed in the county where the will is filed, for three consecutive weeks, the last of which publications shall be at least ten days before the time fixed for such hearing. If, however, the court direct other or different kind of notice, it shall be such as by it prescribed. Notice;  
to be printed.  
Other notice.

SEC. 6. (Sec. 2329.) Wills shall not be carried into effect unless thus allowed, and such allowance is conclusive as to the due execution of the will, unless set aside by an original or appellate proceeding. Probate conclusive, unless, etc.

SEC. 7. (Sec. 2334.) They may in each case consist of one or more, and, if not designated by will, they may be appointed by the court in term, or in vacation by the clerk subject to the approval of the court. Executors.

**Refusal to accept trust; or neglect to give bond, makes necessary;** SEC. 8. (Sec. 2335.) If a person appointed executor refuse to accept the trust, or, if when duly notified of his appointment, he neglects to appear within thirty days and give bond as hereinafter prescribed, or when an executor removes from the State, a vacancy will be deemed to have occurred.

**Provision in case of vacancy.** SEC. 9. (Sec. 2339.) In case of vacancy the court may appoint a substitute, or it may allow another executor (if there is another) to proceed by himself in administering the estate. When such vacancy leaves the estate without an executor, the clerk may, in vacation, appoint such substitute subject to the approval of the court.

**Executor to give bond.** SEC. 10. (Sec. 2348.) Every executor, except as herein otherwise declared, before entering on the discharge of his duty, must give bond in such penalty as the clerk approves, conditioned for the faithful discharge of the duties imposed on him by law, according to the best of his abilities.

**Oath.** SEC. 11. (Sec. 2349.) He must also take and subscribe an oath, the same in substance as the condition of the bond aforesaid, which oath and bond must be filed with the clerk.

**Commission.** SEC. 12. (Sec. 2351.) After the filing of the bond aforesaid, the clerk shall issue a commission under the seal of the court, giving the executor the powers authorized by law.

**Temporary executors.** SEC. 13. (Sec. 2352.) When for any cause there is a necessary delay in granting such commission, the court in term, or the clerk in vacation, may, in their discretion, appoint one or more executors to collect and preserve the property of the deceased, who shall qualify as above required.

**Inventory of personal effects.** SEC. 14. (Sec. 2360.) Within thirty days after their appointment, unless for good cause an extension of that time is specially given by the court, or if in vacation by the clerk, the executors shall make and return to the clerk an inventory of all the personal effects of the deceased, of every description, which have come within their knowledge, embracing all book-accounts which appear by the books or papers of the deceased to be unsettled.

**Notice of sale of real estate.** SEC. 15. (Sec. 2376.) Before any order to that effect can be made, all persons interested in such real estate, shall be served with notice in the same manner as prescribed for the commencement of civil actions.

**Conveyances.** SEC. 16. (Sec. 2386.) Where real estate is sold, conveyances thereof executed by the executors pass to the pur-

chaser all the interest of the decedent therein; but such conveyance shall not be valid until approved by the court.

SEC. 17. (Sec. 2387.) Such approval shall be entered of record. A certificate thereof must be indorsed upon the deed, with the signature of the clerk and the seal of the court affixed thereto, and the deed so indorsed shall be presumptive evidence of the validity of the sale, and of the regularity of all the proceedings connected therewith. Presumption.

SEC. 18. (Sec. 2389.) The executors shall, within thirty days after the receipt of their commission, publish notice of their appointment, either by posting, or by publication in a newspaper, in such manner as the court, or if in vacation, the clerk may direct; which direction shall be indorsed on the commission when issued. Executors' notice how published.

SEC. 19. (Sec. 2391.) Claims against the estate must be clearly stated, sworn to and filed, if the claim be less than one hundred dollars, ten days' notice of the hearing indorsed on a copy of the claim must be served upon one of the executors in the manner required for commencing actions in the district court. The executor may with the approbation of the court, admit claims with the correctness of which he is satisfied, but not until the claimant has sworn to their correctness, and the like rule shall be observed in relation to payments or set-offs to any demands due the estate. Claims. Executor may allow.

SEC. 20. (Sec. 2393.) Where claims are filed, and not allowed as provided in the preceding section, the claimant's remedy thereon shall be by action in the circuit court, if the claim exceeds one hundred dollars. Remedy where claims filed are not allowed.

SEC. 21. (Sec. 2395.) In matters of accounts of executors and guardians, the circuit court shall have authority to appoint one or more referees, who shall have all the powers, and perform all the duties, as now provided in relation to referees appointed by the district court under chapter 123 of the Revision of 1860. Circuit court may appoint referees, when: and their duties. Rev.: ch., 123.

SEC. 22. (Sec. 2399.) Unsatisfied judgments rendered prior to the death of the decedent, sworn to as provided in section 2391, shall be entered in the catalogue of claims, but possess no preference over other claims, except the lien allowed by law. And should the executor wish to make defense to said judgment, or establish a set-off thereto, or cross demand against the owner thereof, he may do so by action in the circuit court. Unsatisfied judgments. Set-off, etc.

SEC. 23. Sections 2392 and 2394 of Revision of 1860 are hereby repealed. Rev.: §2392 & 94 repealed.

**Taking effect.** SEC. 24. This act, being deemed by the General Assembly of immediate importance, shall take effect from and after its publication in the Iowa State Register and Des Moines Statesman, newspapers published in Des Moines, Iowa.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in *The Des Moines Daily Statesman*, April 25th, and in the *Daily Iowa State Register*, April 28, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 159.

### DRAINAGE ACT.

APRIL 15. AN ACT to Provide for the Draining of Land.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That any person owning or possessing any swamp, marsh, or wet land, who shall desire to drain the same, and when he shall deem it necessary, in order thereto, that a ditch or ditches should be opened through lands belonging to other persons, in case the owners of any such land shall refuse to permit the opening of such ditch, or ditches, through the same, or if the parties cannot agree upon the terms thereof, he may make application, in writing, to the township trustees of the township where such marsh or swamp lands shall be situated, to inquire and determine whether such marsh, swamp, or wet lands are a source of disease to the inhabitants, and whether the public health would be promoted by draining the same, and to inquire and determine whether such ditch or drain is necessary for the proper cultivation of the same, and whether the permanent assessed value of said lands will be increased by such drain. Said application shall be filed with the township clerk.

**SECTION 2.** Such application shall state through whose premises, if known, it is necessary for said ditch or ditches to pass, and shall also describe said lands. Ten days' notice shall be served upon the owners of said lands, in like manner as notices are required to be served in com-

Mode of procedure where owners desire to drain lands by opening ditches through adjoining property.

Application to tp. trustees.

Questions relative to public health and cultivation of lands to be inquired into.

What application shall state.

mencement of actions before justices of the peace, and said notice shall state at what time said application will be filed, and in case the owner of any [of] said land shall be unknown to the applicant, or a non-resident of the State or county, then three written notices shall be posted for ten days, in three public places in the neighborhood of the said land, and in the township in which it is situated.

Notice to be served.

On non-residents to be posted.

SEC. 3. Upon the filing of said application, the trustees shall agree upon a time when they will hear and determine upon said application, and also shall agree upon the place of their meeting. They shall give five days' notice of such time and place of meeting to all persons interested, by posting up three written notices thereof, in three public places in said township. And, upon the day set for hearing said application, said trustees shall, (or if any of the said township trustees should not be present, the trustee or trustees present shall) have power to hear and determine the matters contained in said application, or such trustee or trustees may adjourn the hearing thereof not more than ten days. And, upon the final hearing, said trustee or trustees, shall determine whether it is necessary to pass through any of said land; and, if they find it necessary, they shall also determine the direction in which said drain shall run, and the depth and width thereof, as near as may be and said trustees may employ the county surveyor to assist them if necessary, the fees of the surveyor being paid in the same manner as the other costs of this proceeding.

Trustees to give notice of meeting

Hearing: powers of trust. es.

Determination.

Co. surveyor.

Construction of drain, on payment of damages

SEC. 4. The person or persons making the application for the drain, may, under the order of the trustees, enter upon the premises through which said drain is located and construct the same in accordance with said specifications, upon the payment of the damages as hereinafter provided.

Assessments of damages.

SEC. 5. If the trustees shall be of the opinion that the drain will be of damage to the land through which it is to pass, then they shall assess the amount of damage to be paid to the owner thereof, and after payment of the amount so assessed, the person or persons making the application may enter upon said land and construct the same, and, if no damages be assessed, then the applicant shall have full power to enter upon the land through which said drain passes, with the necessary implements to accomplish said work.

Applicant may construct drain; where.

Decision to be filed.

SEC. 6. The trustees, after having decided in favor of, or against said application, shall reduce their decision to writing, and file the same with the township clerk.

Appeal to the circuit court.

SEC. 7. Either party, feeling aggrieved by the decision of the trustees in the assessment of damages, may appeal to the circuit court of the county in which the land is situated, and the said court may hear and determine in all matters relating to said assessment; but so much of the decision of said trustees as relates to the location, width, and depth of said drain, shall be final. An appeal-bond shall be required as in cases of appeal from justices of the peace, and the same shall be filed with the township clerk, who shall approve it, and immediately thereafter shall certify all the original papers to the clerk of the circuit court.

Trustee's decision as to drain final.

Appeal: bond.

Trustees to keep drain in repair.

SEC. 8. After said drain is completed, it shall be kept in repair under the direction of the township trustees, and, when applied to in writing by any person owning land through which such drain shall run, said trustees shall examine the same and may make such orders in regard to the repair thereof and cleansing the same, as they may deem just and equitable, but they shall not be empowered to order any person to repair or cleanse the same, except the owners of land through which the drain runs.

Pay of officers.

SEC. 9. The township trustees shall receive for their duties under this act, the sum of one dollar and fifty cents per day, and the township clerk shall receive for filing each application the sum of fifty cents. The surveyor shall receive the fees prescribed by law for like duties performed by him. The trustees shall make such orders in regard to the payment of costs as they may think just, and they may require their costs to be paid in advance, in the first instance, by the person making the application.

Payment of costs.

Bridging of highways.

SEC. 10. If said drain shall cross a highway, it shall be bridged at the expense of the applicant or applicants.

Persons obstructing or injuring ditch liable for double damages; for second offense treble.

SEC. 11. Any person who shall dam up, obstruct, or in any way injure any ditch or ditches so opened, shall be liable to pay to the person owning or possessing the swamp, marsh, or other low land for the draining of which such ditch or ditches shall have been opened, double the damages that shall be assessed by the jury for such injury; and, in case of a second or other subsequent offense by the same person, treble such damages.

1862: ch. 70 repealed.

SEC. 12. Chapter 70 of the acts of the Ninth General Assembly is hereby repealed.

Taking effect.

SEC. 13. This act shall take effect from and after its publication in the Iowa State Register and Des Moines



Bulletin, daily papers published in the city of Des Moines, Iowa.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 28, and in the *Des Moines Daily Bulletin*, April 29, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 160.

### CONVEYANCES MADE IN OTHER STATES.

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 15.

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 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 [lie], 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 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

Conveyances of property in Iowa heretofore made in other States, according to their laws made valid.

Admitted to record.

Provido: record confirmed.

recorded, had prior to being recorded been acknowledged or proved within this State.

Acknowledgments of all conveyances, heretofore recorded, legalisee.

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.

Taking effect,

SEC. 4. This act, being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register and Des Moines Bulletin, newspapers published in Des Moines, Iowa.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and the *Des Moines Daily Bulletin*, April 28, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 161.

### ATTACHMENT AND GARNISHMENT.

APRIL 15. AN ACT to Amend Chapter 124 of the Revision of 1860, relative to Attachment and Garnishment.

Rev.: §8174 repealed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 3174 of the Revision of 1860 be, and the same is hereby, repealed; and there is hereby enacted, in lieu thereof, the following, to-wit:

What petition must state.

The petition which asks an attachment must in all cases be sworn to. It must state: 1st, that the defendant is a foreign corporation, or acting as such; or, 2d, that he is a non-resident of the State; or, 3d, that he is about to remove his property out of the State without leaving

sufficient remaining for the payment of his debts; or, 4th, that he has disposed of his property (in whole or part) with intent to defraud his creditors; or, 5th, that the defendant is about to dispose of his property with intent to defraud his creditors; or, 6th, that he has absconded, so that the ordinary process cannot be served upon him; or, 7th, that he is about to remove permanently out of the county, and has property therein not exempt from execution, with which he refuses to pay or secure the debt due the plaintiff; or, 8th, that he is about to remove permanently out of the State, and refuses to pay or secure the debt due the plaintiff.

Contemplated disposal of property with fraudulent intent.

SEC. 2. That the word "county" in the third line of section 3177 of said chapter be repealed, and the word "circuit" be enacted and inserted in lieu thereof, and that there be added, to the end of said section 3177, the words following, to-wit: "and circuit court."

Rev.: \$3177.

Circuit court given jurisdiction

SEC. 3. This act shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa evening Statesman, papers published in Des Moines, Iowa.

Taking effect.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in *The Des Moines Daily Statesman*, April 26, and the *Daily Iowa State Register*, April 28, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 162.

### INDEPENDENT DISTRICT OF KIRKVILLE.

AN ACT to Legalize the Acts of the Independent District of Kirkville, Wapello County, Iowa. APRIL 15.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all tax-levies for school-house fund and the election of directors and officers of the school-board of the independent district of Kirkville, Wapello county, Iowa, for the year 1870, *is* [are] hereby legalized and made valid, the same as if the proceedings had all been conducted according to law.

Tax-levies and election legalized

SEC. 2. That this act take effect and be in force from and after its publication in the Iowa State Register and

Taking effect.

the Ottumwa Courier, the publication to be made without expense to the State.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 28, and the *Ottumwa Courier* \*

ED WRIGHT, *Secretary of State.*

## CHAPTER 163.

### AN INDEPENDENT DISTRICT IN PAGE AND TAYLOR COUNTIES.

APRIL 15. AN ACT to Legalize the Organization of an Independent School-District from Portions of Page and Taylor Counties.

Preamble.

WHEREAS, On the 8th day of April, A. D. 1867, an independent school-district was organized out of sub-district number one, in Nebraska township, Page county, Iowa, and from contiguous territory, to-wit: the west  $\frac{3}{4}$  of section 18, west  $\frac{3}{4}$  of section 19, and west  $\frac{3}{4}$  of south  $\frac{1}{2}$  of section 7, situated in Dallas township, in Taylor county; and,

WHEREAS, The county officers of the said counties of Page and Taylor have recognized the legality of said organization by the levy of and partial collection of taxes for school purposes upon and from the citizens thereof; and

WHEREAS, The said citizens have, during the time that has elapsed since the organization of said independent district, enjoyed the benefit and privilege thereof; [therefore,]

Organization legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the organization of said independent school-district, as herein set forth, is hereby legalized and made binding.

Taking effect.

SEC. 2. This act to take effect and be in force from and after its publication in the *Page County Herald* and *Page County Democrat*, papers published at Clarinda, Iowa, without expense to the State.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in *The Page County Herald* April 28, and in *The Page County Democrat* \*

ED WRIGHT, *Secretary of State.*

\*See Addenda.

CHAPTER 164.

INDEPENDENT DISTRICT OF STRAWBERRY POINT.

AN ACT to Annex certain Lands to the Independent School-District of Strawberry Point, for School Purposes. APRIL 15.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That that portion of west half of the southwest quarter of section 23, township 91, north range six, west of the fifth principal meridian, that lies south of the Missouri road, be annexed to the independent school-district of Strawberry Point for school purposes. Pt. of §28, 91, 6 annexed to district,

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after its publication in the Clayton County Press of Strawberry Point, and the Clayton County Journal, without expense to the State. Taking effect.

Approved, April 15, 1870.

I hereby certify that the foregoing act was published in the Clayton County Press April 28, and in the Clayton County Journal. \*

ED WRIGHT, *Secretary of State.*

CHAPTER 165.

DAMAGE TO BAGGAGE.

AN ACT in Relation to Omnibuses, Transfer Companies, and Common Carriers generally. APRIL 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That proprietors, or their agents, of omnibuses, transfer companies, or other common carriers, doing business within the limits of this State, shall be held liable in an action at law for damages occasioned to baggage or other property, belonging to travelers, through careless or negligent handling, while in possession of the companies, or common carriers as above named. Common carriers liable for damage to baggage through careless handling.

SEC. 2. That for every day's detention to travelers in consequence of damage as before described, and necessary delay of suit for same, said companies, owners, or Same to pay for detention of travelers caused thereby.

\* See Addenda.

agents shall pay to each person so delayed a sum of not less than three dollars, which amount shall be added to the judgment for damage to property should the action be sustained.

Approved, April 16, 1870.

## CHAPTER 166.

### COUNTY TREASURER.

APRIL 16. AN ACT to Increase the Compensation of County Treasurers.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That section six, of chapter 129, of the laws of the 10th General Assembly is hereby amended by striking out the words "twelve hundred dollars" where they occur in the 12th and 13th lines of said section, and inserting in lieu thereof the words "fifteen hundred dollars."

Maximum compensation increased to \$1500.

Taking effect.

**SEC. 2.** This act shall take effect and be in force from and after its publication according to law.

Approved, April 16, 1870.

## CHAPTER 167.

### CIVIL CODE.

APRIL 16. AN ACT to Amend the Code of Civil Practice.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That sections 2708, 2724, 2728, 2729, 2730, 2732, 2733, 2741, 2746, 2771, 2776, 2803, 2805, 2824, 2843, 2856, 2907, 3007, 3189, 3222, 3225, 3227, 3272, 3305, 3308, 3323, 3602, 3603, and 4066 of the Revision of 1860, as now constituted, be and the same are hereby repealed, and there are enacted, in lieu of and as such sections, the following:

Rev. : part 3.

Sections repealed etc.

Attorney's lien;

**SEC. 2.** (Sec. 2708.) An attorney has a lien for a general balance of compensation, upon any papers of his client, which have come into his possession in the course of his professional employment; upon money in his hands belonging to his client; and upon money due to his client

and in the hands of the adverse party or his attorney in [an] action or proceeding in which the attorney was employed, from the time of giving notice of the lien to that party, which after judgment may be by entering of in the margin of the judgment-record, a memorandum to the claim and amount due, signed by the attorney and attested by the clerk of the court.

On money in hands of adverse attorney;

notice how given.

SEC. 3. (Sec. 2724.) Should there be less than that number of such persons in any county, the list shall comprise all those who answer the above description; and, in counties containing a population of over twenty thousand inhabitants, the list of petit jurors shall consist of two hundred and fifty persons.

List of petit juror increased in counties of over 20,000 people.

SEC. 4. (Sec. 2728.) The Auditor shall thereupon file said lists in his office, and cause a copy thereof to be recorded in the election-book.

Auditor to file list of jurors. Service.

SEC. 5. (Sec. 2729.) Grand jurors shall be selected for the first term in the year at which said jurors are required, commencing next after the first day of January in each year, and shall serve for one year. Petit jurors shall be selected for each term wherein they are required, but no person shall be required to attend as petit juror more than two terms of court in the same year; and, in counties containing a population of more than five thousand inhabitants, it shall be cause for challenge that the person has already served two terms as juror during that year.

Petit jurors not required to serve more than two terms a year: same cause of challenge.

SEC. 6. (Sec. 2730.) At least twenty days previous to the first day of any term, at which a jury of either kind is to be selected, the clerk must write out the names on the lists aforesaid, which have not been previously drawn as jurors during that year, on separate ballots, and the county auditor and sheriff, having compared said ballots with the jury-lists and rectified the same, if necessary, shall place the ballots in a box to be provided for that purpose.

Drawing of jurors.

Auditor and sheriff.

SEC. 7. (Sec. 2732.) When grand jurors are to be selected, their number must be fifteen, and they shall serve for one entire year thereafter; the number of petit jurors shall be fifteen unless the judge of the district or circuit court shall, for the court over which he presides, in writing, direct the county auditor to select a greater number, in which case such greater number shall be selected; and separate lists shall be made for the district and circuit courts.

Number of jurors to be drawn.

Judges may direct oo. auditors to draw more.

Separate lists,

SEC. 8. (Sec. 2733.) Within three days after such drawing, the clerk must issue a precept to the sheriff, commanding him to summon the said jurors to appear

**Summoning jurors.** before the court for which they were selected, at eleven o'clock, A. M., of the first day of the next term thereof, (naming the month and day,) unless the judge of the court has previously directed a different hour or day for their appearance, in which case such direction must be observed.

**Limitation of actions for fraud and for trespass.** SEC. 9. (Sec. 2741.) In actions for relief on the ground of fraud, and in actions for trespass to property, the cause of action shall not be deemed to have accrued until the fraud or trespass complained of shall have been discovered by the party aggrieved.

**Action barred by laws of other country; not to apply when.** SEC. 10. (Sec. 2746.) But when a cause of action has been fully barred by the laws of any country where the defendant has previously resided, such bar shall be the same defense here as though it had arisen under the provisions of this chapter; but this section shall not apply to causes of action arising within this State.

**Married women may sue and be sued, except, etc.** SEC. 11. (Sec. 2771.) A married woman may in all cases sue and be sued without joining her husband with her, except in cases where the cause of action exists in favor or against both.

**Deserted wife or husband may prosecute or defend actions.** SEC. 12. (Sec. 2776.) When a husband, being a father, has deserted his family, the wife, being a mother, may prosecute or defend, in his name, any action which he might have prosecuted or defended, and shall have the same powers and rights therein as he might have had; and, under like circumstances, the same right shall apply to the husband upon the desertion of the wife.

**Cases in which a change of venue may be granted in civil actions.** SEC. 13. (Sec. 2803.) A change of venue, in any civil action may be had in any of the following cases:—  
1st. Where the county in which the suit is pending is a party thereto.

2d. Where the judge is a party, or is directly interested in the suit, or is connected by blood or affinity with any person so interested nearer than the fourth degree.

**Affidavit not to be verified by relatives.** 3d. When either party files an affidavit verified by himself and three disinterested persons not related to the party making the motion nearer than in the fourth degree, stating that the inhabitants of the county, or the judge, is so prejudiced against him, or that the adverse party or his attorney has such an undue influence over the inhabitants of the county that he cannot obtain a fair trial. Where it is so made to appear to the judge, that a jury of twelve men cannot be obtained in the county where said action is pending, then, upon application of either party as aforesaid, a change of venue shall be granted to the nearest county in which a jury can be obtained.

**Changes granted.**



SEC. 14. (Sec. 2805.) The venue shall be changed to Where to. some other county in the same district, unless the objections are to the judge, or unless the objections made is claimed to hold to all the other counties of the district, and shall be to the most convenient county to which no objection is made. Whenever a change of venue shall be granted on account of prejudice or disability of the judge, When to circuit court. the case shall be transferred to the circuit court of the same county, unless the same objection exist to the judge of the circuit court, unless such change of venue be applied for in cases where the circuit court has no jurisdiction, in which case the cause shall be transferred to some other district court.

SEC. 15. (Sec. 2824.) If a county is defendant, service Service of original notice when civil corporation is defendant. may be made on the chairman of the board of supervisors or county auditor. If any other civil corporation, upon a trustee or other officer thereof. If no trustee, officer, agent, or employee of any incorporation, organized under the laws of this State, can be found within the State, on whom service can be made as now provided by law, service may be made on such corporation by publication.

SEC. 16. (Sec. 2843.) When any real property is the Notice to affect land in another county. subject of any action, and the same is situated in any other county than the one in which the action is brought, the plaintiff must, in order to affect third persons with constructive notice of the pendency of the action, file with the clerk of the district court of such county, a notice of the pendency of the action, and a description of the property in that county affected thereby, and from the time of such filing, only, shall the pendency of the action be constructive notice to subsequent vendees or incumbrance[r]s thereof, who shall be bound by all proceedings taken after the filing of such notice to the same extent as if a party to the action, and the clerk of such county must, immediately on receipt of such notice, index and record the same in the incumbrance-book. And within two months after the determination of such action there shall be filed with such clerk a certified copy of the final order, judgment, or decree, who shall enter and index the same in the same manner as though rendered in that county, or such notice of pendency shall cease to be constructive notice.

SEC. 17. (Sec. 2856.) The appearance term shall not be the trial term for equitable actions triable by the first Trial term for equitable actions triable by first method. method, except in cases in which notice has been served

sixty days before such term, and in which also the answer shall be merely a denial, and the proof documentary.

Verification by agent; **SEC. 18.** (Sec. 2907.) If the pleading be founded on a written instrument, for the payment of money only, and such instrument be in the possession of the agent or attorney, the affidavit may be made by such agent or attorney, so far as relates to the statement of the cause of action thereon; but, when relief is asked, other than a money judgment or decree of foreclosure, the affidavit must contain averments showing competency, as hereinafter provided.

Averments showing competency. **SEC. 19.** All exhibits referred to in the pleadings, the original of which are attached thereto, or are filed with the pleadings, may be introduced as evidence on the trial of equitable causes by the first method, without proof as to their genuineness, unless the same have been positively denied under oath.

Verification of exhibits. **SEC. 20.** (Sec. 3007.) Except where otherwise provided, causes, including those brought to foreclose mortgages, and to enforce vendors' liens, shall be tried at the first term after due, legal, and timely service has been made, unless reasonable causes for continuance be shown.

Trial at first term. **SEC. 21.** (Sec. 3189.) Whenever it appears by the affidavit of the plaintiff, or by the return of the writ of attachment, that no property is known to the plaintiff or the officer, on which the order of attachment can be executed, or not enough to satisfy the plaintiff's claim, and, it being shown to the judge of any court, by affidavit, that the defendant has property within the State not exempt from writ, the defendant may be required by such judge to attend before him, or before the court in which the action is pending, and give information on oath respecting his property.

Defendant may be examined on oath before court where action is pending, or any judge, when. **SEC. 22.** (Sec. 3222.) When the sheriff thinks the property attached in danger of serious and immediate waste and decay, or when the keeping of the same will necessarily be attend[ed] with such expense as greatly to depreciate the amount of proceeds to be realized therefrom, or when the plaintiff makes affidavit to that effect, the sheriff may summon three persons, having the qualifications of jurors, to examine the same. The sheriff shall give the defendant, if within the county, two clear days' notice of such hearing, and he may appear before such jury and have a personal hearing. If they are of the opinion that the property requires soon to be disposed of, they shall specify in writing a day beyond which they do not

Sheriff's sale of person'l property without delay.

Depreciation of proceeds.

deem it prudent that it should be kept in the hands of the sheriff. If such day occur before the trial day, he shall thereupon give the same notice as for goods in execution, and for the same length of time, unless the condition of the property renders a more immediate sale necessary. The sale shall be made accordingly. If the defendant give his written consent, such sale may be made without such finding of three men.

SEC. 23. (Sec. 3225.) In an action to enforce a mortgage of, or a lien upon personal property, or for the recovery, sale, or partition of such property, or by a plaintiff having a future estate or interest therein, for the security of his rights, where it satisfactorily appears by the petition verified on oath or by affidavits or the proofs in the cause that the plaintiff has a just claim, and that the property has been or is about to be sold, concealed, or removed from the State, or where the plaintiff states on oath that he has reasonable cause to believe, and does believe, unless prevented by the court, the property will be sold, concealed, or removed from the State, an attachment may be granted against the property.

Specific attachments.

Where property has been sold, concealed, etc.

SEC. 24. (Sec. 3227.) The attachments in the cases mentioned in the two last sections, may be granted by the court in which the action is brought, or by the judge of any court, upon such terms and conditions as to security on the part of the plaintiff, for the damages which may be occasioned by them, and with such directions as to the disposition to be made of the property attached as may be just and proper, under the circumstances of each case.

Attachments may be granted by any judge, and controlled by him as to terms.

SEC. 25. That sub-division one of section 3232 of Revision of 1860 be repealed, and there be enacted in lieu thereof the following:

Rev.: §3232.

1. The money arising from the sales of attached property.

Proceeds of attached property to apply in satisfaction of judgments.

SEC. 26. (Sec. 3272.) Judgments, bank-bills, and other things in action, may be levied upon and sold, or appropriated as hereinafter provided, and assignments thereof by the officer shall have the same effect as if made by the defendant, and may be treated as so made.

Levy on judgments and other things in action.

SEC. 27. (Sec. 3305.) If the debtor is the head of a family, there is further exempt, his homestead, as provided by law; one cow and calf, one horse, unless a horse has been exempted for him under the last section; fifty sheep, and the wool thereon; five hogs, and all pigs under six month[s]; the necessary food for all animals exempt from execution for sixty days; all flax raised by the defendant

Property of head of family exempt from execution enumerated.

Wool on fifty sheep.

Flax from one acre of ground.

on not exceeding one acre of ground, and the manufactures therefrom; one bedstead and the necessary bedding for every two in the family all cloth manufactured by the defendant, not exceeding one hundred yards in quantity; household and kitchen furniture, not exceeding one hundred dollars in value; all spinning-wheels and looms, and other instruments of domestic labor, kept for actual use; and the necessary provisions and fuel for the use of the family for six months. But no exemptions shall extend to property against an execution issued for the purchase-money thereof.

Executions for purchase money of property.

Exemptions in favor of single men, non-residents, and heads of families who have started to leave the State.

SEC. 28. (Sec. 3308.) None of the exemptions contained in this chapter are for the benefit of a single man not the head of a family, nor of non-residents, nor of those heads of families who have started to leave this State, but their property is liable to execution, with the exception, in the two former cases, of ordinary wearing-apparel, and trunks to contain the same; and in the latter case, of such wearing-apparel, with such property, in addition to such wearing-apparel, as the defendant may select, not to exceed seventy-five dollars in value, to be selected by the debtor, and appraised according to the provisions of section 3220; but, any person coming into this State, with the intention of remaining, is a resident, within the meaning of this chapter.

\$75.00 worth of property in addition to wearing apparel.

Rev.: §3220.

When judgment against executor, or decedent in his life time unsatisfied by personal estate.

SEC. 29. (Sec. 3323.) When a judgment has been obtained against the executor of one deceased, or *against the decedent in his lifetime*, which the personal estate of the deceased is insufficient to satisfy, the plaintiff may file his petition in the office of the clerk of the court where the judgment is a lien, against the executor, the heirs and devisees of real estate (if such there be) setting forth the facts, and that there is real estate of the deceased within the State, describing its location and extent, and praying the court to award execution against the same.

Petition.

Real property.

Redemption of property sold on execution.

SEC. 30. (Sec. 3332.) The defendant may redeem such property at any time within one year from the day of sale, as hereinafter provided, and will in the meantime be entitled to the possession of the property. But in no action where the defendant has taken an appeal from the circuit or district court, or stayed execution on the judgment, shall he be entitled to redeem.

None in case of appeal or stay.

Application for new trial in actions for real property to be made within one year.

SEC. 31. (Sec. 3584.) The court, in its discretion, may grant a new trial on the application of a party, or those claiming under him, made at any time within one year after the determination of the former trial.

SEC. 32. (Sec. 3602.) When a person is in possession

of real property, or in case where no one is in possession, an action may be brought, by any one claiming title, to quiet such title: Such claimant must file his petition under oath, setting forth the nature and extent of his estate, and describing the premises as accurately as may be, and averring that he is credibly informed and believes that the defendant makes some claim adverse to the estate of the petitioner, and praying for the establishment of the plaintiff's estate against such adverse claims, and that the defendant be barred and forever estopped from having or claiming any right or title to the premises, adverse to the plaintiff. The notice in such action shall accurately describe the property and in general terms the nature and extent of plaintiff's claim, and shall be personally served on the defendant if he is a resident of the State; otherwise such notice may be served by publication as in ordinary actions. If defendant make default the court shall render judgment in accordance with the prayer of the petition. But defendant may plead to such action as in actions commenced in ordinary proceedings, and the court shall proceed to try and determine the same and render judgment accordingly.

Action to quiet title may be bro't by any one claiming title.

Petition.

Requisites and service of notice. Default.

Trial and judgment.

SEC. 33. (Sec. 3603.) If the defendant shall appear and disclaim all right and title adverse to the plaintiff, he shall recover his costs.

Disclaimer.

SEC. 34. (Sec. 4066.) Reasonable notice of the name of a witness, and the time and place when and where the same will be taken, must be given to the opposite party; but if notices are given in the same case by the same party, and of the taking of depositions at different places upon the same day, they shall be invalid; and no party shall be required to take depositions on the day of general election, or on the fourth day of July.

Notice to take depositions.

When invalid. Depositions not required on election day, or July fourth.

SEC. 35. Sections 2742, 2773, and 2775 are hereby repealed; *Provided*, that the repeal of section 2742 shall not affect the rights of parties in actions pending at the time of the passage of this act.

Sections of Revision repealed; what rights not affected.

SEC. 36. 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 Des Moines Statesman, newspapers published at Des Moines, Iowa.

Taking effect.

Approved, April 16, 1870.

I hereby certify that the foregoing act was published in *The Des Moines Daily Statesman*, April 28, 1870, and in the *Daily Iowa State Register*, April 29, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 168.

## CONSTITUTIONAL CONVENTION.

APRIL 16. AN ACT to Provide for the Submission of the Question of calling a Constitutional Convention to the qualified Electors of Iowa.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That at the general election to be held in the year one thousand eight hundred and seventy, there shall be, and hereby is, submitted to the electors of this State, qualified to vote for members of the General Assembly, the question, "Shall there be a convention to revise the constitution and amend the same?" and it shall be the duty of the Governor to set forth the question and submission thereof in his proclamation of such election.

**SEC. 2.** Those electors voting in favor of the question, shall have written or printed on their ballots the words, "For a convention to revise the constitution and amend the same;" those electors voting against the question submitted, shall have written or printed on their ballots the words, "Against a convention to revise the constitution and amend the same."

**SEC. 3.** The votes cast for and against the question of the calling of the convention, 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 Secretary of State and the others in the office of the Governor.

**SEC. 4.** In case a majority of the electors qualified as aforesaid voting at such election for and against such proposition, shall decide in favor of a convention for the purposes herein provided, it shall be the duty of the Governor to report such result to the General Assembly at its next session.

Approved, April 16, 1870.

Question to be submitted to people.

Ballot.

Canvass of votes.

Duplicate certificate.

If vote is favorable, duty of Governor.

## CHAPTER 169.

PATRICK HAMIL.

AN ACT for the Relief of Patrick Hamil.

APRIL 16.

WHEREAS, One Michael Cullen purchased from the United States government lot number six hundred and seventy in the city and county of Dubuque, State of Iowa, on December 25th, 1840, and a patent issued to him therefor on June 19th, 1844; and, Preamble.

WHEREAS, Afterwards, to-wit, on August 5th, 1845, said Michael Cullen and Ann Cullen, his wife, conveyed said lot to James Cullen, for which conveyance there was a failure of consideration, and afterwards, to-wit, on October 2d, 1847, said James Cullen conveyed said lot to Bernard Lynch under the name of Robert Yore, there being no such person in fact as Robert Yore, and afterwards, to-wit, on May 5th, 1854, said Lynch, under the name of Robert Yore, conveyed said lot to Matthew B. Cullen, a son of said Michael and Ann Cullen, all of which conveyances were duly recorded, and without consideration, the said Michael and Ann Cullen having occupied said premises as and for their homestead from 1845 till the death of Michael and the sale of the same by Ann Cullen to Patrick Hamil in 1869, all of which conveyances, except that to said Hamil, have been set aside and decreed to be null and void by the district court of Dubuque county, Iowa, by decrees dated February 23d, 1856, and November, 1868, to all of which proceedings and decrees, all of the aforesaid persons were parties and duly served, excepting James Cullen, who died on or about the year 1853, leaving no wife, issue, or heir in this country; and,

WHEREAS, By the death of said James Cullen, without legal heir, before said decrees were rendered, the said Cullen's rights, if any he acquired under the deed from Michael and Ann Cullen to him on August 5th, 1845, do not appear to be cut off by the decrees aforesaid, and independent of said decrees the title to said premises has the appearance, if it did not in fact escheat to the State of Iowa, in so far as to throw a cloud upon the title of said Hamil; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the State of Iowa hereby relinquishes all claims in and to said lot number six hundred State relinquish's  
right to lot 670  
in Dubuque.

and seventy, in the city and county of Dubuque, State of Iowa, as an escheat, and that the title of Patrick Hamil to the same be held to be as perfect as against every claim by the State of Iowa, as if no conveyance had ever been made by the said Michael Cullen and Ann Cullen, his wife, to the said James Cullen.

Approved, April 16, 1870.

## CHAPTER 170.

### FAMILY OF THE LATE JOSEPH B. DORR.

APRIL 16. AN ACT for the Relief of the Widow and Heirs of Joseph B. Dorr, late Colonel 8th Iowa Cavalry.

Preamble.

WHEREAS, Col. Joseph B. Dorr, late of the 8th Iowa Cavalry, died in the service of the United States in the year 1864, in the State of Georgia, of wounds and disease contracted while Colonel of said regiment and in the line of his duty; and,

WHEREAS, The said Joseph B. Dorr in his lifetime executed a mortgage to James D. Eads, formerly Superintendent of Public Instruction of the State of Iowa, upon lots numbers 8 and 9 in Bradstreet's addition to the city of Dubuque, and a small farm in Jackson county, the homestead of Joseph Dorr, the father of said Joseph B. Dorr, to secure an indebtedness due the school-fund of the State; and,

WHEREAS, Said mortgage has been foreclosed and judgment and decree rendered thereon in the district court of Dubuque county for the amount due upon said mortgage; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the State of Iowa hereby releases and relinquishes to the widow and heirs of said Joseph B. Dorr, all the right, title, or lien in, to, or upon said lots eight and nine in Bradstreet's addition to the city of Dubuque, which accrued to the State under and by virtue of said mortgage: *Provided, however,* That this act shall not take effect until the sureties upon the note given by said Joseph B. Dorr shall first enter in writing upon the records of said court, therein full consent to the release herein provided for.

Approved, April 16, 1870.

Title acquired by foreclosure to lots in Dubuque relinquished.

Proviso: sureties.



## CHAPTER 171.

## NOTARIAL ACTS LEGALIZED.

AN ACT to Legalize the Acts of certain Persons acting as Notaries Public. APRIL 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the notarial acts of T. F. Rice, done and certified in the county of Black Hawk, between the 8th day of March, 1869, and the 4th day of June, 1869, be and are hereby legalized and made valid, with the same force and effect as if his commission had issued for Black Hawk county, instead of "Buchanan," which was by mistake written in said commission. Acts of T. F. Rice with commission for wrong co'ty;

SEC. 2. That the acts of George W. Miller, done and certified by him as notary public of Black Hawk county, Iowa, between the 27th day of June, 1867, and the 16th of April, 1868, are hereby legalized and made valid, as if his commission had not expired on the former date. of Geo. W. Miller, after expiration of term;

SEC. 3. That the acts of Renselear Russell, done and certified as notary public of Black Hawk county, Iowa, between the 31st of January, 1868, and the 31st of March, 1869, are hereby legalized and made valid, as if his commission had continued in force to the latter date. of Renselear Russell, same;

SEC. 4. That the acts of David B. Miller, heretofore done and certified by him as notary public of Jefferson county, Iowa, under a seal containing the words "notary public" instead of the words, "notarial seal," are hereby legalized and made valid to the same effect as though said seal had been in accordance with law. of David B. Miller, with defective seal ;;

SEC. 5. That the acts of A. T. Reeve, done and certified as a notary public of Franklin county, State of Iowa, done after the issuing of his commission and prior to the time of recording the same, are hereby legalized and made of the same effect as though they had been done after the recording of said commission. of A. T. Reeve, before recording of his commission.

Approved, April 16, 1870.

## CHAPTER 172.

## CORPORATIONS.

APRIL 16. AN ACT to Amend Chapters 52 and 53 of the Revision of 1860, in relation to Corporations.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That sections 1152, 1153, 1156, 1161, 1172, 1188, 1193, 1194, and 1197 of the Revision of 1860, be amended as hereinafter provided.

Revision: chs. 52 and 53.

Articles of incorporation for profit to be recorded by Sec. of State.

Commencement of corporation.

Copy of by-laws to be filed in Secretary's office.

Articles cannot exempt stockholders from individual liability.

Benevolent, charitable, and missionary societies, where to file certificate.

proviso: failure to file with Sec. of State heretofore not to invalidate, and societies legalized.

**SEC. 2.** Amend section 1152 by adding at the end of said section the words, "and in the office of the Secretary of State, in a book kept for that purpose."

**SEC. 3.** Amend section 1153, by striking out of said section the words, "corporations for the construction of any work of internal improvement, must in addition also file a copy of such articles in the office of the Secretary of State, and have the same recorded by him in a book kept for that purpose."

**SEC. 4.** Amend section 1156, by striking out of the fourth line of said section the words, "when such filing is necessary."

**SEC. 5.** Amend section 1161, by adding to said section the words, "and a copy thereof must be filed in the office of the Secretary of State."

**SEC. 6.** Amend section 1172, by inserting after the word "exempts," in the first line, the words "neither can provisions in the articles of incorporation exempt."

**SEC. 7.** Amend section 1188, by inserting after the word "recorded," in the first line, the words, "by the recorder of deeds of the county where the principal place of business is kept only."

**SEC. 8.** Amend section 1193, by striking out of the seventh line of said section, the words, "file in the office of Secretary of State and also," and inserting the words "have recorded:" *Provided,* That a failure of any corporation organized prior to the taking effect of this act, for benevolent, charitable, scientific, religious, or missionary purposes, or any other lawful purpose unconnected, with motives of pecuniary profit, to file a copy of their articles or certificate of incorporation with the Secretary of State shall not in any manner affect the legality of the acts of any such corporation, but all the acts of the officers of such corporation shall be considered as legal and binding as they would have been, had their articles or

certificate of incorporation been filed in the office of the Secretary of State, at the time of organization: *And provided further*, That articles of incorporation of charitable religious, or scientific institutions, dating prior to this date and not recorded in the office of the Secretary of State, shall be recorded in the office of the recorder in the county in which such institutions are situate."

Proviso: what articles to be recorded in recorder's office.

SEC. 9. Amend section 1194, by striking out of the first line of said section after the word "filing" the word "a" and inserting the words "for record the."

Commencement of corporate powers.

SEC. 10. Amend section 1197, by striking out of the third line of said section the words "Secretary of State or with the," and the words "this State," at the end of said section, and in place of "this State" insert the words "the county."

Name not to be same as any other in the county.

SEC. 11. Any corporation organized for the purposes of pecuniary profit, pursuant to the provisions of chapter 52, of the Revision of 1860, or amendments thereto, which shall fail to have its articles of incorporation recorded in the office of Secretary of State, within three months after the taking effect of this act, shall be prohibited from doing business as a corporation: *Provided*, That nothing in this section shall be construed so as to relieve such corporation from the fulfillment of all contracts made prior to the taking effect of this act, or to relieve individual members thereof from liability to the amount of the unpaid installments on the stock owned by them, or transferred by them for the purpose of defrauding creditors.

Corporations for works of internal improvement not heretofore complying, required to have articles recorded in Secretary's office.

Proviso: no release from liability.

Approved, April 16, 1870.

## CHAPTER 173.

### SCHOOL-LANDS IN STORY COUNTY.

AN ACT to Legalize the Sale of certain School Lands in Story County. APRIL 16.

WHEREAS, At a public sale of school-lands held at Nevada, Story county, on the 20th day of July, A. D. 1868, under an order of the board of supervisors of said county, the west half of the northwest quarter of section number thirty, in township eighty-two north, range twenty-one, west of the fifth principal meridan, the same containing seventy-nine and one-half acres lying and being in the county of Story aforesaid, was offered and sold to Joseph

Preamble.

Perry, the highest and best bidder, therefor; said sale and the proceedings preliminary thereto having been conducted in entire accordance with the statute in force at the time of said sale providing for the disposal of school lands under control of the board of supervisors of the several counties of the State; and,

WHEREAS, Said lands came into possession of the State by reason of the foreclosure of a mortgage on said lands, given to secure a loan made from the school fund by James D. Eads, Superintendent of Public Instruction; and,

WHEREAS, Under the provisions of chapter thirty-two of the acts of the Ninth General Assembly, said lands were placed under the control and at the disposal of the Census Board of the State; and,

WHEREAS, Said sale and purchase was made in entire good faith, and said Perry, the purchaser of the lands, has made the first payment required by the terms of the sale, and has entered upon and improved said lands; now therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the sale of the west half of the northwest quarter of section number thirty, township eighty two, range twenty-one, west of the fifth principal meridian, made on the twentieth day of July, 1868, to Joseph Perry, under the direction of the authorities of the county, be and the same is hereby legalized and affirmed, to the same extent as if such sale had been made in strict conformity with law, and any contract made by and between said county of Story and the purchaser of such lands in consequence of such sale is hereby made valid and binding to all intents and purposes.

Approved, April 16, 1870.

## CHAPTER 174.

### AMENDED REGISTRY LAW.

APRIL 16. AN ACT to Amend the Registry Law.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 4 of chapter 171 of the laws of the Twelfth General Assembly, approved April 8,

A. D., 1868, be amended by adding at the end thereof the following, to-wit: But in no case shall the board of registry of any township or corporation correct their registry of electors by adding names thereto, within five days next preceding the day of election.

Names not to be added to registry within five days of election.

SEC. 2. That section 8 of chapter 171 of the laws of the Twelfth General Assembly, be amended by inserting after the word "person" in the eleventh line of said section 8, the following, "who is a freeholder or householder."

Voters not on register to be vouched for by free-holders or house-holders. Right of challenge reserved.

SEC. 3. Nothing in this act, or in chapter 171 of the laws of the Twelfth General Assembly shall be construed to affect the right to challenge as provided in section[s] 493 and 494 of the Revision of 1860.

Rev.: §490-4.

SEC. 4. When the board of supervisors of any county have formed a new township, the board of registry of the township or townships, from which the territory for the new township was taken, shall furnish for the judges of election of said new township a list of the registered legal voters residing in said new township.

Registry in new townships.

Approved, April 16, 1870.

## CHAPTER 175.

### FEEES FOR OFFICERS IN CRIMINAL CASES.

AN ACT Providing Additional Fees for Sheriffs, Constables, and Others, in certain Criminal Cases. APRIL 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That sheriffs, constables, or other persons, whose duty shall be to arrest any person or persons, with a bench warrant, or a warrant issued by any court, or who shall be required to convey a prisoner or prisoners from a place distant from the county jail to said jail, on an order of commitment, shall be allowed to charge up as fees, and the same shall be collectable the same as other fees in criminal cases, besides the fees already allowed by law, the sum of two dollars and fifty cents for carriage-hire for each day of not over six hours, for each person so arrested or so conveyed to jail.

Officers allowed for carriage hire.

Approved, April 16, 1870.

## CHAPTER 176.

## CRUELTY TO ANIMALS.

APRIL 16. AN ACT for the more Effectual Prevention of Cruelty to Animals.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That whoever tortures, torments, deprives of necessary sustenance, cruelly beats, mutilates, or cruelly kills, or causes, or procures, to be over-driven, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal; and whoever, having the charge or custody of any animal, either as owner or otherwise, inflicts unnecessary cruelty upon the same, or unnecessarily fails to provide the same with proper food, drink, shelter, or protection from the weather, shall for every such offense be punished by imprisonment in jail, not exceeding thirty days, or by fine not exceeding one hundred dollars, in the discretion of the court.

Cruel treatment of animals to be punished.

Penalty.

**SEC. 2.** Every owner, possessor, or person having the charge or custody of any animal, who cruelly drives or works the same when unfit for labor, or cruelly abandons the same, or who carries the same, or causes the same to be carried, in, or upon, any vehicle, or otherwise, in an unnecessarily cruel and inhuman manner, or knowingly and wilfully authorizes, or permits the same to be subjected to unnecessary torture, suffering, or cruelty of any kind, shall be punished for such offense in the manner provided in section one of this act.

Cruel driving or abandonment, same.

**SEC. 3.** No railroad company in this State, in the carrying or transportation of cattle, sheep, swine, or other animals, shall confine the same in cars for a longer period than twenty-eight consecutive hours, unless delayed by storm or other accidental cause without unloading for rest, water, and feeding, for a period of at least five consecutive hours. In estimating such confinement, the time the animals have been confined without such rest on connecting roads from which they are received, shall be computed, it being the intention of this act to prevent their continuous confinement beyond twenty-eight hours, except upon contingencies hereinbefore stated; and animals unloaded for rest, water, and feeding, under the provisions of this act, shall be properly fed, watered and sheltered, during such rest, by the owners or persons in

Railroad co's not to confine animals in transportation more than 28 hours.

Five hours' rest.

Animals unloaded for rest, to be cared for by the owner, or by co. at owner's expense

custody thereof, or, in case of their default in so doing, then by the railroad company transporting them, at the expense of said owners or persons in custody thereof, and said company shall have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals authorized by this act. Any railroad company, owner, or custodian of such animals who shall fail to comply with the provisions of this section, shall for each and every such offense be liable for, and forfeit and pay a penalty of not less than one hundred and not greater than five hundred dollars: *Provided, however,* That when such animals shall be carried in cars in which they shall and do have proper food, water, space and opportunity for rest, the foregoing provisions, in regard to their being unloaded, shall not apply.

Co. to have lien.

Penalty for failure to comply.  
 Proviso: proper care in cars.

SEC. 4. Any person may take charge of any animal whose owner has abandoned it, [or] who fails to properly take care and provide for it, and may furnish the same with proper shelter, nourishment, and care, at the owner's expense, and shall have a lien on such animal for the same, which lien at the expiration of three months shall become a perfect title to the property, as provided in chapter 102, laws of the Ninth General Assembly.

Person caring for abandoned animal to have lien on same, and title when.

1862: ch. 102.

SEC. 5. In this act the word "animal" or "animals" shall be held to include all brute creatures, and the word[s] "owner," "person," and "whoever," shall be held to include corporations as well as individuals, and the knowledge and acts of agents of, and persons employed by, corporations, in regard to animals transported, owned, or employed by, or in custody of such corporations, shall be held to be the acts and knowledge of such corporations.

Terms used in act defined.

SEC. 6. It shall be the duty of all sheriffs, deputy-sheriffs, constables, police-officers, and city marshals, to prosecute all violations of the provisions of this act which shall come to their notice or knowledge, and all fines and forfeitures collected under of this act shall be paid into the county treasury for the use of the school-fund where the offense for which the fine was imposed was committed.

Duties of sheriff's, constabl's, policemen, and city marshals.

SEC. 7. Any person who shall keep or use, or in any way be connected with, or interested in the management of, or shall receive money for the admission of any person to any place kept or used for the purpose of fighting or baiting any bull, bear, dog, cock, or other creature, and every person who shall encourage, aid, or assist therein, or who shall suffer or permit any place to be so kept or used, and any person who shall engage in, aid, abet,

Keeping cock-pits, etc.,

and causing fights between animals,

encourage or assist in any bull, bear, dog, cock-fight or a fight between any other creatures, shall, upon conviction thereof, be adjudged guilty of a misdemeanor.

a misdemeanor.

Animals impounded to be cared for; neglect thereof a misdemeanor.

SEC. 8. Any person who shall impound or confine, or cause to be impounded or confined, in any pound or other place, any creature, shall supply to the same, during such confinement, a sufficient quantity of food and water, and in default thereof shall, upon conviction, be adjudged guilty of a misdemeanor.

Any person may enter pound to feed animal neglected.

SEC. 9. In case any creature shall be at any time impounded as aforesaid, and shall continue to be without necessary food and water for more than twelve successive hours, it shall be lawful for any person, from time to time, and as often as it shall be necessary, to enter into and upon any pound, in which any such creature shall be so confined, and to supply it with necessary food and water so long as it shall remain so confined; such person shall not be liable to any action for such entry, and the reasonable cost of such food and water may be collected by him of the owner of such creature.

Destruction of animals diseased or unfit for further use.

SEC. 10. It shall be lawful for any sheriff, constable, police-officer, officer of any society for the prevention of cruelty to animals, or any magistrate, to destroy any horse or other animal having the disease called and known as the glanders, or any disabled creature unfit for further use.

Approved, April 16, 1870.

## CHAPTER 177.

### CANADA THISTLES.

APRIL 16. AN ACT to Destroy Canada Thistles.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be unlawful for any railway company, or other corporations, within this State to allow any Canada thistle to blossom or mature on any railway-line or depot-grounds, or any lands owned or occupied by such company or corporation.

R.R. cos. etc., not to allow thistle to grow.

Road-supervisor, same.

SEC. 2. It shall be unlawful for any road-supervisor to allow any Canada thistles to blossom or mature on any road or highway under his jurisdiction.



SEC. 3. It shall be unlawful for any owner or agent or lessee or other person having control of any lands within this State, to allow any Canada thistles to blossom or mature on any lands owned or occupied by them. Land-holders, same.

SEC. 4. If any road supervisor, corporation, or person, after having been notified in writing of the presence of the Canada thistles on the places hereinbefore referred to, permit such thistles to blossom or mature shall be guilty of a misdemeanor and punished accordingly. Violation a misdemeanor.

SEC. 5. The notice may be served on any ticket or station agent of any railroad company nearest the place where such thistle is found. Service of notices.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed. Repeal.

Approved, April 16, 1870.

## CHAPTER 178.

### UNCLAIMED GOODS.

AN ACT to Repeal Chapter 81 of the Revision of 1860, and to Regulate the Sale of Unclaimed Goods in the Possession of Forwarding and Commission Merchants, Warehousemen, and any other Depositories, Express Companies, and other Common Carriers. APRIL 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter 81 of the Revision of 1860, is hereby repealed, and the following is enacted in lieu thereof: That all goods, wares, merchandise, or other property which has been transported by, or stored or left with, any warehouseman, forwarding and commission merchant, or any other depositories, express companies, and other common carriers, shall be subject to a lien for the just and lawful charges on the same, and for the transportation, advances, and storage thereof. Revision: ch 81 repealed. Goods subject to lien for charges. Warehouseman. Other depositories.

SEC. 2. That if any goods, wares, merchandise, or other property, shall for six months remain in the possession, uncalled for and unclaimed, of any forwarding or commission merchant, warehouseman, or any other depository, express company, or other common carrier, with the just and legal charges unpaid thereon, the person or persons having the same in charge or possession shall first Proceedings where goods are on hand six mo's uncalled for and unclaimed.

Notice to owner, if known; give notice to the owner or consignee, if his or their whereabouts is known, and if not known, and if such goods are not at once taken away, then shall go before some justice of the peace of the township, city, village, or locality where the same are held, if any there be therein, and if not then before the next nearest justice of the peace of the county, and make affidavit, stating the time and place where such goods, wares, merchandise, or other property were received, the marks or brands by which such goods are designated, if any, and, if not so designated, then by such other description or designations as may best answer the purpose of indicating what the goods are, and shall also state the probable value of the same, and to whom consigned; also the charges paid upon such goods, accompanied by the original receipt for such charges, and by the bill of lading, also the other charges, if any, due and unpaid, and whether the whereabouts of the owner or consignee of such goods is known to the affiant, and if so, whether notice was first given to him or them, as hereinbefore provided; which affidavit shall be filed by the said justice of the peace in his office, and retained by him in the files of his office for the inspection of any one interested in the same, and he shall also enter in his estray-book a statement of the contents of the affidavit, and time and place where and by whom the same was made, for which he shall receive the sum of one dollar fee, to be paid by the affiant.

if unknown, affidavit before justice.

Statements of affidavit;

notice to file.

Fee.

SEC. 3. That after the preliminary steps are taken in compliance with section two of this act, if such goods still remain unclaimed and uncalled for, and charges are not paid thereon, then the person in possession of the goods either by himself or his agent, where the probable value of the goods does not exceed the sum of one hundred dollars, shall advertise the same for sale for the period of fourteen days, by posting five notices in five of the most public places in the city or locality where said goods are held, giving such description of them as will indicate what the goods to be sold are; but, when the goods exceed the probable value of one hundred dollars, then the length of notice given shall be four weeks, and, in addition to the five notices posted, there shall be a publication of the notice of sale, for the same length of time, in some newspaper of general circulation in the locality where the goods are held, if there be one, and, if not, then the next nearest newspaper published in that neighborhood; at the end of which period, if the goods are still unclaimed and uncalled for, or charges unpaid,

Notice of sale to be posted.

Advertisement.

the agent or party in charge of said goods shall sell the same at public auction, between the hours of ten o'clock A. M. and four o'clock P. M., for the highest price the same will bring in cash, which sale may be continued from day to day, by public announcement to that effect at the time of adjournment, until all the goods are sold, and, from the proceeds of such sale, the said party who held said goods shall take and appropriate a sufficient sum to pay all charges on said goods, and all costs and expenses of sale; the cost of advertising to be no more than in the case of a constable or sheriff's sale, and the same to be conducted in a similar manner.

Sale.

Proceeds to pay charges.

Cost of advertising.

SEC. 4. Perishable property, such as fruit, fresh fish, oysters, game, &c. shall be retained twenty-four hours, and if not claimed within that time and charges paid, after the proper affidavit is made as required by section two of this act, may be sold either at public or private sale, in the discretion of the party holding the property, for the highest price that the same will bring, and the proceeds of the sale disposed of the same as provided by this act: *Provided*, That, in both cases, if the owner or consignee of said unclaimed property shall reside in the same city, town, or locality in which said property shall be, and shall be known to the agent or party having the same in charge, then personal notice shall be given to said owner or consignee, in writing, that said goods are held subject to his order, on payment of charges, and that unless he pays said charges, and removes the property, the same will be sold as provided by law.

Perishable property, after 24 hour's retention, may be sold, after affidavit.

Proviso.

Personal notice to owner, when.

SEC. 5. That after the charges due and unpaid on the goods, and the expenses and costs of sale have been taken out of the proceeds of sale as provided by this act, the excess in the hands of the agent or person who was in charge of the goods sold, shall be by him forthwith deposited with the county treasurer of the county where the goods were held and sold, subject to the order of the owner, said ownership being properly authenticated under oath. He shall also file with the county treasurer a schedule of the property, with the name of the consignee or owner, if known, of each piece of property sold, the sum realized from the sale of each separate package, describing the same, together with a copy of the advertisement as hereinbefore provided, and a full statement of the receipts of the sale, and the amount disbursed to pay charges, costs, and expenses of sale, all of which shall be under the oath of the party or his agent, as to the truth and correctness thereof, which schedule, statement, oath, and advertisement

Surplus of proceeds to be deposited with co. treasurer, subject to ord'r of own'r.

Agent to fill schedule of property, etc.

under oath;

to be preserved in shall all be filed and preserved in the treasurer's office, treasurer's office. for the inspection of any one interested in the same.

Remainder un- Sec. 6. Should the owner of the property so sold not claimed and un- make a demand upon the county treasurer for any money called for one yr., that may be in the treasury to his credit, according to the proceeds to go to provisions of this act, the sum so unclaimed and uncalled school-fund. for shall be accounted for by the county treasurer, and placed to the credit of the county in the next subsequent settlement made by the treasurer with the county, and should the sum so uncalled for or unclaimed remain unclaimed and uncalled for during the period of one year, it shall then be paid into the school-fund to be distributed as other funds may be by law, which may be raised by tax on other property of the county. But nothing herein contained shall be a bar to any legal claimant from prosecuting and proving his claim for such money at any time within ten years, and, the claim being within that period prosecuted and proved, it shall be paid out of the county treasury in which it was originally placed, without interest.

Ten years' re- demption.

Taking effect. Sec. 7. This act, being deemed of immediate importance, shall take effect from and after its publication in the *Daily State Register* and *Des Moines Bulletin*, papers published in Des Moines, Iowa.

Approved, April 16, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 28, 1870, and the *Des Moines Daily Bulletin*, April 28, 1870.

ED WRIGHT, *Secretary of State*.

## CHAPTER 179.

### PUBLIC HIGHWAYS, BRIDGES, AND SQUARES.

APRIL 16. AN ACT to Repeal Section 1097 of the Revision of 1860, and enact a Substitute therefor.

Rev. : §1097. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 1097 of the Revision of 1860 be and the same is hereby repealed, and the following enacted in lieu thereof:

Control and re- pair. SEC. 1097. The city council shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the

city, and shall cause the same to be kept open and in repair, and free from nuisances: *Provided*, All public bridges exceeding forty feet in length, over any stream crossing a State or county road, shall be constructed and kept in repair by the county. No street or alley which shall hereafter be dedicated to public use, by the proprietor of ground in any city, shall be deemed a public street or alley, or to be under the use or control of the city council, unless the dedication shall be accepted and confirmed by an ordinance especially passed for such purpose. They shall have the power in cities of the first class to prescribe by ordinance the width of the tires of all wagons, carts, drays, and other vehicles habitually used in the transportation of persons or articles from one part of the city to another, or in the transportation of coal, wood, stone, or lumber into the city; to establish stands for hackney-coaches, cabs, and omnibuses, and enforce the observance and use thereof; and to fix the rates and prices for the transportation of persons and property in such coaches, cabs, and omnibuses from one part of the city to another.

Proviso: county to construct and repair certain described bridg's.

Dedication of sts. to be accepted.

Powers of councils in cities of first class in reference to wagons, omnibuses, etc.

Approved, April 16, 1870.

CHAPTER 180.

HEARING IN ROAD CASES.

AN ACT to Legalize the Laying-out of Roads under Section 840, of the Revision of 1860. APRIL 16.

WHEREAS, Section 840, of the Revision [of 1860], requires that the day of final hearing on the report of road commissioners shall be not more than ninety days from the filing of said report; and,

Preamble.

WHEREAS, More than ninety days elapse between some of the meetings of the board of supervisors before whom the final hearing is had; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all county roads that have been established when the day of final hearing was more than ninety days after the filing of the report of the commissioner are hereby declared as legally established as if the final hearing had taken place within ninety days.

County roads established with more than 90 days between filing of report and final hearing legalized.

Approved, April 16, 1870.

## CHAPTER 181.

## REVENUE.

APRIL 16. AN ACT to Repeal Section 722 of the Revision of 1860, and to Provide a Substitute therefor, and to Prevent Fraud in Assessments.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 722 of the Revision of 1860 is hereby repealed, and the following is enacted in lieu thereof.

Revision : §722,  
repealed.

Substitute.

Deductions for  
moneys and  
credits.

SEC. 722. In making up the amount of money and credits, which any person is required to list, or have listed and assessed, he will be entitled to deduct from the gross amount all *bona fide* debts owing by him, but no acknowledgment of indebtedness, not founded on actual consideration, and no such acknowledgment made for the purpose of being so deducted, shall be considered a debt within the intent of this section, and so much only of any liability of such person, as security for another, shall be deducted as the person making the list believes he is equitably or legally bound to pay, and so much only as he believes he will be compelled to pay on account of the inability of the principal debtor, and if there are other sureties able to contribute, then so much only as he in whose name the list is made will be bound to contribute; but no person will be entitled to any deduction, on account of any obligation of any kind, given to any insurance company for the premiums of insurance, nor on account of any unpaid subscription to any institution, society, corporation, or company; and no person shall be entitled to any deduction on account of any indebtedness contracted for the purchase of United States bonds, or other non-taxable property.

None on account  
of debt for U. S.  
bonds or other  
non-taxable prop-  
erty.

Approved, April 16, 1870.

## CHAPTER 182.

## THE PROPOSED AMENDMENTS TO THE CONSTITUTION.

AN ACT to Provide for due Reference and Publication of Proposals to amend the Constitution of the State of Iowa. APRIL 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the resolutions proposing to amend the constitution of the State of Iowa, which have been passed at the present session of the General Assembly of the said State, are hereby referred to the legislature to be chosen at the next general election. Proposed amendments referred to next G. A.

SEC. 2. The Secretary shall cause the same to be published, for three months previous to the time of the next general election of members of the legislature, in one newspaper in each congressional district. Sec'y of State to publish.

Approved, April 16, 1870.

## CHAPTER 183.

## RE-SURVEY OF LANDS.

AN ACT to Define the Manner in which the Re-survey of Lands shall be made. APRIL 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in the re-survey and subdivisions of lands by county surveyors, their deputies, or other person[s], the rules prescribed by acts of Congress and the instruction[s] of the Secretary of the Interior, shall be in all respects followed. Rules to be followed.

SEC. 2. Said rules and regulations shall be published in pamphlet form under direction of the Register of the State Land Office, and one copy furnished for the use of each county surveyor. Rules and regulations to be published by Register of S. L. O., and furnished to co. surveyors.

Approved, April 16, 1870.

CHAPTER 184.

RECORDS OF DEEDS OF CERTAIN LANDS.

APRIL 16. AN ACT to Amend Section 3 of Chapter 72 of the Laws of the Eleventh General Assembly.

1866 : chapter 72. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 3 of chapter seventy-two of the acts of regular session of the Eleventh General Assembly of the State of Iowa, be and is hereby amended as follows, to-wit: That hereafter all deeds and other conveyances and writings affecting the south half of section thirty-four, in township sixty-seven, range five west, in Lee county, Iowa, shall be filed and recorded in the recorder's office in the city of Keokuk, Lee county, Iowa; and that the records of all deeds and other writings affecting said land, heretofore recorded in the recorder's office at the said city of Keokuk, is hereby legalized and declared duly recorded for all legal purposes whatever.

Conveyances affecting s & sec. 34, tp. 67, range 5, to be recorded in Keokuk.

Existing record legalized.

Approved, April 16, 1870.

CHAPTER 185.

OFFENSES AGAINST PROPERTY.

APRIL 16. AN ACT to Amend Section 4235 of the Revision of 1860.

§4235 amended. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 4235 of the Revision [of 1860] be and the same is hereby amended so as to read as follows:

SEC. 4235. If any person with intent to commit a felony, in the day-time, break and enter, or in the night time enter without breaking, any dwelling-house; or at any time break and enter any office, shop, store, warehouse, railroad-car, boat, or vessel, or any building in which any goods, merchandise, or valuable things are kept for use, sale, or deposit, he shall be punished by imprisonment in the Penitentiary not more than ten years, or by fine not exceeding five hundred dollars, and imprisonment in the county jail not more than one year.

Breaking-in in day-time, or entering at night, with felonious intent;

or at any time into railroad cars, etc; how punished.

Approved, April 16, 1870.



## CHAPTER 186.

## CONKLIN'S "IOWA JUSTICE."

AN ACT to Enable Counties to Furnish Justices of the Peace with a Copy of Conklin's Iowa Justice for the Use of their Respective Offices. APRIL 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the board of supervisors of each county may, and they are hereby authorized and empowered in their discretion to, furnish to each justice of the peace of their county, for the use of his office, one copy of a work published in this State and known as "Conklin's Treatise," or the "Iowa Justice." Every Justice of the peace receiving such copy shall give a receipt therefor, which shall be filed for preservation with the clerk of the board of supervisors.

Board of Supervisors may supply Justices.

Justices to receipt for same.

SEC. 2. Every justice of the peace who shall be furnished with a copy of said work, under the provisions of the foregoing section, or who shall receive the same from his predecessor, shall transmit it to his successor in office at the same time and in the same manner that he is required to transmit other books and papers belonging to his said office, and, for failure to do so, he shall be liable to a fine of ten dollars and the costs of prosecution to be collected of him or his sureties, or both, by an action in the name of the State of Iowa.

Justices receiving to transmit to successor.

Penalty for failure to comply.

Approved, April 16, 1870.

## CHAPTER 187.

## TAXATION OF INDEMNITY LANDS.

AN ACT to Tax Lands which are owned by Counties within the Limits of other Counties. APRIL 16.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any and all lands in any county in this State which are owned or held by any other county or counties claiming title under locations with swamp-land-indemnity scrip or otherwise, shall be taxed the same as other real estate within the limits of the county.

Lands held by counties within other counties to be taxed.

SEC. 2. This act shall take effect from and after its publication according to law.

Approved, April 16, 1870.

## CHAPTER 188.

## JUSTICES OF THE PEACE.

APRIL 16. AN ACT to Repeal Section No. 3969 of the Revision of 1860, and to Provide a Substitute therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section No. 3969 of the Revision of 1860 is hereby repealed, and the following is enacted in lieu thereof:

Rev.: § 3969 repealed.

Substitute.

Successor may issue execution.

Execution in case of vacancy in office.

SEC. 3969. The justice with whom the docket of his predecessor is thus deposited, may issue execution on, or give a transcript of, any judgment there entered, in the same manner, and with like effect as the justice who rendered the judgment might have done; and in case of the death, absence, or inability to act, of any justice, or in case of the vacation of the office of any justice, from any cause, then in such case execution may be issued from the docket of said justice, or transcript given therefrom, by any other justice in said township with like effect as might have been done by the justice who rendered the judgment.

Approved, April 16, 1870.

## CHAPTER 189.

## SENATORIAL APPORTIONMENT ACT.

APRIL 16. AN ACT Apportioning the State of Iowa into Senatorial Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That one senator to twenty-five thousand inhabitants, or fraction thereof equal to one half in each senatorial district, is hereby constituted the ratio of apportionment.

Ratio, 25,000.

1st district.

SEC. 2. Lee county is the first district, and entitled to one senator.

2d district.

SEC. 3. Van Buren county is the second district, and entitled to one senator.

3d district.

SEC. 4. Davis county is the third district, and entitled to one senator.

SEC. 5. Appanoose county is the fourth district, and 4th district.  
entitled to one senator.

SEC. 6. The counties of Monroe and Wayne shall con- 5th district.  
stitute, the fifth district and be entitled to one senator.

SEC. 7. The counties of Clarke, Lucas, and Union shall 6th district.  
constitute the sixth district, and be entitled to one senator.

SEC. 8. The counties of Decatur, Ringgold, and Tay- 7th district.  
lor shall constitute the seventh district, and be entitled to  
one senator.

SEC. 9. The counties of Fremont, Adams, and Page 8th district.  
shall constitute the eighth district, and be entitled to one  
senator.

SEC. 10. The counties of Mills, Pottawattamie, and 9th district: Pot-  
Montgomery shall constitute the ninth district, and be en-  
titled to one senator. tawattamie, Mills,  
and Montgomery.

SEC. 11. The county of Des Moines is the tenth dis- 10th district.  
trict, and entitled to one senator.

SEC. 12. The county of Henry is the eleventh dis- 11th district.  
trict, and entitled to one senator.

SEC. 13. The county of Jefferson is the twelfth district, 12th district.  
and entitled to one senator.

SEC. 14. The county of Wapello is the thirteenth dis- 13th district.  
trict, and entitled to one senator.

SEC. 15. The county of Louisa is the fourteenth dis- 14th district.  
trict, and entitled to one senator.

SEC. 16. The county of Washington is the fifteenth 15th district.  
district, and entitled to one senator.

SEC. 17. The county of Muscatine is the sixteenth 16th district.  
district, and entitled to one senator.

SEC. 18. The county of Keokuk is the seventeenth 17th district.  
district, and is entitled to one senator.

SEC. 19. The county of Mahaska is the eighteenth 18th district.  
district, and entitled to one senator.

SEC. 20. The county of Marion is the nineteenth dis- 19th district.  
trict, and entitled to one senator.

SEC. 21. The county of Warren is the twentieth 20th distri  
district, and entitled to one senator.

SEC. 22. The counties [of] Madison, Adair, and Cass 21st dist.: Madi-  
shall constitute the twenty-first district, and be entitled to son, Adair, and  
one senator. Cass.

SEC. 23. The county of Scott shall constitute the 23d district, two  
twenty-second district, and be entitled to two senators. senators.

SEC. 24. The county of Clinton is the twenty-third 23d district.  
district, and entitled to one senator.

SEC. 25. The county of Cedar is the twenty-fourth 24th district.  
district, and entitled to one senator.

25th district. SEC. 26. The county of Johnson is the twenty-fifth district and entitled to one senator.

26th district. SEC. 27. The county of Iowa is the twenty-sixth district, and entitled to one senator.

27th district. SEC. 28. The counties of Tama and Poweshiek shall constitute the twenty-seventh district, and be entitled to one senator.

28th district. SEC. 29. The county of Jasper is the twenty-eighth district, and entitled to one senator.

29th district. SEC. 30. The county of Polk is the twenty-ninth district, and entitled to one senator.

30th district. SEC. 31. The county of Jackson is the thirtieth district, and entitled to one senator.

31st district. SEC. 32. The county of Jones is the thirty-first district, and entitled to one senator.

32d district. SEC. 33. The county of Linn is the thirty-second district, and entitled to one senator.

33d district. SEC. 34. The county of Benton is the thirty-third district, and entitled to one senator.

34th district. SEC. 35. The counties of Marshall and Hardin shall constitute the thirty-fourth district, and be entitled to one senator.

35th district: Du- SEC. 36. The county of Dubuque is the thirty-fifth district, and entitled to one senator.  
buque, 1 senator.

36th district. SEC. 37. The county of Delaware is the thirty-sixth district, and entitled to one senator.

37th district. SEC. 38. The county of Buchanan is the thirty-seventh district, and entitled to one senator.

38th dist.: Black SEC. 39. The counties of Black Hawk and Grundy shall constitute the thirty-eighth district, and be entitled to one senator.  
Hawk & Grundy.

39th district. SEC. 40. The county of Clayton is the thirty-ninth district, and entitled to one senator.

40th district. SEC. 41. The county of Fayette is the fortieth district, and entitled to one senator.

41st district. SEC. 42. The county of Allamakee is the forty-first district, and entitled to one senator.

42d district. SEC. 43. The county of Winneshiek is the forty-second district, and entitled to one senator.

43d dist.: Floyd, SEC. 44. The counties of Floyd, Butler, and Mitchell shall constitute the forty-third district, and be entitled to one senator.  
Butler and Mitchell.

44th dist.: Bremer, SEC. 45. The counties of Bremer, Chickasaw, and Howard shall constitute the forty-fourth district, and be entitled to one senator.  
Chickasaw, and Howard.

SEC. 46. The counties of Story and Boone shall con-

stitute the forty-fifth district, and be entitled to one senator. 45th district; Story & Boone.

SEC. 47. The counties of Franklin, Cerro Gordo, Worth, Winnebago, Hancock, Wright, Kossuth, and Emmet shall constitute the forty-sixth district, and be entitled to one senator. 46th dist. Franklin, Cerro Gordo, Worth, etc.

SEC. 48. The counties of Hamilton, Webster, Humboldt, Calhoun, Sac, Pocahontas, Palo Alto, Dickinson, Clay, and Buena Vista shall constitute the forty-seventh district, and be entitled to one senator. 47th dist.: Webster, Hamilton, etc.

SEC. 49. The counties of Harrison, Monona, Crawford, Shelby, 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. 48th dist.: Harrison, Monona, etc.

SEC. 50. The counties of Dallas, Guthrie, Audubon, Carroll, and Greene shall constitute the forty ninth district, and be entitled to one senator. 49th dist: Dallas, Guthrie, etc.

Approved, April 16, 1870.

## CHAPTER 190.

### PUBLIC SQUARE IN BLOOMFIELD.

AN ACT to Legalize the Acts of the Board of Supervisors of Davis County, Iowa, and the Acts of the Town Council of the Town of Bloomfield, said County and State, in conveying certain Land to J. W. Ellis, W. J. Law, and J. R. Sheaffer, as Trustees. MAY 4.

WHEREAS, On the fifth day of January, 1870, pursuant to previous resolutions of [the] board of supervisors of Davis county, Iowa, C. W. Hurless, president, and Wm. Van Benthusen, clerk, of said board, did deed to J. W. Ellis, W. J. Law, and J. R. Sheaffer, a certain parcel of land known as the "public square," in Bloomfield, Iowa, being block number 25, in the original town-plat of the town of Bloomfield, Davis county, Iowa, in trust for certain purposes named in said deed and resolution; and Preamble.

WHEREAS, The town council of the town of Bloomfield, in Davis county, Iowa, by deed and ordinance duly executed, did convey to said trustees, in like trust, all the interest of said town in and to said land; therefore,

Conveyance of public square in trust legalised.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That each of said conveyances be, and the same are [is] hereby, declared legal and valid to all intents and purposes.

Trustees empowered to fulfill trust.

SEC. 2. That said trustees be, and they are hereby fully empowered to carry out the purposes of said trust; and they are hereby empowered to sell said property, as in said deed and resolution from the county of Davis, provided, and to apply the proceeds thereof, as in said deed and resolution provided and contemplated.

Taking effect.

SEC. 3. This act, being deemed by the General Assembly of immediate importance, shall be in force and take effect from and after its publication in the Davis County Republican and Bloomfield Democrat, newspapers published at Bloomfield, Iowa; *provided*, said publication be without expense to the State.

Approved, May 4, 1870.

I hereby certify that the foregoing act was published in *The Bloomfield Democrat*, May 12, 1870.\*

ED WRIGHT, *Secretary of State*.

## CHAPTER 191.

### RELIEF OF CAPT. ROBERT L. FREEMAN.

MAY 4, \_\_\_\_\_

AN ACT to Reimburse Captain R. L. Freeman, of Elkader, Iowa, Captain Company "K," First Iowa Cavalry, for Subsistence furnished said Company during its Organization in the Spring and Summer of 1861.

Preamble.

WHEREAS, Captain R. L. Freeman, then a resident of McGregor, Iowa, recruited and organized a company of United States volunteers, afterward known as Company "K," of the First Regiment, Iowa Cavalry, during the spring and summer of 1861; and,

WHEREAS, To secure the speedy and complete organization of said company of volunteers it became necessary for him to provide said company with subsistence and to pay for the subsistence so provided out of his private funds, no part of which has ever been reimbursed to him, either by the State or the United States; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the sum of four hundred and ninety dollars be allowed said Robert L. Freeman in full payment for said subsistence, furnished said Company "K," First Iowa Cavalry; and the Auditor of State be

\$490 dollars allowed for subsistence furnished Co. K, 1st Iowa Cav.

\* See Addenda.

and is hereby authorized to draw a warrant on the Treasurer of State for said sum, in accordance with the provisions of this act. Auditor to draw warrant.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force on and after its publication in the Des Moines Daily Bulletin and Daily State Register, both newspapers published in Des Moines, Iowa. Taking effect.

Approved, May 4, 1870.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and the *Des Moines Daily Bulletin*, May 13, 1870.

ED WRIGHT, *Secretary of State.*

## CHAPTER 192.

### COUNTY OF CROCKER CREATED.

AN ACT to Provide for the Organization of the County of Crocker. May 13.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the territory now embraced in Kossuth county, lying north of the north line of township ninety-seven, and between the western boundary of Winnebago county and the eastern boundary of Emmet county, shall constitute the county of Crocker. North part of Kossuth county to be Crocker co.

SEC. 2. There shall be elected, in said county, at the general election in the year eighteen hundred and seventy, three supervisors, clerk of the district court, sheriff, recorder, treasurer, auditor, county surveyor, superintendent of schools, coroner, and such township officers as are usually elected at the general election for one township in said county, who shall hold their respective offices during the period for which county and township officers, who are now elected and filling similar offices in Kossuth county hold by law, and until their successors are elected and qualified. Officers to be elected.

SEC. 3. Said election shall be holden at such place or places in said Crocker county as may be designated by the board of supervisors of the county of Kossuth, at their meeting in September, eighteen hundred and seventy; and it is hereby made the duty of the county auditor of Places of holding elections to be designated by authorities of Kossuth co.

Board of super- Kossuth county to give public notice of the place of hold-  
visors. ing said election, either by publication in some newspaper  
published in Kossuth county, or in the county nearest  
Notice, how thereto in which a paper is published, or by causing writ-  
given. ten or printed notices to be posted in three of the most  
public places in said county of Kossuth: *Provided*, That  
Proviso. if the board of supervisors of said Kossuth county fail to  
make an order at their September meeting, designating  
the place of holding said election, or the said auditor fail  
to give the notice required by this act, then the legal vot-  
ers residing within the limits of said county of Crocker,  
Legal voters may hold elections. shall hold said election at the usual place or places of  
holding elections in said precinct or precincts, and they  
may, when assembled, at the usual time for opening the  
polls, elect judges and clerks of said election; said elec-  
tions to be conducted in all respects as elections are now  
conducted in other counties of this State, and the returns  
Returns where made. made to the proper county officers of Kossuth county.

SEC. 4. The board of supervisors, and all other officers  
Officers to qual- elected in said county under the provisions of this act,  
fy. shall qualify and take possession of their respective offices  
on the first Monday in January, A. D. 1871, and the  
board of Supervisors shall, at their first session in Janua-  
ry, 1871, locate and determine upon the place where the  
Board of super- county-seat. county-seat shall be located.

SEC. 5. This act being deemed of immediate importance  
Taking effect. shall take effect and be in force from and after its publi-  
cation in the State Register and Des Moines Bulletin,  
newspapers published at Des Moines, Iowa.

Approved, May 13, 1870.

I hereby certify that the foregoing act was published in the *Des Moines Daily Bulletin*, May 16, and in the *Daily Iowa State Register*, May 17, 1870.

ED WRIGHT, *Secretary of State*.



## JOINT RESOLUTIONS

PASSED BY THE THIRTEENTH GENERAL ASSEMBLY.

## NUMBER I.

## SCHOOL-LANDS.

JOINT RESOLUTION Withdrawing the School-Lands from Market.

*Be it resolved by the General Assembly of the State of Iowa,* That all the unsold school lands of the State of Iowa are hereby withdrawn from market until the first day of March next, and that the Secretary of State be directed to inform all County Auditors of the passage of this resolution. This resolution shall take effect from and after its publication in the State Register and Des Moines Bulletin.

Approved, January 24, 1870.

I hereby certify that the foregoing joint resolution was published in the *Daily Iowa State Register*, and in the *Des Moines Daily Bulletin*, January 25, 1870.

ED WRIGHT, *Secretary of State.*

## NUMBER II.

## FRANKING PRIVILEGE.

PREAMBLE AND JOINT RESOLUTION Relative to the Abolition of the Franking Privilege.

WHEREAS, The franking privilege enjoyed by members of Congress has been and is now used for purposes other than those contemplated by the law granting the same, whereby the postal service of the country is greatly burdened by the carrying of large amounts of

worthless documents, both public and private, and the people of the whole country are heavily taxed for the support of this monopoly; therefore,

*Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence in procuring the abolition of the franking privilege: that the present burden of taxation may be lessened, the postal department of the government may become self-supporting, and the people enjoy a cheaper and more perfect means of inter-communication.*

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

Approved, January 26, 1870.

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### NUMBER III.

#### RATIFYING AMENDMENT TO FEDERAL CONSTITUTION.

JOINT RESOLUTION Ratifying the proposed Fifteenth Article of Amendment to the Constitution of the United States, relative to the Right of Citizens to Vote.

WHEREAS, The Fortieth Congress of the United States has proposed to the Legislatures of the several States the following article of amendment to the Federal Constitution, namely:

#### ARTICLE 15.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation; 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 the said amendment.*

Approved, February 3, 1870.

## NUMBER IV.

COL. JOHN C. ABERCROMBIE.

RESOLUTIONS in Relation to Col. John C. Abercrombie of Des Moines County.

WHEREAS, Lieutenant-Colonel John C. Abercrombie, for over three years a brave and efficient officer of the Eleventh Iowa Infantry, also a member of the First Iowa Infantry during its existence, and having also served as an enlisted man during the Mexican war, is now totally and hopelessly blind, and otherwise disabled, as is believed from exposures and hardships endured while in the service of his country; and

WHEREAS, The origin of these disabilities is not susceptible of that clear and undoubted proof, tracing effect to cause, required by the pension bureau; and

WHEREAS, Col. Abercrombie, recently bereft of a beloved wife, has three small children with no means for their or his support, having already expended the accumulations he had been able to make; therefore,

*Resolved by the Senate, the House concurring,* That our Senators and Representatives in Congress be earnestly requested to use their best efforts to secure the passage of an act granting to Lieut.-Col. John C. Abercrombie a full pension corresponding to his rank in the service.

*Resolved,* That we tender to Col. Abercrombie our admiration for his heroic and patriotic services, and our deep sympathy with him in his present affliction.

*Resolved,* That the Secretary of State be directed to forward a certified copy of this preamble and resolution to each of our Senators and Representatives in Congress, to Hon. W. W. Belknap, Secretary of War, and to Col. John C. Abercrombie, at Burlington, Des Moines county, Iowa.

Approved, February 3, 1870.

## NUMBER V.

LAND GRANT.

MEMORIAL AND JOINT RESOLUTION Asking Congress for a Grant of Land to aid in the Construction of a Railroad from O'Brien County, Iowa, to some point on the Missouri River at or near Yankton, in Dakota Territory.

*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

by act of Congress, approved May 12th, 1864, a grant of lands was made to aid in the construction of a railroad from McGregor, westward, on, or as near as practicable to the forty-third parallel of north latitude, to O'Brien county, in said State of Iowa, there intersecting a grant for a railroad from Sioux City to St. Paul: That the railroad from McGregor to O'Brien county is being now rapidly constructed: That a company, known as the Iowa Division of the Western Union Railroad Company, has been organized in the State of Iowa to build and construct a railroad from a point on the Mississippi river at or near the town of Sabula, in the county of Jackson, and running westward by Maquoketa, in said county; Anamosa, in Jones county; Marion, in Linn county; Vinton, in Benton county, and Buckingham, in Tama county; thence in a northwesterly direction to a point in O'Brien county, where the McGregor and Western railroad intersects the Sioux City and St. Paul Railroad: That it is very material to the best interests of Northern Iowa, that said railroad should not terminate at the junction of said railroad with the Sioux City and St. Paul railroad in O'Brien county, but should continue from that point westward until it strikes the Missouri river at Yankton, or some other feasible point, in order that a direct and easy connection may be made with the Pacific railroad, thus giving another great through route to the commerce of the West, and opening up to cultivation a large tract of fertile country in Northwestern Iowa and Southern Dakota; therefore, be it

*Resolved by the General Assembly of the State of Iowa,* That Congress is hereby memorialized to make a grant of lands to the State of Iowa and Territory of Dakota, in alternate sections of land, along the line of the proposed railroad, to aid in the construction of the same, to an equal extent, and under like privileges and restrictions with the grants approved, May 12th, 1864, to aid in the construction of railroads in Iowa and Minnesota—said grant to commence at the termination of the grant approved, May 12th, 1864, to aid in the construction of a railroad from McGregor to O'Brien county, Iowa, and extend thence westward along the most practicable route to the Missouri river, at or near Yankton, in Dakota Territory, and that the lands within the scope of the applied for grant, now held for sale, be immediately withdrawn from market, and wherever the lands are not in market, the same be withheld from market until sufficient time shall have elapsed for the definite location of said railroad, and the selection of the lands to be conveyed in said grant.

*Resolved,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the passage of a law making a grant of lands as prayed for in the above memorial.

*Resolved,* That the Secretary of State be, and is hereby instructed to forward a copy of the foregoing preamble and resolutions to each

of our Senators and Representatives in Congress, to the Secretary of the Interior, and to the Commissioner of the General Land Office.

Approved, February 9, 1870.

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## NUMBER VI.

### REMOVAL OF NATIONAL CAPITAL.

JOINT RESOLUTION in Relation to the Removal of the National Capital.

WHEREAS, The present national capital was located in the infancy of the Republic, and with reference to the convenience of the people living on the Atlantic coast; and,

WHEREAS, The remarkable growth of our country, the rapid increase of its population, the vast extent of its additions made to its territory, and the wonderful development of its agricultural, mineral, and commercial resources, forcibly suggest and demand a more central and eligible position for the permanent seat of government; and,

WHEREAS, It is believed the removal indicated is only a question of time, and the time has come when it should be practically and earnestly considered and prepared for; therefore,

*Resolved by the General Assembly of the State of Iowa.* That our Senators in Congress be and are hereby instructed, and our Representatives requested to oppose all appropriations of public funds for the erection of new buildings, or permanent additions to those now in existence, or for other permanent improvements in the District of Columbia, except so far as the same may be absolutely necessary, and to use all honorable means to effect, at the earliest practicable period, a removal of the seat of government from Washington city to some point in the great valley of the Mississippi.

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

Approved, February 25, 1870.

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## NUMBER VII.

### FOR INCREASE OF MAIL FACILITIES.

JOINT RESOLUTION, Asking for increased Mail Facilities.

*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 efforts to secure a tri-weekly mail-route from Strawberry Point, Clayton county, Iowa, so that it shall run from said town of Strawberry Point, *via* St. Sebald and Volga City to the town of Elkador, the county seat of Clayton county.

*Be it further resolved*, That the Secretary of State be requested to transmit a copy of this resolution to our Senators and representatives in Congress.

Approved, March 8, 1870.

## NUMBER VIII.

### FOR INCREASE OF MAIL FACILITIES.

JOINT RESOLUTION, Asking for the establishment of a daily mail from Villisca, Montgomery County, Iowa, to Marysville, Missouri, by way of Hawleyville and Clarinda, Page county, Iowa.

*Be it Resolved by the General Assembly of the State of Iowa*, That our Senators in Congress be, and the same are hereby instructed, and our Representatives requested, to use their influence to secure, at the earliest possible time, the establishment of a daily mail from Villisca, in Montgomery county, Iowa, through Hawleyville and Clarinda, Page county, to Marysville, in Nodaway county, State of Missouri.

*Be it further 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 9, 1870.

## NUMBER IX.

### COUNCIL BLUFFS INITIAL POINT UNION PACIFIC RAILROAD.

JOINT RESOLUTION Relating to the Initial Point of the U. P. R. R.

WHEREAS, The terminus of the Iowa railroads, connecting with the Union Pacific Railroad, under their charter is in Iowa; and,

WHEREAS, The terminus of the Union Pacific Railroad, as designated by the executive order of the President of the United States, under their charter of 1862, is also in Iowa, and provision is made under that charter to enable the Union Pacific Railroad to cross the

Missouri river by bridge or ferry, to connect with all railroads terminating near it, and a munificent subsidy given it, sufficient to fully build its entire road ; and,

WHEREAS, The cost of such connection, as now made, is a great burden upon the Iowa roads, and far more costly, when done by each Iowa railroad separately, *as* [than] if the transferring was made by the Union Pacific Railroad for all the said railroads ; and,

WHEREAS, The transfer, as now made, is a great and unnecessary discrimination against Iowa railroads, trade, and freight, going West, and may turn, if continued, the traffic and trade to the north and south of our State as soon as competing lines are completed ; therefore,

*Resolved*, That our Senators be instructed, and our Representatives in Congress requested, to take such measures, as to them may seem best, for the purpose of forcing the Union Pacific Railroad to comply with the terms of its charter, and to make immediately such representations to the Government of the United States, as will bring to its notice the fact of such violation, and the unjust burden connected therewith upon trade, and that they call the attention of the officers of the Union Pacific Railroad to the fact of the violation of their charter, under the provisions of the law, passed April, 1869, and urgently request them to apply the proper remedy without delay.

2. That the railroads in Iowa connecting with the Union Pacific Railroad be, and are hereby requested and instructed, under their charters, to deliver their freight and passengers to the Union Pacific Railroad, at their terminal stations in Iowa ; and to receive passengers and freight going east from the Union Pacific Railroad, also, at their terminus in Iowa ; and, hereafter, refuse to transfer passengers and freight to the Union Pacific Railroad into Nebraska, either by themselves, their agents, or contractors, and thus avoid the extra expense to themselves, of the transfer, ferry, and switching, as now imposed upon them to do upon the grounds and within the limits of the Union Pacific Railroad in Nebraska and beyond, and without the limits of their own charters.

3. That the Secretary of State is hereby requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress, and to each of the railroad companies interested.

Approved, March 14, 1870.

## NUMBER X.

## CIVIL CONTEST IN THE ISLAND OF CUBA.

JOINT RESOLUTION Relating to the Civil Contest in the Island of Cuba.

*Be it resolved by the General Assembly of the State of Iowa,* That the people of this State regard with deep interest and profound sympathy, the struggles of the people of Cuba to realize their independence from European domination; and they regard with abhorrence the cruelties inflicted by the Spaniards upon their patriot prisoners—treatment which is unchristian, and unworthy the civilization professed alike in Europe and America.

*Be it further resolved,* That it has become historically a part of the law of nations, applicable to the relations of the American continent to the older world, that whenever a State of this continent, founded by colonization, has a population fitted for self-government, with its chief interests antagonistic to a longer condition of dependence on European rule, and its people with reasonable unanimity, desire and insist on the adoption of independent American civil institutions, such a State has a right to assert its independence, and to establish a government with American principles, founded on the voluntary action of its own people.

*Be it further resolved,* That after the lapse of a reasonable time, showing the persistent determination of such people for independence of European control, and their ability to maintain their civil organization against the effort to re-subjugate them during such period of trial, it is the right and duty of the United States government to recognize them as belligerents within the pale of international law, and to maintain a perfect neutrality between the contending parties; and this without offense to the foreign government, which can find in such action only a recognition of the right on which our own and all other independent American governments are founded.

*Be it finally resolved,* That in applying these principles to Cuba, the time has fully come for a cessation of that policy which allows the European power to build and fit out vessels of war at will in our ports, and move them thence for the re-subjugation of the Cuban people, while this government at the same time, seizes and confiscates patriot Cuban vessels driven into our ports by stress of weather, or for relief; and it is the duty of our government to adopt a rule that shall equally admit both contestants to the privileges of our ports, or equally exclude both therefrom; and no further delay can be made in recognizing the belligerent rights of the revolutionary government of Cuba, without impugning a right sacred to Americans, and historically established by nearly all the original European colonies of this continent.



*Resolved*, That our Senators in Congress be instructed, and our Representatives requested to maintain these principles in Congress, and to use their influence to secure their adoption by the executive government; and to present these resolutions to their respective branches of the government.

Approved, March 17, 1870.

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## NUMREB XI.

### HOMESTEAD SETTLERS.

JOINT RESOLUTION, Asking for the Relief of Homestead Settlers.

WHEREAS, Numerous persons have made homestead settlements, paid entry fees, and received their certificates on lands in the State of Iowa, then held in market by the United States Land Office at Council Bluffs, Iowa, subsequent to an act of Congress approved, June 2d, 1864, entitled "an act to amend an act" 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 the State," approved, May 15th, 1856; and have in good faith, made valuable improvements upon said lands, and occupied the same for five years, as required by the homestead laws; and

WHEREAS, By said act of Congress, said homestead lands have been granted to certain railroad companies therein named, thereby defeating the claims of said settlers; therefore

*Be it Resolved by the General Assembly of the State of Iowa*, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to secure the passage of a law of Congress, granting adequate relief to such homestead settlers.

*Resolved*, That the Secretary of State be and is hereby instructed to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Approved, March 17, 1870.

## NUMBER XII.

## FOR INCREASE OF MAIL FACILITIES.

JOINT RESOLUTION, Asking Increased Mail Facilities on Certain Routes in Iowa.

*Be it Resolved by the General Assembly of the State of Iowa,* That the Senators and Representatives of this State in Congress, be requested to procure increased mail service and facilities on the following routes, where it is now insufficient for the accommodation of the people, viz :

1. From Waverly, Bremer county, *via* Shell Rock, Butler Center, and Clarksville, to Boylan's Grove in Butler county, by extending the route so as to connect with Union Ridge and thence to Hampton, the county seat of Franklin county, making one continuous route thereof; and that no change be made in the present location of post offices at Union Ridge and Boylan's Grove.

2. Tri-weekly services from Washington, *via* Lexington to Wasonsville in Washington county.

3. Daily service from Atlantic City, *via* Lewis and Red Oak Junction, to Hamburg in Fremont county.

4. Daily service from Ackley, *via* Hampton, Chapin, Linn Grove, Mason City, Lime Creek, Glen Mary, North Wood, to Albert Lee in Minnesota.

5. Tri-weekly service from Concord in Hancock county, *via* Ellington, Forest City, Benson's Grove, Lake Mills, to Albert Lee in Minnesota.

6. Daily service from Corning, *via* Bedford, to Marysville in Missouri.

7. Daily service across the Mississippi river from Port Byron, Illinois, to Le Claire, Iowa, by the steam ferry, thus delivering the Eastern mail at Le Claire one day earlier than by the present route.

8. Semi-weekly service from Maquoketa in Jackson county, *via* Fulton, Otter Creek, and Zwingle, to Dubuque.

9. A daily mail from Pella, Marion county, Iowa, to Knoxville, Marion county, Iowa, *via* Iola post office.

10. Tri-weekly service from Storm Lake in Buena Vista county, *via* Sioux Rapids and Gillett's Grove, to Spencer in Clay county.

11. Semi-weekly service from Manchester in Delaware county, *via* Milo, Golden Prairie, Hazel Green, Uniontown, Buck Grove, Grove Creek, and Castle Grove, to Monticello in Jones county.

12. Tri-weekly service from Mt. Pleasant in Henry county, *via* Winona, Wayne, and Crawfordsville, to Ainsworth in Washington county.

13. Daily mail service from Loudon in Cedar county, to Monticello in Jones county, *via* Wyoming, Johnson, and Scotch Grove.

14. Tri-weekly mail from Melrose, Monroe county, to Garden Grove, Decatur county, Iowa, *via* Confidence, Bethlehem, New York, and Cambria, Wayne county Iowa.

15. A mail route commencing on the Dubuque and Sioux City railroad, at Floyd Valley post office, Plymouth county, Iowa; thence running to Galdaw, in Sioux county, in section 24, township 97, range 46; thence to Dorn, in Lyon county, Iowa, in section 30, township 98, range 45; thence to Ash Grove, Minnesota, in section 25, township 101, range 45; thence to Severn, Minnesota, and thence to Red Wood, Minnesota.

16. Semi-weekly mail route from Webster City in Hamilton county, to Belmont in Wright county, *via* Clarion, county seat of Wright county, and from Belmont to Concord in Hancock county.

17. From Marion, Linn county, by Rural, Waubeck, Wapsa, Central City, Nugent's Grove, Tower Hill, and Barryville, to Manchester in Delaware county, and back, three times a week.

*Be it further resolved*, That where any of said routes are not now established by law, so as to admit of said service, the Senators and Representatives of this State be requested to procure the legal establishment of the same as early as practicable, and that a copy of these resolutions be transmitted to them respectively, and to the Postmaster-General.

Approved, March 23, 1870.

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## NUMBER XIII.

### LOAN TO MEDICAL COLLEGE AT KEOKUK.

PREAMBLE AND JOINT RESOLUTION Relative to a Loan of \$15,000 to the College of Physicians and Surgeons at Keokuk.

WHEREAS, By an act of the Seventh General Assembly, approved March 15th, 1858, the treasurer of State was authorized to loan the college of physicians and surgeons at Keokuk, the sum of fifteen thousand dollars, out of the school-fund, for the term of ten years, with interest at the rate of ten per cent. per annum, payable annually; to be secured by mortgage, and,

WHEREAS, Professor J. C. Hughes received said money, and to secure its payment, gave a note purporting to be in behalf of said college and signed by himself and others, as sureties, as also a mortgage; and,

WHEREAS, Neither the principal nor interest of said loan has been

paid and it is claimed that there are serious doubts as to the sufficiency of the security; therefore,

*Resolved by the General Assembly of the State of Iowa,* That the Attorney-General be and is hereby instructed, at as early a day as practicable, to ascertain the condition of said loan, and of the security therefor; to take the necessary steps to secure and collect the amount due the State; and if practicable to report to the General Assembly at this session the condition of said loan and security and of his action in the premises; and, if he cannot at this session, to make report to the Governor relative thereto as soon as is practicable.

Approved, March 30, 1870.

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## NUMBER XIV.

### PROPOSING AMENDMENT TO STATE CONSTITUTION.

JOINT RESOLUTION Proposing to Amend the Constitution of the State of Iowa, and to Provide for its Reference and Publication.

*Be it resolved by the General Assembly of the State of Iowa,* That the following amendments to the Constitution of the State of Iowa, be and are hereby proposed.

1st. Strike from Section one, of Article two, of said Constitution, the word "male."

2d. Strike from Section four, of Article three, of said Constitution, the word "male."

*Resolved further,* That these resolutions proposing to amend the Constitution of the State of Iowa are hereby referred to the Legislature to be chosen at the next general election; and that the Secretary of State shall cause the same to be published for three months previous to the time of the next general election of members of the legislature in one newspaper in each congressional district.

Approved, April 4, 1870.

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## NUMBER XV.

### WILLIAM B. CRITCHFIELD AND HENRY C. ANDERSON.

JOINT RESOLUTION for the Relief of William B. Critchfield and Henry C. Anderson, late soldiers of the Thirteenth Iowa Infantry.

WHEREAS, William B. Critchfield and Henry C. Anderson, privates of Company C, 13th regiment, Iowa Volunteer Infantry, were, on or about the 3d day of April, 1863, granted a leave of absence to go from

their regiment to Providence, Louisiana, which was near by, and during their absence were captured by Adams' Confederate Cavalry, and taken prisoners of war to Vicksburg, and there confined in a military prison, until their subsequent removal to the prisons at Richmond, Virginia, where they were exchanged and returned to their regiment at Black river Miss., for duty on the 16th day of October, 1863; and,

WHEREAS, After the return of said soldiers to their regiment, after said exchange, they were arrested by the authority of the United States and tried and convicted by a military court upon a charge of "absence without leave," and as a penalty said court ordered the forfeiture of all pay and allowances there was due said soldiers from the Government of the United States; and,

WHEREAS, William B. Critchfield, on the 1st day of January, 1864, re-enlisted as a veteran in said regiment, and was, on the 16th day of January, 1864, promoted to 1st Sergeant of Company C, 51st regiment of U. S. Colored Infantry Volunteers, and on the 8th day of November, 1866, was again promoted to the office of 1st Lieutenant of Company F of said regiment where he served his country with fidelity and bravery until he was honorably discharged from the service on the 16th day of June, 1866, a period, in all, of nearly five years, during which time he was always prompt and ready, and ever found where duty called him, battling for his country and his country's cause; and,

WHEREAS, Henry C Anderson, on the 1st day of January, 1864, re-enlisted as a corporal and veteran in the Thirteenth regiment of Iowa Volunteer Infantry, and served faithfully and honorably, and with bravery and promptness discharged the duties incumbent upon him as a soldier, until he was wounded at Atlanta, which rendered him wholly unfit for further military duty, when he was honorably discharged from the service on the 23d day of May, 1865, and is now a pensioner of the United States, caused by said wounds. While the said Henry C. Anderson was serving his country he had the highest testimonials of honesty, and fought bravely in the defense of his country, and for the preservation of its flag in the siege of Vicksburg, and in the battles of Shiloh, Corinth, Iuka and Atlanta, where he was wounded; and,

WHEREAS, This General Assembly of the State of Iowa is of the opinion that great injustice has been done to said soldiers by the findings and sentences of said military court, and that the same were erroneous and unwarrantable, and that the said findings and sentences therein should be reversed, and said soldiers be allowed all pay and allowances taken from them by reason of the same; therefore,

*Be it Resolved by the General Assembly of the State of Iowa,* That we hereby request and instruct our Senators and Representatives in Congress to secure such legislation as will set aside the verdict of said military court, and secure to said William B. Critchfield and

Henry C. Anderson all pay and allowances from the General Government, forfeited by reason of said decision, and that the Secretary of State be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Approved, April 5, 1870.

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## NUMBER XVI.

### IMPROVEMENT OF THE DES MOINES RAPIDS.

PREAMBLE AND JOINT RESOLUTION in Relation to Improvement of the Des Moines Rapids of the Mississippi River.

WHEREAS, The Federal Government has by appropriation provided for the improvement of the navigation of the Mississippi river by the construction of a canal around the Des Moines rapids; and

WHEREAS, The work thereon has been for a time in progress, and should be completed at an early day; and

WHEREAS, It is the wisest economy to provide for such early completion, to the end that the expense and risk of transportation over said rapids may be saved to the people, and that the salaries of the officers and government employes in charge may also be saved; and

WHEREAS, It is an absolute necessity that a part of said work, to-wit: the blasting, opposite Montrose, should be immediately provided for, in order that all of that part of said work may be done in one season, as otherwise it will be necessary to incur double expense by the erection of two coffer-dams, instead of the one that will be required if the work is so provided for by the necessary appropriation; and

WHEREAS, The engineers in charge of the entire work have presented to the War Department an estimate of the appropriations needed for these said purposes; therefore,

*Be it resolved by the General Assembly of the State of Iowa, That our Senators in Congress be, and they are hereby instructed, and our Representatives requested, to use their influence in procuring the appropriations asked in said estimates.*

*Resolved, 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 5, 1870.

## NUMBER XVII.

GEN. G. H. THOMAS.

JOINT RESOLUTION of Respect to the Memory of Gen. G. H. Thomas.

*Resolved by the General Assembly of the State of Iowa, That it is with the profoundest sorrow and regret that we have heard of the sudden death of that noble soldier and true patriot, General George H. Thomas. That his gallant services in the defense of his country entitled him to the gratitude and esteem of every American citizen. That we recognize in his death a national loss, and as a token of our respect for his memory, that this resolution be entered upon the Journal of this General Assembly.*

*Resolved, That the flag on the capitol building be placed at half-mast during the remainder of the session.*

Approved, April 6, 1870.

## NUMBER XVIII.

MONEY ORDER OFFICES.

JOINT RESOLUTION in Regard to Money-Order Offices.

WHEREAS, An increase of money-order offices by the Post Office Department would be a great convenience to the citizens of the State of Iowa; therefore,

*Be it resolved by the Senate and House of Representatives of the State of Iowa, That the Senators in Congress, from this State be instructed and the Representatives requested, to use their influence for the establishment of an additional number of money-order offices within this State.*

*Resolved, That the Secretary of State be directed to forward to each of the Senators and Representatives in Congress a copy of these resolutions.*

Approved, April 6, 1870.

## NUMBER XIX.

## AMENDMENT TO THE STATE CONSTITUTION.

JOINT RESOLUTION, Proposing to Amend the Constitution of the State of Iowa.

*Be it resolved by the General Assembly of the State of Iowa, That the following amendment to the Constitution of the State of Iowa is hereby proposed :*

Strike the word "white" from section 4, of article 3, thereof.

Approved, April 12, 1870.

## NUMBER XX.

ASKING LAND TO INDEMNIFY SETTLERS ON THE DES MOINES RIVER LANDS.

JOINT RESOLUTION Asking a Grant of Land to Indemnify Settlers upon the Des Moines River Lands.

*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 to procure from Congress a grant of lands to the State of Iowa, to be used by said State to indemnify such persons as have purchased from the United States or pre-empted any of the odd sections lying along the Des Moines river, and whose titles have since been held invalid on account of the grants by Congress to the State of Iowa of August 8th, 1846, and the acts in extension thereof.*

*Resolved, That the Secretary of State be directed to send a copy of these resolutions to each of our Senators and Representatives in Congress.*

Approved, April 12, 1870.



## NUMBER XXI.

WATER COMMUNICATION BETWEEN THE MISSISSIPPI VALLEY AND  
THE ATLANTIC OCEAN.

A MEMORIAL to the Honorable Senate and House of Representatives of the Congress of the United States.

*The General Assembly of the State of Iowa would respectfully represent:*—That the question of “uninterrupted water communication, between the Mississippi valley and the Atlantic seaboard, has become one of all-absorbing interest to the people of the whole country, and more especially the food-producing States of the northwest. It has been considered by the people, met in local, county, state, and national conventions; by boards of trade and other commercial associations; by city councils and boards of supervisors of cities and counties; by the legislatures and governors of States, and through the public press; and without exception, by resolution, memorial, message, and public discussion, all have united in recognizing its importance and imperative necessity, and urging the attention and action of Congress and the country in relation thereto. A few brief extracts will demonstrate how thoroughly and universally this subject has taken hold of the popular sympathies of the people.

The National Commercial Convention, which met in Chicago in 1863, one of the largest, most intelligent, and most influential popular assemblies which ever convened in the country, most emphatically affirmed the proposition, that “uninterrupted steam navigation from the Mississippi river by way of ‘the Great Lakes’ to the Atlantic seaboard, had become an imperative necessity.” The following resolutions were adopted by a unanimous vote:

“*Resolved*, That we regard the enlargement of canals between the Mississippi river and the Atlantic, with canals duly connecting the lakes as of great national, military, and commercial importance; we believe such enlargement, with dimensions sufficient to pass gunboats from the Mississippi to lake Michigan, and from the Atlantic to and from the great lakes, will furnish the cheapest and most efficient means of protecting the northern frontier, and at the same time, will promote the rapid development and permanent union of our whole country.

“*Resolved*, That these works are demanded alike by military prudence, political wisdom, and the necessities of commerce. Such works will be, not only national, but continental, and their early accomplishment is required by every principle of sound political economy.”

In the memorial addressed to Congress, the convention say: "The one great idea which your memorialists seek to impress upon Congress is the necessity of a great national highway in the form of a ship and steamboat canal between the Mississippi and the Atlantic. This great national highway is demanded alike by military prudence, the necessities of commerce, and sound political wisdom."

The commercial convention, held in the city of Dubuque, in May, 1864, by Delegates from nearly all the north-western States, in their resolutions to Congress say: "The increasing development of the vast agricultural, mineral, and commercial resources of the north-west, and more especially of the Upper Mississippi valley require and demand the opening, at the earliest possible periods, of a water communication between the Eastern seaboard and the Mississippi river, by the nearest, cheapest, most expeditious, and most practicable route."

A commercial convention of the people of Missouri, Iowa, Illinois, Minnesota, and Wisconsin, held at the same place on the 14th and 15th days of February, 1866, in their report and memorial to Congress say: "Many of the great staples are nearly valueless; and never before, in the history of the country, did the fruit of the laborer produce so little comfort. Corn, in many places, is used for fuel; oats in the stack rot unthrashed; barley and rye cannot be moved; and wheat, except of the first quality, leaves no margin to the shipper. If animal products form an exception, it is only because of the scarcity war has produced, and their price will soon reach the low level of the cereals. In all this there is a great want, a sore need, and if no remedy can be found, production in this region must diminish, and the strongest arm of the nation must wither. But one means of relief can be afforded, which is to provide cheaper transportation to the markets of the world for our heavy products." \* \* "The good results to flow from the successful accomplishment of this great purpose can hardly be enumerated. They are as multiplied as the industries of the nation, and as huge as its wonderful resources,"

The commercial convention of delegates from all the States of the Mississippi valley, held at Keokuk, on the 7th day of September, 1869, in their proceedings say: "Uninterrupted water transportation from the Mississippi valley to the Atlantic ocean, is an indispensable, and an imperative necessity."

In a memorial to Congress, extensively signed by the people in the upper Mississippi valley, and forwarded to their respective representatives in 1866-7-8, they say: "The experience of the whole country for the last few years has most abundantly proven that new, cheaper, and more direct commercial communications must be speedily opened up between the East and West, or the expansion and consequent continued prosperity of the latter must very soon reach a limit beyond which it cannot pass; railroads are entirely inadequate to

supply that need. We confidently affirm that nothing but a continued water communication between the Eastern seaboard and the Mississippi can, by any possibility, obviate this difficulty." These memorials further say: "This region (the Upper Mississippi valley), will raise and send to market, this year, (1868) about seventy million bushels of wheat, or two million tons. There will also be imported hither at least one million tons of merchandise and other freight, making in all three million tons, besides beef, pork, and other agricultural products which must seek an Eastern market. The annual increase, for many years to come, will be about twenty-five per cent. A water communication, which will reduce the tariff from railroad to water-rates on these products and merchandise, will annually save, to this region alone, at least ten millions of dollars, which must otherwise be paid in freights in the land carriage from the Mississippi to the lakes, when, at the same time, the products of this whole region of country can be transported through such a route to New York City as cheap, and quite as expeditiously, as from any of the ports on Lake Michigan."

In a pamphlet compiled and published in 1868, by order of the president and directors of the James River and Kanawha Canal Company, at the request of prominent citizens of the West, the writer says: "Cheap transportation is the great necessity of the West. Its products exceed the means at command of cheap outlet to the seaboard. They press constantly upon the avenues of transportation, and millions of Western producers are thus placed under the power of carriers."

The city council of the city, and the board of supervisors of the county of Dubuque, in a memorial to Congress on this subject, say: "That upon the speedy completion of the great national thoroughfare from the Mississippi by the way of the Wisconsin and Fox rivers, the Great Lakes, the river St. Lawrence and Lake Champlain, to the tide waters of the Atlantic at New York City, depends in a very great measure the future development and continued prosperity of the entire northwest."

The Twelfth General Assembly of the State of Iowa, in a memorial to Congress in relation to this question, say: "That the great want of our State is cheap transportation for our heavy products to the markets of the world. That the most feasible plan to secure this end is to provide a direct and continuous line of water communication between the Mississippi river and the Atlantic seaboard."

In another memorial to Congress on the same subject, but in relation to another route, the same legislature further says: "The products of the northwest for transportation 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 legislature of Wisconsin, for the year 1868, in a memorial to Congress on this subject, say: "The character of the undertaking is alike apparent to Congress, the legislature, 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."

The Senate Committee on Commerce and Navigation, of the legislature of the State of New York, for the year 1864, in a report on the Niagara ship canal, say: "On the five seas that are embraced in this system of lakes, there annually floats two thousand vessels of all descriptions, valued at twenty million of dollars, and bearing a commerce double the value of the whole foreign trade of the country.

"This great and rapidly increasing commerce, derived from a group of States, and moving to the markets of the world through three distinct systems of navigation, is as much national in its character as that which is floated on the ocean.

"This contemplated improvement is bounded by no State lines, nor confined to narrow limits, but would affect more or less remotely the interests of ten millions of people, scattered over broad regions of country, and contributing largely to our national power, prosperity, and security.

"In the opinion of your committee these facts and considerations should arouse every honorable effort to prevent the diversion of this commerce into foreign channels.

"The construction of such a route would open a wide and deep channel between the upper lakes and lake Ontario and the St. Lawrence river, and eventually lead to the construction by ship canals from lake Ontario on the St. Lawrence to the Hudson river, thus saving greatly the interchanging of products and merchandise between New York and the West."

At the Canal Convention held at Prairie du Chien in the State of Wisconsin, November 10th, 1868, the President, Governor Merrill of Iowa, on taking the chair said, "The importance of the subject which has called us together cannot be over-estimated. It is a subject affecting, not the interests of an individual, of a corporation, of a city, or of a single State even, but it is one of such magnitude that five or six States have assembled here in the persons of their representatives to consider and discuss it. \* \* I declare it my belief that our growth and prosperity will be largely affected by the success or defeat of the measure now before us."

In the proceedings of the convention the following resolution was unanimously adopted:

*Resolved*, That the immediate opening of said channel (through the Wisconsin and Fox rivers) is demanded by the interests of the people of the entire country, that the work is one of national importance, required as a channel of commerce, as a ligament to bind together the States, insuring national unity and as a measure of defence in case of war."

The Dubuque (Iowa) delegation, not being able to reach the convention in time, forwarded a preamble and resolution expressive of the views of the people of that State, which were incorporated into the proceedings of the convention. The following is one of the resolutions :

*Resolved*, That cheap transportation is an imperative necessity for the entire northwest, and more especially for the upper Mississippi valley, without which its continued development, and subsequent prosperity, must at no distant period reach a limit beyond which it cannot pass."

At the re-assembling of that convention at Portage City, Wisconsin, on the 20th of October, 1869, the following resolution, among others, was unanimously adopted :

*Resolved*, That a water route by which steamboats of the Mississippi river can run to the harbors, and unload into the vessels of the great lakes, is a public necessity."

These are but brief extracts. Volumes might be filled with proceedings of legislatures, national, state, county, and local conventions, discussions in the public press, and proceedings of the people generally, in relation to this great national and continental enterprise, thus receiving the sanction of the entire American people. The following memorial, now pending before this legislature, is the latest expression of this universal sentiment of the country. It is signed by very many of the most enterprising, public spirited, wealthy, and successful business men of the State, and of the whole northwest, and expressing in very brief terms the imperative necessities and general interests of the people of the entire upper Mississippi valley, and, as we believe, of the whole country :

*To the Honorable Legislative Assembly of the State of Iowa :*

"The undersigned, citizens of Iowa, would state that the people of the entire country, and more especially of the northwest, have become deeply interested in the question of uninterrupted water communication between the Mississippi valley and the Atlantic seaboard, and more particularly in relation to the route by the way of the Wisconsin and Fox rivers, the great lakes, the river St. Lawrence, and Lake Champlain, to New York City. Although this great trans-continental work must be mainly carried out (if at all) by individual enterprise and capital, the interposition and assistance of the general government will be indispensable to its final success. We would

therefore respectfully request the legislature to memorialize Congress for such legislation and material aid as may be necessary to secure its speedy consummation. Also, to invite the co-operation of the legislatures and people of the country, and more especially of the Western and Northern States in this work. And also to suggest some plan of operation whereby the influence, energy, and capital of the whole country can be successfully concentrated upon this great national and continental enterprise.

DUBUQUE, IOWA, December 24th, 1869.

Lewis A. Thomas, Ambrose Gleed, A. Heeb, Shubel P. Adams, W. H. Rumph, John S. Williams & Co., C. A. Metcalf, P. D. Hosford, M. Kingman, W. Chandler, John King, Stewart, Shields, & Co., John P. Burt, J. W. Coy, W. G. Stewart, E. D. Cook, Simplot Bros., B. B. Richards, John H. Lull, Henry Barr, E. H. Eigmy, L. A. Rhomberg & Co., M. S. Robinson, J. A. Rhomberg, John W. Deery, P. Morgan, John Glabb, Edward Clingenberg, John Milligan, Burton, Hill, & Co., J. W. Parker, John Fitzpatrick, Rouse & Dean, W. W. Parker, E. C. David, A. Hubert, F. A. Parker, H. W. Griswold, Alexander Levi, Will F. Deuce, John D. Jennings, George W. Jones, Atherton, Walker, & Co., Carr, Austin, & Co., Chas. Jones, V. J. Williams, J. B. Lane, G. Fleming, C. J. Cummings, Wm. Newman, Wm. A. Judd, John Mullany, Lawrence McNamee, Amsden & Walker, M. H. Moore, W. H. Peabody, P. Logan, R. J. Gibbs, J. H. Thedinga, Parker, McMasters, & Co., L. D. Randall & Co., W. C. Chamberlain, A. A. Cooper, Thos. Kenney, C. Mason, F. Jeiger & Co., Sears & Abbott, Thos. Swain, J. E. Fairbanks & Co., Sol. Naugh & Co., Geo. D. Wood, H. B. Baker, C. Crocker."

#### GENERAL DESCRIPTION OF THE ROUTE.

This probably is not necessary. Nature has so clearly and unmistakably marked out the route that any general description thereof will be entirely superfluous. She has not, however, done all the work; something has been left for man (and as we believe, the present moving, active, and energetic spirits of the age), to accomplish, and we hope and trust they will be true and equal to the work imposed upon them. This work is divided into five distinct parts.

- 1st. From the Mississippi river by the way of the Wisconsin and Fox rivers to lake Michigan.
- 2d. From the foot of lake Erie down into lake Ontario.
- 3d. Thence down the St. Lawrence to Montreal.
- 4th. Thence up into lake Champlain.
- 5th. From the head of that lake, (or of lake George) down into the Hudson river, thence to New York city.

The "St. Clair Flats" between lakes Erie and Huron might have been regarded as a sixth obstruction, had not the general government so far improved them as to secure the completion of the whole work at an early period. Indeed, large amounts of work have already been done, and sums of money expended on all, or most of the obstructions for the very purpose contemplated by this memorial, to-wit: "To secure uninterrupted water communication between the valley of the Mississippi and the Atlantic seaboard at New York city.

#### PARTICULAR DESCRIPTION OF THE SEVERAL OBSTRUCTIONS.

1st. From the Mississippi river by the way of the Wisconsin and Fox rivers to Lake Michigan.

This route has been so thoroughly examined and surveyed, and more especially within the last few years, by the engineers of the general government, that a minute and detailed description will be entirely unnecessary. From the earliest explorations of the Western country it has ever been recognized and used as a "public national highway." It was through this route that the early French missionaries and "voyageurs" discovered and explored the upper Mississippi valley. Along this route from Quebec and Montreal, to the head waters of the Mississippi river, thence north and west to the "Red river of the North," the Saskatchewan and the Rocky Mountains, they established military and trading posts and missionary stations.

In the year 1813, a British army, more than two thousand strong, (including Indians), came through on this route, and captured the military post at Prairie Du Chien, there holding military control and possession of the whole Mississippi valley as far south as St. Louis until after the battle of New Orleans. It is reasonable to presume that had that event proven disastrous to the American arms, the history and destiny of the entire Mississippi valley, from the Alleghenies to the Rocky Mountains, would have been materially different from what they are to-day.

Even in the present development of railroad and other facilities, steamers of three hundred tons burthen frequently pass and repass in flush stages of water, and make profitable trips between lake Michigan and the Mississippi river. One of those steamers has a most remarkable history. It was built at Pittsburgh, came down the Ohio, and up the Mississippi, thence through this route to Green Bay. Was there engaged in the lake trade for several years. In 1862 it came back, was converted into a government gunboat, and became one of the most powerful and efficient vessels in the naval actions on the lower Mississippi, which resulted in driving the rebels out of the valley and opening the river to the Gulf. The late surveys of the general government most abundantly demonstrate, that

for a comparatively small outlay, (less than five million dollars) it can be made available for boats of the heaviest draft used on the Upper Mississippi, passing through the entire distance from river to lake, with as much facility and at as great a rate of speed as to St. Paul or St. Louis. This estimate includes the construction of a canal up the valley of the Wisconsin 90 miles long. Distance through from lake to river, 280 miles long.

2d. *The obstruction from Lake Erie down into Lake Ontario.*—

This is the most serious and important obstruction on the entire route from the Mississippi river to New York City; when removed the most serious obstacle has been taken out of the way. Between the upper lakes and Lake Ontario, several routes are mentioned, all of which have some advantage and many friends. It is safe, however, to affirm that the cheapest as well as the best route under all circumstances will be selected, especially if the work is done by private capital, which is very likely to be the case. By careful and elaborate surveys, made by competent engineers, a ship canal equal in capacity to the St. Mary's canal at the outlet of Lake Superior, can be constructed not far from the Welland canal for six million dollars. That is probably far less than the cost at any other point, with the additional advantage of having all the lockage in a very short space and yet not so crowded as to embarrass the rapid passage of a large number of vessels. The Welland canal has a capacity only for vessels of about 300 tons—about the same as the Erie canal.

3d. *The Rapids of the St. Lawrence.*—The improvements on these rapids have so far progressed under the supervision and patronage of the Canadian government, that loaded vessels, of nine feet draft, can pass over them with safety. All steam vessels from lake Ontario to Montreal take this route. The channel can be deepened to thirteen feet by the expenditure of seven hundred and twenty thousand dollars. The canals around these rapids at present have nine feet of water, with locks forty-five feet wide and two hundred feet long. These need to be enlarged to thirteen feet in depth, and the locks to three hundred feet long and seventy-five feet wide. This can be done at a cost of \$1,028,000. These are official data from actual surveys. The work can be done during the suspension of navigation.

4th. *From the St. Lawrence at Montreal up into Lake Champlain.*

Distance twenty-eight miles, over a nearly level country. The elevation of lake Champlain above the St. Lawrence is 24 feet, hence, requiring only two locks, of 12 feet lift each. With double locks this work will cost \$2,500,000. Its completion will give a free and uninterrupted passage for the largest steamers from the upper lakes to the head of lake Champlain and lake George.



5th. *From the head of lake Champlain or lake George, to deep water on the Hudson.*—On this part of the route the State of New York has already a canal sixty miles long, built expressly for the purpose of securing the trade of the West descending the St. Lawrence; but it is entirely inadequate for that purpose, having a capacity for boats of ninety tons only. The head of lake Champlain or of lake George has an elevation of fifty feet above deep tide water on the Hudson. Summit level between it and the Hudson, one hundred feet; distance therefrom six miles. The whole expense of this part of the work will be about \$6,000,000. Instead of following the line of the Champlain canal it is proposed to use the Hudson river by means of locks and dams. Five dams will be all that will be necessary. This will probably be the cheapest and best route.

## RECAPITULATION.

Route by the way of the Wisconsin and Fox rivers	\$ 3,500,000
Between lakes Erie and Ontario .....	6,000,000
Improving rapids of St. Lawrence to thirteen feet...	720,000
Enlarging the locks and deepening the canals around the rapids of the St. Lawrence.....	1,028,000
St. Lawrence and Champlain Canal.....	2,500,000
Champlain and Hudson river canal.....	6,000,000
Total.....	\$19,748,000

A careful and practical survey of the whole route, as a single and entire enterprise, will probably very much reduce these estimates. It is safe, however, to say that the whole cost of the entire work will not exceed \$20,000,000. These estimates may appear large, but they are indeed small and insignificant when compared with the immense magnitude and importance of the work.

THE EXPEDIENCY AT THE PRESENT TIME OF MAKING AN EFFORT  
TO SECURE THE OPENING-UP AND COMPLETION OF THIS GREAT  
CONTINENTAL THOROUGHFARE.

This proposition involves the inquiry, whether the requisite amount of capital can be secured? This will depend entirely upon that other proposition, "as to whether the investment will return a dividend and how much?" In other words, "will it pay?"

This, like all similar enterprises, will depend upon the amount of business it will command over all competition. It will be safe to assume that every vessel taking on a cargo of Western produce destined for an Eastern or European market will discharge it only at the most extreme point of the navigable route. Hence if that navigation

extends to tide-water at New York City, *that* will be the port of discharge, if that be the destination of the cargo. Now the amount of Western produce moving eastwardly over the lakes at the present time, very much exceeds six million of tons annually, with more than three million tons of return merchandise. An average charge or toll of fifty cents per ton for the entire distance from the Mississippi to the Atlantic seaboard will yield a revenue to the company of \$4,500,000 on business already existing on the lakes. This will be about one mill per ton per mile for the entire length of the several improvements, or one and one-half cents per bushel on wheat and other freights reduced to wheat measurement; about one-half the present elevator and other charges at the single port of Buffalo.

**BUSINESS NOW EXISTING, AND WHICH WILL BE CREATED BETWEEN THE LAKES AND THE MISSISSIPPI BY THE OPENING OF THAT PART OF THE ROUTE.**

It is estimated by good judges, men engaged in the coal and lumber business, that should that part of the route between the Mississippi and the lakes be opened, there would at once be created a market annually in the Mississippi valley, for one million tons of anthracite, and five hundred thousand tons of Pittsburgh coal. This trade does not now, and never can exist, unless there be water transportation, because of the high rates that must be charged by the railroads.

Between five hundred and one thousand million feet of pine lumber are annually brought through from lake Michigan to the Mississippi valley. The average cost of its transportation hither (by rail) is from eight to ten dollars per thousand feet. With this water route opened by the way of the Wisconsin and Fox rivers, as contemplated, this lumber can be brought from the mills situated along the shores of lake Michigan and Huron, in barges without reshipment, and distributed at the railroad and other business points on the Mississippi, as far south as St. Louis, for six dollars per thousand feet, or three dollars per ton, or at the rate of about one and one-half mills per ton per mile. This will be a saving of about three dollars and fifty cents per thousand. The effect will be to divert a very large portion of this trade through this route. It will be safe to assume that at least 500,000,000 feet, or 1,000,000 tons, will be thus diverted, especially when it is taken into consideration that it can be thus brought through, not only much cheaper, but also in far less time. This trade will increase at the rate of twenty-five per cent per annum. There is also shipped from the upper Mississippi valley 70,000,000 bushels of wheat per annum, or 2,000,000 tons. From the greater cheapness of water transportation, a moiety at least of this product will be diverted into this channel, and the whole reduced to water rates. Vast amounts of other agricultural products, from

the greatness and facility of transportation, will also be diverted into this channel.

Now if a toll of fifty cents per ton be charged on this freight, (which would be equal to about two mills per ton per mile), through from the lakes to the Mississippi, it would yield an income on this new business alone of \$1,750,000. These two items, therefore, would give an annual revenue to the company of \$5,750,000 on the business already existing on the lakes, or necessarily created by the opening up of the Wisconsin route. If these estimates approximate to the correct standard, then it is evident that the above rates of toll may be reduced very nearly, if not quite, one-half, and still give a dividend of ten per cent per annum, over and above all expenses, on the capital stock invested.

#### HOW THE NECESSARY AMOUNT OF CAPITAL CAN BE RAISED.

The friends of the Wisconsin and Fox river route hope and confidently expect that the general government will complete the work on that route which it so auspiciously commenced; if it does not, the only thing necessary will be to convince capitalists that it will yield a liberal income over all expenses, to secure all the funds necessary for the work, especially when constituting a portion of the whole enterprise.

#### NEW YORK MUST OPEN THE ROUTE FROM LAKE CHAMPLAIN DOWN THE HUDSON, OR LOSE THE WESTERN TRADE.

This alternative will be found to be an imperative necessity, from the consideration of two facts:

With the route completed to Montreal, wheat (and of course other merchandise) can be shipped from and to the upper lakes, to Liverpool, from five to ten cents a bushel cheaper than by the way of the Erie Canal and New York City. This would inevitably carry the foreign commercial trade in the same direction. The report of the Senate Committee of the legislature of that State, above referred to, make, (in substance) the following statement: "With this route completed to Montreal, shipments can then be made to Europe from ten to fifteen cents per bushel cheaper than by the way of the Erie canal and New York City." The lower St. Lawrence has been improved so that sea-going vessels of twenty feet draft, (and consequently of more than three thousand tons burthen) can reach Montreal at all seasons of navigation. Light-houses, buoys, and other means of protection have been placed along the river and Gulf of St. Lawrence, so as to render navigation on that route quite as safe as by the other.

2d. This route completed to the head of Lake Champlain, all of New England can be supplied with Western produce from five to ten cents in the bushel cheaper than from New York by the way of the Erie canal, (or by the railroads.) This will also give New England a monopoly of the commercial trade of the West. The laws of "barter and exchange" will bring about this result. This arises in part from the fact that from that point it is, upon an average, thirty miles nearer to nearly all parts of New England than from Albany, ninety miles further south, and over roads of much easier grade. But the main and controlling reason is, that transportation to the head of lake Champlain, can be made from the upper lakes, ten cents per bushel cheaper than can possibly be done by the Erie canal. Indeed, New York itself can be supplied with Western products, 20 per cent cheaper than by the Erie canal or the railroads. This will be most conclusively proven by a single example. From the foot of lake Erie, the propeller (loaded with 60,000 bushels of wheat, can carry its cargo to the head of lake Champlain, in from two to two and a half day's time, for five cents per bushel. Thence to New York by rail, seven cents per bushel. Twelve cents per bushel in all. On the other route there will be elevator and other charges at Buffalo, three cents per bushel. Canal charges to Albany, seventeen cents per bushel. Towage on the Hudson, two cents per bushel. Twenty-two cents per bushel in all. This will give an advantage to the Champlain route of ten cents per bushel. The average capacity of the Erie canal boats does not exceed two hundred tons, hence it will require ten boats (and eighteen days time for each) to carry to New York City the cargo of a single lake propeller, carrying 60,000 bushels of wheat. It would also require ten trains to do the same work, at about the same cost per bushel. It is therefore most clearly demonstrable that if New York City intends or expects to retain command of the Western trade she must complete this route from the head of that lake to the deep waters of the Hudson. It is equally true that to retain possession of the foreign trade of the West, she must also construct the canal from the St. Lawrence up into Lake Champlain. Perhaps the proposed size and capacity of lake propellers are estimated too high. Experience will settle that question. The relative earnings and expenses, however, will be in about the above ratio.

#### AMOUNT OF CAPITAL WHICH THE COMPANY MUST RAISE.

If the balance of the work be constructed, it will be safe to assume that the Canadian Government will complete the work on the rapids of the St. Lawrence and the canals all around them. The following, therefore, are the items of expense for which provision will surely be made, *upon condition of the completion of the other parts of the work*:

Wisconsin and Fox rivers route.....	\$ 3,500,000.00
Rapids of the St. Lawrence.....	720,000.00
Canals around them.....	1,028,000.00
From head of Champlain to New York.....	6,000,000.00

Whole expenses thus secured.....\$11,248,000.00

leaving a balance of \$8,752,000, on a capital of \$20,000,000 to be raised by the company.

#### ASSUMED DIVIDEND ON THE WHOLE COST.

Should, however, the company be compelled to raise the whole amount, it is confidently affirmed that the business already existing on the lakes, and which will inevitably be created on the Wisconsin route, will yield a dividend of from eight to ten per cent. per annum over and above all expenses.

OBJECTION IS MADE THAT A PORTION OF THE CONTEMPLATED ROUTE WOULD BE THROUGH A FOREIGN COUNTRY AND THEREFORE WORTHLESS IN TIME OF WAR.

It will be found upon examination that this objection has no weight or foundation whatever. Canada is as deeply interested, in opening this route as we are, because she will derive quite as much, and probably more advantage in the foreign trade of the West as this country, and therefore will, from interest alone, extend every facility in her power to help forward the enterprise. In time of war every other interest along the frontier of the belligerent powers, will be equally jeopardized, and must equally, with it abide the arbitrament of arms. Besides, it would be impossible to construct the route by the way of lake Champlain, the only feasible or even practicable route, without passing through a foreign country. It is most devoutly to be hoped by every patriot and friend of peace, that no such contingency will ever arise.

THIS IS AN AUSPICIOUS TIME TO MAKE THE EFFORT.

There are very many reasons why the present is a most auspicious time to commence the work.

1st. There are vast amounts of capital, both in this country and in Europe, seeking profitable and permanent investment; and, as but a small portion of it can find such in the few remaining railroads to be constructed, a sufficient amount can be readily secured for this enterprise.

2d. Business men and capitalists of New York, are becoming alarmed at the success of the enterprise of shipping Western products to an Eastern and European market by the way of the Mississippi and Gulf of Mexico, and hence will readily and cordially support and assist this enterprise, which will have the direct and immediate effect of securing to that city a monopoly in the trade and commerce of the West, which it has so long enjoyed. But, however Eastern capitalists and business men may feel, or whatever apprehensions they may have upon this subject, they may rest assured that universal—nay, the unanimous sentiment of the people of the entire West is, that they must and will have uninterrupted water transportation to the Atlantic seaboard for their heavy products. If the object cannot be secured in the best and most direct route, they will secure it in some other.

3d. The whole spirit of the age, and public sentiment of the country, are now enlisted in the enterprise of improving the great internal water routes of the nation.

4th. The manufacturing population of the Eastern States, and of Europe, are clamorous for cheap provisions—breadstuffs especially. This result can never be secured in its fullness until this water route to the Atlantic ocean is completed.

5th. The success of the Suez canal, the Pacific Railroad, and similar great enterprises, have given capitalists confidence in works of equal magnitude and importance.

CAPACITY OF THE WHOLE WORK TO BE UNIFORM AND EQUAL TO THAT  
OF LAKE HARBORS.

The St. Mary's canal, at the outlet of Lake Superior, has locks 300 feet long, 75 feet wide, and 13 feet deep above the miter sill. They were thus arranged so as to correspond with the depth of water in the principal harbors of the lakes. The whole work should be constructed on the same plan. A larger capacity would be useless.

OBSTRUCTIONS INTERPOSED ON THE FOX RIVER BY MONOPOLISTS.

It is currently reported on what appears to be good authority, that under grants from former legislatures of Wisconsin, Eastern and other capitalists, assume to hold an exclusive right and interest in the improvements on the Fox river, from the "portage," down to lake Michigan, and that they hold those rights and privileges at such high figures as to amount to an absolute prohibition to the progress and completion of the work to the Mississippi river; we would therefore respectfully call the attention of the legislature and people of that State to this subject; and would also suggest that

such a state of affairs, not only imperils the success of the enterprise, but is also unjust, injurious, and oppressive in the highest degree, to the people of the whole country; but more especially to those residing in the upper Mississippi valley. Such an obstruction on a route, and in a river recognized not only by our own government, but also by France and England in early colonial times, to be a public navigable highway between two great continental systems of navigable water, ought not to be allowed to remain if there be any possibility of its removal.

ANY SUBSIDY FROM THE GENERAL GOVERNMENT SHOULD BE SO APPROPRIATED AS TO PROMOTE THE WHOLE ENTERPRISE.

Still its friends may reasonable expect that the general government will make a liberal appropriation for the Wisconsin and Fox river portion. It is not therefore unreasonable to claim that such appropriation shall be so made, as to encourage and stimulate the prosecution and early completion of the whole work. Portions of the route will pass over sections of the country where it may be necessary to secure the right of way, and other privileges from the government. It is most desirable that such legislation should be had at an early day. The good offices of the government may also be needed to secure the speedy construction of other portions of the work. The attention of Congress is invited to these and other matters that may come up in the prosecution of this work.

SIZE, SHAPE, CHARACTER, AND SPEED OF VESSELS BEST ADAPTED TO THE PROPOSED REVOLUTION IN LAKE NAVIGATION, ALSO DEPTH AND CAPACITY OF THE WORKS.

The greatest depth of water practicable should be secured on the whole line. On the Wisconsin portion, only such a depth and capacity will be needed as will allow of its navigation by upper Mississippi steamers. That depth will probably not exceed six feet. On the lakes, the greatest depth practicable will not exceed thirteen feet. This will allow of propellers and other vessels of twelve feet draft, with a capacity, probable of 2,000 tons, or 60,000 bushels of wheat. These vessels, moving at the rate of eight miles an hour, would make the trip from the head of lake Michigan or Superior to New York City in fifteen days, including the discharging and taking on a return cargo, or one round trip a month. Such propellers would probably cost from \$100,000 to \$150,000.

They could carry wheat from the upper lakes to New York City for fifteen cents per bushel, and other freight in like proportion, and make a large profit.

The following estimates will most clearly demonstrate this proposition.

For 15 day's expense of crew, wear and tear, etc.....	\$1,250.00
For 15 day's expense of fuel, oil, etc.....	1,300.00
	2,550.00
Total cost of trip .....	2,550.00
By 60,000 bushels of wheat, at 15 cents per bushel....	9,000.00
Clear profits above all expenses.....	6,450.00

The return cargo would pay the expenses of the return trip, tolls, insurance, etc. A propellor would make at least six trips in the season. This will give a clear profit for the season of \$37,700. If smaller vessels are found best adapted to the lakes, about the same relative rate of earning and expenses will prevail.

APPEAL FOR UNITY OF ACTION OF THE WHOLE PEOPLE TO SECURE THE CONSTRUCTION AND EARLY COMPLETION OF THIS GREAT NATIONAL AND CONTINENTAL THOROUGHFARE.

The one great object of the whole country is to cheapen transportation between the East and the West. This can never be secured through the existing routes. There are many rival roads between the two sections, but their interests are identical, hence they will, and practically *do*, combine to promote that common interest, to-wit: high rates of toll for transportation of products between the two sections. The only rival to these powerful and wealthy corporations at present, is the Erie canal, which is also an immense monopoly, whose sole (at least main) object is to wring the very highest charges possible from the business of the country which is compelled to pass over the route; hence it will, and does, contrive, with the railroads, to keep up those exorbitant charges. The only possible remedy for these oppressive and ruinous exactions, is to open up an avenue superior in capacity to them all. This can only be done through this route. Competition on that thoroughfare, and with the railroads and canal will very soon reduce prices to living rates for all—producers and consumers as well as carriers. It will be impossible to create monopoly here. If all the steamers on the lakes combine with the railroads and canal to “put up prices,” men of equal energy, business talent, and means will embark in rival companies. Hence every part of the country is equally interested in this great measure. The East in having cheap provisions, the West in greater facilities and cheaper rates of transportation. All then can, and ought to unite to hasten forward the consummation of this work.

HOW CAN THE INFLUENCE, ENERGY, AND CAPITAL OF THE WHOLE COUNTRY BE COMBINED AND CONCENTRATED UPON THIS MEASURE?

This is a question of somewhat difficult solution. Perhaps, however, the experience of other public enterprises of vast magnitude



and importance, may be made available in this case. In the construction of the Pacific railroad, "construction companies" were organized under the laws of Iowa and other States by means of which the work was pushed forward with an energy and success which could not have been attained without them. The Suez canal was also built under a like charter, from the French government. The Darien ship canal, and the Tehautipec railroad and canal, are to be prosecuted in the same manner,—the former under a charter from the State of Massachusetts, and the latter under a like charter from the State of Vermont. The Panama railroad was built by a like company, under a charter from the State of New York. Other like enterprises have been, and are being successfully prosecuted, under similar organizations. Following these examples, such a company could be organized under the laws of this, or some other State, to do this work. Probably an organization under the laws of this, or some other State having a general incorporation law, would be far preferable, because, if there be any deficiency in the original charter, it could at any time be amended without the delay and inconvenience resulting from the protracted and uncertain action of a legislative assembly.

SHOULD BE UNDERTAKEN AS A SINGLE AND ENTIRE ENTERPRISE.

There are many strong and controlling reasons for this.

1st. It will insure the construction of the whole work in the shortest possible space of time, each part progressing at the same time.

2nd. Capitalists will more readily invest their money in the enterprise as a whole, than if divided up into separate parts, from the fact that as a whole the tolls on business already existing on the lakes, will be sure to return an ample dividend over and above all expenses, which might not be the case on some or perhaps any one portion thereof.

3d. The completion of any one part, (for example, the Wisconsin portion), will not materially benefit the country by the reduction of charges for transportation. Indeed it would enable Eastern carriers (from the foot of lake Erie) to increase the exorbitant rates already levied, because of the increased amount of Western products going through that route, and seeking an Eastern or European market.

4th. By a uniform system of operation, the expenses of each part, as well as the whole, will be very much less than if divided into several independent parts. This is most conclusively proven

by the experience of railroads all over the country, many rival and hostile roads consolidating into one for the purpose of reducing expenses, and securing a more efficient and economical operation.

5th. It would then, and only then, become an independent, efficient, and successful rival and competitor with the Erie canal and railroads, in the carrying trade between the East and West. All of these interests now practically combining "to keep up," (as well as "put up to higher rates,") transportation and charges.

6th. It would bring under one uniform and efficient system of operation, an enterprise from necessity, one consolidated and homogeneous system, which must otherwise be conducted under several independent, and somewhat rival systems, each of which would be quite as expensive in salaries and other charges as the consolidated one, and far less efficient and successful.

7th. It would not secure the objects sought to be attained, to-wit: profitable investment of capital, and cheap and rapid transportation, unless the whole work from the Mississippi river to New York City, be completed and operated under one uniform and permanent system.

IT IS CLAIMED "THAT RAILROADS WILL VERY SOON SUPERCEDE WATER TRANSPORTATION, EVEN ON THE LAKES."

That is the position assumed by Mr. Richards, president of the Chicago Board of Trade, in his speech before the National Board of Trade, at Richmond, in December last, and indorsed generally by the Chicago papers. He says, "There is no method of inland transportation worthy of a moment's consideration, but that of railroads. \* \* \* Our own great lakes in the north will be the last to succumb, but the iron horse has actually overtaken them in the amount of business done."

Possibly that may be so, in travel, and light and valuable merchandise it is undoubtedly true; but in order that there may be a fair test on the question, the two systems must be placed on an equal footing in regard to completeness. Each of the great railroads between the Atlantic seaboard and the Mississippi, are as perfect and efficient as capital, science, and art can possibly make them. Let the proposed water route be constructed and finished with a like degree of perfection, so that upper Mississippi steamers can go through to the lake, with the same rate of speed as to St. Paul or St. Louis, to wit: eight miles the hour, thence by lake propeller of twelve feet draft and 2000 tons burthen, (or such other capacity as experience shall find to be best adapted to the trade), also traveling at the rate of eight miles the hour. The test would then be fair and conclusive.

The distance by rail from the Mississippi (for instance Dubuque) to the Atlantic ocean, would be 1600 miles; by the water route, 1800 miles. The very lowest rate for which Western produce has ever been carried during lake transportation is 95 cents per hundred lbs., the average never less than one dollar per 100 lbs.

Westward-bound merchandise, during the same period, never less than \$1.30 per 100 lbs. The average both ways never less than \$1.10 per 100 lbs., or \$17.60 per ton. On the water route there is 400 miles of canals, 300 miles of river, and 1100 miles of lake—1800 miles in all. Rate of charge five mills per ton per mile; this is in fact one third higher than the actual charges, \$9.00 per ton; in favor of the water route, \$8.60. On the railroads this will be fifty-four cents per bushel on wheat, and other freight in the same proportion. By the water route it will be twenty-seven cents per bushel, or twenty-seven cents in favor of the latter. The rate of speed on both routes being eight miles per hour, both will arrive at their destinations about the same time. Now if this claim of Mr. Richards and the Chicago press be correct, the railroads east from that place, up to the present time, must have become formidable competitors, and rivals with the lakes, in the carrying trade of Western products. Lake and railroad statistics however tell a different story. By the annual reports, for the last five years, of the Chicago board of trade, of which Mr. Richards is president, it appears that the four of five eastern railroads entering into that city, do not all together carry (during the seven months of lake navigation), above five per cent of the wheat and other heavy agricultural products of the West. During the entire year the amount does not much, if any, exceed twenty per cent. By the same reports it appears that, of the vast amount of beef and pork, packed at Chicago and other lake ports, not more than ten per cent is forwarded east by rail; it remains in the packing houses until the opening of navigation, then shipped by the lakes to Buffalo, thence by canal or rail to its Eastern or European market.

#### A FREIGHT RAILROAD TO BE CONSTRUCTED.

It is conceded by Mr. Richards and the Chicago press, that the present railroad system cannot successfully compete with lake navigation in the transportation of heavy and bulky freights. But then, a freight railroad (with greater capacity), with two or more tracks, is to be constructed, which is to supercede both lake transportation, as well as the present system of roads. That may appear very plausible in theory, but the practical and successful prosecution of such an enterprise will be a very different thing. It enters the field not only as a competitor, but as an exterminator of both systems. From the Atlantic seaboard to the Mississippi valley, it will be 1,600 miles in length; cost per mile, \$150,000, making an aggregate capital exceeding \$250,000,000. Even on such a road, it will

require at least eight trains, worth \$100,000 each, to equal the capacity of a single lake propeller, costing from \$150,000 to \$200,000. The daily expense of each train, including "wear and tear," casualties, etc., will be very nearly equal to that of the propeller. If this be an approximately correct estimate of the costs and expenses of the two systems, it has not a very hopeful aspect for the speedy annihilation of lake shipments. At least such a view of the case has not much in it to discourage the friends of the contemplated "water-route."

#### COST OF REPAIRS.

The experience of railroads, both in this country and in Europe, is that the repairs on rolling stock, road-bed, and everything connected with it, have to be renewed once in every ten years. There are four great lines of railroad between the Atlantic seaboard and the Mississippi, all competing for the trade of the lakes. Each of these lines of railroad cost at least \$100,000,000, hence, there must be levied upon the travel and commerce between the east and the west, over and above what will be necessary to pay the expenses of operating them, and the interest on the capital stock,—ten per cent., or \$40,000,000 per annum, to keep in repair those roads. On the water-route, the entire cost of opening the same to the required capacity will not exceed \$25,000,000. The value of the shipping, on the lakes and on the Mississippi, engaged in carrying trade, is about \$20,000,000. By the opening of this water-route, it will be doubled, or \$40,000,000—\$65,000,000 in all. The improvements themselves, being excavated deep below the natural surface of the country, will require but a very small per cent. for repairs, but assuming ten per cent. for repairs, both of it, and the vessels engaged in the through trade, will amount to \$6,500,000; difference in favor of the water-route, \$33,500,000. In other words, it will be necessary to tax the trade, commerce and travel between the two sections to the amount of \$33,500,000 higher on the railroads, than on the water-route. A moiety only of this burthen will fall upon commerce; i. e. only \$16,500,000. But the produce trade of the West cannot stand under this burthen, and will not any longer than can be avoided.

#### COAL TRADE OF THE ENGLISH RAILWAYS.

In the case cited by Mr. Richards, from England, in support of his theory "of the railroads driving ocean propellers out of the trade in carrying coal from Newcastle to London," be applicable to this country, then surely railroads can drive lake vessels out of the trade in carrying coal from Cleveland to Chicago. The lake freight is seventy-five cents per ton. Can the roads carry it for that price? If so, why don't they do it? Everything is in their favor; the distance not half so great, and almost on a dead level all the way. The

fact is, however, the roads could hardly pay for their fuel, and yet lake vessels make a good living at the business, else they would not carry coal or anything else at those rates. It is of daily and almost hourly occurrence that immense trains of empty cars pass right by deposits of coal piled mountain high on the Cleveland wharves, awaiting shipment to the upper lakes. Why don't, also, the trains bringing coal from the interior of Pennsylvania and Ohio to that lake port, keep right on to Chicago instead of unloading there? The reason is obvious, they cannot carry it at lake prices.

The case cited to sustain the theory that railroads will supersede water transportation, does not in fact exist. The railways do not carry any coal from Newcastle to London, at least not to any very great extent. They do carry coal from the coal-fields of Staffordshire to London. This place is situated about midway between the two places, about one hundred miles distant, London being the nearest shipping port. This coal comes in competition with the Newcastle coal, but not to such an extent as to drive the latter out of the market, or even materially lessen the demand.

#### THE TRADE OF THE WEST ALREADY BEING DIVERTED INTO FOREIGN CHANNELS.

The following extract taken from the *Chicago Tribune* of the 28th of December, 1869, most clearly demonstrates this proposition :

“*The Erie Canal.*—The exhibits of the business of Buffalo during the year 1869, conveys an important lesson. It will be remembered that the Erie canal has, until within a few years, been the highway of the productions of the northwest. The State of New York built that canal, promising that it should be made a free route as soon as the State should be reimbursed for its cost. The tolls collected upon the produce of the West have paid for the canal, and for all its repairs and enlargements, twice over, and have kept in commission whole regiments of office-holders. The State of New York, however, found itself in possession of a constant source of revenue, and, holding the only canal through to tide-water, resolved to use it like any other monopoly. Consequently the rates of toll were increased, until at last they were so leveled up that it became an even thing for shippers to use railways or canal. All appeals have been in vain; the State legislature and the State convention have both insisted on extorting the last measure of toll. The result is that, during 1869, the volume of grain sent east from Buffalo, by canal, has seriously diminished, and now, instead of being the sole route for breadstuffs, the canal is the least used of the several routes.

“The persistence in high tolls has not only destroyed the business of the canal, but has seriously injured Buffalo. It is true that much of the grain diverted from the canal has taken rail at Buffalo, but nevertheless that city has suffered generally with the decline in the

use of the canal. It is somewhat remarkable that the receipts and shipments of Montreal have increased to about the same extent that those of Buffalo have declined. Thus the total receipts of grain, including flour reduced to wheat, in Buffalo, for four years, have been as follows: 1866, 57,806,708 bushels; in 1867, 50,274,874; 1868, 49,983,204; 1869, 45,472,133. The receipts of wheat and flour at Montreal, in the same time, are thus stated: Flour—1866, 740,750; 1867, 693,154; 1868, 789,041; 1869, 1,021,419. Wheat—1866, 951,597; 1867, 2,831,637; 1868, 2,426,882; 1869, 7,817,470.

“The legislature of New York, with the indubitable facts of the diversion of trade produced by the high tolls of 1869, can no longer plead want of information on this subject. They must act now, and act thoroughly. They must reduce the tolls to the exact amount that will cover the cost of repairs and management,—in other words, make the canal practically free. Any longer persistence in the present policy will result in the general abandonment of the canal, even for the local traffic along its line.”

Not a bushel of wheat, or a pound of other freight, from the upper lakes going to Montreal takes that route (by the way of lake Champlain and the “Northern canal”) to New York; hence, everything going to that point is lost to the New York trade. Western wheat and flour arriving at Montreal has increased from 1,692,347 bushels in 1867, to 12,424,565 bushels in 1869. Let, therefore, that route be completed to Montreal, and we will be most abundantly sustained in the assumption, that the entire export of Western wheat and other agricultural products will be through that route. The writer of the above article says, the State of New York must act now, and act thoroughly. “They must reduce the tolls (on the Erie canal) to the exact amount that will cover cost of repairs and management,—in other words, make the canal practically free.” We submit, however, that that will not remove the difficulty, or perceptibly reduce it, because it will only take off about two and one-half cents per bushel on wheat, (on other freights in the same proportion,) whilst the average cost of transportation from Buffalo to New York City, via the Erie canal (or the railroads) is about twenty-two cents per bushel. With this route open to Montreal, and wheat can be carried from Chicago to Liverpool for twenty cents per bushel. It is even now carried for about thirty-five cents.

We are then most abundantly sustained in the proposition that New York City must furnish the means to construct that part of the route from the St. Lawrence, at Montreal, by the way of Lake Champlain and the Hudson river, or lose the trade of the West.

No one can understand this subject more thoroughly than the statesmen and people of the State of New York; but so long as the West submits to the enormous exactions that heretofore have been, and are still imposed upon her industry and commerce, just

so long will they be continued. The West has the remedy in her own hands. Let her apply it by putting forth one united and simultaneous effort to open up this "water route" "from the river to the ocean," and she has applied a corrective as permanent and lasting as the ages.

THE VIEWS OF HIS EXCELLENCY THE GOVERNOR, AS EXPRESSED IN HIS ANNUAL MESSAGE, IN RELATION TO THE WISCONSIN AND FOX RIVER ROUTE MOST TIMELY AND APPROPRIATE.

And not only so applied to that route, but also in relation to the entire work to the Atlantic seaboard. In the language of His Excellency, "the improvement of water channels will reduce the charges on every ton of heavy freight, whether moved by water or rail!" With this route completed to the Atlantic seaboard as contemplated, and there would be an annual saving, to Iowa alone, of at least \$5,000,000 in the transportation of her cereals and other agricultural products to an Eastern and European market.

#### WISCONSIN AND FOX RIVER IMPROVEMENTS.

"I have given this subject, during the past five years, much thought and some personal examination. It is receiving consideration in many parts of the country, and especially in the Northwestern States. Cheap transportation is the one question which is vital to these States, and to none more so than to Iowa. It is of little consequence whether her products be moved by rail or water, but of the greatest consequence that they be moved at rates whereby the market price will give back the cost of production and a living profit to the farmer. If railways can carry heavy freights as cheaply as waterways, it is certain that they will not unless compelled thereto by water competition. The improvement of water channels will reduce the charges on every ton of heavy freight, whether moved by water or by rail. Our State has raised, during the past year, nearly fifteen million of bushels of wheat for export. With the freight charges on this quantity reduced—in the cost of transshipment and movement—only ten cents a bushel, the total saving will amount to \$1,500,000. But Iowa exports large quantities of other grains and other products, and imports great amounts of lumber, merchandise, etc., so that this large sum would not be one-half the yearly saving to Iowa alone. The States of Wisconsin, Illinois, and Minnesota, and those lying further west, will be benefitted, but, perhaps, in a less degree. With wheat selling in the State of Iowa at an average price of fifty cents per bushel, and on Lake Michigan at seventy cents per bushel, our representatives in Congress should not long hesitate in assuming for their constituents their part of the necessary debt in order to open an ample water-way between the Mississippi and the Lakes. The full results no one can foresee. It would unite the commerce of the lakes, with its two thousand vessels, to the commerce of the Mississippi and its tributaries, with their more than two thousand vessels;

and the commerce so united, measured by tons or by values, would be greater than the existing foreign commerce of the country. The highest estimated cost of this improvement, made by Gen. G. K. Warren, government engineer, is about four millions of dollars.

"I deem this question so vitally important to the agricultural interests of our State, that I may (if time will permit) submit at more length my views upon the subject."

#### OBJECTS AND PURPOSES OF THE MOVEMENT.

The one all-absorbing and prevailing idea which the people of the West, and more especially the northwest, without distinction of party, desire to impress upon the attention of Congress and the country, is the indispensable and imperative necessity of a great national highway in the form of a ship and steamboat canal, (of a capacity equal to the river and lakes), between the Mississippi and the Atlantic seaboard, by the way of the Wisconsin and Fox rivers, the great lakes, the river St. Lawrence, and Lake Champlain, to New York City. This great national highway is demanded alike by military prudence, the necessities of the agricultural and commercial interests of the country, and sound political wisdom. And although the main portions of this must be accomplished (if at all) by private enterprise and capital, still there is much that Congress can and ought to do; therefore,

*Resolved, by the General Assembly of the State of Iowa, That Congress be requested to make an appropriation for the speedy completion of the water route from the Mississippi to Lake Michigan, and by way of the Wisconsin and Fox rivers, in such a manner, and upon such terms and conditions, as to encourage, stimulate, and promote the whole work set forth in this memorial, Congress retaining the control of rates of toll, and the regulation of the management of said canal. Also, that such other legislation be had, and measures taken, as may be necessary to secure the speedy and successful prosecution of this great national and continental enterprise.*

*Resolved, That our Senators and Representatives in Congress be requested to use their best efforts to secure the legislation herein desired.*

*Resolved, That the Governor be requested to transmit this memorial and resolutions to the Governor of each of the Western and Northern States, with a request that they may be laid before their respective legislatures, and other constituent bodies, now or soon to convene.*

*Resolved, That a copy of this memorial and resolutions, duly authenticated, be transmitted to the President of the United States, the President of the Senate, and Speaker of the House, and each member of Congress from this State.*

Approved, April 12, 1870.



## NUMBER XXII.

## FOX AND WISCONSIN RIVER IMPROVEMENT.

## MEMORIAL AND JOINT RESOLUTION in Reference to Fox and Wisconsin Rivers.

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

The memorial of the General Assembly of the State of Iowa represents, that the project of connecting the Mississippi river and lake Michigan, by navigable channels, through the Wisconsin and Fox rivers, appears to your memorialists to be of great importance to the country, and especially to the great Northwest; and,

WHEREAS, Congress did, by its own act, reserve the waters of the Fox and Wisconsin rivers as public highways, and did, by an act approved August 8th, 1846, grant lands in alternate sections along said rivers, to aid in improving and connecting the same by a canal, in the then Territory of Wisconsin; and that during the construction of said improvements along the Fox river, and before said work was completed, the Secretary of the interior construed the law, by reason of a clerical error, to include a grant of lands to the Fox river only, thus leaving this important work but a little more than half completed; therefore,

*Be it resolved by the General Assembly of the State of Iowa,* That our members of Congress be requested to urge such an appropriation, either in public lands, from the States of Iowa, Minnesota, and Wisconsin, or money from the United States Treasury, as will supply the deficiency and accomplish the work at the earliest practicable moment: *Provided,* that any appropriation of land or money, made by Congress, in aid of the Wisconsin and Fox river improvement, shall be upon such conditions as to secure the regulation and control of the entire route from the Mississippi to the lake, to Congress, without the intervention of any private corporation or company, to the end that the tolls may be reduced to the lowest charges which shall be sufficient to maintain the improvement in perfect condition for public use.

*Resolved,* That the Secretary of State is directed to forward a copy of this preamble and joint resolutions to the President of the United States Senate, and Speaker of the House of Representatives, with the request that they be laid before each house of Congress; and that a copy also be sent to each member of Congress from the State of Iowa.

Approved, April 12, 1870.

## NUMBER XXIII.

## DISTRIBUTION OF ADJUTANT-GENERAL'S REPORT.

JOINT RESOLUTION Providing for the Distribution of the Adjutant-General's Reports.

*Resolved by the General Assembly of the State of Iowa, That the Secretary of State be and he is hereby directed to deliver all printed Reports of the Adjutant-General to said officer, and that said Adjutant-General be and hereby is directed to cause the same to be distributed among the non-commissioned officers and privates of the late Iowa volunteer regiments, said distribution to be made as equal as possible in the several counties from which enlistments were made: Provided, That one hundred copies of each of said Reports as aforesaid shall have been reserved for the use of the State Library, before said Reports as aforesaid are delivered to the Adjutant-General.*

Approved, April 13, 1870.

## NUMBER XXIV.

## TRUSTEES FOR BLIND ASYLUM.

JOINT RESOLUTION Appointing Trustees for the Institution for the Education of the Blind.

*Resolved by the General Assembly of State of Iowa, That the Hon. James McQuinn and Hon. C. H. Conklin, of Benton county, and Hon. Joseph Dysart, of Tama county, be and are hereby appointed Trustees for the Institution for the Education of the Blind, for four years from the first day of April, 1870, and until their successors are elected and qualified.*

That Hon. Wm. G. Donnan, of Buchanan, and Samuel H. Watson, Esq., of Benton, be and are hereby appointed to fill the vacancy in said Board of Trustees, occasioned by the resignation of Hon. James Chapin, of Benton, and Hon. Charles G. Truesdell, of Clinton.

Approved, April 13, 1870.

## NUMBER XXV.

## LAND GRANTS.

JOINT RESOLUTION to Congress, praying for a Grant of Land to aid in the Construction of a Railroad therein named.

*To the Senate and House of Representatives of the United States in Congress assembled:* The General Assembly of the State of Iowa would state that, WHEREAS, There is a belt of beautiful and fertile country more than one hundred miles in width, extending from the western boundary of Iowa and Minnesota, by the way of the Big Horn, Yellow Stone, and upper Missouri valleys, through the southern portion of Dakota, Montana, Idaho, and Oregon to the Pacific ocean. This region nowhere has a deviation, much, if any, exceeding four thousand feet—is extremely rich in agricultural, mineral, and other resources—best forests of pine and other timber abound. On the eastern slopes and spurs of the Big Horn mountains, it is reported by eminent geologists, and others, that vast quantities of anthracite coal exist, which cannot be reached or made available to the timberless but fertile plains east of them, except by a railroad in the direction herein contemplated. This region possesses a genial and salubrious climate, great richness and fertility of soil, and pure water throughout. But with all these natural advantages, it can never be settled and occupied by permanent and extensive settlements, because of the impossibility of reaching it by any cheap, possible, or even practicable means of transportation, now existing or in contemplation. Neither the Central or Northern Pacific railroads can afford such means of transportation; the one being too far south, the other too far north, with impassable mountains intervening; the two roads never approaching nearer than about five hundred miles of each other. The only means by which this vast and fertile region can be reached and its resources developed, is by means of a trunk road, starting from some point on the Missouri river, between the parallel of forty-two and one-half degrees of north latitude and the mouth of the Niobrara river, running thence by the nearest and best route westwardly, to or near the city of Helena, Montana, thence passing down towards the Pacific ocean through the pass formed by the Salmon Fork of the Columbia river, or other more feasible and direct route. This route will be about intermediate between the two others; and,

WHEREAS, The advantages and imperative necessity of this route have been long known and appreciated by the people of the West, and the attention of Congress and the country called thereto by the legislatures of nearly all the Northwestern States and Territories; and,

WHEREAS, In the opinion of this General Assembly, were a grant of public lands made to this route, equal in extent and upon the terms and conditions extended to the Northern Pacific railroad, such are the resources of that whole region of country, and more especially its great agricultural capacity and resources, that a sufficient amount of capital could be secured to build the whole road in a very brief period of time ; therefore,

*Resolved*, That Congress be requested to make a grant of the public lands, in alternate sections, equal in quantity per mile, as heretofore has been granted to the Northern Pacific railroad, to aid in the construction of this road, the same to run about along the route above indicated.

*Resolved*, That our Senators and Representatives in Congress be requested to use their best efforts to secure such grant of public lands, for the purposes above set forth.

*Resolved*, That a copy of this preamble and resolutions, duly authenticated, be sent to the President of the Senate and Speaker of the House of Representatives, with the request that they be laid before their respective houses ; and also to each of our Senators and Representatives in Congress.

Approved, April 13, 1870.

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## NUMBER XXVI.

### INCREASED MAIL FACILITIES.

JOINT RESOLUTION Asking Increased Mail Facilities.

*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, the establishment of a mail route, with tri-weekly service, from Anita, in Cass county, via Hamlin's Grove, Oakfield, Exira, Leacock's Grove, Macks, and Carrollton, to Carroll Center.

Approved, April 13, 1870.

## NUMBER XXVII.

ONAWA BRANCH OF THE C. R. &amp; M. R. R. R.

JOINT RESOLUTION In relation to the Onawa Branch of the Cedar Rapids and Missouri River Railroad.

WHEREAS, By an act of Congress approved May 15, 1856, there was made to the State of Iowa a grant of land, in alternate sections, to aid in the construction of certain railroads in said State; and,

WHEREAS, by an act of the General Assembly, approved, July 14, 1856, the State of Iowa accepted the said grant upon the conditions contained in the act of Congress aforesaid; and,

WHEREAS, by an act of the General Assembly, approved March 26, 1860, the State of Iowa granted to the Cedar Rapids and Missouri River Railroad Company that portion of said lands granted by said act of Congress, to aid in the construction of a railroad from Lyons City, northwesterly to a point of intersection with the main line of the Iowa Central Railroad near Maquoketa, thence on said main line, running as near as practicable to the forty second parallel, across the State of Iowa to the Missouri river, upon certain conditions contained in said act, which was duly accepted by said company; and,

WHEREAS, by an Act of Congress, approved, June 2d, 1864, the said Cedar Rapids and Missouri River Railroad Company was permitted to so modify or change the uncompleted portion of its line, so as to secure a better a more expeditious line to the Missouri river and a connection with the Iowa Branch of the Union Pacific Railroad, upon certain conditions therein set forth; and,

WHEREAS, One of the conditions in said last named act of Congress is as follows: "*Provided*, that in case the main line shall be so modified or changed as not to reach the Missouri river at or near the 42d parallel [of] north latitude it shall be the duty of said company within a reasonable time after the completion of its road to the Missouri river, to construct a branch road to some point in Monona county in or at Onawa City," for which branch they were granted the same amount of lands per mile as were granted for the main line; and,

WHEREAS, The said company has so modified or changed its line as to reach the Missouri river at or near Council Bluffs, in Pottawattamie county, a distance of nearly sixty miles from the point where the 42d parallel crosses said river; and,

WHEREAS, A reasonable time has elapsed since the completion of the said company's road to the Missouri river, and the said company has not yet built nor commenced to build said branch; and,

WHEREAS, The good faith of the State in executing the trust conferred upon it by Congress, requires that the State should secure the early completion of said Onawa Branch ; now, therefore,

*Be it resolved, by the General Assembly of State of Iowa, That the Attorney-General is hereby instructed and required to take such means as may be necessary to secure the speedy building of a branch road to some point in Monona county, in or at Onawa City in accordance with the provisions of the act of Congress, approved June 2d, 1864, and acts of the General Assembly relating thereto : Provided, That in his opinion the State has the power to compel the construction of said road.*

Approved, April 14, 1870.

STATE OF IOWA, AUDITOR'S OFFICE, }  
DES MOINES, May 18, 1870. }

HON. ED WRIGHT,

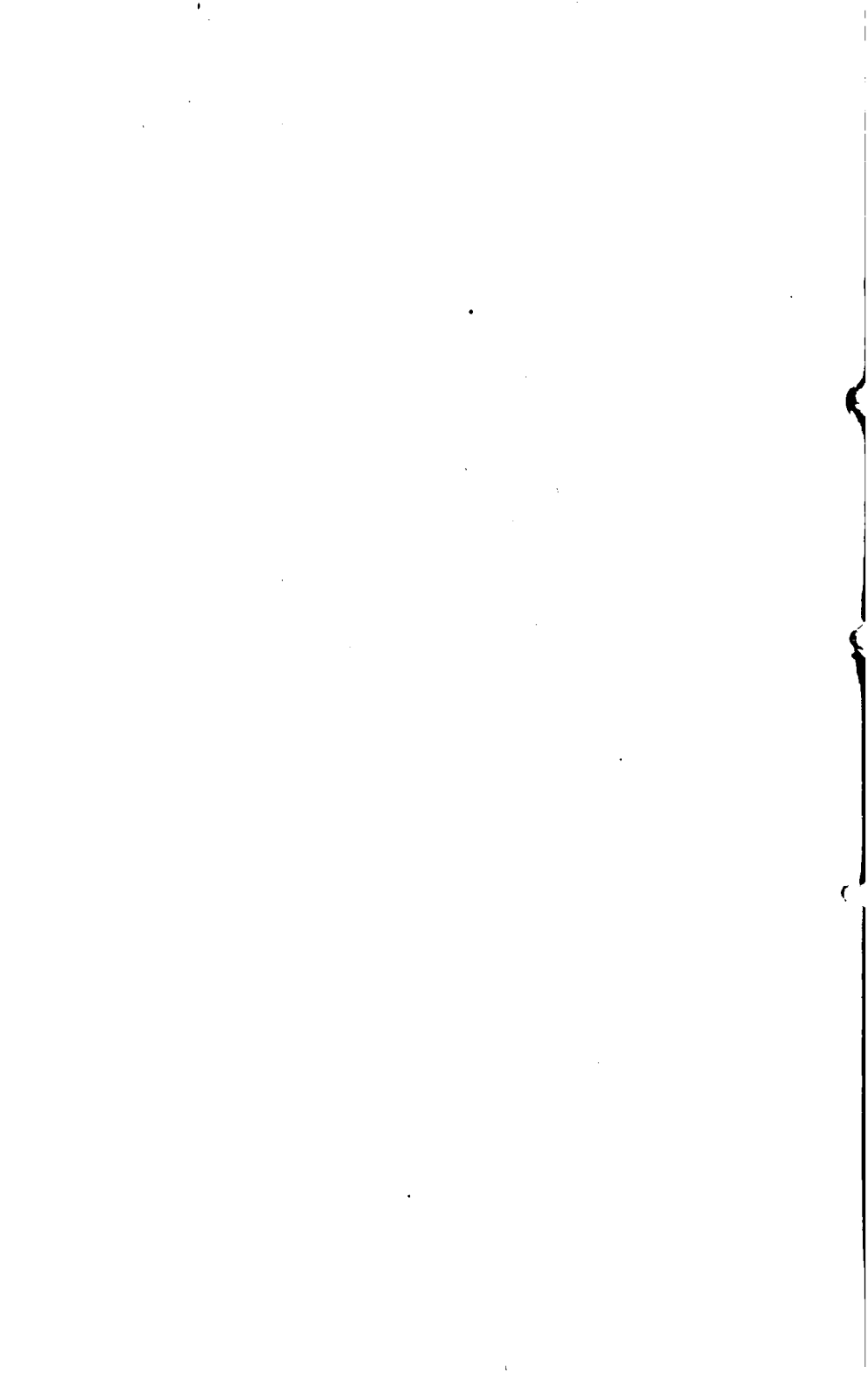
*Secretary of State.*

SIR :—In pursuance of Section 18, Article 3, of the Constitution of Iowa, herewith find for publication with the Laws of the Thirteenth General Assembly, a statement of the Receipts and Expenditures for the two fiscal years commencing November 4, 1867, and ending October 30, 1869, both days inclusive.

Very respectfully,

JOHN A. ELLIOTT,

*Auditor of State.*





# AUDITOR'S REPORT.

The balance remaining in the State treasury at the close of the fiscal year, November 2d, 1867, was \$97,740.45, 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
	<u>          </u>
Total .....	\$97,740.45

There was received into the State treasury during the past two years, including the above balance on hand, \$2,355,170.08, and the disbursements by the State Treasurer during the same period amounted to \$2,051,971.22, leaving in the State treasury, October 30th, 1869, \$303,198.86.

This balance, which is by far the largest ever reported, is distributed among the several funds as follows :

General Revenue .....	\$286,160.16
Coupon Fund .....	29.56
Swamp Land Fund.....	5,306.30
Dictionary Fund.....	20.00
Des Moines River Land Claims (special fund).....	8,916.74
Permanent School Fund.....	7,728.10
Temporary School Fund .....	38.00
	<u>          </u>
Total .....	\$303,198.86

## RECEIPTS.

The receipts were derived from the following sources :

General Revenue—	
From State Taxes and Interest....	\$1,169,219.79
From Insane Dues.....	108,274.63

From Peddlars' Licenses.....	\$ 574.73
From sales of Laws.....	1,681.82
From Railroad Taxes.....	70,807.07
From sale of Arms, etc., by Adj.- General.....	8,688.68
From Insurance Companies.....	14,920.09
From U. S. on W. & D. Fund....	383,386.83—1,757,553.64
Coupon Fund.....	146,300.00
Railroad Fund—from Taxes on R. R.	141,591.61
Swamp Land Fund—from U. S.....	5,051.28
Des Moines River Land Claim—from Des M. V. R. R.....	162,796.17
Permanent School Fund—from Eads' loans and sureties.....	11,103.42
Temporary School Fund—from int. on State and U. S. Bonds, etc ...	33,033.51
	<hr/>
Total receipts.....	2,257,429.63
Balance in treasury, Nov. 2d. 1867...	97,740.45
	<hr/>
Total.....	\$2,355,170.08

## DISBURSEMENTS.

The disbursements were for the following purposes :

General Revenue—	
Redemption of Auditor's Warrants..	\$1,553,501.81
Interest allowed on same.....	*6.15—1,553,507.96
Coupon Fund—redemption of Bonds and Coupons.....	147,724.50
Railroad Fund—apportioned to State and Counties.....	141,591.61
Swamp Land Fund—paid to Counties	4,100.58
Des Moines River Land Claims—re- demption of Warrants and interest allowed on same.....	158,879.43
Permanent School Fund—loaned State	11,502.26
Temporary School Fund, apportioned to Counties.....	34,664.88
	<hr/>
Total disbursements.....	2,051,971.22
Balance in treasury, Oct. 30th, 1869...	303,198.86
	<hr/>
Total.....	\$2,355,170.08

\* This interest accrued on W. & D. Warrants prior to 1866.

This balance belongs to the several funds as follows :

General Revenue.....	\$286,160.16
Coupon Fund.....	29.56
Swamp Land Fund.....	5,306.30
Dictionary Fund.....	20.00
Des Moines River Land Claim Fund...	3,916.74
Permanent School Fund.....	7,728.10
Temporary School Fund.....	38.00
	<hr/>
Total.....	\$303,198.86

A statement more in detail of each fund separately, will be found immediately following :

1st.—RECEIPTS AND DISBURSEMENTS OF STATE REVENUE.

SAMUEL E. BANKIN, STATE TREASURER.

1867.

Nov. 2. To balance in treasury from last report.....\$ 82,114.48

1868.

Feb. 29. To amount received during quarter ending this day..... 342,764.83—\$424,879.31

CONTRA.

1868.

Feb. 29. By Auditor's Revenue Warrants redeemed during quarter.. 262,785.70

Feb. 29. By Auditor's W. & D. Warrants redeemed during quarter.. 8.00

Feb. 29. By balance to next quarter.... 162,085.61— 424,879.31

1868.

Feb. 29. To balance from last quarter.. 162,085.61

May 30. To amount received during quarter ending this day..... 151,288.39— 313,374.00

CONTRA.

May 30. By Auditor's Warrants redeemed during quarter.... 268,931.11

May 30. By balance to next quarter.... 44,442.89— 313,374.00

May 30. To balance from last quarter.. 44,442.89

Sept. 5. To amount received during quarter ending this day.... 193,623.00— 238,065.89

## CONTRA.

1868.

Sept. 5. By Auditor's Warrants re-		
deemed during quarter....	\$206,987.38	
Sept. 5. By balance to next quarter....	31,078.51	— \$238,065.89

1868.

Sept. 5. To balance from last quarter..	31,078.51	
Oct. 31. To amount received during		
quarter ending this day...	83,545.92	
Oct. 31. To balance overdrawn to next		
quarter .....	59,917.90	— 124,542.33

## CONTRA.

Oct. 31. By Auditor's Warrants re-		
ceived during quarter.....		124,542.33

1869.

Jan. 2. To amount received during		
quarter ending this day,		
(State Revenue) .....	167,886.33	
Jan. 2. To amount transferred from		
Insane Fund account.....	60,839.64	— 228,725.97

## CONTRA.

1868.

Oct 31. By amount overdrawn from		
last quarter.....	59,917.90	

1869.

Jan. 2. By Auditor's Warrants re-		
deemed during quarter....	140,977.84	
Jan. 2. By balance to next quarter...	27,830.23	— 228,725.97

1869.

Jan. 2. To balance from last quarter..	27,830.23	
Feb. 27. To amount received during		
quarter ending this day...	110,191.94	— 138,022.17

## CONTRA.

Feb. 27. By Auditor's Warrants re-		
deemed during quarter ...	98,362.44	
Feb. 27. By balance to next quarter...	39,659.73	— 138,022.17
Feb. 27. To balance from last quarter.	39,659.73	
June 5. To amount received during		
quarter ending this day,		
(State Revenue).....	195,799.04	
June 5. To amount transferred from		
Railroad Tax.....	70,796.79	— 306,255.56

CONTRA.

June 5.	By Auditor's Warrants redeemed during quarter..	\$143,795.87	
June 5.	By balance to next quarter	162,459.69—	\$306,255.56
June 5.	To balance from last quarter	162,459.69	
Sept. 4.	To amount received during quarter ending this day, (State Revenue).....	*313,609.57	
Sept. 4.	To amount transferred from Railroad Tax.....	10.28—	476,079.54

CONTRA.

Sept. 4.	By auditor's Warrants on Revenue redeemed during quarter.....	171,080.24	
Sept. 4.	By Auditor's Warrants on W. & D. redeemed during quarter.....	23.80	
Sept. 4.	By interest on W. & D. Warrants.....	.75	
Sept. 4.	By balance to next quarter	304,974.75—	476,079.54
1869,			
Sept. 4.	To balance from last quarter	804,974.75	
Oct. 30.	To amount received during quarter ending this day, (State Revenue).....	69,762.92	
Oct. 30.	To amount transferred from Insane Fund Account...	47,434.99—	422,172.66

CONTRA.

Oct. 30.	By Warrants (Revenue) redeemed during quarter..	135,927.00	
Oct. 30.	By Warrants (W. & D.) redeemed during quarter..	80.10	
Oct. 30.	By interest allowed on W. & D. Warrants.....	5.40	
Oct. 30.	By balance to next quarter.....	286,160.16—	\$422,172.66
1869			
Oct. 30.	To balance from last quarter....	286,160.16	

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\*\$229,827.49 of this amount received from the United States on account of War Claims.

## 2d—RECEIPTS AND DISBURSEMENTS OF BOND AND COUPON FUND.

SAMUEL E. RANKIN, STATE TREASURER.

1867.

Nov. 2.	To balance on hand from last report.....	\$ 1,454.06
Dec. 26.	To warrant for six month's interest on bonds of 1858....	7,000.00
Dec. 26.	To warrant for six month's interest on War Bonds.....	10,500.00

1868.

Feb. 22.	To warrant for redemption of bonds of 1858.....	93,300.00
May 29.	To warrant for redemption of bonds of 1858.....	3,000.00
June 25.	To warrant for six mo's interest on War Bonds.....	10,500.00
Dec. 26.	To warrant for six mo's interest on War Bonds.....	10,500.00

1869.

Mar. 10.	To warrant for redemption of bonds of 1858.....	1,000.00
July 2.	To warrant for six mo's interest on War bonds.....	10,500.00—\$147,754.06

## CONTRA.

1868.

Feb. 29.	By coupons redeemed—bonds of 1858.....	6,650.00
Feb. 29.	By coupons redeemed—War Bonds.....	10,024.00
Feb. 29.	By Bank Commission for redeeming same.....	30.00
Feb. 29.	By bonds of 1858 redeemed...	93,300.00
May 30.	By bonds of 1858 redeemed...	3,000.00
May 30.	By coupons redeemed—bonds of 1858.....	105.00
May 30.	By coupons redeemed—War Bonds.....	175.00
Sept. 5.	By two bonds of 1858 redeemed.....	2,000.00
Sept. 5.	By coupons redeemed—War Bonds.....	651.00
Oct. 31.	By coupons redeemed—War Bonds.....	9,520.00

1869.

Jan. 2.	By coupons redeemed—War Bonds .....	\$1,029.00
Feb. 27.	By coupons redeemed—War Bonds .....	374.50
June 5.	By one bond of 1858 redeemed	1,000.00
June 5.	By coupons redeemed—bonds of 1858 .....	70.00
June 5.	By coupons redeemed—War Bonds .....	9,443.00
Sept. 4.	By coupons redeemed—War Bonds .....	1,088.50
Oct. 30.	By coupons redeemed—War Bonds .....	9,264.50—\$147,724.50
Balance in treasury, October 30th, 1869.....		\$29.56

## 3D—RECEIPTS AND DISBURSEMENTS OF RAILROAD TAX.

SAMUEL E. RANKIN, STATE TREASURER.

1868.

Jan. 31.	To amount received from McG. S. W. R. R.....	\$ 2,513.72
Feb. 7.	To amount received from D. & S. R. R.....	5,146.31
Feb. 8.	To amount received from C., R. I. & P. R. R.....	7,538.68
Feb. 10.	To amount received from C. I. & Neb. R. R.....	9,118.25
Feb. 10.	To amount received from C. R. & M. R. R.....	15,089.70
Feb. 14.	To amount received from D. & S. W. R. R.....	1,410.63
Feb. 15.	To amount received from McG. W. R. R.....	2,946.82
Feb. 15.	To amount received from C. F. & M. R. R.....	97.22
Feb. 15.	To amount received from D. & S. C. R. R.....	2,932.03
Feb. 20.	To amount received from S. C. & P. R. R.....	49.91
Feb. 26.	To amount received from B. & Mo. R. R. R.....	6,042.07
May 18.	To amount received from D. Val. R. R.....	7,502.98
Oct. 31.	To amount received from K. & St. P. R. R.....	716.39

1869.

Jan. 30.	To amount received from C., I. & Neb. R. R.....	\$11,933.01
Jan. 30.	To amount received from Cedar R. & Mo. R. R.....	21,766.58
Feb. 3.	To amount received from D. & S. C. R. R.....	9,706.96
Feb. 3.	To amount received from C. F. & Minn. R. R.....	463.87
Feb. 12.	To amount received from C. Bluffs & St. Jo. R. R.....	1,538.54
Feb. 26.	To amount received from C. F. & Minn. R. R.....	90.78
Feb. 26.	To amount received from D. & S. W. R. R.....	1,725.28
Feb. 26.	To amount received from S. C. & P. R. R.....	1,270.00
Feb. 26.	To amount received from C., I. & Neb. R. R.....	17.21
Mar. 1.	To amount received from C., R. I. & P. R. R.....	10,518.29
Mar. 1.	To amount received from Des Moines V. R. R.....	7,102.40
Mar. 3.	To amount received from McG. W. & M., & St. P. R. R.....	4,932.35
Mar. 9.	To amount received from B. & M. R. R.....	8,416.53
Mar. 17.	To amount received from K. & St. P. R. R.....	718.46
Mar. 20.	To amount received from Dubuque St. R. R. R... ..	110.00
Apr. 1.	To amount received from Dunleith & D. Bridge Co .....	27.08
Jun. 29.	To amount received from Des Moines St. R. R.....	20.55
		<hr/> \$141,591.61

1868.

CONTRA.

Feb. 27.	By amount apportioned to counties, as per receipts on file... ..	\$30,428.80
Feb. 27.	By amount transferred to State revenue.....	30,528.79
Sep. 4.	By amount transferred to State revenue.....	40,278.28
Sep. 4.	By amount apportioned to counties, as per receipts on file... ..	40,275.74
		<hr/> \$141,591.61



4TH—RECEIPTS AND DISBURSEMENTS OF SWAMP LAND FUND.

SAMUEL E. RANKIN, STATE TREASURER.

RECEIPTS.

1867.			
Nov. 2.	To balance in treasury this date	\$ 4,355.60	
1868.			
Mar. 29.	To amount received for Jackson county.....	1,946.72	
Sept. 10.	To amount received for Ida county.....	315.31	
Oct. 4.	To amount received from Clinton county.....	2,789.25	\$ 9,406.88

DISBURSEMENTS.

1868.			
Feb. 10.	By amount paid Buchanan county, as per receipt .....	1,883.78	
Nov. 21.	By amount paid Ida county, as per receipt.....	309.01	
Dec. 21.	By amount paid Jackson county, as per receipt.....	1,907.79	4,100.58
		<hr/>	<hr/>
	Balance on hand, Oct. 30, 1869.		\$5,306.30

RECEIPTS AND DISBURSEMENTS OF DICTIONARY FUND.

SAMUEL E. RANKIN, STATE TREASURER.

1867.		
Nov. 2.	To balance in treasury this date.....	\$ 20.00

5TH—RECEIPTS AND DISBURSEMENTS OF DES MOINES RIVER LAND CLAIM, (SPECIAL FUND.)

1868.		
Sept. 2.	To amount received of Des Moines Valley R. R. Co .....	\$158,000.00
1869.		
Feb. 2.	To amount received of Des Moines Valley R. R. Co.....	4,796.17 \$162,796.17

CONTRA.

1869.		
Oct. 30.	By warrants redeemed and interest allowed on same to date...	158,879.43
		<hr/>
	Balance in treasury, Oct. 30, 1869,	\$ 3,916.74

## RESOURCES OF THE STATE.

Balance of revenue in State treasury.....	\$286,160.16
Balance of State revenue due from coun- ties.....	432,971.05
Balance of Insane Hospital revenue due from counties.....	98,699.75
Balance of Blind Asylum clothing account due from counties.....	514.67
Balance of Deaf and Dumb clothing ac- count due from counties....	114.41
Amount due from Banks .....	101,361.09
Tax of 1869 based on valuation.....	589,064.44
Tax of 1870 estimated at two mills.....	600,000.00
Railroad tax estimated for 1870 and 1871	100,000.00
Estimated balance due from United States	
Taxes of Insurance Companies.....	25,000.00
Government.....	100,000.00
	\$2,333,883.57

## 7TH—STATE INDEBTEDNESS.

War and Defense Fund, 7 per cent. Bonds issued under chap. 16, acts of extra session of 1861, due July 1st, 1881.....	\$300,000.00
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The Revenue Fund has also become responsible to the School Fund for the following Bonds :

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 for .....	\$122,295.75
Bonds issued to the permanent school fund of the State, dated March 2d, 1868, interest payable on the 1st days of January and July in each year at 8 per cent for .....	112,202.26

I do not consider these bonds as State indebtedness in the common acceptance of the term. The interest only is to be paid, not the principal,—for the school fund belongs to the State as much as the

revenue fund does. The bonds of 1858 have been all redeemed since making my last report. Those of 1861 due in 1881 are not offered for redemption, and I believe could not be purchased at *par*.

The last two years has added over \$38,000,000.00 to the material wealth of the State.

I have thus set before you an exhibit of the financial condition of the State, showing a degree of prosperity unequalled perhaps by any other State in the Union.

#### 8TH.—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 1st, 1869.*

ACCOUNTS.	AMOUNTS EXPENDED.
Adjutant-General's salary . . . . .	\$ 3,999.84
Adjutant-General's contingent fund . . . . .	4,755.54
Attorney-General's salary, and <i>per diem</i> . . . . .	4,125.00
Auditor of State's salary . . . . .	2,600.00
Auditor of State's Deputy's salary . . . . .	2,000.00
Auditor of State's contingent fund . . . . .	831.50
Circuit Judge's salary, 1st circuit, 1st district . . . . .	1,250.00
Circuit Judge's salary, 2d circuit, 1st district . . . . .	1,125.00
Circuit Judge's salary, 1st circuit, 2d district . . . . .	875.00
Circuit Judge's salary, 2d circuit, 2d district . . . . .	1,250.00
Circuit Judge's salary, 1st circuit, 3d district . . . . .	1,000.00
Circuit Judge's salary, 2d circuit, 3d district . . . . .	. . . . .
Circuit Judge's salary, 1st circuit, 4th district . . . . .	1,250.00
Circuit Judge's salary, 2d circuit, 4th district . . . . .	1,125.00
Circuit Judge's salary, 1st circuit, 5th district . . . . .	1,250.00
Circuit Judge's salary, 2d circuit, 5th district . . . . .	1,125.00
Circuit Judge's salary, 1st circuit, 6th district . . . . .	1,125.00
Circuit Judge's salary, 2d circuit, 6th district . . . . .	1,125.00
Circuit Judge's salary, 1st circuit, 7th district . . . . .	1,125.00
Circuit Judge's salary, 2d circuit, 7th district . . . . .	375.00
Circuit Judge's salary, 1st circuit, 8th district . . . . .	750.00
Circuit Judge's salary, 2d circuit, 8th district . . . . .	1,125.00
Circuit Judge's salary, 1st circuit, 9th district . . . . .	1,125.00
Circuit Judge's salary, 2d circuit, 9th district . . . . .	875.00
Circuit Judge's salary, 1st circuit, 10th district . . . . .	1,125.00
Circuit Judge's salary, 2d circuit, 10th district . . . . .	1,125.00
Circuit Judge's salary, 1st circuit, 11th district . . . . .	1,125.00
Circuit Judge's salary, 2d circuit, 11th district . . . . .	375.00
Circuit Judge's salary, 1st circuit, 12th district . . . . .	1,000.00
Circuit Judge's salary, 2d circuit, 12th district . . . . .	1,125.00
District Attorney's salary, 1st district . . . . .	1,250.00
District Attorney's salary, 2d district . . . . .	900.00

District Attorney's salary, 8d district.....	\$1,200.00
District Attorney's salary, 4th district.....	1,200.00
District Attorney's salary, 5th district.....	1,300.00
District Attorney's salary, 6th district.....	1,350.00
District Attorney's salary, 7th district.....	1,100.00
District Attorney's salary, 8th district.....	1,200.00
District Attorney's salary, 9th district.....	1,200.00
District Attorney's salary, 10th district.....	1,100.00
District Attorney's salary, 11th district.....	1,200.00
District Attorney's salary, 12th district.....	950.00
District Judge's salary, 1st district.....	3,300.00
District Judge's salary, 2d district.....	3,600.00
District Judge's salary, 3d district.....	3,600.00
District Judge's salary, 4th district.....	3,450.00
District Judge's salary, 5th district.....	3,450.00
District Judge's salary, 6th district.....	3,750.00
District Judge's salary, 7th district.....	3,600.00
District Judge's salary, 8th district.....	3,600.00
District Judge's salary, 9th district.....	4,050.00
District Judge's salary, 10th district.....	3,900.00
District Judge's salary, 11th district.....	3,850.00
District Judge's salary, 12th district.....	2,975.00
Governor's salary and house rent.....	6,370.82
Governor's Contingent Fund.....	1,939.50
Governor's Private Secretary's salary.....	1,942.65
Janitor and Night Watch.....	5,136.00
Register of State Land Office's salary.....	3,463.33
Register of State Land Office's Deputy's salary.....	2,000.00
Superintendent of Agricultural College and farm salary	2,083.33
Secretary of State's salary.....	2,620.00
Secretary of State's deputy's salary.....	2,000.00
Secretary of State's Contingent Fund.....	531.40
State Treasurer's salary.....	3,780.53
State Treasurer's Deputy's salary.....	2,017.73
State Superintendent of weights and measures, salary	128.83
Superintendent of Public Instruction salary.....	3,000.00
Superintendent of Public Instruction's Deputy's salary	1,845.33
Superintendent of Public Instruction Contingent Fund	1,000.00
Supreme Judge's salary, Hon. C. C. Cole.....	4,599.96
Supreme Judge's salary, Hon. J. F. Dillon.....	4,599.84
Supreme Judge's salary, Hon. R. P. Lowe.....	383.45
Supreme Judge's salary, Hon. J. M. Beck.....	4,000.00
Supreme Judge's salary, Hon. G. G. Wright.....	4,600.00
Supreme Court Contingent Fund.....	5,145.38
* General Contingent Fund.....	17,123.39

\* For detailed account of general contingent fund expenses, see statement 9th, on page.

Agricultural Societies.....	\$19,704.50
Agricultural College Building.....	58,750.00
Agricultural College Board, mileage.....	3,090.00
Arrest of fugitives.....	4,851.92
Arsenal Improvements.....	13,481.75
Blind Asylum, (support and pupilage).....	27,680.00
Blind Asylum, (improvements).....	43,205.20
Blind Asylum, clothing account.....	416.08
Capital Building repairs.....	14,167.00
Certificates of indebtedness.....	1,778.38
Commissioner to Washington, J. N. Dewey.....	10,427.69
Commissioner to Washington, J. A. Harvey.....	2,255.99
Des Moines River Land Claims.....	4,796.17
Deaf and Dumb Institution, support and pupilage.....	30,970.00
Deaf and Dumb Institution, repairs.....	2,000.00
Deaf and Dumb Institution, clothing account.....	180.66
Deaf and Dumb Institution, building at C. Bluffs.....	64,917.76
Extraordinary expenses, Executive Department.....	231.50
Expenses on State Bonds of 1858.....	58.25
First Iowa Cavalry Claims.....	27,506.54
Gray uniform claims.....	11,821.73
Geological survey.....	12,818.71
Hospital for Insane, county dues, Mt. Pleasant.....	155,410.00
Hospital for Insane, trustee's expenses, Mt. Pleasant..	1,435.55
Hospital for Insane, improvements, Mt. Pleasant.....	25,750.00
Hospital for Insane, building at Independence.....	28,601.67
Hospital for Insane, commissioners expenses, Independence.....	3,977.30
Iowa Soldiers' Orphan's Home, support.....	194,178.24
Iowa Soldiers' Orphan's Home, trustees expenses.....	2,558.10
Iowa Soldiers' Orphan's Home, Cedar Falls (building)...	25,000.00
Iowa Soldiers' Orphan's Home, Davenport (building)...	12,000.00
Iowa Soldiers' Orphan's Home, Glenwood, (building)...	15,000.00
Interest on State Bonds of 1858.....	7,000.00
Interest on War Bonds.....	42,000.00
Interest on School Fund Loans.....	29,297.18
New State House Plans.....	361.42
Penitentiary, general support.....	3,234.90
Penitentiary, guard's pay.....	18,948.06
Penitentiary, expenses Census Board.....	102.00
Penitentiary, improvements..	39,361.00
Penitentiary, visitor.....	122.75
Penitentiary, Clerk's salary.....	1,562.50
Penitentiary, Chaplain's salary.....	1,174.28
Penitentiary, Physician's salary.....	1,072.16
Penitentiary, Warden's salary.....	2,746.14
Penitentiary, Deputy Warden's salary.....	1,893.89

Per school fund costs.....	\$ 1,140.17
Presidential election returns.....	1,943.48
Publishing laws in newspapers.....	47,226.49
Quartermaster-General's expenses.....	8,600.00
Reports of Iowa.....	12,785.00
School Journal .....	242.50
Special Appropriations.....	6,300.00
Swamp Lands .....	252.00
State Reform School building .....	15,000.00
State Reform School, support .....	4,000.00
State Reform School, trustee's mileage .....	1,233.60
State binding . . . . .	17,403.38
State printing .....	23,521.74
State Historical Society.....	7,000.00
State University, improvements .....	8,687.45
State University, trustees expenses.....	1,332.00
Stationery.....	44,273.99
Swamp Land, indemnity fund expenses.....	7,849.93
State Bonds of 1858.....	97,300.00
Teachers' Institutes.....	6,550.00
Twelfth General Assembly, postage .....	16,213.33
Twelfth General Assembly, mileage and <i>per diem</i> .....	62,661.00
Twelfth General Assembly, special appropriations .....	7,609.72
Twelfth General Assembly, newspapers .....	23,702.29
War and Defense Fund, revenue.....	952.55
<hr/>	
Total amount of warrants issued during the two years.	1,570,075.84
Interest paid on W. & D. warrants redeemed.....	6.15
Mileage to county treasurers and banks.....	4,452.04
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Total expenditures .....	\$1,574,534.08

## 9TH.--GENERAL CONTINGENT FUND EXPENSES.

DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
1867				
Nov. 2		Amount of appropriation overdrawn as per last report. ....		\$ 77.85
1868				
Apr. 8	8000	W. U. Telegraph Co.....	Official telegrams.....	55.78
	98031	Moody & Co.....	Kerosene, matches, soap, etc.....	47.82
	98036	Sanford & Sherman.....	Locks, bolts, keys, etc.....	18.00
	98037	Hugh Murray.....	Hauling to and from State-House from Nov. 1867, to Mar. 1868.	37.70
	98038	Hugh Murray.....	Hauling to and from State-House in January.....	15.25
	98039	L. Frary.....	Hanging paper in Executive office.....	10.00
	98040	A. Grefe.....	Ice for use in offices.....	75.87
	98049	Merrill & Keeney.....	Furniture for State-House.....	151.25
	98051	William Riddle.....	Repairing halls of Senate and Representative.....	66.75
	108084	D. T. Devin.....	12½ cords of wood, at \$6.75 per cord.....	84.37
	108091	Frank Dillon.....	Making filter and whitewashing cistern.....	34.25
	108092	Frank Dillon.....	Repairing furnace, etc.....	24.65
	108093	L. Frary.....	Painting and varnishing in Executive office.....	39.56
	108094	Wm. Christy.....	Furnishing material, and work done in office Supt. Public Inst..	19.69
	138099	McKisson & Bolton.....	Hardware bill from April, 1867, to January, 1868.....	104.80
	138105	Redhead & Wellslager.....	Pine boxes, shades, wall-paper, etc.....	89.90
	138106	Randolph & Co.....	Bill of lumber for State-House....	120.63
	138107	Des Moines Coal Co... ..	Bill of coal from October, 1867, to April, 1868... ..	547.16

GENERAL CONTINGENT FUND EXPENSES—CONTINUED.

DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
138108		Polk and Hubble .....	Fees in case of State of Iowa vs. R. G. Orwig .....	\$ 00.00
138109		B. F. Roberts.....	48½ cords of wood, at \$5.00 per cord .....	242.50
138111		C. B. Jones .....	90 days work in Auditor's office, at \$2.00 .....	180.00
138113		Herzberg, Goodman & Co..	50 yards matting, at 85 cents per yard.....	42.50
138114		Des Moines Coal Company	Bill of coal, for use of State-House .....	15.50
138115		George Lunn .....	Painting and graining office of Supt. of Public Instruction .....	9.50
138115½		John Halderman .....	25 loads of water, at \$1.00 per load .....	25.00
138116		Wm. England .....	Making keys and repairing safe lock.....	11.35
138117		F. Woodruff.....	Boxes and dusters for State-House.....	17.00
138118		Fuller, Warren & Co.....	Furnace lining and putty.....	55.30
138120		Howell & Seeberger .....	8 bushels charcoal, at 25 cents .....	2.00
138121		George Schramm .....	1 barrel cement .....	5.00
138122		Read, Potter & Co .....	Ribbons, tape, toweling, etc.....	25.70
138123		C. & L. Harbach .....	Lounge, chairs, desks, and curtains.....	266.00
138124		Plumb Bros.....	Paid for clocks and repairing same.....	58.00
138125		F. Butler .....	Cloth, tape, and tacks.....	30.64
138126		D. T. Harvey .....	Carpenter work done in State-House.....	32.50
138133		C. W. Keyes.....	Tumbler goblets, and pitchers.....	4.26
138134		D. B. Barnes & Co.....	Boxes, lamps, etc.....	26.80
138135		Comparet and Stark.....	Stoves, buckets, pipe, and work done.....	200.30
148140		Ed Wright .....	Paid for express charges.....	17 6.75



May

June

14	8145	Geo. C. Tichenor .....	Postage stamps, postage, and envelopes.....	1,729.36
15	8167	Barnes & Co.....	Lamp chimneys and wicks .....	2.40
16	8203	C. & L. Harbach.....	3 locks for desks in Attorney-General's Office .....	3.00
18	8325	E. D. Chamberlain .....	1 stamp for State Treasurer .....	12.75
18	8333	United States Express Co.	Charges on packages sent and received .....	72.00
22	8365	Knight Bros.....	28 $\frac{1}{2}$ yards carpet, at \$1.60, and making same.....	47 70
30	8431	Hugh Murray.....	Hauling to and from State-House, in April .....	10.00
11	8438	U. S. Express Co.....	Charges on packages.....	1.50
11	8486	Hamilton & Tompkins .....	Paid for pardon notice in McGregor News .....	5.00
11	8487	Loomis & Blake .....	Paid for rules in relation to pardons .....	6.00
12	8488	Geo. C. Tichenor .....	Stamped envelopes and postage stamps.....	861.70
13	8492	Geo. Githens .....	Hauling from State-House to Ex. Office .....	2.50
13	8503	Skinner & Sherman.....	One lamp for Executive Office .....	6.25
15	8506	Geo. C. Tichenor.....	Stamped envelopes and postage stamps.....	214.55
21	8527	S. S. Howell.....	Work done for Supt's Weights and Measures .....	7.25
23	8537	George Uhl.....	Paid for work in Capitol Square.....	10.00
25	8538	Geo. C. Tichenor.....	1000 3 c stamped envelopes.....	34.80
30	8574	E. C. Pease .....	Paid for ammunition for revolver .....	1.50
30	8574	Hugh Murray .....	Hauling to and from State-House in May.....	7.00
30	8581	Waverly Republican .....	Publishing pardon notices .....	4.00
1	8584	U. S. Express Co.....	Charges on packages .....	5.40
1	8585	Howell & Seeberger.....	Hardware bill, March, 1866, to Feb. 1868.....	66.16
1	8588	U. S. and Am. Express Cos	Charges on packages .....	3.25
4	8604	L. P. Baker .....	Painting, graining, etc., in State-House.....	30.00
4	8605	L. H. Bush.....	Paid for feather duster, Sec'y State Office .....	4.25
5	8613	Merrill & Keeney.....	Paid for lounge, Sec'y State Office.....	35.00
6	8619	George Uhl .....	11 day's work in Capitol Square.....	22.00
8	8624	E. C. Pease .....	Paid for one bottle indelible ink .....	60

GENERAL CONTINGENT FUND EXPENSES—CONTINUED.

DATE OF WARRANT	No. of voucher and warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
May	16 8658	Davis & Dennis .....	12 lbs. twine at 50 cents, use Secretary of State.....	\$ 6.00
	19 8668	C. A. Harvey.....	Making book case, for Register of Land Office .....	6.00
	20 8670	Michael Hanley.....	Two (2) day's labor .....	4.00
	20 8676	George Uhl.....	12 day's work in capitol square .....	24.00
	26 8706	J. W. Burk .....	Cutting grass on square 5 days.....	10.00
	26 8714	M. Heisey.....	To make up deficiency in supplies, on acct. of loss by fire, May '68	4000.00
	27 8723	J. Allen.....	1½ days piling wood at \$2.00 .....	3.50
	29 8730	Plum Bros. ....	Repairing clock and express charges.....	5.00
	30 8731	J. W. Burk.....	2 day's work on fence around State-House .....	4.00
	30 8732	J. W. Burk.....	Cutting grass on square .....	10.00
	30 8749	Hugh Murray.....	Hauling to and from State-House in June.....	7.40
	30 8750	L. J. Wells.....	Paid for crowbar .....	1.50
	30 8751	Joseph Hague .....	Paid for hauling six loads of wood.....	1.50
July	3 8764	W. U. Tel. Co .....	Paid for official telegrams .....	11.32
	3 8768	E. N. H. Adams.....	Paid for work done in capitol square.....	15 00
	3 8769	George Uhl.....	Paid for work done in capitol square.....	22.00
	3 8770	Geo. C. Tichenor .....	Stamped envelopes and postage .....	27.15
	7 8789	Knight Bros.....	8 yards damask at \$2.25, for law office.....	18.00
	8 8797	J. Allen .....	Repairing side walk of capitol square.....	4.00
	8 8798	Wm. Christy.....	650 feet of lumber, and 21 day's work at \$8.00.....	101.00
	11 8816	George Uhl.....	5½ day's work in capitol square .....	11.00

	16	8888	Wm. Christy.....	½ day's work and materials furnished.....	2.90
	17	8840	Geo. Uhl.....	3 day's work in capitol square .....	6.00
	21	8852	Read, Potter & Co.....	4 towels at 50 cts., for use of State-House.....	2.00
	21	8853	Herzberg, Goodman & Co.	Carpet, door-mats, etc .....	186.02
	24	8889	Dr. W. Baker & Co.....	1 French tracing glass.....	40
	30	8922	U. S. Ex. Co.....	Charges on packages.....	21.15
	30	8824	Hugh Murray.....	Extra labor in State-House.....	12.00
	30	8926	Burt Wilber.....	1½ day's work moving brick .....	2.50
Aug.	1	8941	Wm. Christy.....	Work done for Register of Land Office.....	3.50
	4	8952	Hugh Murray.....	Hauling to and from State-House in July .....	7.50
	4	8963	L. P. Baker.....	Painting, graining, etc., in State-House.....	22.52
	7	8979	W. Weiss .....	1½ day's hauling brick... ..	2.50
	11	8995	Marcus Cavanagh.....	2 day's labor moving coal .....	4.00
	17	9015	John Bryan .....	Making one insurance case for Auditor's Office.....	65.00
	26	9050	Des Moines V. R. R.....	Transportation on books, etc .....	5.20
	31	9072	Hugh Murray.....	Hauling to and from State-House in August.....	6.40
	31	9080	W. U. Tel. Co. ....	Official telegrams.....	10.30
	31	9083	J. R. Baker .....	Whitewashing Executive Office .....	2.50
Sept.	1	9085	C. C. Nourse.....	Fees in case of D. M. Navigation Co. vs. Reg. State L. Office..	100.00
	1	9098	John Bryan .....	Making desk for Auditor's Office .....	60.00
	3	9103	D. W. McClelland.....	Removing privy .....	20.00
	7	9122	John Byran .....	Repairing desk in Auditor's Office.....	1.00
	24	9175	R. C. Webb & Son.....	1 case matches .....	7.80
	24	9177	Getchell & Tichenor.....	Fencing and posts for capitol square.....	32.56
	26	9200	Maynard Bros .....	Repairing lock on vault door .....	12.50
	29	9215	W. R. Stimson.....	Paid for hauling stoves and pipe.....	1.00
Oct.	8	9253	Hugh Murray.....	Hauling to and from State-House in Sept.....	6.00
	10	9275	Des Moines Post-Office....	Postage on printed and written matter .....	11.51
	12	9280	W. U. Tel. Co .....	Official telegrams.....	5.00

GENERAL CONTINGENT FUND EXPENSES.—CONTINUED.

DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
Oct.	13 9288	E. B. Kessler.....	Window Glass for State-House.....	\$19.50
	14 9290	A. Grefe.....	Ice for use of offices.....	75.12
	17 9292	J. M. Moody.....	46 gallons kerosene, at 40 cts.....	18.40
	21 9333	Geo. C. Tichenor.....	10,000 postage stamps, 3 cts.....	300.00
	26 9348	D. L. Harvey.....	Building sidewalk, wood-box, etc.....	7.00
	31 9391	Hugh Murray.....	Hauling to and from State-House in October.....	12.00
	31 9596	W. U. Telegraph Co.....	Official telegrams.....	1.65
Nov.	4 9414	C. & L. Harbach.....	13 revolving office chairs.....	333.00
	15 9524	Geo. C. Tichenor.....	3000 3 ct stamped envelopes.....	104.40
	17 9537	H. H. Griffiths, clerk.....	Transcript case D. M. Nav. Co. vs. Register State Land Office..	1.25
	21 9581	A. Woodruff.....	1½ day's teaming at \$3.50 per day.....	6.12
	21 9586	Des Moines Post Office....	1000 5 ct postage stamps.....	50.00
	30 9635	Hugh Murray.....	Hauling to and from State-House in November.....	11.75
Dec,	1 9647	W. U. Telegraph Co.....	Official telegrams.....	10.85
	5 9663	Andrew Murray.....	13 day's labor in State-House, at \$2.00.....	26.00
	7 9683	Doty Bros.....	Stove, zinc, etc., for Secretary of State.....	23.05
	7 9691	Doty Bros.....	Russia Stove Pipe and work done.....	11.40
	7 9692	J. C. Merrill.....	2 day's service as canvassing clerk.....	6.00
	7 9693	Sam'l A. Ayers.....	2 day's service as canvassing clerk.....	6.00
	11 9724	M. Kavanagh.....	Excavating privy vault.....	49.40
	13 9746	Porter & Martin.....	Labor in taking down pipe, etc.....	2.00

Dec.	219781	S. A. Robertson.....	16,171 bricks, at \$17 per M., privy vault.....	\$274.90
	229787	A. Woodruff.....	1½ days hauling wood, at \$3.50 per day.....	5.25
	239791	C. & L. Harbach.....	Wash-stand for Sec'y of State.....	10.00
	269809	C. Linderman.....	4 day's canvassing votes of 1867-8.....	12.00
	269810	L. I. Coulter.....	4 day's service as canvassing clerk.....	12.00
	269812	W. H. Fleming.....	6 day's service as canvassing clerk.....	18.00
	289825	Dan Ellyson.....	2 day's service as canvassing clerk.....	6.00
	299829	U. S. Express Co.....	Transportation on Census schedules.....	43.60
	299833	Ed Wright.....	10 packing boxes at 50c.....	5.00
	299837	Isaac Brandt.....	2 day's service as canvassing clerk.....	6.00
	299838	U. S. Express Co.....	Transportation on packages.....	32.15
	309848	U. S. Express Co.....	Transportation on packages.....	2.10
	319859	Andrew Murray.....	Cleaning well, etc.....	8.50
1869.				
Jan.	29866	Hugh Murray.....	Hauling to and from State-House in December.....	12.10
	49870	W. U. Telegraph Co.....	Official telegrams.....	14.80
	9873	Des Moines P. O.....	Stamped envelopes and postage stamps.....	343.40
	9874	C. Winkler.....	Sawing 14 cords of wood, at 60c.....	8.40
	79893	Merrill & Keeney.....	Repairing chairs in Supreme Court-Room.....	1.50
	89898	Davis & Dennis.....	10 pounds heavy twine, at 50c.....	5.00
	9899	Des Moines P. O.....	Stamped envelopes and postage.....	72.46
	119903	D. W. McClelland.....	Moving privy and placing on foundation.....	28.00
	129911	Dunkle Bros.....	11 bolts ribbon.....	4.00
	149929	C. G. Hammer.....	Paid for drayage.....	1.00
	159933	J. C. Taylor.....	24½ cords wood at \$5.00 per cord.....	123.75
	169940	A. Woodruff.....	Hauling ¾ day, at \$ 3.00 per day.....	2.63
	189943	J. K. & W. H. Gilcrest..	212 feet rods for Ins. certs.....	2.10
	219953	Wm. Stewart.....	Repairing clocks in offices.....	6.25
	259966	A. Woodruff.....	11 cords wood, at \$5.00 per cord.....	60.50

## GENERAL CONTINGENT FUND EXPENSES—CONTINUED.

DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
Jan. 29	9998	J. Simington.....	Paid for gig sawing.....	\$ 75
30	10012	U. S. Express Co. ....	Transportation on box from Ottumwa.....	1.20
30	10014	Andrew Murray.....	Sawing 29 $\frac{3}{4}$ cords wood at 60c.....	17.63
Feb. 1	10015	Hugh Murray.....	Hauling to and from State-House in January.....	12.25
3	10033	W. U. Telegraph Co. ....	Official telegrams.....	15.60
3	10034	U. S. Express Co.....	Transportation on packages.....	19.15
4	10037	E. Sanford.....	Paid for lock and screw-driver.....	3.25
5	10039	McKisson & Bolton.....	Hardware bill to date.....	34.27
6	10947	Eugene C. Pease.....	1 cord hickory wood.....	7.50
8	10052	Des Moines P. O.....	1,500 2c postage stamps.....	30.00
9	10056	A. Woodruff.....	10 $\frac{3}{4}$ cords wood at \$5.00 per cord.....	59.12
9	10058	Alex Page & Co.....	Paid for State seal.....	30.00
12	10076	Des Moines Coal Co.....	Paid for coal from July, 1868, to July, 1869.....	55.70
13	10077	J. C. Taylor.....	14 5-10 cords wood at \$5.00 per cord.....	72.50
13	10078	J. C. Taylor.....	5 29-32 cords wood at \$5.00 per cord.....	29.53
16	10092	John Bryan.....	Making book case, Auditor's office.....	60.00
19	10100	John W. Burk.....	Sawing 13 $\frac{1}{2}$ cords woods at 60c.....	8.10
22	10111	John W. Burk.....	1 $\frac{1}{2}$ day's work piling wood.....	2.50
Mar. 1	10156	Hugh Murray.....	Hauling to and from State-House in February.....	10.00
5	10174	Merrill & McKeeney.....	Furniture for State-House.....	104.00
8	10180	J. R. Thomas.....	Work done in State-House.....	2.20

	9	10184	A. Woodruff.....	11½ cords wood at \$5.00 per cord.....	61.87
	12	10201	C. R. I. & P. R. R.....	Transportation on box of books.....	4.55
	13	10203	Wm. Christy.....	Work done in State-House.....	2.00
	13	10208	Andrew Murray.....	Sawing wood, 23½ cords.....	14.55
	15	10214	J. R. Baker.....	Papering in Treasurer's office.....	1.50
	22	10231	James Watt.....	1 case telegraph matches.....	8.75
	29	10264	S. Moore.....	262 yards plastering in basement.....	78.60
	29	10272	Des Moines P. O.....	Postage stamps and postage.....	111.30
Mar.	30	10292	J. M. Moody.....	47½ gallons kerosene at 40c.....	19.00
Apr.	1	10294	Hugh Murray.....	Hauling to and from the State-House in March.....	9.25
	2	10304	W. U. Telegraph Co.....	Official telegrams.....	27.03
	3	10307	U. S. Express Co.....	Transportation of packages.....	22.80
	3	10309	U. S. Express Co.....	Transportation of packages.....	2.20
	3	10318	Des Moines P. O.....	Postage for Executive office.....	7.68
	12	10356	J. W. Burk.....	Sawing 5½ cords wood at 60c.....	3.30
	26	10398	J. C. Taylor.....	7 cords of wood at \$5.00 per cord.....	35.00
	26	10399	J. C. Taylor.....	9 cords wood at \$5.00 per cord.....	45.00
May	1	10427	Hugh Murray.....	Hauling to and from the State-House in April.....	11.75
	3	10433	U. S. Express Co.....	Transportation on packages.....	23.00
	4	4	L. P. Baker.....	Painting vault in Treasurer's office.....	20.80
	4	5	Brooks, Lendrum, & Co..	Balance on vault doors for Treasurer.....	590.50
	20	86	Jno. C. Merrill.....	8 boxes, brushes, drayage, etc.....	8.70
	20	87	J. R. Baker.....	Hanging paper in Secretary's office.....	17.50
	21	96	Carter, Hussey, & Carl..	Wall paper and bordering for Secretary's office.....	6.80
	22	99	Des Moines P. O.....	Postage stamps and envelopes.....	51.96
	31	133	John Bryan.....	Work done in several offices.....	38.75
June	1	143	L. P. Baker.....	Paid for glass and glazing.....	3.95
	2	144	W. U. Telegraph Co.....	Official telegrams.....	2.55
	3	146	Hugh Murray.....	Hauling to and from the State-House.....	6.50

GENERAL CONTINGENT FUND EXPENSES—CONTINUED.

DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
June	5 160	M. Hayken . . . . .	Frescoeing Senate Chamber, on acct . . . . .	\$ 60.00
	7 163	Andrew Murray . . . . .	23 day's work cleaning State-House, at \$2.00 per day . . . . .	46.00
	9 164	M. U. Ex. Co . . . . .	Transportation on boxes . . . . .	6.30
	9 169	Christenson & White . . . . .	Stone pump for cistern . . . . .	18.00
	12 197	Burk & Wallace . . . . .	5 day's work "each" cleaning basement, \$2.00 . . . . .	20.00
	12 198	M. Hayken . . . . .	Frescoeing Senate Chamber, on acct . . . . .	65.00
	14 217	Doty Bros . . . . .	1 mortice lock . . . . .	1.85
	15 221	Burk & Wallace . . . . .	2 day's work "each" piling wood, etc., \$2.00 . . . . .	8.00
	17 227	Wm. England . . . . .	Keys and work done in State-House . . . . .	14.75
	19 235	Jno. W. Burk . . . . .	½ day's work in Capitol Square . . . . .	1.00
	19 237	M. Hayken . . . . .	Frescoeing Hall Representatives, on acct . . . . .	25.00
	22 241	R. E. Ford . . . . .	Work done in State-House . . . . .	16.75
	24 253	C. Linderman . . . . .	Paid for lounge for Supreme Court-Room . . . . .	16.00
	26 259	Davis & Dennis . . . . .	12½ lbs. heavy twine, at 35 cents . . . . .	4.38
	29 261	A. P. Webb . . . . .	13 day's work cleaning State-House, at \$2.00 . . . . .	26.00
	29 280	Des Moines Post Office . . . . .	Unpaid postage received and sent . . . . .	18.57
	39 283	Hugh Murray . . . . .	Hauling to and from State-House . . . . .	8.00
	30 286	Knight Bros . . . . .	Paid for matting, Superintendent Public Instruction . . . . .	120.22
July	1 291	C. & L. Harbach . . . . .	Paid for window shades and carpets . . . . .	301.15
	2 295	U. S. Ex. Co . . . . .	Transportation on packages . . . . .	5.10
	2 296	W. U. Tel. Co . . . . .	Official telegrams . . . . .	2.05
	2 300	U. S. Ex. Co . . . . .	Transportation on packages . . . . .	3.35



	2	307	M. Hayken.....	Frescoing Representatives' Hall, on account.....	50.00
	3	309	W. U. Tel. Co.....	Official telegrams.....	7.30
	3	312	J. R. Baker.....	Hanging paper, whitewashing, etc.....	20.25
	6	322	U. S. Ex. Co .....	Transportation on packages.. ..	1.35
	6	323	J. B. Kirby .....	Repairing done in State-House.....	6.12
	9	335	J. W. Burk.....	Mowing grass on Capitol Square .....	15.00
	9	336	Hugh Murray.....	Making carpet for Auditor's Office.....	5.00
	10	340	M. Hayken.....	Frescoing Representative Hall, on account.....	30.00
	10	345	M. Hayken .....	Frescoing Representative Hall, on account.....	20.00
	10	246	Andrew Murray.....	3½ day's work about State-House.....	7.00
	14	356	D. B. Barnes.....	17 gallons kerosene oil .....	9.10
	22	382	W. D. Christy .....	Paid for twine holder, Auditor's Office .....	.60
	27	399	A. Woodruff.....	10½ cords wood, at \$5.50 per cord.....	57.75
	27	402	Merrill, Keeney & Co .....	Stands and table for Treasurer's Office .....	64.00
	30	410	W. Stewart.....	Repairing clocks in State-House .....	6.75
	31	428	Hugh Murray.....	Hauling to and from State-House in July.....	9.75
Aug.	9	452	McDonald & Mera .....	Labor and material on vault.....	24.70
	9	456	U. S. Express Co.....	Transportation on packages .....	22.35
	10	463	Des Moines P. O.....	Postage stamps and envelopes .....	208.60
	12	469	Andrew Murray.....	9 day's work cleaning hall .....	18.00
	16	497	U. S. Express Co.....	Transportation on packages .....	3.10
	21	506	Wm. Ray .....	Labor and material on furnace.....	204.50
	23	511	J. M. Moody .....	Soap and sal soda, per bill .....	8.80
	30	545	Brooks, Lendrum & Co.....	Castings .....	41.30
Sept.	1	558	Hugh Murray .....	Hauling to and from State-House.....	7.00
	2	563	John Bryan .....	Making book-case, desk, etc.....	20.00
	3	567	J. B. Kirby .....	Plastering in basement .....	18.00
	4	574	W. U. Telegraph Co.....	Official telegrams.....	3.10

## GENERAL CONTINGE N T

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DATE OF WARRANT	No. of Voucher and Warrant.	TO WHOM ISSUED.	ON WHAT ACCOUNT.	AMOUNT.
Sept. 11	614	E. J. Fairall.....	Fitting up vault .....	\$ 218.84
16	628	Merrill, Keeney & Co.....	Book-case, Treasurer's Office .....	60.00
17	629	Wm. Stewart .....	Repairing clocks S. P. I. office.....	2.50
22	633	Geo. H. Montgomery.....	Lumber and work on privy.....	35.75
23	637	Davis & Dennis .....	6 lbs. twine at 60c.....	3.60
23	638	Aaron Wallace.....	Cleaning basement, 6 days .....	12.00
23	531	W. R. Ray .....	Grates for furnace .....	18.92
27	651	Henry M. Sherwood .....	Desk for office of S. P. I.....	73.78
30	682	Wm. Hillerman.....	2 day's work in basement at \$3 .....	7.00
Oct. 1	685	Hugh Murray.....	Hauling to and from State-House .....	7.30
1	686	Des Moines P. O.....	Stamps and postage.....	75.97
6	690	Comparet & Stark .....	12 tin cases for office S. P. I .....	4.30
4	703	U. S. Express Co.....	Transportation on packages.....	37.10
4	705	Des Moines P. O.....	Unpaid postage.....	4.76
4	706	R. C. Webb & Son .....	M'd'se, as per bill.....	4.34
6	713	W. U. Telegraph Co .....	Official telegrams .....	7.54
6	714	J. R. Baker .....	Papering and varnishing.....	3.00
1	737	L. P. & J. R. Baker.....	Painting privy, etc.....	25.95
13	749	D. B. Barnes .....	Lamp wick and sweet oil .....	80
14	750	J. K. & W. H. Gilcrest.....	Lumber for floor in basement .....	30.67

AUDITOR'S REPORT.

16	764	C. Linderman.....	Copying opinion in Des Moines Nav. & R. R. Co., against Register of Land Office.....	2.50
25	800	A. Grefe.....	10,100 lbs. ice at 75 cts. per hundred.....	75.75
25	802	Fairbanks, Greenleaf, & Co	4 druggist's scales.....	40.00
30	846	Reese & Stone.....	90 bushels coal at 16 2-3 cts.....	14.88
Total.....				\$17,200.74
Deduct amount overdrawn, as per last report.....				77.35
Total expenditures for two years, ending November 1, 1869.....				*\$17,123.39

\* \$4,000.00 of this amount was expended for deficiency in supplies for the Penitentiary, on account of loss by fire, in May, 1868.

## SCHOOL FUND.

## 22d.—RECEIPTS AND DISBURSEMENTS OF SCHOOL FUND.

SAMUEL E. RANKIN, STATE TREASURER—PERMANENT FUND.

## RECEIPTS.

1867.			
Nov. 2.	To balance in Treasury this date.....	\$8,126.94	
Nov. 6.	To amount received from Ead's loans.....	1,078.62	
Nov. 16.	To amount received from Ead's sureties ...	461.50	
Nov. 22.	To amount received from Ead's sureties ...	200.00	
Nov. 22.	To amount received from Ead's loans.....	162.35	
Dec. 9.	To amount received from Ead's loans.....	226.85	
Dec. 24.	To amount received from Ead's loans.....	306.00	
Dec. 31.	To amount received from Ead's loans.....	40.00	
1868.			
Jan. 22.	To amount received from Ead's loans.....	900.00	
Aug. 8.	To amount received from Ead's loans.....	2,000.00	
Nov. 9.	To amount received from Ead's loans.....	336.00	
Nov. 18.	To amount received from Ead's loans.....	500.00	
Dec. 21.	To amount received from Ead's loans.....	56.00	
1869.			
Jan. 2.	To amount received from Ead's loans.....	111.70	
Jan. 15.	To amount received from Ead's loans.....	423.85	
Feb. 1.	To amount received from Ead's loans.....	120.00	
Mar. 19.	To amount received from Ead's loans.....	1,600.00	
Mar. 25.	To amount received from Ead's loans.....	16.40	
May 28.	To amount received from Ead's loans.....	330.00	
July 29.	To amount received from Ead's loans.....	1,800.00	
Oct. 11.	To amount received from Ead's loans.....	434.15	
			\$19,230.36

## DISBURSEMENTS.

1868.		
Feb. 29.	By amount transferred to General Revenue and invested in State bonds.....	\$11,502.26
	Balance in Treasury, Oct. 30th, 1869.....	\$ 7,728.10

## TEMPORARY SCHOOL FUND.

SAMUEL E. RANKIN, STATE TREASURER.

## RECEIPTS.

1867.			
Nov.	2.	To balance in Treasury this date.....	\$ 1,669.37
Nov.	6.	To amount received from interest on Ead's loans .....	3.00
Dec.	30.	To amount received from interest on Ead's loans.....	6.55
1868.			
Feb.	5.	To amount received from interest and pre- mium on United States bonds.....	1,557.33
Feb.	28.	To amount received from interest on Iowa bonds .....	1,817.80
Mar.	6.	To amount received from interest on State loans.....	10,684.97
Aug.	8.	To amount received from interest on Ead's loans .....	66.30
Sept.	12.	To amount received from interest on State loans .....	2,980.11
1868.			
Nov.	25.	To amount received from interest on Ead's loans .....	315.50
Dec.	21.	To amount received from interest on Ead's loans.....	1.00
Dec.	30.	To amount received from interest on Ead's loans .....	90.74
1869.			
Jan.	15.	To amount received from interest on Ead's loans.....	76.80
Feb.	1.	To amount received from interest on Ead's loans.....	13.84
Feb.	27.	To amount received from interest on Ead's loans .....	45.47
Mar.	9.	To amount received from interest on State loans .....	9,902.09
Aug.	27.	To amount received from interest on Eads' loans.....	104.00
Sept.	11.	To amount received from interest on State loans.....	5,730.01
			<hr/>
			\$34,664.88

## DISBURSEMENTS.

1868.

- Mar. 6. By amount included in the apportionment of March, 1868, and transferred to the State revenue to reimburse the same for warrants issued under sections 1967 and 1969 of revision 1860..... \$15,339.02
- Sept. 12. By amount included in apportionment of Sept., 1868, as above ..... 3,046.01

1869.

- Mar. 4. By amount included in apportionment of March, 1869, as above..... 10,445.44
- Sept. 11. By amount included in apportionment of Sept., 1869, as above..... 5,834.00
- \$ 34,664.88

## RECEIPTS.

1869.

- Sept. 17. To amount received from interest on Eads' loans..... 38.00

## ADDENDA.

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The data given for the certificates of publication of some of the foregoing acts, came to hand too late for their insertion complete in their proper place in this volume. They are therefore given below. Where the publication of an act, in newspapers, as therein provided, or only one publication is certified, it is because no evidence of any other publications has been received at the office of the Secretary of State, previous to this date of June, 1870.

I hereby certify that Chapter 41, of the law of the Thirteenth General Assembly, entitled "An act to legalize the issue of warrants in the independent school district of Strawberry Point, Clayton county, Iowa," was published in the *Clayton County Press*, April 21, 1870.

ED WRIGHT, *Secretary of State.*

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There is no evidence in the office of the Secretary of State, of the publication of the following designated chapters, in the papers named :

- CHAPTER 9, in the *Eldora Ledger*.
- CHAPTER 22, in the *Mt. Pleasant Journal*,
- CHAPTER 27, in the *Council Bluffs Nonpareil*.
- CHAPTER 55, in the *Democratic Free Press*, or in the *Cass County Weekly Messenger*.
- CHAPTER 56, in the *Cerro Gordo Republican*.
- CHAPTER 58, in the *Daily Iowa State Register*, or the *Lyons Weekly Mirror*.
- CHAPTER 60, in the *Keokuk Constitution*.
- CHAPTER 67, in the *Jasper County Republican*.
- CHAPTER 72, in the *Floyd County Advocate*, or the *Charles City Intelligencer*.
- CHAPTER 136, in the *Ackley Mirror*, or the *Eldora Ledger*.
- CHAPTER 154, in the *Mechanicsville Journal*.
- CHAPTER 157, in the *Jackson County Sentinel*.
- CHAPTER 162, in the *Ottumwa Courier*.
- CHAPTER 163, in the *Page County Democrat*.
- CHAPTER 164, in the *Clayton County Journal*.
- CHAPTER 190, in the *Davis County Republican*.

ED WRIGHT, *Secretary of State.*





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