

# GENERAL AND PUBLIC ACTS

PASSED AT THE

REGULAR SESSION

OF THE

## Fourteenth General Assembly

OF THE

### STATE OF IOWA,

BEGUN JANUARY 8, AND ENDED APRIL 23, 1872.

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PUBLISHED BY AUTHORITY.

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DES MOINES:  
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1872.

## NOTICE.

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This volume of the laws of the State of Iowa is published in accordance with "an act to provide for the publication and distribution of the laws of the regular session of the Fourteenth General Assembly," approved April 23, 1872, which act provides that said laws shall be divided into "two series or parts, one of said parts to contain all the general or public laws of the session, and the other part to contain all the private, local, and temporary laws with the joint resolutions and memorials." Said act further provides that "the chapters of each part shall be numbered separately in the order of their approval."

Prior to the passage of the above mentioned act, the several acts or laws had been chaptered and numbered in one series in the order of their approval, and many of them published in newspapers and therein designated by such chapters and numbers. The provision requiring the laws to be divided into two series, rendered it necessary to change the numbering of the chapters in all cases except the first five chapters of the Private, Local, and Temporary Laws. In order to prevent confusion I have placed the original number at the upper left hand corner of each chapter in figures [thus : CH. 125]; and in cases where an act refers to one previously passed, and recites the number of the chapter of such act, the new number follows the one recited [thus : xxix.]. Whenever it appears evident that an error had occurred by the use of an improper word, such word is put in *italics*; and whenever it appears evident that a word had been omitted it is inserted in brackets [thus].

ED WRIGHT,

*Secretary of State.*

MAY 31, 1872.

**361329**

WYANDOTT 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 date of expiration of each commission.*

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
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### CALIFORNIA.

Frank V. Scudder...	San Francisco...	July 6, 1869	July 21, 1869	July 5, 1872
Samuel Cross.....	Sacramento.....	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
F. J. Thibault.....	San Francisco....	May 26, 1870	July 4, 1870	July 3, 1873
N. Proctor Smith....	San Francisco....	June 28, 1870	July 6, 1870	July 3, 1873
George C. Waller....	San Francisco....	July 19, 1870	Aug. 1, 1870	July 31, 1873
Geo. N. Williams....	San Francisco....	Sept. 3, 1870	Aug. 5, 1871	Sept. 4, 1873
Parker Crittenden...	San Francisco....	Dec. 23, 1870	Jan. 30, 1871	Jan. 3, 1874
William Haskins....	Oakland City....	April 3, 1871	April 10, 1871	April 3, 1874

### CONNECTICUT.

Geo. G. Sill.....	Hartford.....	May 26, 1870	July 4, 1870	July 3, 1873
Edward Goodman...	Hartford.....	July 1, 1870	July 5, 1870	July 3, 1873
Geo. W. Warner....	Bridgeport.....	Dec. 9, 1871	Jan. 4, 1872	Jan. 3, 1875
David G. Gordon....	Hartford.....	Mch. 13, 1872	Apr. 15, 1872	Apr. 3, 1875

### ILLINOIS.

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 Pfulh....	Chicago.....	Feb. 1, 1870	Feb. 4, 1870	Jan. 31, 1873
John 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
Philip A. Hoyne....	Chicago.....	May 11, 1870	July 4, 1870	July 3, 1873
Willett Dorland....	Chicago.....	May 12, 1870	June 4, 1870	June 3, 1873
Cyrus Bentley.....	Chicago.....	May 18, 1870	July 4, 1870	July 3, 1873
O. R. W. Lull.....	Chicago.....	June 28, 1870	July 6, 1870	July 3, 1873
Chas. O. Tucker....	Chicago.....	June 29, 1870	July 4, 1870	July 3, 1873
John M. Oliver....	Chicago.....	Jan. 23, 1871	Feb. 4, 1871	Feb. 3, 1874
S. S. Willard.....	Chicago.....	Dec. 10, 1871	Jan. 4, 1872	Jan. 3, 1875
Luther Laffin Mills..	Chicago.....	Feb. 22, 1872	Apr. 19, 1872	Mch. 3, 1875

### INDIANA.

Luther R. Martin...	Indianapolis....	June 28, 1870	July 4, 1870	July 3, 1873
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### KANSAS.

E. N. O. Clough....	Leavenworth....	Jan. 27, 1871	Apr. 10, 1871	Feb. 3, 1874
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## COMMISSIONERS IN OTHER STATES—CONTINUED.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
LOUISIANA.				
Henry R. Dulany...	Baltimore .....	July 30, 1869	Aug. 4, 1869	July 29, 1872
Andrew Hero, jr....	New Orleans....	June 10, 1870	July 4, 1870	July 3, 1873
Edward Barnett .....	New Orleans....	Nov. 12, 1870	Dec. 21, 1870	Nov. 20, 1873
MAINE.				
James O'Donnell....	Portland .....	May 3, 1870	July 4, 1870	July 3, 1873
MARYLAND.				
William 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
Francis White.....	Baltimore .....	May 14, 1870	July 4, 1870	July 3, 1873
Wm. W. Latimer....	Baltimore .....	June 7, 1870	July 4, 1870	July 3, 1873
John L. Smith.....	Hagerstown....	June 22, 1870	July 4, 1870	July 3, 1873
MASSACHUSETTS.				
Samuel A. B. Abbott.	Boston .....	Sept. 25, 1869	Sept. 30, 1869	Sept. 24, 1872
Walter Curtis.....	Boston .....	May 3, 1870	July 4, 1870	July 3, 1873
Augustus Russ.....	Boston .....	May 3, 1870	July 13, 1870	July 3, 1873
James B. Bell.....	Boston .....	May 3, 1870	July 4, 1870	July 3, 1873
Stephen P. Webb....	Salem .....	May 18, 1870	July 4, 1870	July 3, 1873
Hales W. Suter.....	Boston .....	May 18, 1870	July 4, 1870	July 3, 1873
Samuel Jennison..	Boston .....	May 25, 1870	July 4, 1870	July 3, 1873
Robert B. Caverly..	Lowell .....	June 1, 1870	July 4, 1870	July 3, 1873
Otis Gray Randall..	Boston .....	May 26, 1870	July 4, 1870	July 3, 1873
Horatio Woodman..	Boston .....	June 10, 1870	July 4, 1870	July 3, 1873
Chas. B. F. Adams...	Boston .....	June 17, 1870	July 17, 1870	July 3, 1873
David P. Kimball...	Boston .....	June 23, 1870	July 4, 1870	July 3, 1873
Albert W. Adams...	Boston .....	June 25, 1870	July 6, 1870	July 3, 1873
Wm. R. Plunkett....	Pittsfield....	July 3, 1870	Aug. 2, 1870	July 14, 1873
J. Henry Hill.....	Worcester....	Aug. 22, 1870	Sept. 4, 1870	Sept. 3, 1873
Edward C. Perkins..	Boston .....	Sept. 27, 1870	Oct. 27, 1870	Oct. 3, 1873
Daniel Sharp.....	Boston .....	Oct. 25, 1870	Nov. 1, 1870	Oct. 31, 1873
Geo. F. Angell.....	Boston .....	Apr. 4, 1871	Apr. 10, 1871	Apr. 3, 1874
Fisher Ames.....	Boston .....	June 24, 1871	July 4, 1871	July 3, 1874
Henry F. Brown....	Brimfield....	Feb. 6, 1872	Mch. 5, 1872	Feb. 15, 1875
James B. Thayer....	Boston .....	May 11, 1870	July 4, 1870	July 3, 1873
MINNESOTA.				
Chas. McC. Reeve....	Minneapolis....	Feb. 13, 1872	Mch. 4, 1872	Mch. 31, 1875
MISSISSIPPI.				
Lazarus Lindsley....	Vicksburg.....	Aug. 22, 1870	Sept. 1, 1870	Aug. 31, 1872
MISSOURI.				
Austin Drake.....	St. Louis.....	Mch. 7, 1871	Mch. 16, 1871	Mch. 15, 1874
Arthur J. Barnes....	St. Louis.....	Jan. 23, 1872	Feb. 5, 1872	Feb. 4, 1875
Thomas Whitaker...	Bucklin .....	Mch. 7, 1872	Mch. 9, 1872	Mch. 6, 1875

COMMISSIONERS IN OTHER STATES.

V

COMMISSIONERS IN OTHER STATES—CONTINUED.

NAME.	POST-OFFICE.	DATE OF COMMISSION	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
NEW HAMPSHIRE.				
William H. Hackett...	Portsmouth .....	Aug. 30, 1870	Sept. 5, 1870	Sept. 4, 1873
NEW JERSEY.				
Samuel S. Moore....	Elizabeth .....	Apr. 20, 1870	May 2, 1870	May 1, 1873
Aaron J. Thompson..	Readington.....	July 1, 1870	Aug. 31, 1870	July 3, 1873
Maurice Fitzgerald...	Fort Lee.....	Aug. 6, 1870	Aug. 20, 1870	Aug. 15, 1873
Isaac M. Andrus....	Newark.....	Aug. 4, 1871	Nov. 13, 1871	Aug. 3, 1874
NEW YORK.				
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
William C. McHarg..	Albany .....	Apr. 20, 1870	May 6, 1870	May 1, 1873
Charles Nettleton...	New York.....	Apr. 29, 1870	July 4, 1870	July 3, 1873
Horatio C. King....	New York.....	May 3, 1870	July 4, 1870	July 3, 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
Edward Wade.....	Albany.....	May 3, 1870	July 4, 1870	July 3, 1873
Alfred Holmes.....	Lockport.....	May 3, 1870	July 4, 1870	July 3, 1873
Geo. W. Calles.....	New York.....	May 6, 1870	July 4, 1870	July 3, 1873
Sylvester Lay.....	New York.....	May 6, 1870	July 4, 1870	July 3, 1873
Frederick I. 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
James D. Warner....	Brooklyn.....	May 18, 1870	June 4, 1870	June 3, 1873
W. B. Coleman.....	New York.....	May 18, 1870	June 16, 1870	June 3, 1873
Alex. 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
Joseph Hillman....	Troy.....	May 26, 1870	Aug. 26, 1870	July 3, 1873
Henry C. Banks....	New York.....	June 7, 1870	July 4, 1870	July 3, 1873
William Savage....	New York.....	June 7, 1870	July 4, 1870	July 3, 1873
John Bissell.....	New York.....	June 17, 1870	July 4, 1870	July 3, 1873
Stephen Ward.....	Rome.....	June 17, 1870	July 4, 1870	July 3, 1873
Edwin F. Corey....	New York.....	June 28, 1870	July 4, 1870	July 3, 1873
Robt. J. Hilton....	Albany .....	June 28, 1870	July 5, 1870	July 3, 1873
I. LaFayette Gosling.	New York.....	June 28, 1870	July 4, 1870	July 3, 1873
Thos. L. Thornell...	New York.....	June 29, 1870	July 9, 1870	July 3, 1873
James S. Gibbs....	Buffalo.....	July 1, 1870	July 11, 1870	July 3, 1873
Geo. Woodman.....	New York.....	July 6, 1870	July 9, 1870	July 8, 1873
Edwin F. Corey, jr..	New York.....	July 6, 1870	July 16, 1870	July 8, 1873
C. F. Henry.....	New York.....	July 6, 1870	July 18, 1870	July 8, 1873
David McAdam.....	New York.....	July 8, 1870	July 21, 1870	July 14, 1873
Thomas Sadler.....	New York.....	July 8, 1870	July 15, 1870	July 14, 1873
Thomas G. Baker....	New York.....	July 13, 1870	July 16, 1870	July 14, 1873
Frank H. Angier....	New York.....	Aug. 2, 1870	Aug. 5, 1870	Aug. 3, 1873
Darwin Wm. Esmond	Newburg.....	Sept. 3, 1870	Sept. 14, 1870	Sept. 4, 1873
Amour C. Anderson..	New York.....	Sept. 23, 1870	Oct. 1, 1870	Sept. 30, 1873
Thomas Vance.....	New York.....	Nov. 12, 1870	Dec. 5, 1870	Dec. 4, 1873
Herbert A. Lee.....	New York.....	Dec. 30, 1870	Jan. 17, 1870	Jan. 3, 1874
Wm. E. Osborn.....	Brooklyn.....	Jan. 30, 1871	Mar. 3, 1871	Feb. 3, 1874
John D. Monell.....	New York.....	Jan. 30, 1871	Feb. 14, 1871	Feb. 3, 1874

## COMMISSIONERS IN OTHER STATES—CONTINUED.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
NEW YORK—CONTINUED.				
Miron Winslow.....	New York.....	Feb. 2, 1871	Oct. 26, 1871	Feb. 3, 1874
Clarence M. Hyde....	New York.....	Feb. 9, 1871	Feb. 24, 1871	Feb. 23, 1874
E. H. Perkins.....	New York.....	Mar. 15, 1871	Apr. 13, 1871	Apr. 3, 1874
Chas. W. Anderson....	New York.....	Apr. 3, 1871	Apr. 6, 1871	Apr. 3, 1874
William H. Melick....	New York.....	Apr. 3, 1871	Apr. 8, 1871	Apr. 3, 1874
David Klein.....	New York.....	Apr. 18, 1871	May 4, 1871	May 3, 1874
Sigismond Lasar.....	New York.....	Apr. 28, 1871	May 4, 1871	May 3, 1874
Jacob Du Bois.....	New York.....	May 5, 1871	June 5, 1871	June 4, 1874
Isaac Spencer Smith..	New York.....	May 23, 1871	June 5, 1871	June 4, 1874
S. B. Goodale.....	New York.....	May 24, 1871	July 14, 1871	June 12, 1874
James W. Bentley....	Albany.....	Aug. 3, 1871	Aug. 9, 1871	Aug. 3, 1874
Edward Bisell.....	New York.....	Sept. 19, 1871	Oct. 4, 1871	Oct. 3, 1874
Frederick W. Duntou..	New York.....	Sept. 25, 1871	Oct. 4, 1871	Oct. 3, 1874
Joseph B. Lawrence..	New York.....	Oct. 11, 1871	Nov. 4, 1871	Nov. 3, 1874
Rufus K. McHarg....	New York.....	Oct. 20, 1871	Oct. 25, 1871	Oct. 24, 1874
Geo. R. Jaques.....	New York.....	Nov. 9, 1871	Dec. 4, 1871	Dec. 3, 1874
Joseph T. Brown....	New York.....	Nov. 16, 1871	Dec. 15, 1871	Dec. 3, 1874
Chas. H. Smith, jr....	New York.....	Dec. 21, 1871	Jan. 4, 1872	Jan. 3, 1875
Wm. Butler.....	New York.....	Jan. 26, 1872	Feb. 5, 1872	Feb. 4, 1875
Wm. H. Clarkson....	New York.....	Jan. 30, 1872	Feb. 5, 1872	Feb. 4, 1875
Arthur P. Rose.....	Geneva.....	Jan. 30, 1872	Feb. 19, 1872	Feb. 4, 1875
Thomas Kilvert....	New York.....	Feb. 14, 1872	Mar. 4, 1872	Mar. 3, 1875
John B. Dumont....	New York.....	Feb. 16, 1872	Apr. 25, 1872	Apr. 1, 1875
Walter B. Wines....	New York.....	Mar. 8, 1872	Apr. 11, 1872	Mar. 15, 1875
William S. Burns....	Bath.....	Apr. 6, 1872	Apr. 29, 1872	Apr. 15, 1875
Horace Andrews....	New York.....	May 25, 1872	June 4, 1872	June 3, 1875

## OHIO.

Howard Douglass....	Cincinnati.....	May 3, 1870	July 14, 1870	July 3, 1873
Chas. M. Vorce.....	Cleveland.....	May 3, 1870	July 4, 1870	July 3, 1873
James Wade, jr....	Cleveland.....	June 1, 1870	July 4, 1870	July 3, 1873
Reuben Tyler.....	Cincinnati.....	June 17, 1870	July 4, 1870	July 3, 1873
Victor Abraham.....	Cincinnati.....	June 24, 1870	July 4, 1870	July 3, 1873
Samuel S. Carpenter..	Cincinnati.....	July 6, 1870	July 15, 1870	July 7, 1873
D. Heinsheimer.....	Cincinnati.....	July 20, 1870	Aug. 1, 1870	July 31, 1873
John H. Orf.....	Columbus.....	Nov. 3, 1870	Nov. 28, 1870	Nov. 3, 1873

## PENNSYLVANIA.

George H. Morgan....	Harrisburg.....	Aug. 24, 1869	Aug. 30, 1869	Aug. 23, 1872
Charles Chauncey....	Philadelphia.....	Nov. 10, 1869	Dec. 13, 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
Ed. 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
Samuel B. Huey.....	Philadelphia.....	May 3, 1870	July 4, 1870	July 3, 1873
Samuel 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

COMMISSIONERS IN OTHER STATES—CONTINUED.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
PENNSYLVANIA—CONTINUED.				
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
John Howell Wheeler	Philadelphia ....	June 7, 1870	July 4, 1870	July 3, 1873
Kinley J. Tener.....	Philadelphia ....	June 23, 1870	July 4, 1870	July 3, 1873
John Sparhawk .....	Philadelphia ....	June 29, 1870	Aug. 4, 1870	Aug. 3, 1873
Joshua Spering.....	Philadelphia ....	July 1, 1870	July 13, 1870	July 3, 1873
J. Paul Diver.....	Philadelphia ....	Mar. 7, 1871	Mar. 16, 1871	Mar. 15, 1874
Edward S. Sayres....	Philadelphia ....	Apr. 27, 1871	May 4, 1871	May 3, 1874
Judson R. Sprague....	Philadelphia ....	June 24, 1871	July 5, 1871	July 3, 1874
Albert L. Wilson.....	Philadelphia ....	Jan. 26, 1872	Feb. 10, 1872	Feb. 4, 1875
Henry E. Hindmarsh	Philadelphia ....	Mar. 13, 1872	Apr. 4, 1872	Apr. 3, 1875

RHODE ISLAND.

Charles Selden.....	Providence ....	Mar. 7, 1871	Mar. 16, 1871	Mar. 15, 1874
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SOUTH CAROLINA.

Thomas Frost.....	Charleston ...	Feb. 24, 1870	Mar. 29, 1870	Feb. 20, 1873
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TENNESSEE.

James E. Temple....	Memphis.....	July 11, 1870	July 26, 1870	July 14, 1873
James Hall.....	Memphis.....	Dec. 8, 1870	Jan. 4, 1871	Jan. 3, 1874
Henry F. Dix.....	Memphis.....	Sept. 16, 1871	Oct. 12, 1871	Oct. 3, 1874

VERMONT.

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

Geo. C. Holt.....	Halifax C. H. ....	May 25, 1870	July 4, 1870	July 3, 1873
E. T. Winston.....	Richmond.....	June 7, 1870	July 4, 1870	July 3, 1873

DISTRICT OF COLUMBIA.

James E. 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
E. Killpatrick .....	Washington ....	June 25, 1870	July 4, 1870	July 3, 1873
Edmund F. Brown....	Washington ....	July 1, 1870	July 5, 1870	July 3, 1873
Thomas I. Gardner...	Washington ....	Nov. 17, 1870	Dec. 5, 1870	Dec. 4, 1873

UTAH TERRITORY.

William P. Appleby..	Salt Lake .....	Mar. 7, 1871	Mar. 23, 1871	Mar. 15, 1874
Alfred S. Gould .....	Salt Lake .....	May 23, 1871	June 12, 1871	June 4, 1874
William Clayton....	Salt Lake .....	Feb. 17, 1872	Mar. 4, 1872	Mar. 8, 1875

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STATE OF IOWA—ss :

I, ED WRIGHT, Secretary of State of the State of Iowa, hereby certify that the Acts contained in this volume have been by me compared with the original rolls on file in this office, and that the same are true and correct copies, except that the words inclosed in brackets [thus] have been added where it was evident that there was an omission.

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 31st day of May, A. D. 1872.

ED WRIGHT, *Secretary of State.*



GENERAL AND PUBLIC ACTS  
OF THE  
FOURTEENTH GENERAL ASSEMBLY  
OF THE  
STATE OF IOWA.

PASSED AT THE REGULAR SESSION THEREOF, BEGUN AND HELD AT DES  
MOINES, THE CAPITAL OF THE STATE, ON THE EIGHTH DAY  
OF JANUARY, MDCCCLXXII.

CH. 6.]                      CHAPTER I. \*                      [S. F. 51.

C O U N T Y   B R I D G E S .

AN ACT Authorizing the Appropriation of Money to build Bridges. JANUARY 31.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the board of supervisors of any county in this State, having a population of more than fifteen thousand, may appropriate, for the construction of any one bridge which is, or may hereafter become, a county charge, within the limits of said county, such sum as may be necessary, not exceeding the sum of forty dollars per lineal foot: *Provided,* That in no case shall they appropriate for said purpose to exceed twenty-five thousand dollars. Boards of supervisors in larger counties may appropriate for county bridges, \$40 per foot.

SEC. 2. The common council of any incorporated city within this State may appropriate a sum not exceeding ten dollars per lineal foot to aid in the construction of any county bridge within the limits of such city. City councils may appropriate \$10 per foot.

\* See chapters LIII. and CXXX.

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

Repealing clause  
In force when.

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

Approved, January 31st, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, January 31, 1872, and in *The Daily Iowa State Register*, February 1, 1872.

ED WRIGHT, *Secretary of State.*

CH. 11.]

CHAPTER II.\*

[S. F. 60.]

LOCAL TAXES TO BUILD RAILROADS.

FEBRUARY 16. AN ACT to Regulate Taxes and the Collection thereof voted to aid in the Construction of Railroads.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county treasurers or township collectors are hereby prohibited from collecting any tax which has been or may hereafter be voted to aid in the construction of any railroad, under chapter one hundred and two of the acts of the Thirteenth General Assembly, by the people of any township, incorporated town, or city, contrary to or in violation of the terms or provisions of any special reservation or condition inserted in the notices calling an election, or contrary to any contract, agreement, or stipulation in writing, made between the railroad company to be benefited by such tax, and the township, town, or city authorities, for the benefit of the people, or contrary to resolutions or inducements in writing extended by said railroad company to the people, before or after voting said aid; nor shall any such taxes become due, bear interest, become delinquent, collectable, or payable contrary to any such provision, special reservation, condition, resolution, inducement, contract, agreement, or stipulation in writing.

Revenue officers prohibited from collecting tax, when.

1870: ch. 102.

Such taxes not to become delinquent contrary to contract.

SEC. 2. That a certified copy, made by the trustees or proper officers of any township, incorporated city, or

\* See chapter x.

town, of any such special reservation, condition, resolution, inducement, contract, agreement, or stipulation in writing, shall be notice of the matters therein contained to such treasurer or township collector, and he shall take due notice and be governed accordingly.

Copy of agreement notice to collecting officer.

SEC. 3. That all taxes now levied, or that may hereafter be levied, under the provisions of chapter forty-eight, of the acts of the Twelfth General Assembly, and also under the provisions of chapter one hundred and two, of the acts of the Thirteenth General Assembly of the State of Iowa, shall draw no interest, be subject to no penalty, nor shall the property upon which such taxes are now levied, or may hereafter be levied, be sold for said taxes until the railroad company shall have been entitled to receive said taxes under the provisions of the aforesaid acts.

1868: ch. 48.

1870: ch. 102.

Taxes to draw no interest until R. R. co. is entitled to them.

SEC. 4. If taxes levied under the provisions of chapter one hundred and two, of the acts of the Thirteenth General Assembly, become a part of the consolidated tax provided for in section one, of chapter one hundred and thirty-eight, of the acts of the Thirteenth General Assembly, the tax-payer may pay the full amount of county, State, school, and other tax; and it shall be the duty of the county treasurer, or township collector, to give a receipt therefor.

Tax-payer may pay part of consolidated tax.

1870: ch. 188.

SEC. 5. That when it is certified to the county treasurer or township collector, by the trustees of any township, or the trustees or council of any incorporated city or town, that the railway company has, in all respects, complied with the statutes and with all contracts and agreements referred to in section two of the act relative to such tax, and is entitled thereto, it shall be the duty of such treasurer or collector to give sixty days' notice thereof by publication in some newspaper published in the county, and if there be no such newspaper, by posting three notices thereof in each township, city, or town, from which said tax is to be collected, and from the time of giving such notice said tax shall become delinquent, and not before.

When company has complied with conditions, collector to give notice.

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 State Leader, newspapers published in Des Moines.

In force when.

Approved, February 16th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and the *Daily State Leader*, February 17, 1872.

ED WRIGHT, *Secretary of State.*

## CH. 15.]

## CHAPTER III.

[H. F. 72.]

## FOREST, FRUIT, AND SHADE TREES, AND HEDGES.

FEBRUARY 21. AN ACT to Amend Section Six of Chapter Ninety-two, of the Laws of the Twelfth General Assembly, entitled "An Act to Encourage the Planting and Growing of Timber, Fruit Trees, "Shade Trees, and Hedges."

*Be it enacted by the General Assembly of the State of Iowa,* That section six of chapter ninety-two, laws of the Twelfth General Assembly, be amended as follows:

1869: ch. 92, sec.  
6 amended.

Co. supervisors  
may exempt from  
taxation for  $\frac{1}{4}$   
mile of hedge and  
 $\frac{1}{2}$  mile of shade-  
trees.

SECTION 6. Such board is also empowered, at the same time, to make a similar exemption for every half mile of hedge, and for every mile of shade trees along the public highway, and for every acre of fruit trees planted and cultivated as an orchard, and to make one-half of such exemption for every quarter mile of hedge, and for every half mile of shade trees along the public highway so planted and cultivated, and to establish the rules and regulations in reference to the planting and cultivating of hedges, shade, and fruit trees, and the distance at which they shall be planted, which shall be complied with by persons asking such exemption:

Proviso: total  
exemption limited  
to half of real  
estate.

Proviso: forest-  
tree nurseries not  
exempted.

*Provided,* That under this act, and the act to which this is amendatory, no person shall have to exceed one-half his real estate exempted from taxation: *And provided further,* That the owners or proprietors of nurseries for the growing of forest trees shall not be entitled to any exemptions for any trees grown for sale alone.

Approved, February 21st, 1872.

## CH. 16.]

## CHAPTER IV.

[H. F. 207.]

## SCHOOL-DIRECTORS' OATH OF OFFICE.

FEBRUARY 24. AN ACT Changing the Time and Manner of administering Official Oaths to School-Directors.

School-directors  
may swear in  
each other, when

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any school-director, or director elect, is hereby authorized to administer to any school-director elect the official oath required by law, and said

official oath may be taken on or before the third Monday in March following the election of sub-directors.

SEC. 2. This act, being deemed of immediate impor- In force when.  
tance, shall take effect and be in force from and after its publication in the Daily Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.  
Approved, February 24th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, February 27, 1872, and in the *Iowa State Leader*, March 1, 1872.

ED WRIGHT, *Secretary of State*.

APPEALS FROM TAMA COUNTY.

AN ACT to Allow all Appeals to the Supreme Court from Tama FEBRUARY 24.  
County to be taken to the Argument Terms held at Des Moines,  
instead of Dubuque, and to Transfer all Causes pending therein.

SECTION 1. *Be it enacted by the General Assembly* Appeals from  
Tama co. courts  
to go to Des  
Moines.  
*of the State of Iowa*, That hereafter all cases of appeal to the Supreme Court from Tama county shall be heard at the argument terms held at Des Moines, and all cases docketed and now pending in the court at Dubuque shall be transferred to and be heard at Des Moines; but with the consent of the appellee, expressed in writing, on due notice of appeal, the appellant may take such appeal to any other place in the State where an argument term of the Supreme Court may be held.

SEC. 2. This act shall take effect and be in force In force when.  
from and after its publication in the Iowa State Register, a newspaper published at Des Moines, and the Tama County Republican, a newspaper published at Toledo, Tama county, Iowa.

Approved, February 24th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa, State Register*, February 27, 1872, and in the *Tama County Republican*, March 7, 1872.

ED WRIGHT, *Secretary of State*

CH. 18.]

CHAPTER VI.

[H. F. 229.]

DUTIES OF RAILROAD COMPANIES HAVING TERMINI AT OR  
NEAR COUNCIL BLUFFS.

FEBRUARY 26. AN ACT Requiring specified Acts and Duties of Railroad Companies, and providing certain Remedies for the Enforcement of the same.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That all railroad companies, their successors, assigns, or lessees, that have been, or may hereafter be incorporated under the laws of the State of Iowa, that operate, or may hereafter operate a line of railroad in this State, terminating at or near the city of Council Bluffs, in the State of Iowa, and making a connection with any railroad, which, either by its charter or otherwise, extends to a point on the boundary, or within the limits, of the State of Iowa, be and they are hereby prohibited from making any transfer of freights, passengers, or express matters, to or with any other railroad company, at or near such terminus—either by delivering or receiving the same—at any other place than in the State of Iowa, at or near the said point at which the said railroad, extending to the boundary of the State of Iowa, terminates.

Railroads terminating at or near Council Bluffs, when prohibited from making transfers except within this State.

**SEC. 2.** Every railroad company, its successors, assigns, or lessees, which, by its charter or otherwise, has its terminus at any point on the boundary or within the limits of the State of Iowa, or which has authority to bridge or ferry the Missouri river, for the purpose of having a continuous line of its road, and for connecting with other railroads in the State of Iowa, is hereby prohibited from making any transfer of freights, passengers, or express matters to, or with, any other railroad company, either by delivering or receiving the same at any other place than in this State, at or near its legal terminus; and every such company, extending to the boundary, or within the State of Iowa, or having the authority to bridge or ferry said Missouri river, shall erect and maintain, at or near its legal terminus, within the limits of the State of Iowa, all its depots, stations, and other buildings necessary for such transfer.

R. R. cos. prohibited from violating contracts with municipal corporations;

**SEC. 3.** Every railroad company, its successors, assigns, or lessees, which has heretofore made, or which shall hereafter make, any contract with any municipal corporation in this State, is hereby prohibited from, in

any manner, violating any of the provisions of such contract; and every railroad company, its successors, assigns, or lessees, which has heretofore made, or which shall hereafter make, any contract with any municipal corporation in this State, is hereby required to perform each and all of the provisions of any and every such contract, specifically as agreed therein, and it is hereby made its duty so to do. In every case in which any such municipal corporation has complied with its obligation relating to such contract at any stage of the progress of its fulfillment, so far as it has agreed to do, such municipal corporation shall not be required to furnish any further tender or guarantee of compliance on its part, in order to secure its rights in the courts; but in case anything remains to be done by such municipal corporation under such contract, after the completion of the same on the part of the railroad company contracting therewith, then it shall, after the enforced compliance on the part of such company as hereinafter provided, be required to fully comply on its part.

and required to perform them.

Municipal corporations not required to guarantee compliance with contract, when.

When required to comply.

SEC. 4. In case of a refusal of any railroad company, its successors, assigns or lessees, to comply with the provisions of section one of this act, or its failure to perform the duties required in the last preceding section, or their doing, or having done, any act at variance with such performance or duties, then the municipal corporation affected thereby, or with which the contract, in that particular case, was made, may, in an action by mandamus, in any court of record in the county in which such municipal corporation is situated, proceed against such company so failing or refusing, and such company shall, on proper proof, be required by such court to perform all the duties required by this act; and the general law for the action of mandamus, in force in this State, shall apply in such a case with the same force that it does in all other cases in which it is applicable, except as it is herein enlarged.

Proceedings in case of violation of act by R. R. companies.

Mandamus law to apply.

SEC. 5. In case any municipal corporation, affected as before stated, or with which any such contract has been made, should not desire to seek the remedy given in the last preceding section of this act, it may proceed in equity by the action of specific performance, in any court, in the county in which such municipal corporation is situated, having jurisdiction in equity, and in case such court should find that a contract had been made, it shall by decree require such company, so violating, or offering to violate its contract or failing, or refusing to perform the provisions thereof, to specifically perform the same.

Proceeding in equity.

Decree of court.

Any court or judge may enjoin violation of act or contract.

Bonds not required of municipal corporations.

SEC. 6. Any court or judge, in this State, to whom application shall be made, shall at the suit of any municipal corporation, as aforesaid, restrain, by injunction, the violation of any provisions of this act, or of the provisions of any contract as aforesaid; and in such proceeding, it shall not be necessary for such municipal corporation to give a bond.

Remedies not exclusive.

SEC. 7. The remedies provided for in this act shall not be construed to be exclusive.

Enforcement of order of court.

SEC. 8. Any order, decree, or judgment, made by any court, in pursuance of any of the provisions of this act, shall be enforced in the usual manner.

Construction of terms.

SEC. 9. The words "railroad company, or companies," in this act, shall be construed to mean, also, the officers, agents, or employees of such company, or companies.

In force when.

SEC. 10. 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 in the Council Bluffs Nonpareil, a newspaper published at Council Bluffs, Iowa.

Approved, February 26th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, February 27, and in *The Daily Nonpareil*, of Council Bluffs, February 29, 1872.

ED WRIGHT, *Secretary of State.*

CH. 24.]

CHAPTER. VII.

[H F. 74.]

CITY AND TOWN MARSHALS AND POLICE.

FEBRUARY 28. AN ACT to Amend Section 1103 of the Revision of 1860.

Revision: § 1103 amended.

Marshals and police to be elected by councils of towns and second class cities.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 1103, of the Revision of 1860, is hereby amended by striking out of the second line of said section the following words: "A City Marshal, who shall hold his office for one year," and by adding to said section the following words, to-wit: "In all such cities, and in all incorporated towns having a population of one thousand inhabitants and upwards, the marshal, deputy marshal, and police shall be elected by the town



“or city council, or trustees,” and said officers so elected shall hold their office during the pleasure of said council or town trustees.

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

Approved, February 28th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, February 29, and in the *Iowa State Leader*, March 1, 1872.

ED WRIGHT, *Secretary of State.*

CH. 26.]

CHAPTER VIII.

[S. F. 131.]

REGULATING APPEALS TO THE SUPREME COURT.

AN ACT to Regulate Appeals to the Supreme Court of Iowa. MARCH 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in cases wherein the appellant has perfected his appeal to the Supreme Court, and the clerk of the district or circuit court has unjustly refused to approve the appeal-bond offered, or makes the penalty therein too large, or the conditions thereof unjust, the appellant may move the Supreme Court, if in session, or in its vacation, on such written notice to the appellee as the Judge may prescribe, may move any Judge thereof, to determine the conditions, fix the penalty, and approve the appeal-bond. The motion, verified by the affidavit of the appellant or his attorney, shall contain a brief statement of the nature of the action in which the appeal was taken, of the judgment or order appealed from, of the steps taken by the appellant with reference to his appeal, and of his giving, or offering to give, an appeal-bond, of the action of the clerk of the court below with reference to such bond, and wherein he has acted wrongfully; and if the Supreme Court, or any Judge thereof, consider that the clerk has made unjust conditions in the bond, or the penalty thereof too high, or has wrongfully refused to approve the same, such Court or Judge shall issue an order prescribing the conditions of the appeal-bond, fixing the

When Sup. Court or Judge may fix condition, &c., of appeal-bonds.

Statement of appellant.

Action of court or judge.

penalty thereof, and either approve it or direct the Clerk of the Supreme Court so to do, which bond shall be filed with the officer last named. The Supreme Court, or Judge thereof, may order that all or any part of the papers and records in the cause appealed, or certified copies thereof, be produced on the hearing of such motion, and pending the disposition thereof may make an order staying the enforcement of the judgment or order appealed from, and on such terms as are just. The order, if made by a Judge, shall be in writing and signed by him, and upon the service thereof, or of a certified copy when made in Court, upon the clerk of the court below, all proceedings in the court appealed from shall be stayed, and all orders, processes, execution, or other papers issued therefrom, shall be recalled, and the appellant be placed in the same condition that he was in when the judgment or order appealed from was made or rendered.

Same may order production of papers, and may order stay.

Effect of order.

Stay.

In force when.

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 Daily State Leader, newspapers published in Des Moines, Iowa, anything in the statutes of Iowa to the contrary notwithstanding.

Approved, March 7th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and *Daily State Leader*, March 8, 1872.

ED WRIGHT, Secretary of State.

CH. 27.]

CHAPTER IX.

[H. F. 123.

COURT EXPENSES IN CASES OF CHANGE OF VENUE.

MARCH 7.

AN ACT Providing the Manner in which the Fees of Jurymen and County Expenses shall be paid, in Cases of Changes of Venue.

In change of venue in civil cases, judge to certify number of days occupied in trial.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in all civil cases, which are taken by change of venue for trial to any county other than that in which they are properly commenced, where the trial thereof takes place at a regular term, and occupies more than one calendar day, the judge trying said case shall certify the number of days so occupied, and the county in which the case tried was originally commenced shall be liable to the county where the same is tried for

the sum of two dollars per day for each juryman engaged in the trial thereof. Am't of liability.

SEC. 2. Where a special term of any court is held for the trial of any civil cause or causes pending therein by change of venue, the court trying the same shall make out and certify the amount of county expenses incurred in the trial of each case, and the same shall be a legal and valid claim against the county in which the case was originally properly commenced. Court to certify am't of expenses, at special term.

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 State Leader, newspapers published at Des Moines, Iowa. In force when.

Approved, March 7th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and *Daily State Leader*, March 9, 1872.

ED WRIGHT, *Secretary of State.*

LOCAL TAXES TO BUILD RAILROADS.

AN ACT to Amend Section Five, Chapter Eleven, Laws of the Fourteenth General Assembly of the State of Iowa. MARCH 7.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section five of chapter eleven [ch.ii.] of the laws of the Fourteenth General Assembly be amended by adding thereto the following proviso: *Provided, however*, That where any railroad company had, prior to the passage of said act, filed the proof and evidence required in sections two and three of chapter one hundred and two, laws of the Thirteenth General Assembly, the county treasurer and township collectors shall not give the sixty days' notice required in section five of said act. 1872: ch. 11, sec. 5 amended.  
1870: ch. 102.  
60 days, notice of delinquency of R. R. tax not to be given when.

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

Approved, March 7th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and *Daily State Leader*, March 9, 1872.

ED WRIGHT, *Secretary of State.*

## CH. 37.]

## CHAPTER XI.

[H. F. 13.]

## DEFINING THE TERM "NEWSPAPER."

MARCH 12.

AN ACT Defining the Meaning of the Term "Newspaper," as used in Chapter One Hundred and Eighteen of the Acts of the Eleventh General Assembly.

"Newspapers" publishing laws must be printed where.

1866: ch. 118.

Proviso.

Must have a printing-office in county where published.

Duty of board of supervisors.

Application of act.

In force when.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the term "newspaper," as used in chapter 118, of the acts of the Eleventh General Assembly, shall be held to apply only to such newspapers as are actually printed and issued in the counties by whose boards of supervisors they are selected to publish the proceedings of the several sessions of the supervisors, and the acts of the General Assembly. *Provided*, That this act shall not apply to such papers as have one side printed on the co-operation plan: *Provided*, That one side of such sheets be actually set up, imposed, and the presswork thereon done in the county where the same are dated and issued, in a printing-office actually provided and equipped with the usual type, chases, presses, and material necessary to print a paper of the size and grade claimed by papers which apply to boards of supervisors for designation under chapter 118, of the acts of the Eleventh General Assembly.

SEC. 2. It shall be the duty of the board of supervisors to seek evidence, under oath, of compliance with the terms of this act in the case of each paper which applies for designation under chapter 118, of the acts of the Eleventh General Assembly; and it shall be unlawful for any board of supervisors to so select any newspaper that has not complied with the provisions hereof.

SEC. 3. This act to apply to the publication of the acts of the Fourteenth General Assembly as well as of subsequent General Assemblies, and to be in force from and after its publication in the Iowa State Register and State Leader, newspapers published in the city of Des Moines, Iowa.

Approved, March 12th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, March 14, and in the *Daily State Leader*, March 14, 1872.

ED WRIGHT, *Secretary of State*.

CH. 38.]

## CHAPTER XII.

[H. F. 6.

## MECHANICS' LIEN.

AN ACT to Amend Chapter Seventy-nine of the Revision of 1860, creating Mechanics' Lien, and to Secure to Mechanics and boring Men upon Internal Improvements their Wages.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That every owner, company, contractor, and sub-contractor upon any railroad in this State shall be deemed to have the notice provided for by section 1847 of the Revision of 1860 for a period of sixty days from the last day of the month in which such labor was done, or material furnished, during which period any person who has performed such labor or furnished such material may file a lien with the clerk of the district court, as provided in chapter seventy-nine of the Revision of 1860 and the amendments to said chapter, which lien shall be binding upon the erection, excavation, embankment, bridge, road-bed, or right of way, and upon all land upon which the same may be situated, to the full value of such labor or material, in the county in which the lien is filed: *Provided*, In case the lien is sought to be enforced against the owner, the liability shall not be greater than his liability would have been to the contractor at the time the labor was performed or material furnished; *and provided, further*, that the liability of the owner, in case actual notice shall be given after the sixty days, shall be the same as now provided by law.

Railroad owner, contractor, &c., deemed to have notice, when.  
Rev. : § 1847.  
When lien may be filed.  
Extent of lien.  
Limit of liability.

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 Iowa Homestead.

Approved, March 12th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, March 14, 1872, and in *The Iowa Homestead*, March 22, 1872.

ED WRIGHT, *Secretary of State.*

## CH. 39 ]

## CHAPTER XIII.

[H. F. 40.]

## IN RELATION TO CONSTRUCTION AND REPAIR OF ROADS.

MARCH 12.

AN ACT to Authorize Incorporated Towns to aid in the Construction and Repair of Roads leading thereto.

Towns may devote part of road tax to roads leading thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be lawful for any incorporated town to aid in the construction and repair of any road or roads leading thereto by appropriating therefor a portion of the road-tax belonging to said incorporated town, not exceeding fifty per cent. thereof annually, as hereinafter provided.

Upon petition of one-third resident tax-payers council to submit question.

SEC. 2. Whenever a petition shall be presented to the council of any incorporated town signed by one-third of the resident tax-payers of said town, asking that the question of aiding in the construction or repair of any road or roads leading thereto be submitted to the voters thereof, it shall be the duty of the council of said town to immediately give notice of a special election by posting five notices in five public places in said town at least ten days before said election, which notice shall specify the time and place of holding said election, the particular road or roads proposed to be aided, the proportion of the road-tax then levied and not expended, or next thereafter to be levied, to be appropriated, at which election the question of "Appropriation," or "No appropriation," shall be submitted, and if a majority of votes polled be for "Appropriation," then the council of such incorporated town shall be authorized and empowered to aid in the construction and repair of said road or roads to the extent of said appropriation, in the same manner as they otherwise would, were said road or roads within the corporate limits of said town: *Provided*, That no part of said road-tax shall be appropriated or expended outside of two miles from said town.

Special election.

Council authorized to aid.

No expenditure more than two miles from town.

In force when.

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

Approved, March 12th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, March 14, and in the *Iowa State Leader*, March 21, 1872.

ED WRIGHT, *Secretary of State*.

## PROTECTION OF STOCK-FEEDERS.

## AN ACT To Protect Feeders of Stock.

MARCH 12.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it is hereby declared to be a misdemeanor for any hunter, or other person, knowingly to discharge fire-arms of any description, within or in the immediate vicinity of any inclosure where cattle, hogs, or sheep are being fed for the purpose of fattening the same, or for any such hunter or other person to enter such inclosure with fire-arms, game, or dog, unless such hunter or other person shall be the owner of said stock, or shall have control of the same, or shall have permission from such owner, or the person having control thereof, or shall be in lawful possession of the premises where such firing is done.

Fire-arms not to be discharged in the neighborhood of stock inclosures;

unless authorized.

SEC. 2. Any person violating the provisions of the foregoing section, may be arrested by any person having personal knowledge of such violation, and taken before any justice of the peace, or other competent officer, in the county in which the offense was committed; and an information shall then be filed as in other cases of misdemeanor, and, upon conviction thereof, such person shall be fined in a sum not less than ten nor more than one hundred dollars and costs of suit, or may be imprisoned in the county jail not exceeding thirty days.

Violation a misdemeanor.

Penalty.

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

In force when.

Approved, March 12th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, March 14, and the *Daily State Leader*, March 14, 1872.

ED WRIGHT, *Secretary of State.*

CH. 42.]

CHAPTER XV.

[H. F. 141.]

## WAR-CLAIMS COMMISSION TERMINATED.

MARCH 18. AN ACT to Repeal Certain Laws relating to the Prosecution of the Claims of this State against the Federal Government.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That chapter ninety-five of the acts of the Eleventh General Assembly, entitled "An act to provide for the settlement of certain claims against the General Government," and chapter one hundred and three of the acts of the Twelfth General Assembly, entitled "An act to amend chapter ninety-five of the acts of the Eleventh General Assembly, entitled 'An act to provide for the settlement of certain claims against the General Government,'" are hereby repealed: *Provided*, That the commissioner therein named shall, on or before the first day of April, 1872, render a full and final account of his doings under said laws, to the Auditor of State, together with a list of vouchers and of claims remaining unsettled; *And provided, further*, That the Auditor may allow to said commissioner two per cent. on all war-claims which shall be adjusted by him and paid to the State after the passage of this act.

1866: ch. 95, and  
1869: ch. 108,  
repealed.

Provide: final  
report.

Provide: per-  
centage on future  
collections.

Commissioner  
not discharged  
from liability  
heretofore in-  
curred.

In force when.

SEC. 2. Nothing in this act contained shall be construed to cancel or discharge any liability of said commissioner to the State incurred under the acts hereby repealed.

SEC. 3. This act shall be in force and have effect from and after its publication in the Daily Register and in The Review, newspapers published at Des Moines.

Approved, March 13th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, March 13, and *The Iowa Review*, March 16, 1872.

ED WRIGHT, *Secretary of State.*



## APPROVAL OF BONDS OF COUNTY OFFICERS.

AN ACT to Authorize Circuit Judges to Approve the Bonds of MARCH 15.  
County Officers in certain Cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whenever the board of supervisors of any county in this State have refused, or shall hereafter refuse or neglect, to accept, the bond of any county officer elect, such officer may present such bond to the judge of the circuit court, in whose circuit such county is situated, for approval; and upon such presentation it shall be the duty of such judge to fix a day for hearing as to the sufficiency of such bond.

County officers's bond may be approved by circuit judge, when.

SEC. 2. It shall be the duty of the officer aggrieved to serve notice of the time of such hearing upon the chairman of the board of supervisors, or, in case of his absence from the county, upon some other member of such board whose action is complained of, and such notice being returned to the judge before whom the hearing is to be had, with proof of service indorsed thereon, such judge shall at the time fixed, unless good cause for postponement be shown, proceed to hear and determine the sufficiency of such bond, and, if satisfied that the same is sufficient, he shall approve the same, and such approval shall have the same force and effect in every respect as though the same had been approved by the board of supervisors at the time of its presentation to such board for approval.

Notice to board.

Hearing.

Effect of approval.

SEC. 3. 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 Daily State Leader, newspapers published at Des Moines, Iowa.

In force, when.

Approved, March 15th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, March 16, and in the *Daily State Leader*, March 18, 1872.

ED WRIGHT, *Secretary of State.*

## CH. 47.]

## CHAPTER XVII.

[H. F. 24.]

## PROVIDING FREE PUBLIC LIBRARIES IN CITIES AND TOWNS.

MARCH 20.

AN ACT to Provide for the Establishment and Maintenance of free Public Libraries in Cities and incorporated Towns.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* [That] the council of any city or incorporated town in this State may raise and appropriate money, not exceeding in amount one mill upon the dollar, of the assessed valuation of the taxable property of such city or incorporated town, in any one year, to procure books, maps, charts, periodicals, and other publications, for the establishment and perpetual maintenance of a free public library within the limits of such city or incorporated town. And the council of such city or incorporated town, out of the fund so raised, may appropriate money for the purchase of such land and the erection of such buildings as may be necessary for the suitable accommodation thereof, or for the hiring or leasing of rooms for such purpose, and for the compensation of such officers or agents as may be necessarily employed in the establishment and management of such library.

City or town council may raise 1-mill tax for library.

May purchase or lease property for same.

Powers of council in reference to library.

SEC. 2. The council of any such city or incorporated town, accepting the provisions of this act, may enact rules, by-laws, and ordinances for the establishment and maintenance of such library, provide for the election or appointment of officers and agents, and may assess and levy a yearly tax for the support and maintenance thereof, not exceeding the amount named in the first section of this act.

Library to be free to all.

Rules and regulations to be made by council.

SEC. 3. Every public library, established and maintained under the provision of this act, shall be open to the free use of every inhabitant of the municipal corporation by which it is established, for the general diffusion of intelligence among all classes of the community, subject to such rules and regulations for the well-ordering and careful preservation thereof, as may be established and ordained by the council of such city or incorporated town.

Cities and towns may receive and control gifts for libraries.

SEC. 4. Any such city or incorporated town may receive, hold, and possess, or sell and dispose of, any and all gifts, donations, devises, bequests, and legacies, as [that] may be made to such city or incorporated town for the purpose of establishing, increasing, or improving any such public library; and the city or town council thereof

may apply the use, profits, proceeds, interest, and rents accruing therefrom in such manner as will best promote the prosperity and utility of such library.

Authority of council.

SEC. 5. Every city or incorporated town, in which such a public library shall be established and maintained under the provisions of this act, shall be entitled to receive a copy of the laws, journals, and all other works published by authority of the State, after the establishment of such library, for the use of such library, and the Secretary of State is hereby authorized and required to furnish the same from year to year to such city or incorporated town.

Libraries to receive copies of public documents.

Secretary of State to furnish same.

SEC. 6. Any city or incorporated town of this State, proposing to accept the benefits of this act, shall, before exercising the powers herein conferred, submit to a vote of the people at any municipal election of such city or incorporated town, the question, "Shall the city or town council (as the case may be) accept the benefit of an act of the legislature for the creation and maintenance of a free public library? Yes—No."

Vote of the people.

SEC. 7. So much of chapter forty-five, of the acts of the Thirteenth General Assembly as conflicts with this act, is hereby repealed.

Repeal, 1870; ch. 45.

SEC. 8. This act, being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and State Leader, newspapers published in Des Moines.

In force, when.

Approved, March 20th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, March 22, and the *Daily Iowa State Register*, March 26, 1872.

ED WRIGHT, *Secretary of State*.

ALLOWING TOWNSHIPS TO ADOPT THE HERD LAW.

AN ACT to Enable Civil Townships to adopt the Provisions of MARCH 20, Chapter 26, of the Laws of the Thirteenth General Assembly, entitled "An Act to restrain Stock from running at Large."

SECTION 1. *Be it enacted by the General Assembly* Townships may adopt act restraining stock. of the State of Iowa, That it shall be lawful for any civil township to adopt the provisions of chapter 26 of

1870: ch. 26.

the laws of the Thirteenth General Assembly, entitled "An act to restrain stock from running at large," in the manner hereinafter provided.

Question upon adoption may be submitted to people at general election.

Notice.

SEC. 2. When a petition shall be presented to the trustees of any township, signed by one-third of the legal voters of such township, asking the question of the adoption of the provisions of said act to be submitted to the legal voters thereof, at the next general election, it shall be the duty of the trustees to publish a notice of the submission of said question, at least four weeks before said election, in some newspaper published in the county, if any be published therein, and also by posting a copy of such notice in five public places in said township.

Form of ballots.

Effect of affirmative vote.

Notice.

SEC. 3. There shall be written or printed on the ballots the same sentences required by section eight of said act; and, if a majority of all the votes cast for and against the proposition in the township be for said act, the provisions thereof shall take effect and be in force ninety days after the election. Notice of the result of said election shall be posted by the township clerk in five public places in the township within ten days thereafter.

Approved, March 20th, 1872.

CH. 58.]

CHAPTER XIX.

[H. F. 218.

## CITY, TOWN, AND COUNTY DEBTS.

MARCH 25.

AN ACT to Enable Cities, Towns, and Counties to settle, adjust, and compound their Indebtedness, and to provide for the Payment of the same.

Cities, towns, and counties authorized to adjust their indebtedness, and to issue new securities.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That cities, towns, and counties are hereby authorized to settle, adjust, compound, extend, or renew debts, owing by or claimed against them, evidenced by the bonds or other negotiable promissory instruments of such corporations, and to issue new securities for such debts.

Same authorized to levy the necessary taxes.

SEC. 2. Said corporations are hereby authorized, whenever any extension or renewal of said indebtedness is made, to provide by the levy and collection of annual taxes, at the same time and in the same manner as for the

levy and collection of other taxes, for the prompt payment of the interest and principal of such renewed debt; and the levy, collection, and payment of taxes, to liquidate the principal and interest of said renewed debt, may be enforced, in case of default, by writ of mandamus or other proper legal process.

Liquidation of renewed debt may be enforced.

SEC. 3. Said corporations may settle, adjust, compound, extend, or renew such indebtedness upon such terms as they may deem just and for their welfare.

Terms of adjustment.

SEC. 4. This act is intended to apply only to the settlement of bonds and securities heretofore issued, not including warrants, or other evidences of debt, issued for current expenses, and outstanding at the time of the passage and approval hereof.

Application of act.

SEC. 5. New bonds, issued by virtue hereof, shall in no case be for a greater sum than the principal and accrued or earned interest unpaid on the bond or debts in place of which, or for the payment of which, they shall be given.

Limitation of amount of bonds.

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

In force, when.

Approved, March 25th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, March 26, and in the *Daily Iowa State Register*, March 28, 1872.

ED WRIGHT, *Secretary of State.*

ESTRAY RAFTS AND LOGS.

AN ACT to Provide for the Taking-up of Rafts, Logs, and Sawed Lumber. MARCH 29.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That if any person shall hereafter stop or take up any raft of logs, or part thereof, or any logs suitable for making lumber, or hewn timber found adrift on any water-course within the limits, or upon the boundaries of this State, it shall be the duty of such person within five days thereafter, provided the same sha

Duty of person taking up rafts, or logs, in streams.

not have been previously proven and restored to the owner, to go before some justice of the peace, or notary public of the county in which the same was taken up, and make affidavit in writing, setting forth an exact description of such raft or part thereof, or logs, when and where the same were found, the number of logs and the marks and brands thereon, that the same have not been altered or defaced since the taking-up by him or by any other person to his knowledge. And it shall be the duty of such justice of the peace or notary public, within five days thereafter, to transmit such affidavit to the clerk of the district court of said county, and the said clerk shall thereupon file the same in his office, and enter in his estray-book the description of the said property, the time and place when and where, and the name and residence of the person by whom the same was taken up, and the said clerk shall also publish a notice thereof for three weeks successively in some newspaper printed in the county.

Affidavit.

Justice or notary public to transmit papers to clerk of district court.

Clerk of district court to file and enter;

and to publish notice.

Disposal of the property if unclaimed.

Rev.: ch. 60, art. 2.

Reward to finder.

Fees of officers.

Expenses of notice.

Fines and forfeiture.

Act to apply to sawed lumber; reward for finding same.

SEC. 2. In all cases where the number of logs taken up shall not exceed five, and no person shall appear to claim and prove the same within three months after the publication of such notice, then the property in the same shall vest in the person taking them up; but if the number thereof shall exceed five, and the same be not claimed or proven within six months after such publication, then it shall be the duty of the finder to deliver them to the sheriff of said county, and thereupon the same proceedings shall be had, and the same disposition be made of the proceeds arising from the sale thereof, as is provided for in chapter 60, article 2, of the Revision of 1860, in relation to boats, vessels, &c., the value of which exceeds twenty dollars.

SEC. 3. As a reward for the taking-up of any such logs, or rafts of logs, or any part thereof, there shall be paid by the owner to the person taking up the same, for each log, not exceeding ten, twenty-five cents, and for each log exceeding ten and not exceeding fifty, twenty cents.

SEC. 4. All the provisions of chapter 60, article 2, of the Revision of 1860, in relation to the fees of officers, and compensation for services performed, and expenses incurred for publication of notice, except as hereinbefore provided for, and to fines and forfeitures for non-compliance with the requirements of said act, shall apply to this act.

SEC. 5. The provisions of this act shall apply to sawed lumber, and the parties taking up the same shall be entitled to fifty cents per thousand feet.

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

Approved, March 29th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader* April 2, and in *The Daily Iowa State Register*, April 3, 1872.

ED WRIGHT, *Secretary of State.*

CH. 61.]

CHAPTER XXI.\*

[H. F. 178.]

## TEACHERS' AND CONTINGENT FUNDS.

AN ACT to Limit Taxation for Teachers' and Contingent Funds in School-Districts. MARCH 29.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the amount of tax levied under section 31, chapter 172, acts of the Ninth General Assembly, shall hereafter be limited as follows: The amount to be raised for "contingent fund" shall not exceed five dollars per scholar, and the amount raised for "teachers' fund," including the amount received from the semi-annual apportionment, shall not exceed fifteen dollars per scholar, for each scholar residing in the district-township or independent district for which the tax is levied. The number of persons between the ages of five and twenty-one years, as shown by the last report of the county superintendent, shall, for the purposes of this act, be deemed the number of scholars in each school-district. 1862; ch. 172, sec. 31.

SEC. 2. The board of supervisors shall, at the time of levying the taxes for contingent and teachers' fund, certified under said section 31, ascertain whether the amount so certified exceeds the limitation in this act contained, and, in case of any excess, they shall reduce the per centum of tax levied, until the amount shall come within said limitation. Tax for contingent fund limited to \$5 per scholar.

SEC. 3. All acts and parts of acts, inconsistent with this act, are hereby repealed. Teachers do. to \$15.

SEC. 4. This act, being deemed of immediate importance, shall be in force from and after its publication in Board of supervisors to reduce tax in case of excessive levy.

\* See Chapter CXXXII.

the Iowa State Register and State Leader, papers published in Des Moines, Iowa.

Approved, March 29th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 2, and the *Daily Iowa State Register*, April 5, 1872.

ED WRIGHT, *Secretary of State.*

CH. 62.]

CHAPTER XXII.\*

[H. F. 150.]

CIRCUIT COURTS.

MARCH 29.

AN ACT to Amend Chapter Eighty-six of the Laws of the Twelfth General Assembly, and to Define the Powers and Jurisdiction of the Circuit Court.

1868; ch. 86.

A circuit judge to be elected in each judicial district.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the qualified electors of each judicial district of this State shall, at the next general election, and at the general election every fourth year thereafter, elect a Circuit Judge for each judicial district of this State, the votes for whom shall be on the same ballots with the State officers, shall be canvassed, returned, and certified in the same manner, and certificates of election issued in the same manner and by the same board of officers as is now required by law for district judges.

Term of office.

SEC. 2. Said judges shall hold office for the term of four years, and until their successors are elected and qualified; and shall qualify in like manner as is now provided by law for district judges; and in case of a vacancy occurring in any district in the office of circuit judge, the Governor shall appoint a judge to fill such vacancy, who shall hold his office until the next general election, and until his successor is elected and qualified.

In case of vacancy, Governor to appoint temporarily.

Jurisdiction of circuit court and judge concurrent with that of district court and judge, except in criminal cases.

SEC. 3. The circuit court shall have and exercise concurrent jurisdiction with the district court in all civil actions and special proceedings, but shall not have criminal jurisdiction. And each of said judges, when elected and qualified, shall have and exercise the same power and jurisdiction in all civil matters as is now or may hereafter be exercised by any district judge in this State, and shall receive the same salary. The jurisdiction in probate business shall not be affected by this act.

Salary.

Probate business.

\*See chapter CXIII



SEC. 4. The district judge of each judicial district, together with the circuit judge of his district, shall, on or before the first Monday of December, 1872, and on or before the first Monday of December of each alternate year thereafter, designate, by order made under their hands, the times of holding the terms of the district and circuit courts in each county of their districts, for the two years next ensuing the first day of January thereafter, which order shall be filed forthwith with the clerk of the district court of each county in such district, and which order or notice thereof shall be published in each county of said district; and at least one term of each court shall be held in each organized county in the State.

District and circuit judges to designate times for holding courts.

One term of each court in every county.

SEC. 5. That part of this act relating to jurisdiction shall not take effect until the first Monday of January, 1873, but all the remaining provisions thereof shall take effect as provided by section twenty-five of the Revision of 1860.

Act to take effect when.

SEC. 6. From and after the first Monday of January, 1873, the boundaries of the circuits of this State shall be the same as the boundaries of the districts, and shall be numbered the same as the districts.

Boundaries of circuits after Jan. 1, 1873.

SEC. 7. All acts or parts of acts, conflicting with this act, are hereby repealed.

Repealing clause.

Approved, March 29th, 1872.

CH. 64.]

CHAPTER XXIII.

[S. F. 201.]

THE BOARD OF IMMIGRATION.

AN ACT to Encourage and Promote Immigration to the State of Iowa. APRIL 9.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the sum of ten thousand dollars, or so much thereof as may be necessary, which amount shall include the salary of the secretary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to be audited and paid as claims may occur under the provisions of this act, orders to be drawn by the president and countersigned by the secretary of the Board: *Provided,* That no money appropriated by the provisions of this act, shall be paid as

\$10,000 appropriated to Board of Immigration.

proviso: no salary to agent.

a salary to any agent who may receive a commission as agent from the Board of Immigration.

1870: ch. 24, sec. 1, amended.  
 Governor president of board, and to appoint 4 members.

SEC. 2. That section one of chapter thirty-four of the laws of the Thirteenth General Assembly be hereby so amended as to read: "The Board of Immigration shall be composed of five members, including the Governor of the State, who shall be ex-officio president of the Board, and shall appoint four members of said commission, who shall hold for two years, and until their successors are elected and qualified."

In force, when.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Daily Leader, newspapers published at Des Moines, Iowa.  
 Approved, April 6th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 6, and in the *Daily Iowa State Register*, April 7, 1872.

ED WRIGHT, *Secretary of State.*

CH. 65.]                      CHAPTER XXIV.                      [H. F. 103..

PERMITS FOR THE SALE OF INTOXICATING LIQUORS.

APRIL 6.                      AN ACT to Amend Article Two of Chapter Sixty four, Revision of 1860.

Revision: ch. 64, article 2.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That from and after the taking effect of this act, no person shall obtain a permit to buy and sell intoxicating liquors under the provisions of article two of chapter sixty-four of the Revision of 1860, and the acts amendatory thereto, unless said person shall first present to the court to which application for such permit is made, a certificate signed by a majority of the legal voters of the township, city, or ward in which he desires to sell said liquors, that he is a citizen of the county and State, that he is of good moral character, and that they believe him to be a proper person to buy and sell intoxicating liquors for the purposes named in section 1575, of the Revision of 1860.

Permits for sale of intoxicating liquors must be accompanied by certificate from majority of voters.

Revision: sec. 1575.

SEC. 2. Any person making application under article two, chapter sixty-four, of the Revision of 1860, and the

acts amendatory thereto, for a permit to buy and sell intoxicating liquors for the purposes therein named, shall first make and file a bond to be approved by the clerk of the district court in the county where application is made, in the sum of three thousand dollars, with two or more sureties who shall justify in double the amount of said bond, conditioned that he will carry out the provisions of all laws now or hereafter in force relating to the sale of intoxicating liquors, and which said bond shall run in the name of the county for the benefit of the school-fund.

Bond in \$3,000 to be filed, and to be approved by clerk district court.

Condition of same.

SEC. 3. No person having a permit to sell intoxicating liquors under article two, chapter sixty-four, of the Revision of 1860 and the acts amendatory thereto, shall sell the same at a greater profit than thirty-three per cent. on the cost of the same, including freights, and every person having such permit shall make, on the last Saturday of every month, a return in writing to the auditor of the county, showing the kind and quantity of the liquors purchased by him since the date of his last report, the price paid, and the amount of freights paid on the same; also the kind and quantity of liquors sold by him since the date of his last report, to whom sold, for what purpose, and at what price; also the kind and quantity of liquors remaining on hand, which report shall be sworn to by the person having the said permit, and shall be kept by the auditor, subject at all times to the inspection of the public.

Profit limited to 33 1/3 per centum.

Monthly return by seller to auditor;

to show what.

SEC. 4. Any persons having the permit named herein, who shall sell intoxicating liquors at a greater profit than is herein allowed, or who shall fail to make monthly returns to the auditor as herein required, or shall make a false return, shall forfeit and pay to the school-fund of the county the sum of one hundred dollars for each and every violation of the provisions of this act, to be collected by civil action upon his bond by any citizen of the county, before any court having jurisdiction of the amount claimed, and for the second conviction under the provisions of this act the person convicted shall forfeit his permit to sell.

Penalty or violation;

may be collected by any citizen.

Forfeiture of permit.

SEC. 5. It shall be unlawful for any persons holding a permit named herein, to knowingly sell, by agent or otherwise, any spirituous or other intoxicating liquors to any minor for any purpose whatever, unless upon the written order of his parent, guardian, or family physician, or to sell the same to any intoxicated person, or to any person who is in the habit of becoming intoxicated. And any person violating the provision of this section, shall

Sales to minors, unless authorized, and to drunken men, unlawful.

Penalty for violation.

forfeit and pay to the school-fund the sum of one hundred dollars for each offense, to be collected by action on his bond by any citizen of the county.

Approved, April 6th, 1872.

CH. 66.]

CHAPTER XXV.

[H. F. 62.]

STATE HORTICULTURAL SOCIETY.

APRIL 6. AN ACT for the Encouragement of Horticulture and Forestry.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the present officers and directors of the State Horticultural Society shall hold their respective offices till the third Tuesday of January, one thousand eight hundred and seventy-three, and until their successors are elected as hereinafter determined.

**SEC. 2.** It shall be the duty of said society to encourage the organization of district and county societies, and to give them representation in the State society, and in every proper way to further the fruit-growing and tree-growing interests of the State.

**SEC. 3.** Said society shall hold its annual meeting on the third Tuesday of January in each year, for the transaction of its business, at which meeting, officers, corresponding in numbers and titles to the officers of the State Agricultural Society, shall be elected, and for like periods of time; the place of holding the next annual meeting, and the times and places of holding exhibitions, shall be determined; premiums on essays may be awarded; and all questions relating to the horticultural development of the State may be considered.

**SEC. 4.** It shall be the duty of the secretary of said society to make an annual report to the Governor of the State, embracing the proceedings of the society, with a bill of items, showing, for what purposes the money herewith appropriated was paid out, for the past year; the general condition of horticultural interests throughout the State; together with such essays, statements of facts, and recommendations, as they may deem useful; to be published by the State, under the supervision of the society.

**SEC. 5.** The number of copies of said report, to be published by the State, shall be limited to three thousand copies, all of which shall be bound in a style uniform with

Officers of Horticultural Society to hold office till January, 1878.

Duty of society.

Annual meeting:

officers to be elected, and terms; premiums awarded, etc.

Secretary to report annually.

No. of copies and distribution of report.

the reports of said society for the years 1869 and 1870, and shall be distributed as follows: Ten copies each to the Governor, Lieutenant-Governor, Secretary of State, Auditor of State, State Treasurer, Register of State Land Office, Attorney-General, Judges of the Supreme Court, and to each member of the General Assembly; two hundred copies to the Iowa State Agricultural College; five copies to the Iowa State University; five copies to the Iowa State Historical Society; two copies to each incorporated college in the State; one copy each to the auditor and clerk of the district court of each county, to be kept in the office; and one copy to each newspaper published in the State; the remainder to be distributed by direction of said society.

Sec. 6. That the sum of one thousand dollars be appropriated annually for the use and benefit of said society, and shall be paid by the Auditor of State, upon the order of the president of said society, in such sums, and at such times as may be for the interests of said society: *Provided*, That two hundred dollars of the amount appropriated by this act shall be awarded in premiums for the growing of forest-trees in this State.

\$1,000 appropriated annually.

Proviso.

Approved, April 6th, 1872.

CH. 69.]

CHAPTER XXVI.

[H. F. 279.]

TAXATION OF RAILROAD PROPERTY.

AN ACT to Tax Railroad Property, Regulating such Taxation, and Releasing certain Taxes herein named. APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of the Census Board, on the first Monday of March in each year, to assess all the property of each railroad company in this State, excepting the lands, lots, and other real estate of a railroad company not used in the operation of their respective roads.

Census Board to assess railroad property.

SEC. 2. It shall be the duty of the president, vice-president, or general superintendent, and of such officers as the Census Board may designate, of any railroad company, owning, leasing, or operating any railroad within this State, to furnish said Board on or before the 15th day of February, in each year, a statement, signed and sworn to

Officers of companies to furnish statement, showing:

by such officer or officers, which statement shall embrace in detail and show, for the year ending January 1st, preceding:—

no. miles operated;

no. miles, and amount of property in each county;

amount of rolling stock, and other property.

1. The whole number of miles owned, operated, or leased in the State by any railroad company making the return.
2. The number of miles owned, operated, or leased by such company, with a detailed statement of all property of every kind located in each county in the State.
3. Also a detailed statement of the number of engines, passenger, mail, express, baggage, freight, and other cars, or property used in operating, or repairing such railroad in this State; and on roads which are part of lines extending beyond the limits of this State, the return shall show the actual amount of rolling-stock in use on the company's line in the State during the year for which return is made.

gross earnings.

The return shall show the amount of rolling stock, the gross earnings of the entire road operated by the company, and the gross earnings of the road in this State, and all property designated in section 3, of this act, and such other facts as the Census Board shall in writing require.

Property to be valued at cash value, and to include everything used in operating road.

SEC. 3. The said property shall be valued at its true cash value, and such assessment shall be made upon the entire road within the State, and shall include the right of way, road-bed, bridges, culverts, rolling stock, depots, station-grounds, shops, buildings, gravel-beds, and all other property, real and personal, exclusively used in the operation of such railroad. In assessing said railroad and its equipments, the said Census Board shall take into consideration the gross earnings per mile for the year ending January 1st, preceding, and any and all other matters necessary to enable said Census Board to make a just and equitable assessment of said railroad property. If a part of any railroad is without this State, then, in estimating the value of its rolling-stock and movable property, they shall take into consideration the proportion which the business of that part of the road lying within the State bears to the business of the road without the State: *Provided*, That the valuation by the Census Board of the property of railroads shall be in the same ratio as that of the property of individuals.

Gross earnings to be considered.

proviso: valuation same as that of individuals.

Census board to inform board of supervisors of

SEC. 4. The Census Board, on or before the 15th of March, shall transmit to the board of supervisors of each county through which any of said roads run, a statement

showing the length of main track of road within such county, and the assessed value per mile of said road as fixed by a pro rata distribution per mile of the assessed value of the whole property named in section three of this act. Said statement shall be entered upon the proper records of said several counties.

length of road in each county, and value per mile.

SEC. 5. It shall be the duty of the board of supervisors of said counties, at their first meeting after receiving such statement, to make and enter in the proper record an order, stating and declaring the length of the main track, and assessed value of such road lying within each city, town, township, and lesser taxing district, in said county through which said road runs, as fixed by the distribution of the amount assessed by the Census Board, which aforesaid amount shall constitute the taxable value of said property for all taxable purposes. And the amount due each city or incorporated town, under the provisions of this act, shall be paid over, when collected by the county treasurer, to such city or town, and the board of supervisors shall transmit a copy of said order to the city council or trustees of each city or incorporated town or township.

Duty of board of supervisors.

Amount due cities and towns to be paid over by county treasurer.

SEC. 6. All such railroad property shall be taxable upon said assessment at the same rates, by the same officers, and for the same purposes as the property of individuals within such counties, cities, towns, townships, and lesser taxing districts.

Railroad property how taxable.

SEC. 7. All laws in force relating to the enforcement of the payment of delinquent taxes, shall be applicable to all taxes levied under the provisions of this act, and whenever any taxes levied under this act shall become delinquent, the county treasurer, having control of such delinquent taxes, shall proceed to collect the same in the same manner, and with the same right and power, as a sheriff under execution, except that no process shall be necessary to authorize him to seize and sell engines, cars, or any other rolling stock for the collection of said taxes.

Procedure with delinquent taxes.

Powers of county treasurer.

No process necessary to seize rolling stock.

SEC. 8. Lands, lots, and other real estate belonging to any railroad company not exclusively used in the operation of the several roads, shall be subject to assessment and taxation the same as other similar lands in the several counties wherever situated.

Other property of railroad companies, how assessed.

SEC. 9. Every railroad company which shall have paid all taxes on gross earnings provided for by chapter 106, of the acts of the Thirteenth General Assembly, shall be released from the payment of all other taxes which may have been levied upon the road-bed, right of way, track, rolling stock, and necessary buildings for

Companies released from the payment of certain taxes.

1870: ch. 106. operating their road, and no taxes for prior years for State, county, municipal, or any other purpose, for which any tax can be levied under the laws of the State, up to the first day of January last, shall be collected from any such railroad company on such property.

Act not to apply to rivers on the boundaries. SEC. 10. 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.

Census board to assess, when. SEC. 11. In case the proper officer of any railroad company shall fail to make the statement under oath herein named, the Census Board shall proceed to assess such railroad property, and shall add thirty per cent. to the assessable value thereof.

Provision for the tax of 1872. SEC. 12. *Provided*, That for the tax of 1872, the return under oath shall be by the first day of June next, and the board of supervisors shall perform the requirements of this act at their September meeting in September next, and the assessment for the year shall be made in the month of July next, by the Census Board.

Repealing. SEC. 13. All laws and parts of laws, inconsistent with the provisions of this act, are hereby repealed.

Publication clause. SEC. 14. This act, being deemed of immediate importance, shall take effect after publication in the Daily State Register and Daily Leader, newspapers published in the city of Des Moines.

Approved, April 6th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 6, and in the *Daily Iowa State Register*, April 9, 1872.

ED WRIGHT, *Secretary of State.*

CH. 71.] CHAPTER XXVII. [H. F. 204.]

QUALIFICATION OF ROAD COMMISSIONERS' ASSISTANTS.

APRIL 6. AN ACT to Amend Section Eight hundred and thirty-five, of the Revision of 1860, so as to Authorize Road Commissioners to Swear their Assistants.

Revision: §885 amended. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section eight hundred and thirty-five, of the Revision of 1860, be, and the same is hereby, amended to read as follows :



The commissioner must be sworn, by some officer authorized to administer oaths, to faithfully and impartially discharge his duty as such commissioner, and, after being thus qualified, he shall, by virtue of said office, have power to swear the assistants employed in laying out the road described in his commission, to a faithful and impartial performance of their respective duties, except that, where the county surveyor is employed, he need not be sworn.

Commissioner  
may swear his  
assistants.

Approved, April 6th, 1872.

CH. 72.]

CHAPTER XXVIII.

[H. F. 78.

## BRIDGE-TAX IN CITIES AND TOWNS.

AN ACT Relating to Taxes Levied for Bridge Purposes.

APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the incorporated cities and towns of this State, within the limits of which bridge are constructed over running streams, and maintained at the expense of such cities and towns, shall be entitled to all bridge-taxes levied by county authority, and collected on property within the limits of such cities or towns: *Provided*, That this act shall only apply where bridges exceeding seventy-five feet in extreme length have been, or shall be constructed and maintained by such municipal authority.

Cities and towns  
to be entitled to  
bridge tax when.

Proviso.

SEC. 2. The county treasurer shall pay to the proper municipal officer all moneys in his hands, which come within the provisions of the foregoing section, at the same time and in the same manner as other funds collected for city and town purposes: *Provided*, That wherever the taxes so levied and tolls collected and paid over to the proper municipal officer shall have amounted to the cost of constructing and maintaining such bridges, the bridge-tax herein provided for shall thereafter remain in the county treasury for general bridge purposes, subject only to the cost of maintaining such municipal bridges in good condition and repair.

Duty of co treas-  
urer.

Proviso.

When amt. expen-  
ded by munic-  
pality has been  
refunded, balance  
to remain in co.  
treas., subject, &c.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its

In force when.

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

Approved, April 6th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 9, and in *The Iowa Review*, April 18, 1872.

ED WRIGHT, *Secretary of State.*

CH. 73.]                      CHAPTER XXIX.                      [H. F. 101.

CLERKS OF COURTS CANNOT BE ATTORNEYS NOR JUSTICES.

APRIL 6.                      AN ACT Prohibiting Clerks and Deputy Clerks of District and Circuit Courts, practicing as Attorneys or Solicitors in said Courts, and to Prohibit their holding the Office of Justice of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That every person acting as clerk or deputy clerk of any district or circuit court in this State shall be and is hereby prohibited from practicing, directly or indirectly, as an attorney or solicitor in such court; nor shall any person acting as clerk or deputy clerk of said courts hold the office of justice of the peace: *Provided*, That this act shall not e[a]ffect any persons now holding the office of clerk[s] or deputy clerk and justice of the peace, during their present terms of office.

Clerks and dep'ty clerks of courts not to act as attorneys, nor to be justices.

Proviso: present clerks not affected.

Approved, April 6th, 1872.

CH. 74.]                      CHAPTER XXX\*.                      [H. F. 41.

MUTUAL BUILDING ASSOCIATIONS.

APRIL 6.                      AN ACT to Enable Co-operative and Mutual Loan Associations to raise Funds to be loaned among their Members for building Homesteads, and for other Purposes, to become a Body corporate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any number of persons, not

\* See chapter cl.

less than five, may associate themselves together and become a corporation as provided in and by the general incorporation laws of the State of Iowa, for the purpose of raising moneys to be loaned among the members of such corporation and to other persons, for use in buying lots or houses, or in building or repairing houses, or other purposes.

Co-operative and mutual loan associations may be formed of five or more persons.

SEC. 2. Such corporation shall be authorized and empowered to levy, assess, and collect from its members such sums of moneys, by rates of stated dues, fines, interest on loans advanced, and premiums bid by members for the right of precedence in taking loans, as the corporation, by its by-laws, shall adopt; also to acquire, hold, encumber, and convey all such real estate and personal property as may be legitimately pledged to it, on such loans, or may otherwise be transferred to it in due course of its business: *Provided*, That the dues, fines, and premiums, so paid by members, in addition to the legal rate of interest on loans taken by them, shall not be construed to make the loans so taken usurious: *And provided also*, That no person shall hold more than ten shares in any such association.

Powers of corporation.

Proviso: usury law not to apply.

Proviso: no person to hold more than ten shares.

SEC. 3. That when mutual loan societies, or other associations, heretofore organized under the laws of this State, with objects similar to those contemplated in the preceding sections, and permitting not more than ten shares of their stock to be owned by any one member, have loaned, or shall hereafter loan, their capital, or funds, or any part thereof, to their members, and have taken or shall take notes or obligations therefor, secured by mortgages or otherwise, in accordance with the terms of their articles of incorporation and by-laws, such notes, obligations, and securities shall not be construed or held to be usurious by reason of any dues, fines, or premiums, for the right of preference in taking such loans, paid in addition to the legal rate of interest, but the same shall be valid and binding in all respects; the payment of such dues, fines, or premiums, in addition to a rate of interest not exceeding ten per centum per annum, payable annually or at any less period, notwithstanding.

Provision for similar societies heretofore organized.

SEC. 4. That so much of the earnings of such corporations as may be necessary, not exceeding ten per cent. per annum, may be set apart to defray the current expenses of said association, and for the purchase of such real estate as may be necessary for the convenient transaction of its business; and the residue of said earnings shall be transferred to the credit of the shareholders, and, when said shares are fully paid, then to be paid ratably to the shareholders.

Amt. may be set apart for current expenses and necessary real estate.

Final dividend.

**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 Daily State Leader.

Approved, April 6th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 9, and in the *Daily Iowa State Register*, April 10, 1872.

ED WRIGHT, *Secretary of State.*

CH. 75.]                      CHAPTER XXXI.                      [S. F. 32.

POLL-TAXES IN CITIES AND TOWNS.

APRIL 6.                      AN ACT Authorizing Municipal Corporations to Levy Poll-Taxes.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That municipal corporations, whether organized under special charters, or under the provisions of chapter fifty-one, Revision of 1860, and where by the terms of the charter the same are invested with the care and control of streets and highways within their respective limits, are hereby empowered to provide by ordinance that all able-bodied male residents of the incorporation, between the ages of twenty-one and fifty years, shall between the first day of April and the first day of September in each year, either by themselves or satisfactory substitutes, perform two days' labor upon the streets, alleys, or highways within such incorporation, at such times and places as the proper officer may direct, and upon three days' notice in writing given.

**SEC. 2.** That said municipal incorporations may further provide, by ordinance, that for each day's failure to attend and perform the labor as required, at the time and place specified, the delinquent shall forfeit and pay to the incorporation the sum of any sum not exceeding two dollars for each day's delinquency, and that all such sums remaining unpaid on the first day of September in each year, may be treated and collected as taxes on property, and the same shall be a lien on all the property of the delinquent that may be listed for taxation and assessed and owned by him on the first day of November of the same year.

Municipal corporations having control of streets may require male residents between 21 and 50 to work on same

Rev : ch. 51.

Forfeiture for non-compliance :

to be collected as other taxes.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Daily Register, and Ottumwa Daily Courier. In force when.

Approved, April 6th, 1872.

I hereby certify that the foregoing act was published in the *Ottumwa Daily Courier*, April 9, and in the *Daily Iowa State Register*, April 10, 1872.

ED WRIGHT, *Secretary of State.*

CH. 76.]

CHAPTER XXXII.

[S. F. 184.

## ACKNOWLEDGMENTS IN FOREIGN COUNTRIES.

AN ACT Concerning Acknowledgments of Deeds and other Instruments in Writing, executed in Foreign Countries. APRIL 6.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That chapter forty-six of the laws of the Eleventh General Assembly be, and the same is hereby, repealed, and that in lieu thereof the following provisions are enacted: 1868: chapter 46 superseded.

SEC. 2. All instruments in writing, deeds, mortgages, or other conveyances of lands within this State, or powers of attorney, or any other written documents which are executed without the United States, may be acknowledged or proven before any ambassador, minister, secretary of legation, consul, charge d'affaires, consular agent, or any other officer of the United States, in a foreign country, who is authorized to issue certificates under the seal of the United States. Said instruments in writing may also be acknowledged or proven before any officer of a foreign country, who is authorized by the laws thereof to certify to the acknowledgments of written documents; but the certificate of acknowledgment by a foreign officer must be authenticated by one of the above named officers of the United States, whose official written statement, that full faith and credit is due to the certificate of such foreign officer, shall be deemed sufficient evidence of the qualification of said officer to take acknowledgments and to certify thereto, and of the genuineness of his signature or seal if he have any. All instruments in writing already executed or which may be hereafter executed in accordance Instruments in writing executed in foreign countries how proved.

Certificate of foreign officer, how authenticated.

Credit due such certificate.

Instruments heretofore executed, when declared valid.

with the provisions of this act, are hereby declared effectual and valid in law, and to be evidence in any courts of this State.

In force when.

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

Approved, April 6th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 9, and in the *Daily Iowa State Register*, April 10, 1872.

ED WRIGHT, *Secretary of State.*

CH. 77.]

CHAPTER XXXIII.

[S. F. 171.]

REGULATING RAILROAD CROSSINGS NEAR THE MISSISSIPPI.

APRIL 6.

AN ACT to Regulate the Intersection of Railroad Tracks near the Mississippi River.

Tracks at railroad crossings near Mississippi river to be above high water.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That whenever it shall be necessary for any railroad company in the construction of its road to cross the track or tracks of any other railroad company, upon or near the shore of the Mississippi river, each of said railroad companies shall be required so to construct and maintain its respective road-bed at the point of said crossings, that the track or tracks of each shall be above the level of high water of said river.

Proviso: authority of councils of cities of over 6,000 people.

SEC. 2. *Provided*, That when such crossings occur within the limits of cities of six thousand inhabitants or upwards, nothing herein contained shall deprive the city council of such city of the right to fix and establish the elevation of grades at such crossings.

In force when.

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

Approved, April 6th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 9, and in the *Daily Iowa State Register*, April 10, 1872.

ED WRIGHT, *Secretary of State.*

CH. 86.]

CHAPTER XXXIV.

[H. F. 197.]

## PROTECTION OF THE SCHOOL-FUND.

AN ACT Making Counties responsible for the Collection and Payment of School-fund Interest, and to Amend an Act for the better Protection of the School-fund, approved, April 8th, 1862. APRIL 8. 9 G. A. : ch. 148.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be the duty of the Auditor of State to designate and employ some competent person or persons to visit the several counties of the State, whose school-fund accounts remain unadjusted, and effect a complete settlement of said accounts, under the directions and instructions of said Auditor of State; and [he] shall ascertain and determine the true amount of the permanent school-fund in said counties, and shall make two final settlement sheets showing the same, one of which shall be filed in the office of the county auditor, and one in the office of the Auditor of State: said settlements to be approved by the county auditor on the part of the county, and by the Auditor of State on behalf of the State.

Duty of the Auditor.

Settlement with counties of unadjusted school-fund accounts.

Approval of settlement.

SEC. 2. For the purpose of defraying the expenses which may be necessarily incurred in effecting the settlements provided for in the foregoing section of this act, there is hereby appropriated from the State treasury the sum of two thousand dollars, or so much thereof as may be necessary, to be expended under the direction of the Auditor of State, who shall take vouchers for each item of expenditure, and make a report of the same to the General Assembly in his biennial report.

\$2,000 appropriated.

Report of same.

SEC. 3. On and after the first day of January, A. D. 1874, the boards of supervisors of the several counties shall have sole control and management of all loans on mortgages then held, or thereafter made, and shall, when necessary, have them foreclosed at the expense of the county; and any losses sustained or gains realized, upon foreclosures and re-sales of mortgaged property, shall be made good by, or inure to the benefit of, the county, as the case may be: *Provided, however,* That upon a foreclosure of contracts, when the land is bid in by the county, the Auditor of State, as soon as notified by the county auditor that the foreclosure has been effected, and the lands bid in, shall give the county credit for the original amount of the notes remaining unpaid; and on

After Jan. 1, 1874, boards of supervisors to have control of school-fund loans.

Losses to be made good by, and gains to inure to benefit of counties.

County to receive credit when lands are bid in on foreclosure, and to be charged amount of re-sale

being notified by the county auditor that a re-sale has been effected, he shall charge the county with the full amount of re-sale; but when the land is purchased by a third party on the foreclosure, for a less amount than due on the contract notes, the loss shall be sustained by the county. County auditors shall report annually on the first day of January, the amounts of all sales and re-sales of the 16th section, 500,000 acre grant, and escheated estates made the year previous; and the Auditor of State shall charge up the same to said counties, and also charge interest on the same from the date of said sales or re-sales, at the rate of eight per cent. per annum.

Annual report of sales.

Auditor of State to charge same.

From Jan 1, 1874, auditor to charge counties 8 per cent. interest.

Disposition of surplus interest.

Penalty for delinquency.

1864: ch. 118, §2, repealed.

The Auditor to transfer surplus funds from one county to another in certain cases.

SEC. 4. On and after the first day of January, A. D. 1874, the Auditor of State shall charge up, to each county having permanent school-fund under its control, interest on the whole amount in said county, at the rate of eight per cent. per annum, semi-annually, on the first day of January and July of each year, which amount so charged shall become due and payable on the first days of January and July of the year following, and be embraced in the semi-annual apportionment of interest collected for the year 1875, and each year thereafter, and shall be deemed the whole amount due from each county on account of interest accrued subsequent to the first day of January, 1874. Any surplus of interest collected, over the eight per cent. charged to the counties, shall be paid into the county treasury for the benefit of the county. If any county should fail to collect the full amount of interest due the State, the deficiency shall be advanced from the county treasury, and if any county becomes delinquent in the payment of the full amount of interest due the State, the Auditor of State shall charge to, and collect from, such county a penalty of one per cent. per month on the amount delinquent until paid.

SEC. 5. Section 2 of chapter 118, acts of the Tenth General Assembly, is hereby repealed; and hereafter, whenever there are funds belonging to the permanent school-fund in any county amounting to one thousand dollars, that cannot be loaned according to law, the county auditor may certify the fact to the Auditor of State, who shall order a transfer of said funds to some other county, or counties, where in his opinion it can be loaned readily. Upon such transfer being made, the Auditor of State shall give the county making the transfer credit for the amount transferred, and shall charge the county or counties to which the transfer is made with the amount transferred; and shall afterwards charge interest on the actual amount in possession of each county.



SEC. 6. The county auditors shall continue to report to the Auditor of State semi-annually, as now required by law, the amount of interest collected and which accrued previous to the first day of January, A. D. 1874, until the amount of interest due up to that date has been collected. The amount collected from time to time shall be added to the semi-annual apportionment of interest heretofore provided for. The county auditor shall also embrace in said reports, in the year 1875 and thereafter, the amount of interest collected, and which accrued subsequent to the first day of January, 1874, in a separate item.

Semi-annual reports continued till when.

SEC. 7. Nothing in this act shall be so construed as in any way to change the rules now prescribed by law for regulating the loaning of the school-fund, or the rate of interest charged thereon.

Law relating to loaning fund not changed

Approved, April 9th, 1872.

CH. 87.]

CHAPTER XXXV.

[H. F. 265.

THE NEW CAPITOL.

APRIL 10.

AN ACT to Amend the Act to provide a State Capitol, approved April 13, 1870, and making an appropriation therefor.

1870 : ch. 110.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the first section of the Act to provide a State capitol, approved April 13, 1870, is hereby so amended as to read as follows: That there is hereby established a Board of Commissioners, consisting of the Governor, who shall be ex-officio president of the Board, John G. Foote, of Des Moines county, Maturin L. Fisher, of Clayton county, R. S. Finkbine and Peter A. Dey, of Johnson county. Said Board shall be charged with the execution of the provisions of law in respect to the erection of the capitol; and each member, with the exception of 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, which bonds shall be deposited with and kept by the Secretary of State, and each Commissioner shall also keep and sign the oath prescribed by section two thousand one hundred and eighty of the Revision of 1860, which shall

Board of commissioners reduced to 5, and designated.

Bonds.

Rev.: § 2180.

- Quorum.** be filed with and kept by the Auditor of State. A majority of said Board shall constitute a quorum for the transaction of business; and it shall be their duty to cause the present foundation and material on hand to be carefully and skillfully inspected and examined with regard to the quality of the material, and the character of the work; and shall cause to be changed, rejected, and removed any part thereof that in their judgment does not conform to a proper standard of material and workmanship. And the estimated value of such rejected portions shall not be considered in determining the amount authorized to be expended in the construction of said building. Said Commissioners shall make no contract or contracts by which, in the aggregate, the State shall be bound beyond the sum of one million, three hundred and eighty thousand (\$1,380,000) [dollars] and shall direct all their action with a view to the completion of the building for the sum of one million five hundred thousand dollars.
- Present foundation to be inspected, and improper material removed.**
- Limitation.**
- Annual appropriation.**
- In force when.**
- SEC. 2. There is hereby appropriated, out of any money in the treasury not otherwise appropriated, the sum of one hundred thousand [dollars] (\$100,000) for the year 1872, and one hundred and twenty-five thousand [dollars] (\$125,000) to be paid annually thereafter for the prosecution of the work on the capitol in the manner provided by law.
- SEC. 3. This act shall take effect from and after its publication in the State Register, and Leader, newspapers published at Des Moines, Iowa.
- Approved, April 10th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 10, and in the *Daily Iowa State Register*, April 11, 1872.

ED WRIGHT, *Secretary of State.*

CH. 88.] CHAPTER XXXVI. [S. F. 156.

LEGALIZING CORPORATIONS FOR PECUNIARY PROFIT.

APRIL 10. AN ACT to Legalize Corporations for Pecuniary Profit organized under the Provisions of Chapter Fifty-two of the Revision of 1860, as amended by Chapter One hundred and seventy-two of the Act of the Thirteenth General Assembly.

Rev. ch. 52, 1870:  
ch. 172.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the acts, proceedings, doings, and contracts of all incorporations for pecuniary profit

Acts of corporations falling to

organized under the provisions of chapter fifty-two of the Revision as amended by chapter one hundred and seventy-two of the acts of the Thirteenth General Assembly, which have failed to publish the notice required by section eleven hundred and fifty-five of said chapter fifty-two, within three months from filing the articles of incorporation in the recorder's office as required by section eleven hundred and fifty-six of the said Revision, be, and the same are hereby, made as legal and binding as if such notice had been given: *Provided*, Said notice has [been] or shall be published within twelve months from the filing of the articles of incorporation in the recorder's office.

publish required notice legalized.

Proviso.

SEC. 2. That all such corporations organized since the taking effect of said chapter one hundred and seventy-two, which have failed to have *its* [their] articles of incorporation filed in the office of the Secretary of State, within three months from the time such articles were filed in the office of the recorder of deeds, is hereby legalized: *Provided*, Said articles are or shall be filed in the office of the Secretary of State within twelve months from such filing in the recorder's office.

Failing to comply with act of 1870, legalized

Proviso.

SEC. 3. That nothing in this act 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 stock owned by them or transferred by them for the purpose of defrauding creditors.

Contracts and liability not affected.

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

In force when

Approved, April 10th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 13, and in the *Daily Iowa State Register*, April 14, 1872.

ED WRIGHT, *Secretary of State.*

CH. 89.]

CHAPTER XXXVII.

[S. F. 43.]

## TERM OF SUPREME COURT AT COUNCIL BLUFFS.

APRIL 10. AN ACT to Provide for an Argument Term of the Supreme Court at Council Bluffs.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Supreme Court shall hold argument terms at the city of Council Bluffs twice a year, viz.: commencing on the third Mondays in March and September in each year.

Two terms a year at Council Bluffs.

SEC. 2. The same rules of practice which obtain in the other argument terms shall apply in this one.

Causes from 18 coe. to go there.

SEC. 3. Causes must be taken to said argument term from the following counties: Fremont, Page, Taylor, Ringgold, Union, Adams, Montgomery, Mills, Pottawattamie, Cass, Shelby, Harrison, Monona, Crawford, Woodbury, Ida, Sac, and Plymouth. But with the consent of the appellee, expressed in writing on the notice of appeal, the appellant may take such appeal to the proper term of the Supreme Court at the capital.

By consent, may go to Des Moines.

SEC. 4. Appeals from other counties of the State shall go to the argument term herein provided for, provided the consent thereto of the parties be expressed in writing on the notice of appeal.

Same from other counties to Council Bluffs.

SEC. 5. Each Judge of the Supreme Court shall have the same mileage as is now allowed for attending the argument term at Dubuque, to be reckoned in the same manner; and the Clerk of said Court shall have the same compensation as is now allowed him for attendance on the other argument terms.

Judge's mileage.

Clerk's compensation.

SEC. 6. This act shall apply to all appeals from the counties aforesaid which have not been argued prior to the taking effect hereof.

Application of act.

Approved, April 10th, 1872.

## CH. 91.] CHAPTER XXXVIII. [H. F. 19.

## DEPUTY COUNTY AUDITORS AUTHORIZED.

AN ACT Authorizing the Appointment of Deputy County Auditors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county auditor of any county in the State may, if he deems it necessary, appoint a deputy auditor, for whose acts he shall be responsible, and whose appointment must be approved and compensation fixed by the board of supervisors of the county. Co. auditor may appoint deputy.

SEC. 2. Said deputy shall have power to perform any of the official duties of his principal, the same as deputies of other civil officers now fixed by law. Powers of deputy.

SEC. 3. This act, being deemed of immediate importance, shall be in force from and after its publication in the Daily State Register, and Daily State Leader. In force when.

Approved, April 10th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *Daily State Leader*, April 12, 1872.

ED WRIGHT, *Secretary of State.*

## CH. 92.] CHAPTER XXXIX. [H. F. 26.

## CONTRACTS BETWEEN CONNECTING RAILROAD COMPANIES.

AN ACT to Amend Chapter Eighty-six, of the Acts of the Tenth General Assembly of Iowa, approved March 28, 1864, and Legalizing Contracts made within the Limits of this Act. APRIL 10.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section two of chapter eighty-six of the acts of the Tenth General Assembly of Iowa be and the same is hereby amended so as to read "not to exceed twenty per cent. of the gross earnings" in place of "fifteen" and all *bona fide* contracts, heretofore made within the limit herein provided, are hereby ratified and confirmed, and such contracts shall be held to be as legal, and binding upon the parties thereto, as if they had been made within the limit provided by the act to which this act is amendatory. 1864: ch. 86.

R. R. cos. may allow drawbacks of 20 per cent. to connecting roads.

Contracts legalized,

Approved, April 10th, 1872.

## CH. 93.]

## CHAPTER XL.

[H. F. 327.]

APRIL 11. AN ACT Requiring Cities to pay Damages in certain Cases.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* [That] whenever any city or town in this State, authorized by law to establish and regulate the grades of the streets and alleys of such city or town, shall have established the grade of any street or alley, and any person shall have built or made any improvements on such street or alley according to the established grade thereof, and the city authorities shall alter said established grade in such a manner as to injure or diminish the value of said property, said city shall pay, to the owner or owners of said property so injured, the amount of such damage or injury.

Cities and towns liable for depreciation of property caused by change of grade of streets, when.

Assessment of damages.

Appraisers.

No alteration until damages are paid or tendered.

Qualification of appraisers.  
Notice.

View and hearing.

Return of appraisement.

Council may confirm or annul.

**SEC. 2.** Said damage or injury shall be assessed by three persons, one of whom shall be appointed by the mayor of such city or town, one by the owner of the property, and one by these two so appointed, or, in case of their disagreement, by the mayor and owner, or, in case of their disagreement, by the city council or town trustees: *Provided*, That if the owner of such property shall fail to appoint one such appraiser in ten days from the time of receiving notice so to do, then the city council, or town trustees, shall appoint all such appraisers; and no such alteration of grade shall be made until said damages so assessed shall have been paid or tendered to the owner or owners of the property so injured or damaged.

**SEC. 3.** The appraisers shall be sworn faithfully to execute their duties according to the best of their ability. Before entering upon their duties they shall give notice by publication for three weeks in one or more newspapers printed in such city, to the persons interested, of the time and place of their meeting for the purpose of viewing the premises and making their assessment, at least ten days before the time of such meeting. They shall view the premises, and, in their discretion, receive any legal evidence, and may adjourn from day to day. When the appraisement shall be completed, the appraisers shall sign and return the same to the city council or town trustees, within thirty days of their appointment. The city council, or town trustees, shall have power, in their discretion, to confirm or annul the appraisement, and, if annulled all

the proceedings shall be void, but if confirmed an order of confirmation shall be entered. Effect.

SEC. 4. Any person interested may appeal from the order of confirmation to the district court of the district in which such city or town is situated, by notice in writing to the mayor, at any time before the expiration of twenty days after the entering of the order of confirmation. Upon trial of the appeal, all questions involved in the proceedings, including the amount of damages, shall be open to investigation, and the burden of proof shall in all cases be upon the city or town to show that the proceedings are in conformity with this act. Appeal from confirmation to district court. Trial of same; burden of proof.

SEC. 5. The cost of any proceeding under this act, incurred prior to the order of such city council or trustees confirming or annulling the appraisalment, shall, in all cases, be paid by such city or town. Costs.

Approved, April 11th, 1872.

SUBDIVISIONS OF LANDS AND LOTS TO BE PLATTED.

AN ACT to Provide for surveying Lands or Lots in certain Cases. APRIL 11.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where any person or persons, company or corporation, has [divided], or may hereafter divide, any town-lot or parcel of ground within any incorporated town or city, or any tract of land containing forty acres or less, in such a manner that the subdivisions cannot be accurately described without noting the metes and bounds, with a view to sell such lots or lands in parcels, it shall be the duty of such person or persons, company or corporation, to cause such lots or lands to be surveyed, and a plat thereof made by the surveyor of the county where such lots or lands are situated, which plat shall particularly describe and set forth the lots or parcels of land surveyed, as aforesaid; the lots or subdivisions thus made shall be numbered in progressive numbers, and the plat shall show the number and location of each lot or subdivision, and the description of the lot or tract of land of which such land is a part, and also the quantity of land in each lot. Said plat shall be certified to by the surveyor, and recorded in like manner as the Subdivisions of town-lots, and 40 acre tracts, to be surveyed, platted and numbered. Record.

plats of towns are required to be certified to and recorded. Lands or lots described in any deed or conveyance, or for the purpose of taxation, in accordance with the number and description set forth in the plat aforesaid, shall be deemed a good and valid description of the lot or parcel of land so described, and no deed or conveyance of any such lot or parcel of land shall be filed for record and recorded until the surveying, platting, and recording of such land into lots or parcels shall have first been made in accordance with the provisions of this act.

**SEC. 2.** When any town-lot, parcel of ground, or any tract of land containing forty acres or less, heretofore has been, or may hereafter be, subdivided as contemplated in the cases described in the preceding section, it shall be the duty of the owner or owners thereof, when required so to do by the assessor, to cause the same to be surveyed, and the plat thereof recorded, in like manner as is required in the foregoing section; and if such owner or owners shall refuse or neglect to cause such survey to be made, within a reasonable time after being notified by the assessor, it shall be the duty of the assessor to cause such survey to be made and recorded, and the expense thereof to be returned by the assessor to the county auditor, who shall add the same to the tax assessed upon the real property of each of the respective owners, pro rata, according to the value, and it shall be collected with and in like manner as the assessed tax, and shall go into the general county fund to reimburse the county for the money paid out for surveying, platting, and recording.

**SEC. 3.** When such survey and plat have been made, and such plat duly recorded, as hereinbefore provided, the county surveyor shall return to the county auditor a statement of all the expenses of such surveying, platting, and recording, verified by his oath, as to the amount and correctness of the same, which, when approved and allowed by the board of supervisors, shall be paid by the county to the person who rendered the services of surveying, platting, and recording, or who procured and paid for the same. And it is hereby expressly provided that in case the owner or owners neglect, fail, or refuse for ten days after notice by the assessor to procure such surveying, platting, and recording to be performed, it shall be the duty of assessors to procure the same to be done as aforesaid, and in all such cases no assessor's return shall be received or deemed complete, nor shall he receive any compensation for his services until the requirements of this act shall have been carried into effect. And when any owner or owners

Valid description

Deed not to be recorded till survey is made.

Assessor to notify owner to obtain survey.

Upon failure of owner to comply, assessor to cause survey to be made.

Expenses to be collected as tax.

Co. surveyor's return of expenses.

Co. to pay approved bill.

Duty of assessor; to receive no pay until this act is complied with.



of lots or land as aforesaid shall be unknown to the assessor, or, if known, non-residents of the county, then the ten days' notice aforesaid shall not be required, and the assessor may proceed immediately to procure the same to be surveyed, platted and recorded in the manner described by the terms of this act.

Unknown  
owners.

SEC. 4. 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 State Leader, newspapers published in Des Moines, Iowa.

In force when.

Approved, April 11th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 13, and in the *Daily Iowa State Register*, April 14, 1872.

ED WRIGHT, *Secretary of State*.

CH. 100.] CHAPTER XLII. [S. F. 98.

EXEMPTION OF SEWING MACHINES.

AN ACT to Amend Section 3305 of the Revision of 1860, Exempting Sewing Machines from Execution. APRIL 11.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 3305, chapter 125, of the Revision of 1860, be, and the same is hereby, amended by inserting therein, after the words "All spinning wheels and looms," the following, to-wit: "One sewing machine."

Sewing machines  
exempted from  
execution.

Revision: 3305.

Approved, April 11th, 1872.

CH. 101.] CHAPTER XLIII.\* [S. F. 12<sup>2</sup>.

AN ADDITIONAL PENITENTIARY ESTABLISHED.

AN ACT to Permanently Locate and Provide for the Erection and Control of an Additional Penitentiary. APRIL 12.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there shall be and is hereby permanently established, at or near the stone quarries near

\* See chapter cviii.

Penitentiary established near Anamosa.

Anamosa, Iowa, an additional Penitentiary, in which convicts sentenced for life or any term of time shall be confined, employed, and governed, as hereinafter provided.

Board of Commissioners to be chosen by General Assembly.

SEC. 2. That three persons shall be chosen by the General Assembly who shall constitute a Board of Commissioners to purchase a quarry, and, without expense to the State, procure not less than seventy acres of grounds, and to superintend the erection of suitable buildings thereon for said Penitentiary; and, in case of a vacancy in said commission, the same shall be filled by appointment by the Governor.

Vacancy, how filled.

Bd. to purchase quarry.

SEC. 3. That said Board shall select and purchase the best and most eligible quarry, of not less than ten acres, on or near the line of the Dubuque Southwestern Railroad and the Wapsiepinicon river, and may pay therefor the just and fair value thereof in cash, not to exceed fifteen thousand dollars, and take a conveyance thereof in fee simple to the State of Iowa; and said quarry so purchased must be the cheapest and best that can be procured by them after due examination, inquiry, and public notice for offers of sale in the Anamosa Eureka or Anamosa Journal, and shall contain not less than one million cubic yards of stratified limestone suitable for building purposes.

Cost of same.

Requirements as to quarry, and purchase.

SEC. 4. And the Board shall also receive and take in the name of the State of Iowa, and cause to be recorded in the proper office before the purchase of said quarry, a deed conveying the title in fee simple for seventy acres of land, suitable for agricultural, horticultural, and grazing purposes, convenient to said quarry. And they shall not purchase said quarry, nor in any manner bind the State therefor, until said seventy acres as provided in section two of this act be first secured without expense to the State.

Bd. to obtain 70 acres of land free of expense to State before buying quarry.

Plans for building of stone.

SEC. 5. The board shall also, at the earliest day practicable, procure plans, drawings, and specifications for the buildings necessary and proper for said institution, which building[s] shall be of stone procured from the quarry so purchased; but the plan chosen by the Board shall be such as will admit of future enlargement by wing or otherwise, so as to preserve the symmetry, and be, when ultimately completed, of capacity sufficient to confine and employ five hundred convicts: *Provided*, That the erection only of such portion of such building shall be commenced by said Board, under the provisions of this act, as may be completed and made ready for occupancy by the appropriation herein made.

Plan to admit of enlargement.  
Ultimate capacity.

Proviso: limitation.

Qualification of Commissioners.

SEC. 6. Before entering upon his duties, each Commissioner shall make and sign an oath, and execute a bond

in the penal sum of ten thousand dollars for the use of the State of Iowa, to be approved by the Census Board, and filed in the office of the Secretary of State, conditioned upon the faithful performance of his duties, and the honest, judicious, and faithful execution of the provisions of this act and the faithful disbursement of and accounting for all moneys which may come into his hands under the provisions of this act.

SEC. 7. Said Board shall have full power to appoint and discharge, at their discretion, a superintendent, whose duty it shall be to employ men, purchase material, and superintend the work on said building, and he shall receive for his compensation only such sums as said Board may fix.

Bond.  
Superintendent;  
compensation.

SEC. 8. There is hereby appropriated out of any money in the State treasury, not otherwise appropriated, the sum of fifty thousand dollars, or so much thereof as may be necessary for the purposes contemplated in this act.

\$50,000 appropriated.

SEC. 9. The Warden of the Penitentiary at Fort Madison, when suitable accommodations have been provided by the Board at or near the quarries so purchased, shall, at the request of the Board, transfer thereto as many able-bodied convicts as can be taken from said Penitentiary; and said Board shall elect a Warden for this Penitentiary, whose duty it shall be to safely guard and subsist them, and cause them to perform labor, and work in the preparation for, and erection of, such building, as directed by the superintendent, as to the mode and manner of work. The expenses necessary to carry out the provisions of this section shall be paid by the Board out of the money hereby appropriated, and said convicts so transferred, or any other convicts so employed, shall be deemed to be lawfully held, as though directly sentenced to labor at said quarries.

Warden of present Penitentiary, at request of Board, to transfer convicts to new prison.

Board to elect Warden.  
His duty.

Expenses, how paid.

Convicts held.

SEC. 10. The accounts of expenditures necessary to carry out the provisions of this act shall be approved by the Board of Commissioners, and certified to by the superintendent, and then paid by Auditor's warrants in the usual manner, drawn in favor of the party to whom payment is due.

Accounts, how approved and paid.

SEC. 11. The members of the Board shall each receive five dollars per day while actually employed in the discharge of their duties, and their actual traveling expenses; and the compensation of said Warden for said additional Penitentiary shall be such as the Board may fix.

Pay of Commissioners.

Do. of Warden.

**SEC. 12.** The Warden of said Penitentiary shall keep a faithful and accurate account with each convict, showing the number of days' labor performed by each and the value thereof in cash, not exceeding two dollars per day for each day of ten hours, and for each and every one hundred dollars' worth of labor in excess of three hundred dollars, performed in any one year by any convict not sentenced for life, there shall be a commutation of the sentence of such convict, upon the recommendation of the Warden, to the amount of fifty days' time; and the one-third part of such excess shall be paid him out of the State treasury at the time of his discharge, upon the certificate of the amount due by the Warden. And the duties of the Warden of said additional Penitentiary, and his powers, shall be the same as prescribed by law for the Penitentiary at Fort Madison, so far as practicable, under the directions of said Board, who shall have the power to remove him at pleasure, and appoint another.

**SEC. 13.** Whenever it can be done without hindering or delaying the completion of said building, the superintendent may and shall furnish from said quarry, stone, dressed or in the rough, of dimensions specified, and deliver them on the cars upon the order of the Board or authorities having control of any building being erected by the State, and, when the part of such building provided for by this act is completed, the warden having charge of the convicts therein shall fill all such orders as above specified.

**SEC. 14.** Able-bodied male persons hereafter convicted of crime and sentenced to imprisonment in the Penitentiary may be taken to said quarries and additional Penitentiary, and there confined and worked under the care of said warden as soon as suitable accommodations have been provided therefor.

**SEC. 15.** This act, being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, April 12th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 13, and in the *Iowa State Leader*, April 18, 1872.

ED WRIGHT, *Secretary of State.*

Account of convicts' labor to be kept.

Allowance for extra labor;

commutation of sentence ;

Cash payment.

Duties of Warden same as those of present Warden.

Bd. may remove Warden.

Superintendent to furnish stone for other State buildings.

Convicts sent to new Penitentiary.

In force when.

## INSPECTION OF COAL MINES.

AN ACT for the Protection of the Life and Health of Miners.

APRIL 19.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the board of supervisors in each and every county in this State, where coal or other minerals are being mined, shall appoint a competent inspector at their first regular session after this act shall take effect, and at their regular session in April of each subsequent year, who shall, before entering upon the duties of his appointment, take an oath for the faithful and impartial discharge of the duties of his office, whose duty it shall be, on the application in writing of the owners, operators, or employees of such mines, to examine and apply such scientific tests as may be necessary to ascertain the condition of the atmosphere in such mines, as affecting the life and health of employees and miners; and when he shall be satisfied of the prevalence of choke-damps, (carbonic acid gas,) or fire-damps, (light carburated hydrogen gas,) in sufficient quantities to jeopardize the health or life of such employees or miners, he shall determine the number and capacity of additional entrances or shafts, or other means necessary for the proper ventilation of such mines, and to afford ingress and egress to such mines in case of explosions, or the falling-in of the entrance or shaft to such mines.

Bd. of supervisors, in counties having mines to appoint an inspector.

Duty: to examine mines.

and provide against accidents.

SEC. 2. Said inspector shall receive four dollars per day for the time necessarily employed in the discharge of his duties, to be paid by the owner or owners, operator or operators, of such mines: *Provided*, That where the miner or miners employed in any mine in this State applies for the inspection provided for in this act, and the inspector decides that the inspection applied for was unnecessary, then, and in that case, the fees to the inspector shall be paid by the person or persons applying for the same: *Provided, further*, That the claim for services of such inspector shall be subject to the approval of the board of supervisors.

Compensation.

By whom paid.

Supervisors to approve claim.

SEC. 3. The owner or owners, operator or operators, of such mines, who shall neglect or refuse to make such entrances, or provide such other means, as the said inspector shall in writing notify the owner or operator to be necessary to protect the life or health of such employees

Liability for damages.

or miners, shall be liable in full damages to said employees or miners, or their families, for any injury resulting from such neglect to such miners or employees.

Recovery of same.

SEC. 4. The damages contemplated in the foregoing section may be recovered by an action in any court in this State having competent jurisdiction.

Approved, April 12th, 1872.

CH. 111.]

CHAPTER XLV.

[H. F. 22.]

REGULATING THE IMPROVEMENT OF STREETS AND ALLEYS.

APRIL 12.

AN ACT to Authorize and Regulate the Improvement of Streets and Alleys, and Repealing certain Laws relating thereto.

Councils of cities and towns empowered to provide for the grading and repairs of streets, etc.  
Rev.: ch. 51.

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 fifty-one of the Revision of 1860, and the acts amendatory thereto, are hereby empowered and authorized to provide, by ordinance, for the grading and repairs of any street, avenue, or alley, and construction of sewers, of such incorporated city or town, and shall defray the expense of the same out of the general funds of such city or town; but no street shall be graded except the same be ordered to be done by the affirmative vote of two-thirds of such city council or trustees.

$\frac{2}{3}$  vote of council.

Councils may provide for construction of sidewalks and macadamizing streets; and may levy special tax therefor.

SEC. 2. That the city council or trustees of any such incorporated city or town are hereby empowered and authorized to provide by ordinance for the constructing of the sidewalks, for the curbing, paving, graveling, or macadamizing of any street, avenue, or alley, or any part of either of the same, and for the constructing of gutters. And that such city council or trustees shall have full power and authority to provide by ordinance for the levy of special tax upon the lots or 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 conferred by this section, for the purpose of defraying the cost thereof: *Provided,* That no permanent sidewalk shall be laid, no paving, curbing, graveling, or macadamizing of any street, avenue, alley, or construction of gutters shall be

Proviso: petition of property owners requisite before ordering permanent sidewalks.

ordered to be made, until such city council or trustees shall have presented to them a written petition signed by a number of the owners of property abutting or lying along the contemplated improvement equal to a majority of the resident owners of such property so abutting or lying along the contemplated improvement, and subject to assessment for the cost thereof, except when the same shall have been ordered to be done by not less than <sup>of a three-fourths vote of the whole council.</sup> three-fourths of the whole number of members composing such city council or trustees of any such incorporated city or town.

SEC. 3. It shall be the duty of such city council or trustees to order the improvements to be made in conformity with sections one and two of this act, by letting <sup>Council to let contracts.</sup> contracts for doing the work to the lowest responsible bidder, and bonds for the faithful performance of such work shall be required: *Provided*, That all bids for such work may be rejected by such council or board of trustees if by them thought to be exorbitant, and new bids ordered.

SEC. 4. Nothing in this act shall be construed to prevent such city council or trustees from requiring, when needed, the repair of permanent sidewalks, and for assessing the cost of such repairs against the property in front of which such sidewalk is constructed. <sup>Repair of sidewalks.</sup>

SEC. 5. Nothing in this act shall be construed to prevent such city council or trustees from ordering the laying of temporary plank sidewalks, and requiring the same to be kept in repair; such temporary sidewalks to be laid upon the natural surface as near as practicable, without regard to grade, until the streets wherein they are laid shall have been permanently improved, and the cost of the same shall not exceed the sum of forty cents per lineal foot; and the cost of the said temporary plank sidewalk shall be assessed against the property in front of which the same shall be laid. <sup>Temporary sidewalks; cost; assessed.</sup>

SEC. 6. All taxes levied or assessed in conformity with the provisions of this act, shall be a lien upon the real estate, shall bear the same rate of interest, the said real estate may be sold in the same manner at any regular or adjourned sale, with the same forfeitures, penalties, and right of redemption, and deeds shall be made in the same manner and with like effect, as it is now or may hereafter be provided in case of general taxes under the laws of this State. <sup>Taxes a lien.</sup>

SEC. 7. Chapter sixty-five of the Thirteenth General Assembly, and all other provisions of law, whether general or special, whereby city or town is authorized to levy special <sup>1870: ch. 65, etc., repealed.</sup>

Provide: im-  
provements in  
progress not in-  
terfered with.

taxes for the improvement of streets, are hereby repealed: *Provided*, That this appeal shall not be held to prevent the completion of any public improvement now ordered or in progress, shall not invalidate any contract, lien or tax now made or levied, or to be levied, in pursuance of such contract, nor to prevent the collection thereof.

In force when.

SEC. 8. This act, being deemed by the General Assembly of immediate importance, shall take effect and be in force on and after its publication in the Daily Iowa State Register, and Leader, newspapers published in Des Moines, Iowa.

Approved, April 12th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 16, and in the *Daily Iowa State Register*, April 17, 1872.

ED WRIGHT, *Secretary of State.*

CH. 113.]

CHAPTER XLVI.

[H. F. 347.]

INDEPENDENT SCHOOL-DISTRICTS.

APRIL 12.

AN ACT Requiring the Publication of the Receipts and Disbursements of the Funds of Independent School-Districts, and Estimates for the Future Maintenance of the same.

Boards of direct-  
ors to publish  
statements of  
finances of dis-  
tricts ;

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the boards of directors of the several independent school-districts of this State be, and are hereby, required to publish, two weeks before the annual school election in such district, by publication in one or more newspapers, if any are published in such district, or by posting up in writing, in not less than three conspicuous places in such independent district, a detailed and specific statement of the receipts and disbursements of all funds expended for school and building purposes for the year preceding such annual election. And the said boards of directors shall also, at the same time, publish in detail an estimate of the several amounts which, in the judgment of such board, are necessary to maintain the schools in such district for the next succeeding school year.

also estimates.

Approved, April 12th, 1872.



CH. 114.]

## CHAPTER XLVII.

[S. F. 27.]

## DANGEROUS OILS PROHIBITED.

AN ACT to Regulate the Manufacturing, Keeping, and Sale of APRIL 12.  
certain Oils.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no person shall mix for sale naphtha and illuminating oils, or shall keep or offer for sale, or sell, such mixture, or shall keep, or offer for sale, or sell, oil made from petroleum for illuminating purposes, inflammable at a less temperature or fire-test than one hundred and ten degrees, Fahrenheit. Manufacture and sale of petroleum oil inflammable at less than 110° F., forbidden.

SEC. 2. That any person violating the preceding section of this act, shall be punished for the first offense by fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days; and for the second and every succeeding offense by fine not less than one hundred, and not more than one thousand dollars, or by imprisonment in the county jail not less than thirty days, nor more than twelve months, or by both such fine and imprisonment. Penalty; Second offense.

SEC. 3. That any person, or members of any copartnership, or corporation, or clerk, or employee thereof, who violates section one hereof, and another is injured thereby, shall be liable to the person so injured for damages occasioned by such violation. Liability for damages.

Approved, April 12th, 1872.

CH. 115.]

## CHAPTER XLVIII.

[S. F. 88.]

## ACADEMICAL INSTITUTIONS UNDER ECCLESIASTICAL CONTROL.

AN ACT to Amend Chapter Fifty-three of the Revision of 1860, so as to permit Corporations in this State of an Academical Character, the Membership of which shall consist of the Lay Members and Pastors of Churches, Delegates to any Synod, Conference, or Council, holding its annual Meetings alternately in this and one or more adjoining States, to hold Meetings of the Corporation for the Election of Officers and the Transaction of Business in any adjoining State. APRIL 12.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any corporation in this State, of an academical character, the memberships of which shall Corporations of an academical character may

hold annual meetings in other States, when.

consist of the lay members and pastors of churches, delegates to any synod, conference, or council, holding its annual meetings alternately in this and one or more adjoining States, may hold its annual meetings for the election of officers, and the transaction of business, in any adjoining State to this, at such place therein as the said synod, conference, or council, shall hold its annual meeting; and the elections so held, and business so transacted, shall be as legal and binding as if held and transacted at the place of business of the corporation in this State.

Approved, April 12th, 1872.

CH. 117.]

CHAPTER XLIX.

[H. F. 169.]

SCHOOL-HOUSE DEBTS OF INDEPENDENT DISTRICTS.

APRIL 12.

AN ACT to Amend Chapter Ninety-eight of the Acts of the Twelfth General Assembly, in Relation to Indebtedness of School-Districts.

1868: ch. 98 amended.

Orders issued, instead of bonds, legalised.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter ninety-eight of the acts of the Twelfth General Assembly be amended by adding to the fifth section thereof, the following: "*Provided,* That when, instead of bonds as in this act is provided, any independent school-district has heretofore issued orders on its treasurer, which have been sold, and the proceeds used in building school-houses therein, or in paying indebtedness incurred in thus building, such orders shall be as legal and binding as though they had been issued in bonds in accordance with this act."

Approved, April 12th, 1872.

## CH. 119.]

## CHAPTER L.

[S. F. 1.

## REPEAL OF TOWNSHIP RAILROAD AID LAW.

AN ACT to Repeal An Act entitled an Act to enable Townships and Incorporated Towns and Cities to aid in the Construction of Railroads, passed March 29th, 1868, being Chapter 48, Acts of the Twelfth General Assembly, and also to Repeal an Act entitled An Act to enable Townships, Incorporated Towns, and Cities to aid in the Construction of Railroads, approved, April 12th, 1870, being Chapter 102, of the Acts of the Thirteenth General Assembly. APRIL 17.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter 102, of the acts of the Thirteenth General Assembly, being An act to enable townships, towns, and cities, to aid in the construction of railroads, and chapter 48, of the acts of the Twelfth General Assembly, being also An act to enable townships, towns, and cities to aid in the construction of railroads, be, and the same are hereby, repealed: *Provided,* That this act shall not render invalid, or void, any taxes that have been voted under such acts, nor any right of the State in regard to the management of railroads and regulating their charges for transportation of freight and passengers, as provided in section 4 of said chapter 102: *Provided, further,* That all taxes which shall have been voted prior to the taking effect of this act, in accordance with the provisions of chapter 48 of the acts of the Twelfth General Assembly, or chapter 102 of the acts of the Thirteenth General Assembly, shall be levied, collected, and applied in accordance with the provisions of said chapters as amended and changed by chapter 11 [ii.], of the acts of the Fourteenth General Assembly, entitled "An act to regulate taxes and the collection thereof voted to aid in the construction of railroads," and by the provisions of this act.

1870: ch. 102,

and 1868: ch. 48.  
repealed.

Act enabling townships, etc., to aid in constructing railroads, repealed.

Proviso: taxes not invalidated, nor State control affected.

Proviso: taxes voted to be levied.

1872: ch. 11.

Approved, April 17th, 1872.

## CH. 122.]

## CHAPTER LI.

[S. F. 161.

## FOR THE BENEFIT OF DISCHARGED CONVICTS.

AN ACT to furnish Transportation to Discharged Convicts.

APRIL 17.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whenever a convict shall

Convicts discharged from Penitentiary allowed transportation.

be discharged from the State Penitentiary, the Warden shall furnish transportation to said convict to any point within this State that is nearest to his former home or friends. Said transportation shall be furnished by means of tickets for passage, an account of which shall be kept by the Warden, and paid by the State. The Warden shall also furnish to said convict a sum of money not less than three nor more than five dollars, as now provided by law.

In force when.

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 State Leader, newspapers published in Des Moines, Iowa.

Approved, April 17th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *Daily State Leader*, April 19, 1872.

ED WRIGHT, *Secretary of State.*

CH. 123.]

CHAPTER LII.

[S. F. 75.]

PROVISION FOR MAKING TOWNSHIPS OF CITIES AND TOWNS.

APRIL 17.

AN ACT Pertaining to the Division of Civil Townships.

Townships having cities or towns to be divided by bd. supervisors, when.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in any civil township, having within its limits an incorporate city or town of more than four thousand inhabitants, as shown by the last census, State or federal, on the petition of a majority of the qualified electors of such township residing without the corporate limits of such city or town, it shall be the duty of the board of supervisors of the county to divide such township into two civil townships, the one to embrace the territory outside, and the other the territory within, the corporate limits of such city or town.

City or town one township.

Petition, when to be presented.

SEC. 2. Such petition may be presented at any regular meeting of the board of supervisors held in January, April, or June, of that year, and shall be accompanied by the affidavit of three or more credible witnesses that the signatures on the petition are all genuine; that the signers are all legal voters of the township outside of the city or town limits.

Affidavit.

**SEC. 3.** Thirty days' notice of the presentation of the petition provided for by this act, shall be made by two publications thereof in a weekly newspaper, if there be one printed in the township sought to be divided, the last of which publications shall be at least ten days before the time fixed for the presentation of the petition ; if no paper be printed therein, or if such paper refuse to publish such notice, it shall be given by posting the same in five public places in said township, two of which shall be outside, and three within, the corporate limits of the city or town.

Notice of petition;

publication.

**SEC. 4.** Upon proof of the publication or posting of such notice, and upon petition certified, as required by this act, being presented, the board of supervisors shall make the division of the township as provided in this act, at the first session at which the petition is presented, and shall order that at the next general election there shall be held in the two townships, at places to be designated by said board, an election for township and such other officers and propositions as may be voted for at such election.

Bd. of supervisors to divide tp.;

and provide for election.

**SEC. 5.** The division of a civil township shall not, except for election purposes, go into effect until the first Monday of January next ensuing.

Division consummated, when.

**SEC. 6.** Within ten days after such division shall have been ordered, the trustees and clerk, of the township so divided, shall select, from the townships in which they are to act, three persons to act as trustees, and one person to act as clerk, in preparing the registry lists and in holding the said elections. Such persons so [s]elected shall be sworn to faithfully discharge the duties of their respective offices. In the matters pertaining to elections, the trustees and clerk of the township divided shall, with the persons appointed, constitute the board of registration and of election, of the new township in which they respectively resided at the time such division is ordered.

Provision for officers to make registry and hold election.

Approved, April 17th, 1872.

COUNTY BRIDGES.

AN ACT to Amend Section One, Chapter Six, [i] Acts of the Fourteenth General Assembly, relative to Bridges. APRIL 17.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section one of chapter six, [i] 1872: ch. 6.

amended, by limiting expenditure for bridges to superstructure.

Maximum cost to include superstructure and approaches.

In force when.

acts of the Fourteenth General Assembly, be, and the same is hereby, amended, by adding after the words "per lineal foot," the words "for superstructure;" strike out of the proviso of same section all after the word "provided," and insert the following: "That in no case shall they appropriate for said purpose, including superstructure and approaches, to exceed twenty-five thousand dollars."

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

Approved, April 17th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 20, and in the *Daily Iowa State Register*, April 21, 1872.

ED WRIGHT, *Secretary of State.*

CH. 128.]

CHAPTER LIV.

[H. F. 39.]

THE PRESERVATION OF FISH.

AN ACT to Provide for the Preservation of Fish in Waters in the State of Iowa.

APRIL 17.  
Fishing except with hook and line, snare or spear, unlawful.

Proviso.

Penalty.

Trespass to go upon private premises to take fish except with hook and line.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be unlawful for any person to take any fish in any of the water in the State of Iowa, except what is commonly known as bayous, with any net, seine, weir, basket, trap, or any other device whatsoever, except a hook and line, snare, or spear: *Provided,* This act shall not apply to the taking of small fish for bait.

SEC. 2. Any person violating any of the provisions of this act shall forfeit and pay a fine of five dollars for each fish taken in violation of this act.

SEC. 3. Any person who shall go upon the premises of any person or corporation, whether inclosed or not, and shall be found seeking to take by any means whatsoever, except a hook and line, any of the fish aforesaid, shall be deemed guilty of trespass, and may be prosecuted by any person in possession of said premises before any justice of the peace, or other court of competent jurisdiction, and fined in any sum not less than five dollars nor more than

fifty dollars, to be paid to the clerk of the district court of the county for the use and benefit of the schools of said county: *Provided, however,* That a judgment against a person for a violation of this act under the second section of the same shall be a bar to any suit under the third section of this act for the same offense.

Penalty.

Proviso: bar.

SEC. 4. A prosecution may be brought by any person in the name of the State of Iowa, against any person or persons violating the second section of this act, before a justice of the peace of the county in which said violation of this act is alleged to have taken place, or before any court of competent jurisdiction thereof. And any sum or sums so recovered shall be paid to the clerk of the district court of the county for the benefit of the common schools of said county.

Prosecution under section 2, how brought.

Fines where paid.

SEC. 5. This act shall take effect from and after its publication in the Daily State Register, and Daily State Leader.

In force when.

Approved, April 17th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register* and the *Daily State Leader*, April 19, 1872.

ED WRIGHT, *Secretary of State.*

CONGRESSIONAL DISTRICTS.

AN ACT Dividing the State into Nine Congressional Districts. APRIL 17.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That this State shall be divided into nine congressional districts as follows:

State apportioned into Congressional districts.

First District: The counties of Lee, Van Buren, Jefferson, Henry, Des Moines, Louisa, and Washington shall compose the First District.

1st district.

Second District: The counties of Muscatine, Scott, Clinton, Jackson, Jones, and Cedar shall compose the Second District.

2d district.

Third District: The counties of Dubuque, Clayton, Allamakee, Winneshiek, Fayette, Buchanan, and Delaware shall compose the Third District.

3d district.

Fourth District: The counties of Black Hawk, Bremer, Chickasaw, Howard, Mitchell, Floyd, Butler, Grundy,

- 4th district. Hardin, Franklin, Cerro Gordo, Worth, Winnebago, Hancock, and Wright shall compose the Fourth District.
- 5th district. Fifth District: The counties of Johnson, Iowa, Poweshiek, Marshall, Tama, Benton, and Linn shall compose the Fifth District.
- 6th district. Sixth District: The counties of Davis, Wapello, Keokuk, Mahaska, Jasper, Marion, Monroe, and Appanoose shall compose the Sixth District.
- 7th district. Seventh District: The counties of Wayne, Decatur, Clarke, Lucas, Warren, Polk, Dallas, Madison, Adair, and Guthrie shall compose the Seventh District.
- 8th district. Eighth District: The counties of Ringgold, Union, Adams, Taylor, Page, Montgomery, Cass, Audubon, Shelby, Harrison, Pottawattamie, Mills, and Fremont shall compose the Eighth District.
- 9th district. Ninth District: The counties of Story, Boone, Hamilton, Webster, Humboldt, Kossuth, Crocker, Emmet, Palo Alto, Pocahontas, Calhoun, Greene, Carroll, Sac, Buena Vista, Clay, Dickinson, Osceola, O'Brien, Cherokee, Ida, Crawford, Monona, Plymouth, Sioux, Lyon, and Woodbury shall compose the Ninth District.
- Elections. SEC. 2. Each of said districts shall be entitled to one representative in Congress; and the first election of members of Congress under this act shall be at the general election in the year one thousand eight hundred and seventy-two. Members of Congress shall be elected at the general election held every two years thereafter.
- Returns and canvass. SEC. 3. The returns of elections for members of Congress under this act shall be made to the Secretary of State; and the canvass shall be made by the Board of State Canvassers; which return and canvass shall be made as required by law for the return and canvass for Auditor of State.
- Approved, April 17th, 1872.

CH. 133.]

CHAPTER LVI.

[H. F. 333.]

## WEIGHTS.

APRIL 17. AN ACT to Determine the Weight per Bushel of certain undried Fruits named herein.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, [That] the weight of a bushel of apples,*



pears, peaches, or quinces, shall be forty-eight pounds, each, respectively. Bushel of apples pears, etc.

The weight of a bushel of cherries, grapes, currants, or gooseberries, shall be forty pounds each, respectively. Do. of cherries, grapes, currants, etc.

The weight of a bushel of strawberries, raspberries, or blackberries, shall be thirty-two pounds each respectively. Do. of strawberries, etc.

Approved, April 17th, 1872.

CH. 134.]

CHAPTER LVII.

[S. F. 196.

NO PUBLIC MONEY FOR SECTARIAN PURPOSES.

AN ACT to Prohibit Appropriations, Gifts, or Donations of Public Money or Property for Ecclesiastical or Sectarian Purposes. APRIL 17.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no appropriation of public money or other property shall be made, and no gift, loan, or appropriation of money or property shall be authorized or made by the corporate authorities, supervisors, or trustees of any county, township, city, or town, or municipal organization of this State, to, or in favor of, any institution, school, association, or object which is under ecclesiastical or sectarian management or control. No gift or appropriation by county, township, town, or city, allowed to sectarian institutions.

Approved, April 17th, 1872.

CH. 135.]

CHAPTER LVIII.

[H. F. 90.

MAYORS TO REPORT FINES AND FORFEITURES.

AN ACT to Amend Chapter Twenty-nine of the Acts of the Ninth General Assembly. APRIL 17.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section one of chapter twenty-nine, of the acts of the Ninth General Assembly, be amended by inserting after the words "Justices of the peace," in the fourth line of said section, the words, "and mayors of all incorporated towns and cities;" and 1862: ch. 29, amended. Mayors of towns and cities to report fines, etc., inuring to the school-fund.

by inserting after the word "courts," in the ninth line of said section, the words, "and which by law go into the "county treasury for the benefit of the school-fund."

Approved, April 17th, 1872.

CH. 136.]

CHAPTER LIX.

[H. F. 330.]

SWINE AND SHEEP TO BE RESTRAINED.

APRIL 17. AN ACT to Amend Article Seven, Chapter Twenty-two of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of article 7, of chapter 22, of the Revision of 1860, as provides for the submission to the electors of any county of the question whether hogs and sheep shall be permitted to run at large, be, and the same is hereby, repealed.

"Hog-law" not to be submitted to vote of counties.

Rev.: ch. 22.

Rev.: §288, superseded

SEC. 2. That section 288 of the Revision of 1860 be, and the same is hereby, repealed, and the following is enacted in lieu thereof:

Owners of swine and sheep to restrain them from running at large. Failure renders owner liable.

"SEC. 288. That from and after the first day of October, A. D. 1872, every owner of swine or sheep shall restrain the same from running at large, and, in the event of a failure to do so, shall be liable for any damage done by said swine or sheep, to be recovered by action by the party injured against any person owning said stock, and all damages and costs recovered under the provisions of this act, shall be a lien upon all stock committing such damage."

Lien upon stock.

Rev.: §289.

SEC. 3. That section 289 of the Revision of 1860, be amended by striking out the words "in said county," in the second line thereof, and inserting, in lieu thereof, the words, "in the county in which he resides."

Repealing clause.

SEC. 4. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Approved, April 17th, 1872.

## CH. 137.]

## CHAPTER LX.

[S. F. 175.]

## TRANSCRIBING COUNTY RECORDS.

AN ACT in Relation to County Records, and to Repeal Section 2258 of the Revision of 1860, and Enact a Substitute therefor. APRIL 17.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 2258 of the Revision of 1860 be, and the same is hereby, repealed, and that the following be enacted in lieu thereof: Revision: §2258 superseded.

"SEC. 2258. That the board of supervisors, of any organized county in this State, shall have authority, whenever they shall deem it necessary and expedient, to have transcribed, indexed, and arranged, any deed, probate, mortgage, court, or county record, or government survey, belonging to said county, to have made a complete index thereof, as contemplated by section 2222 of the Revision of 1860, and to have correctly transcribed, or copied, any index or indexes of deeds, mortgages, or other records, and to have the said transcripts or copies compared and certified by the clerk of the board, attested by the seal of the county; and the compensation therefor shall not exceed the rates prescribed in section 2260 of the Revision of 1860: *Provided*, That the provisions of this act shall not apply to counties, where, at this session of the General Assembly, any county was specially authorized to have such transcribing done." Bd. Supervisors may have record-books transcribed. Rev.: §2222. Index-books. Compensation. Rev. §2260. *Provided*.

Approved, April 17th, 1872.

## CH. 138.]

## CHAPTER LXI.\*

[S. F. 46.]

## JUDICIAL DISTRICTS.

AN ACT Creating the Thirteenth Judicial District, and Providing for the Election of District and Circuit Judges and a District-Attorney therein, and Changing the Boundaries of the Third, Fourth, and Fifth Judicial Districts. APRIL 18.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the counties of Fremont, Mills, Audubon, Pottawattamie, Cass, Crawford, Shelby, Carroll, [and] Greene shall constitute the Thirteenth Judicial District. 18th judicial district constituted.

\* See chapter xc.

**SEC. 2.** That the counties of Montgomery, Page, Taylor, Ringgold, Decatur, Clarke, Union, and Adams shall constitute the Third Judicial District.

**SEC. 3.** That the counties of Webster, Calhoun, Sac, Lyon, Osceola, Humboldt, Kossuth, Pocahontas, Palo Alto, Emmet, Dickinson, Clay, Cherokee, Ida, Woodbury, Monona, Harrison, Buena Vista, O'Brien, Sioux, and Plymouth shall constitute the Fourth Judicial District.

**SEC. 4.** That the counties of Polk, Warren, Madison, Adair, Guthrie, and Dallas shall constitute the Fifth Judicial District.

**SEC. 5.** There shall be elected by the qualified voters of the thirteenth judicial district, at the general election in 1872, and every four years thereafter, a district judge and district-attorney and a circuit judge, who shall receive the same compensation as other district and circuit judges and district-attorneys, and the said judges and attorneys shall enter upon the discharge of their duties on the fifth day of January, 1873, and shall hold their offices for four years, and until their successors are elected and qualified.

**SEC. 6.** The district and circuit courts shall be held in the several counties of the third, fourth, fifth, and eleventh judicial districts as heretofore provided by law, and have full jurisdiction in all counties comprising said circuits and districts prior to the passage of this act, until the first day of January, 1873, after which time the jurisdiction of the judges of said third, fourth, fifth, and eleventh judicial districts, and of the circuits therein, shall extend to the said circuits and districts, as herein provided.

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

Approved, April 18th, 1872.

CH. 139.]

CHAPTER LXII.

[S. F. 147.]

DIPLOMAS AT AGRICULTURAL COLLEGE.

**APRIL 18.** AN ACT to Empower the Board of Trustees of the Agricultural College to grant Diplomas to the Students therein.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the Board of Trustees of the Iowa State Agricultural College be, and are hereby, empowered to grant diplomas, on the recommendation of th

Board of trustees  
of Agricultural  
College.

Faculty, to any student who shall have completed either of the industrial courses prescribed by said Board, or an equivalent thereof.

Approved, April 18th, 1872.

CH. 140.] CHAPTER LXIII. [H. F. 47.

CONDITIONAL SALES OF PERSONAL PROPERTY.

AN ACT Requiring that conditional Sales of Personal Property be executed, acknowledged, and recorded like Mortgages of personal Property, to be of any Validity as against bona fide Purchasers, Executions, and attaching Creditors. APRIL 18.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That no sale, contract, or lease, wherein the transfer of title or ownership of personal property is made to depend upon any condition, shall be valid against any creditor or purchaser of the vendee, or lessee, in actual possession, obtained in pursuance thereof, without notice, unless the same be in writing, executed by the vendor or lessor, acknowledged, and recorded, the same as chattel mortgages. Conditional sales, etc., of personal property must be acknowledged and recorded, to affect third parties.

Approved, April 18th, 1872.

CH. 141.] CHAPTER LXIV. [S. F. 111.

THE VENUE IN ACTIONS UPON NEGOTIABLE PAPER.

AN ACT to Amend Section 2,800 of the Revision of 1860, so as to limit the Venue in Actions upon negotiable Paper to a County wherein some one of the Makers shall reside. APRIL 18.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 2,800 of the Revision of 1860 be, and the same is hereby, amended by adding thereto the following: "*Provided*, That in all actions upon negotiable paper, except when made payable at a particular place, in which any maker being a resident of this State shall be made a party defendant, the Revision: §2800. Venue limited to county in which any maker resides.

“venue shall be limited to a county wherein some one of the makers of such paper shall reside.”

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

Approved, April 18th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 23, and in *The Iowa Review*, April 27, 1872.

ED WRIGHT, *Secretary of State.*

CH. 143.]

CHAPTER LXV.

[S. F. 97.]

LIABILITY OF RAILROAD CORPORATIONS.

APRIL 18,

AN ACT Making Corporations and persons owning and operating Railroads, liable for the willful Wrongs of their Agents and Employees.

Owners and operators of railroads liable for willful wrongs of employees.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That every corporation and person, owning or operating a railroad in this State, shall be liable for all damages sustained by any person in consequence of the willful wrongs, whether of commission or omission, of their agents and employees, when such willful wrongs are in any manner connected with the use and operation of any railroad so owned or operated, on or about which they shall be employed.

In force when

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

Approved, April 18th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 23, and in *The Iowa Review*, April 27, 1872.

ED WRIGHT, *Secretary of State.*

CH. 146.]

CHAPTER LXVI.

[H. F. 185.

## CANADA THISTLES.

AN ACT to Amend Section Two, Chapter One Hundred and Seventy-seven, of the Acts of the Thirteenth General Assembly. APRIL 19.

SECTION 1. *Be it enacted by the General Assembly* 1870: ch. 177.  
*of the State of Iowa,* That section two of chapter one hundred and seventy-seven of the laws of the Thirteenth General Assembly, be, and the same is hereby, amended as follows: Insert immediately after, and as part of, section two, the following:

“And it shall be the duty of any road supervisor or street commissioner, when notified as provided by section four of the act of which this is amendatory, that any Canada thistles are growing upon any vacant town-lot or non-resident lands within his road-district or city, the owner, agent, or lessee of which is unknown, to cause the same to be destroyed, and make return in writing to the board of supervisors of his county with the bill of expenses of the same, which shall be audited and allowed by said board, and paid from the county fund, and entered up and levied against the lands on which said thistles have been destroyed, and collected by the county treasurers and township collectors, the same as other taxes, and returned to the county fund.”

Destruction of Canada thistles upon vacant lots and non-residents' lands.

Expenses of same, how collected.

Approved, April 19th, 1872.

CH. 147.]

CHAPTER LXVII.

[H. F. 366.

## SATISFACTION OF FORECLOSED MORTGAGES.

AN ACT to Authorize Clerks of the District and Circuit Courts of the State of Iowa, to satisfy Mortgages foreclosed in said Courts, upon Payment of the Decree and Judgment rendered thereon. APRIL 19.

SECTION 1. *Be it enacted by the General Assembly*  
*of the State of Iowa,* That whenever a decree of foreclosure of any mortgage shall be ordered in any of the district or circuit courts of this State, it shall be the duty of said clerk to enter upon the margin of the record of said mortgage, in the recorder's office where the same is

Clerk of court to enter upon record foreclosure of mortgage;

and satisfaction  
of same.

recorded, a minute showing that said mortgage was foreclosed, in what court foreclosed, and giving the date of the decree, and when such decree shall be fully paid off, and satisfied upon the judgment docket of such court, it shall be the duty of the clerk of said court to enter satisfaction in full upon the margin of such mortgage, and [he] shall be allowed as compensation for such service the sum of twenty-five cents, to be taxed as a part of the costs in the case.

Approved, April 19th, 1872.

CH. 148.]                      CHAPTER LXVIII.                      [H. F. 305.

SCHOOL-FUND LOSSES IN COUNTIES.

APRIL 19.

AN ACT to Amend Chapter One Hundred and Forty-eight of the Acts of the Ninth General Assembly.

1862: ch. 148.

Duty of Auditor to examine and adjust claims of counties for exemption from liabilities for losses, when.

Amount of loss charged to county.

Report.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the first section of the act entitled "An Act for the better protection of the school-fund," approved, April 8, 1862, be, and the same is hereby, amended, by adding thereto the following: It shall be the duty of the State Auditor to examine and adjust any claim by a county for exemption from liability under the foregoing proviso, upon proof in writing submitted to him in behalf of the county, within three months after he shall notify the county auditor of his readiness to receive it. In the absence of such proof, or if the same is insufficient, it shall be the duty of the State Auditor to charge the amount of such loss against the county as a final adjustment. If found sufficient he shall present the facts thereof in his report to the General Assembly next ensuing.

Approved, April 19th, 1872.



CH. 151.]

CHAPTER LXIX.

[H. F. 390.]

PAYMENT OF BONDS OF COUNTIES, CITIES, AND TOWNS.

AN ACT Providing for the Payment of Bonds hereafter issued under Chapter 53 (xix.) of the Laws of the Fourteenth General Assembly. APRIL 19.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section five of chapter fifty-four of the laws of the Thirteenth General Assembly shall be, and is hereby, made applicable to any bonds hereafter issued by towns, cities, or counties, under chapter fifty-eight (xix.) of the laws of the Fourteenth General Assembly.

1870: ch. 54.  
Bonds issued to pay city and county debts may be collected through it or of State.

1872: ch. x

Provision prohibiting compounding of railroad bonds repealed.

SEC. 2. Section six of said chapter fifty-four of the laws of the Thirteenth General Assembly is hereby repealed.

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

In force when.

Approved, April 19th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 23, and in the *Daily Iowa State Register*, April 24, 1872.

ED WRIGHT, *Secretary of State.*

CH. 152.]

CHAPTER LXX.

[H. F. 312.]

APPEALS FROM HARDIN AND FRANKLIN COUNTIES.

AN ACT to Allow all Appeals to the Supreme Court from the Counties of Hardin and Franklin to the Regular Terms of said Court, held at Des Moines instead of Dubuque; and to Transfer all Causes pending at Dubuque, from said Counties therein. APRIL 19.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That hereafter all cases of appeal to the Supreme Court from the counties of Hardin and Franklin shall be heard at the terms of said court to be held at Des Moines, and all causes docketed and now pending in

Appeals to Supreme Court from Franklin and Hardin to be heard at the capital.

By consent, may go to argument term.

said Supreme Court at Dubuque, shall be transferred to and heard at Des Moines; but with the consent of the appellee, expressed in writing on the notice of appeal, or in a separate instrument, the appellant may take such appeal to any other place in the State where an argument term of the Supreme Court may be held.

In force when.

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa State Register, and State Leader, newspapers published at Des Moines, Iowa. Approved, April 19th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 23, and in the *Daily Iowa State Register*, April 24, 1872.

ED WRIGHT, *Secretary of State.*

CH. 153.]

CHAPTER LXXI.

[H. F. 129.]

READING OF WILLS.

APRIL 19.

AN ACT to Amend Section Three, Chapter One hundred and fifty-eight, of the Laws of the Thirteenth General Assembly, in Relation to reading Wills.

1870: ch. 158.

Clerk of circuit court may read will in vacation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section three, chapter one hundred and fifty-eight, of the laws of the Thirteenth General Assembly be, and the same is hereby, amended to read as follows: "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, where it shall be publicly read; or such will may be filed with, opened, and read by the clerk in vacation."

In force when.

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 State Leader, newspapers published in Des Moines, Iowa.

Approved, April 19th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 23, 1872, and in the *Daily Iowa State Register*, April 24, 1872.

ED WRIGHT, *Secretary of State.*

CH. 154.]

CHAPTER LXXII.

[H. F. 73.]

## CITY AND TOWNSHIP ASSESSORS.

AN ACT to Amend Section Two, of Chapter One hundred and seventy-three, of the Laws of the Ninth General Assembly. APRIL 19.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section two, of chapter one hundred and seventy-three, of the laws of the Ninth General Assembly, be, and is hereby, amended, by adding to the said section the following, to-wit: "*Provided,* That if an additional assessor is elected by any incorporated city, the assessor for the township in which such city is situate shall be elected by the qualified electors residing in said township outside of the limits of said city."

1862; ch. 173.

Tp. assessor, by whom elected, in certain cases.

Approved, April 19th, 1872.

CH. 156.]

CHAPTER LXXIII.

[H. F. 175.]

## SUB-DISTRICTS MAY BECOME INDEPENDENT DISTRICTS.

AN ACT Providing for the Organization of Independent School-Districts. APRIL 19.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the sub-districts of any district-township may be constituted separate and independent school-districts, in the manner hereinafter provided.

Sub-districts may be made independent districts.

SEC. 2. At the written request of one-third of the legal voters residing in any district-township, the board of directors shall call a meeting of the qualified electors of the school-district-township, at the usual place of holding the annual meeting of the board of directors of such district-township, by giving at least ten days' notice thereof by posting three written notices in each sub-district in the township, and by publication in a newspaper, if one be published in the township; at which meeting the said electors shall vote by ballot for or against a separate organization.

Election to be called at request of  $\frac{1}{3}$  of voters of district.

SEC. 3. Should a majority of the votes be cast in favor of such separate organization, the board of directors

Effect of vote for separate organization.

1870 ch. 8.

Board of only  
three directors,  
when.

shall call meetings, in each sub-district in the township, of the qualified electors thereof, in the manner and for the purpose as provided in section three, chapter eight, of the laws of the Thirteenth General Assembly: *Provided*, That if the number of inhabitants of any such sub-districts does not exceed five hundred, then but three directors shall be chosen, who shall hold their offices one, two, and three years, respectively, the length of their respective terms to be determined by lot, and but one director shall be chosen annually thereafter, who shall hold his office three years.

Name of new  
district.

SEC. 4. At the meetings of the electors of each sub-district, as provided in the last section, they shall also determine by ballot the name to be given to their district, and each district, when so organized, shall be a body corporate, and the name so chosen shall be its corporate name: *Provided*, That the board of directors of any district organized under the provisions of this act may change its name, if any other district in the township shall have chosen the same name.

Change of same.

New districts,  
how governed.

SEC. 5. Districts organized under the provisions of this act, shall be governed and treated in every respect as provided by the law creating independent school-districts.

Directors of district-township to  
make division of  
assets.

SEC. 6. When any district-township is divided into independent school-districts under the provisions of this act, then the old board of directors of the district-township shall make such a division of assets and liabilities of such district-township as is provided by section four, chapter one hundred and seventy-two, laws of 1862.

Ninth G. A.: ch.  
172.

In force when.

SEC. 7. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Leader, and Iowa State Register.

Approved, April 19th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, and *Daily Iowa State Register*, April 25, 1872.

ED WRIGHT, *Secretary of State.*

CH. 157.]

## CHAPTER LXXIV.

[H. F. 357.]

## RETURNS OF ELECTIONS.

AN ACT Providing for the Return of Poll-Books to the County-Auditor. APRIL 19.

*Be it enacted by the General Assembly of the State of Iowa,* That, at each general or special election which may be held hereafter, *that* it shall be the duty of one of the township trustees or township clerk to deliver to the county-auditor, within two days from the time the election was held, the original copy of said poll-books of said township. The person so delivering shall receive for said service such per diem and mileage as allowed by law to grand jurors.

Tp. trustee or clerk to deliver poll-book to co. auditor.

Approved, April 19th, 1872.

CH. 158.]

## CHAPTER LXXV.

[H. F. 437.]

## TRUSTEES OF SOLDIERS' ORPHANS' HOMES.

AN ACT to Amend Chapter 92 of the Acts of the Eleventh General Assembly. APRIL 19.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section two in chapter ninety-two, of the acts of the Eleventh General Assembly, is hereby stricken out, and the following inserted: The Board of Trustees of the Iowa Soldiers' Orphans' Homes shall consist of one person from each of the respective counties wherein said Homes are located, and one from the State at large, who shall be appointed by the General Assembly for two years, and until their successors are elected and qualified: *Provided, further,* That the county recorder, in the respective counties wherein said Homes are located, shall act in connection with the resident Trustee in making quarterly settlements with Orphan[s'] Homes Superintendents, for which service he shall be allowed the sum of three dollars per day, to be allowed and drawn the same as the mileage of Trustees *are* [is] drawn.

1866: ch. 92.

Board of Trustees to consist of one from each county in which is a Home, and one at large.

County recorder to act with resident trustee in making settlements; his compensation.

SEC. 2. This act to be in force from and after its publication in the State Register, and State Leader.  
 In force when. Approved, April 19th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 23, and in the *Daily Iowa State Register*, April 24, 1872.

ED WRIGHT, *Secretary of State.*

CH. 160.] CHAPTER LXXVI. [H. F. 17.

OFFICERS OF INDEPENDENT SCHOOL-DISTRICTS.

APRIL 19. AN ACT to Amend Chapter Eight, Laws of the Thirteenth General Assembly, relating to Independent School-Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That, in all independent school-districts, there shall be elected annually, in addition to the directors, as provided in section three, of said chapter eight, laws of the Thirteenth General Assembly, a president, and treasurer, who shall hold their office[s] for one year, and until their successors are elected and qualified. The president shall be a member of said board of directors, in which case the board shall elect, at their first regular meeting in each year, a secretary to be chosen outside of the board: *Provided*, That in all independent school-districts, having a population of less than five hundred, there shall be three directors elected.

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

Approved, April 19th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *Daily State Leader*, April 25, 1872.

ED WRIGHT, *Secretary of State.*

President and treasurer to be elected annually, in independent districts.

President a member of the board.

Proviso: 8 directors in smaller districts.

In force when.

## CH. 161.] CHAPTER LXXVII.\* [H. F. 438.

## REFORM-SCHOOL TO BE ERECTED.

AN ACT to Permanently Locate the Iowa Reform-School, and to APRIL 19.  
Provide for the Reception of Girls.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Iowa Reform-School for juvenile offenders shall be, and the same is hereby, permanently located. Reform school permanently located.

SEC. 2. The Board of Trustees of said Reform-School are hereby instructed and required to make said location, of sufficient area for all probable demands of the institution, to be in a healthy plate, where fuel and building materials are abundant and cheap, and easily accessible from all parts of the State. The lands so selected shall be deeded to the State and properly recorded. Board to make location. Requirements of location.

SEC. 3. The said Board shall, after advertising for at least three weeks, contract for the erection of the necessary buildings for said institution, taking good and sufficient security for the faithful performance of said contracts. Contract for necessary buildings.

SEC. 4. There is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of forty-five thousand dollars, or so much thereof as may be needed for the purposes of this act. \$45,000 appropriated.

SEC. 5. The said Board shall, as soon as practicable, organize a school for girls in the buildings where the boys are now kept. And for that purpose there is hereby appropriated the sum of five thousand dollars for the expenses of the girls' school. All of the above moneys shall be accounted for by making an itemized report to the next General Assembly. School for girls. \$5,000 appropriated. Report to be made.

SEC. 6. This act, being deemed of immediate importance, shall be in force after its publication in the Iowa State Register, and State Leader. In force when.

Approved, April 19th, 1872.

I hereby certify that the foregoing act was published in *The Daily Iowa State Register*, and *State Leader*, April 25, 1872.

ED WRIGHT, *Secretary of State.*

\* See Chapter cxvi.

## CH. 162.] CHAPTER LXXVIII. [H. F. 359.

## WATER-WORKS IN CITIES AND TOWNS.

APRIL 20.

AN ACT Authorizing Cities, incorporated Towns, and Villages, to construct, or cause to be constructed, Water-works.

Cities, towns, and villages may construct and maintain water-works: or may authorize the same by individuals.

Provido: vote of the people, or four-fifths of council, necessary.

Corporations may go beyond corporate limits for water.

May protect same by ordinance.

Corporate Jurisdiction extended for this purpose.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all cities, incorporated towns, and villages are hereby authorized and empowered to construct, maintain, and operate water-works, for the purpose of supplying pure water to such corporations and the citizens thereof, for domestic and manufacturing purposes, and the extinguishment of fires, and for such other purposes as may be thought desirable; or they may in their discretion authorize the construction, maintenance, and operation of such works by individuals or corporations, on such terms as may be agreed upon: *Provided,* That no such water-works shall be ordered to be erected, or any contract entered into for the erection and maintaining of such water-works, except the same shall be ordered to be done by an affirmative vote of a majority of all the votes cast at any general or special city or town election, or by the affirmative vote of not less than four-fifths of the members of the council or trustees of such city or incorporated town.

SEC. 2. That in the construction of such works, and the maintenance and operation thereof, such cities, towns, and villages, or the persons or corporations authorized to construct the same, are hereby empowered to go beyond the corporate limits of such city, town, or village, for the purpose of erecting, maintaining, and operating such works, and to procure a supply of pure water.

SEC. 3. That said cities, towns, and villages may pass all needful rules and regulations for the protection of such works and for preventing the stream, source of supply, or reservoirs, from which water is taken and supplied to such works, from being polluted or in any way rendered impure, and may enforce such regulations by fine and imprisonment.

SEC. 4. That for the purpose of erecting and maintaining such works, and protecting the same from injury and the water from pollution, the jurisdiction of the city, incorporated town, or village (whether said works are constructed by said city, town, or village, or authorized to be constructed by persons or corporations,) shall extend over the territory occupied by such works, and all reservoirs, streams, trenches, pipes, and drains, used in and



necessary for the construction, maintenance, and operation of such works, and over the stream or source from which water is taken, for five miles above the point from which such water is taken: *Provided*, That such jurisdiction is granted for no other purpose than as above specified.

*Proviso.*

Sec. 5. That, whenever the right to build, maintain, and operate such works is granted to or conferred upon private individuals or incorporated companies by said cities, towns, and villages, they may make such grant to inure for a term of not more than twenty-five years, and authorize such individual or company, so constructing such works, to charge and collect from each and every person supplied by them with water, such water-rent or rents as may be agreed upon between said person or corporation so building said works, and said city, town, or village granting such right; and such cities, incorporated towns, and villages are hereby authorized and empowered to enter into a contract, with said individual or company constructing said works, to supply said city, town, or village with water for fire purposes, and for such other purposes as may be necessary for the health and safety of such municipal corporations, and to pay therefor such sum or sums as may be agreed upon between said contracting parties.

Grants to private companies to inure for not more than twenty-five years.

*Water-rents.*

Water for fires, and sanitary purposes.

Sec. 6. Said cities, towns, or incorporated villages are hereby authorized to take and condemn and appropriate so much private property as shall be necessary for the construction and operation of said water-works; and, when they shall authorize the construction, maintenance, and operation thereof by individuals or corporations, they may confer, by ordinance, upon such person or corporation, the said power to take and appropriate private property for said purposes.

Corporation may condemn property, or may authorize grantee to do so.

Sec. 7. If the owner of property which shall be required for the construction and operation of said works, shall refuse to grant the same, and the damages therefor cannot be settled by agreement, all damages which the owner, or any person having an interest in or improvement upon the property to be taken, will sustain by reason of the appropriation of said property, shall be assessed, and said property taken on the application of either party under the provisions of article three, chapter fifty-five, of the Revision of 1860, and the laws amendatory thereof.

Proceedings in condemnation.

Revision : ch. 55, art. 3.

Sec. 8. That all cities, incorporated towns, and villages, constructing such works, are hereby authorized to

Water-rents to be assessed.

Special tax au-  
thorized.

Tax not to exceed  
five mills, nor to  
be levied on prop-  
erty wholly be-  
yond protection  
of works.

Act retrospec-  
tive.

Proviso: exist-  
ing contracts not  
impaired.

In force when.

assess from time to time, in such manner as they shall deem equitable, upon each tenement or other place supplied with water, such water-rents as may be agreed upon; and at the regular time of levying taxes in each year, said city, town, and [or] village is hereby empowered to levy and cause to be collected, in addition to the taxes now authorized to be levied, a special tax on the taxable property in said city, town, or village, which tax, with the water-rents hereby authorized, shall be sufficient to pay the expenses of running and operating such works, and, if the right to build, maintain, and operate such works is granted to or conferred upon private individuals or incorporated companies by such cities, towns, or villages, and said cities, towns, and villages shall contract with said individuals or companies to supply them with water for any purpose, it shall be the duty of such city, town, or village entering into such contract, to levy each year, and cause to be collected, a special tax as provided for above, sufficient to pay off such water-rents so agreed to be paid to said individual or company constructing said works: *Provided, however,* That said tax shall not exceed the sum of five mills on the dollar for any one year; nor shall the same be levied upon the taxable property of said city, which lies wholly without the limits of the benefit or protection of such works, which limit shall be fixed by the city council each year before making such levy.

SEC. 9. This act shall apply to all cities, towns, or villages, in the State of Iowa, which have now constructed, or are constructing, water-works, or have authorized individuals or corporations to construct the same: *Provided, however,* That it shall not interfere with vested rights, or in any way impair contracts already made with such cities, incorporated towns, and villages in regard to the construction of such works.

SEC. 10. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily Iowa State Register, and Daily State Leader, newspapers published in Des Moines, Iowa.  
Approved, April 20th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 25, and in the *Daily State Leader*, April 27, 1872.

ED WRIGHT, *Secretary of State.*

CH. 163.]

CHAPTER LXXIX.

[H. F. 296.

## WATER-POWER IMPROVEMENTS.

## AN ACT to Promote Water-Power Improvements.

APRIL 20.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby granted to any corporation which shall organize after the passage hereof, in accordance with the provisions of chapter fifty-two of the Revision of 1860, laws of Iowa, for the purpose of utilizing and improving any water-power within this State, or in the streams lying upon the borders thereof, the right to take and hold, under the provisions of this act, so much real estate as may be necessary for the location, construction, and convenient use of its canals, conduits, mains, and water-ways, or other means device or employed in the utilization of such water-power, for any of the purposes in this act mentioned, and for the construction of such buildings and their appurtenances as may be required for the purposes aforesaid. Such corporation may also take, remove, and use, for the construction and repair of its said canals, water-ways, buildings, and appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken. Compensation shall be made for the lands and materials so taken and used by such corporation, to the owner or owners thereof, in compliance with and in the manner provided in sections one, two, three, four, five, six, and seven, of "An act granting the right of way to railroad companies," passed and approved January 18, 1853. And all the provisions contained in the said mentioned sections of the said act, relating to railroad companies, shall be taken and construed to apply to the corporations taking and using lands and materials hereunder. Such use of the lands and materials as aforesaid is hereby declared to be a public use.

Revision : ch. 52.

Private corporations authorized to take and hold lands for the improvement of water-powers.

May remove earth, gravel, etc.

Compensation for same.

4th G. A. : ch. 81.

SEC. 2. Corporations, so organized as aforesaid, may use, raise, or lower, any turnpike, plank road, or other highway, for the purpose of having their said canals, water-ways, mains, and pipes pass over, along, or under the same; and in such case such corporation shall put such turnpike, plank road, or other highway, as soon as may be, in good repair and condition, for the safe and convenient use of the public. And such corporations may construct and carry their canals, conduits, water-ways, mains,

May raise or lower highways.

May construct canals, etc., over or under railroads, canals, etc.

or water-pipes across, over, or under any railroad, canal, stream, or water-course, when it shall be necessary for the construction or operation of the same, but shall do so in such manner as not unnecessarily to impede the travel, transportation, or navigation upon, or other proper use of, such railroad, canal, or stream: *Provided*, That the powers conferred in this section must be exercised in cities and towns with the consent and under the control of the city council[s] or trustees of said municipal corporations.

Proviso: municipal control in cities and towns.

SEC. 3. Corporations so organized, as aforesaid, are hereby authorized to pass over, occupy, and enjoy any of the school, University, and saline, or other lands of this State, whereof the fee, or any use, easement, or servitude therein, is in the public, without making compensation therefor: *Provided*, No more of such land shall be taken than is required for the necessary use and convenience of such corporation[s].

Granted right of way over public lands.

SEC. 4. Corporations in addition to those composed by virtue hereof, and by virtue of the provisions of the general corporation laws aforesaid, shall have the following powers: To borrow money for the purpose of constructing, renewing, or repairing their works, and to make, execute, and deliver all such contracts, bonds, notes, bills, mortgages, deeds of trust, and other conveyances, charging or numbering their property, including all and singular their franchises, and the rights, powers, and privileges, which shall be acquired by virtue of the provisions hereof, or any part or parcel hereof; and the grantee of any such corporations, and the purchaser of the said property, franchises, rights, and privileges, and any part thereof, under and by virtue of any judicial sale thereof, shall take and hold the same as fully and effectually, to all intents and purposes, as the same were held and enjoyed by such corporation; to erect, maintain, and operate canals, conduits, mains, water-ways, mills, factories, and other buildings and machinery, including water-ways, sluices, and conduits, for the purpose of carrying waste water, off from said premises, to the stream from which the same was taken, or other convenient place; to let, lease, or sell and convey any portion of their water-supply, and any of the buildings, mills, or factories, or machinery aforesaid, for such sums, prices, rents, tolls, and rates, as shall be agreed upon between the parties; to lay down, maintain, and operate such water-mains, conduits, leads, and service-pipes as shall be necessary to supply any building, village, town, or city with water.

Powers of corporations under this act:

to borrow money and execute mortgages;

to erect and maintain canals, mills, etc.;

to let or lease property;

to maintain water-works.

SEC. 5. Each corporation, organized as aforesaid, shall take, hold, and enjoy, the privilege of utilizing and improving the water-power, and the rights, powers, and privileges hereby conferred, which shall be specifically mentioned and described in its articles of incorporation: *Provided*, It shall proceed in good faith to make the improvements and employ the powers in its said articles of incorporation mentioned, and shall within two years from the date of its organization provide the necessary capital, complete the preliminary surveys, and actually commence the work of improving and utilizing the water-power, and furnishing the supply of water, so mentioned in its articles of incorporation: *Provided, also*, That said water-works and canals be completed within five years from the time when said corporation has been organized.

Authorized to utilize and improve water-power.

Provide: good faith required; necessary capital to be supplied, and work commenced, within two years after organization.

Provide: work to be completed in five years.

In force when.

SEC. 6. This act, being deemed of immediate importance, shall take effect from the date of its publication in the *Daily State Register*, and *State Leader*, newspapers published in Des Moines, Iowa.

Approved, April 20th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *Daily State Leader*, April 25, 1872.

ED WRIGHT, *Secretary of State*.

CH. 165.]

CHAPTER LXXX.

[S. F. 28.

CHANGES IN SCHOOL-BOOKS.

AN ACT to Prevent frequent Changes in School-Books.

APRIL 22.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That hereafter the board of directors of any district-township or independent district shall not order, or direct, or make any change in the school-books, or series of text-books, used in any school under their superintendence, direction, or control, more than once in every period of three years, except by a vote of the electors of the district-township or independent district, and any laws or parts of laws, inconsistent herewith, be, and the same are hereby, repealed.

Board of directors not to make change in school-books more than once in three years, except by vote of electors.

Approved, April 22d, 1872.

CH. 166.]

CHAPTER LXXXI.

[H. F. 107.]

## TRANSFER OF RAILROAD TOWNSHIP TAX.

APRIL 22.

AN ACT to Enable Townships, Incorporated Towns, and Cities, which have heretofore, or may hereafter, vote a Tax in aid of the Construction of a Railroad, under the Provisions of Chapter One Hundred and Two, of the Laws of the Thirteenth General Assembly of the State of Iowa, to transfer and use such Tax in aid of the Construction of such other Railroads within such Township, City, or Town, for which the same was voted, as the Inhabitants of the Township, City, or Town voting the same may desire.

Townships, town, and cities, voting tax to aid in constructing railroads, may divert same.

1870: ch. 102.

Proviso: to be done before 1873.

Proviso: tax not delinquent till when.

Act to apply only where companies have forfeited or relinquished rights, or failed to accept or begin work.

Petition by  $\frac{1}{3}$  resident tax-payers.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any township, incorporated town, or city within this State, that has heretofore, or may hereafter, vote a tax in aid of the construction of any railroad under the provisions of chapter one hundred and two, of the laws of the Thirteenth General Assembly of the State of Iowa, may transfer and use such tax in aid of the construction of such other railroads within the township, city, or town, as the voters thereof may desire, in the manner hereinafter provided: *Provided*, That the transfer herein authorized shall be completed before the first day of January, A. D. 1873: *Provided, further*, That no tax so voted and transferred under the provisions of this act shall become delinquent until the road which is to receive it has been finished, and is running to the township voting the tax.

SEC. 2. The provisions of this act shall only apply to such townships, incorporated towns, and cities, as shall have voted a tax in aid of the construction of a railroad, and the railroad company for which such tax was raised shall have forfeited its right to such tax, or shall have failed to accept the tax so raised, before a petition is presented, asking for transfer under the provisions of this act, or, having accepted the same, may relinquish its right thereto in favor of the road or company to which it is proposed to transfer the same, or shall have failed in good faith to begin the construction of said road within one year from the time of voting such tax.

SEC. 3. Whenever a petition shall be presented to the council or trustees of any incorporated town or city, or the trustees of any township, signed by one-third of the resident tax-payers therein, asking that the question of transferring any tax previously voted in such township, town, or city, in aid of the construction of a railroad, to some

other railroad being constructed therein, it shall be the duty of such council, trustees, or board of trustees, as the case may be, to immediately give notice of a special election, by publication in some newspaper published in such county if any be published therein, and also by posting said notice in five public places in such township, city, or town at least twenty days before such election, which notice shall specify the time and place of holding said election, the name of the road or company to which such tax was previously voted, the time the election therefor was held, and the rate per centum of such tax, and the fact of said company having forfeited its right thereto, or having relinquished the same, or having failed to accept such tax, (as the case may be,) and shall also specify the name of the road or company to which it is proposed to transfer such tax; at which election the question of "transfer" or "no transfer" shall be submitted to the legal electors therein, and, if a majority of the votes cast at such election shall be in favor of such transfer of such tax, then, and in that case, the township clerk, or clerk of such election, shall forthwith make out, and file with the auditor of the county wherein said election was held, a certificate setting forth the result of such election, and shall also file in the office of the county treasurer a similar certificate, which certificates so made and filed shall contain the names of the road or company from which and to which such tax was so transferred.

Notice of election

Question.

Upon affirmative result, clerk to certify same to auditor and treasurer.

SEC. 4. It shall be the duty of the treasurer of any county, wherein a transfer of any tax has been made under the provisions of this act, to pay such tax, when collected, over to the road or company to which the same has been transferred, as shown by the certificate of township clerk, or clerk of such election.

Duty of county treasurer.

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

In force when.

Approved, April 22d, 1872.

I hereby certify that the foregoing act was published in the Daily Iowa State Register, and Daily State Leader, April 27, 1872.

ED WRIGHT, Secretary of State.

## CH. 167.] CHAPTER LXXXII. [S. F. 117.

## MEDICAL AND SURGICAL SCIENCE.

APRIL 22. AN ACT to Promote the Science of Medicine and Surgery in the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be lawful in cities and counties whose population exceeds one thousand inhabitants, for coroners and undertakers to deliver to the professors and teachers in medical colleges and medical schools, and physicians in this State, and for professors, teachers, and physicians to receive the remains or body of any deceased person for purposes of medical and surgical study: *Provided,* That said remains shall not have been regularly interred, and shall not have been dressed for interment, by any relatives or friends of said deceased, within thirty-six hours after death: *Provided, also,* That the remains of no person who may be known to have relatives or friends, shall be so delivered or received without the consent of said relatives or friends: *And provided,* That no traveler or any person who shall have expressed a desire in his or her last sickness, that his or her body may be interred, shall be delivered or received as aforesaid, but shall be buried in the usual manner: *And provided, also,* That, in case the remains of any person, so delivered or received, shall be subsequently claimed by any surviving relative or friend, they shall be given up to said relative or friend for interment: *And Provided, further,* That no officer or person shall ask, demand, or receive any compensation, fee, or reward, in money or property, or any valuable thing, as an inducement to deliver up any dead body, to any person or corporation, for purposes of medical surgery or study: *Provided,* That, in all cases of bodies to be claimed under this act, the person whose body is so claimed shall have been a resident for six months of the county wherein the death took place.

Coroners and undertakers authorized to deliver to physicians, and professors of medical schools etc., to receive, bodies for study.

Proviso: remains not dressed for interment;

consent of friends;

desire of deceased to be respected;

body may be subsequently claimed;

no compensation for delivering body;

deceased re-claim must have been six months resident of county.

Remains to be decently buried.

Sec. 2. That it shall be the duty of the said professors and teachers decently to bury in some public cemetery the remains of all bodies after they shall have answered the purposes aforesaid, and, for any neglect or violation of the provisions of this section, the party so neglecting shall forfeit and pay a penalty of not less than ten dollars, or more than fifty dollars, for the benefit of the school-fund.



SEC. 3. The remains of persons as may be so received by the professors and teachers as aforesaid, shall be used for the purposes of medical and surgical study alone, and in this State only, and whoever shall use such remains for any other purpose, or shall remove such remains beyond the limits of this State, or in any manner traffic in the same, shall be guilty of a misdemeanor, and shall on conviction be imprisoned for a term not exceeding one year in a county jail.

Penalty for failure to do so.

Use to be made of body, and where.

Violation a misdemeanor; penalty.

SEC. 4. That every person who shall deliver up the remains of any deceased person in violation of, or contrary to, any or all of the provisions contained in the first section of this act, and every person who shall receive such remains, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished as provided in section 4356 of the Revision of 1860.

Violation of first section same.

Rev.: §4356.

Approved, April 22d, 1872.

CH. 168.] CHAPTER LXXXIII. [H. F. 226.

RECORD-TITLE TO LANDS HELD UNDER GRANTS.

AN ACT in Relation to Land-Grant Lands and to Provide for a Record-Title thereto. APRIL 22.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in cases where lands have been granted to the State of Iowa by act of Congress, and certified lists of the lands inuring under the grant have been made to the State by the Commissioner of the General Land-Office, as required by act of Congress, and such lands have been granted by act of the General Assembly to any person or company, and such person or company shall have complied with and fulfilled the conditions of the grant, the Register of the State Land-Office is hereby authorized to prepare, on the application of the grantee, a list or lists of lands situated in each county inuring to a such grantee, from the lists certified by the Commissioner of the General Land-Office, as aforesaid, which shall be signed by the Governor of this State, and attested by the Secretary of State, with the State seal, and then be certified to by the Register to be true and correct copies of the lists made to this State, and deliver them to such grantee,

Register of State L.O. may prepare lists of lands in each county, inuring to grantees of State.

who is hereby authorized to have them recorded in the proper county; and when so recorded they shall be notice to all persons the same as deeds now are, and when so recorded shall vest in such grantee the right of the State to the lands therein described, under the grant of Congress by which the lands were certified to the State, so far as the certified lists made by the Commissioner aforesaid conferred title to the State: *Provided*, That when the Register includes lands in the list which were not intended to be included in the grant, or the grantee shall not in equity be entitled to the lands or any part thereof, then no title shall pass by said list, and the same as to those lands shall be null and void. Nor shall any title pass to lands which have been selected, set apart, or claimed by the State, or any individual under the swamp-land or any other grant of Congress which may be certified or adjudged to the State under such other grant, nor to lands held or claimed under any homestead or pre-emption settlement or other entry or purchase; neither shall the right of the State to control the lands according to the terms of the grants, at any future time, be affected by anything done under this act: *Provided further*, That in preparing the list or lists of lands under this act, it shall be the duty of the Register of the State Land-Office to exclude all lands selected by the State or any county under the swamp-land grant, and also excluding all lands claimed under the homestead or pre-emption laws of the United States, or which have been sold or disposed of and the entry or pre-emption canceled.

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 Leader, newspapers published at Des Moines, Iowa.

Approved, April 22d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *Daily State Leader*, April 27, 1872.

ED WRIGHT, *Secretary of State.*

Same to be re-  
corded.

Effect.

Proviso: same  
null and void  
where State has  
no title;

no title to pass  
where lands are  
claimed by State  
under swamp-  
land grant, etc.;

control of State  
not affected.

Register to ex-  
clude lands selec-  
ted as swamp-  
lands, or claimed  
under homestead  
or pre-emption.

In force when.

CH. 170.]

CHAPTER LXXXIV.

[H. F. 343.]

## SCHOOL-ELECTION DAYS.

AN ACT to Amend Sections Six and Eight of Chapter One hundred and seventy-two of the Acts of the Ninth General Assembly, as amended by Section Two of Chapter One hundred and forty-three of the Acts of the Eleventh General Assembly, in Relation to Schools. APRIL 22.  
1862: ch. 172.  
1866: ch. 143.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That sections six and eight of chapter one hundred and seventy-two of the laws of the Ninth General Assembly, as amended by section two of chapter one hundred and forty-three of the acts of the Eleventh General Assembly, be, and the same is hereby, amended, by striking out of said section the word "Saturday," and inserting in lieu thereof the word "Monday."  
Approved, April 22d, 1872. School-elections to be held on Mondays.

CH. 171.]

CHAPTER LXXXV.

[S. F. 181.]

## RELATING TO CLAIMANTS OF LANDS GRANTED TO STATE.

AN ACT for the Relief of Occupying Claimants of Lands Granted to the State of Iowa. APRIL 22.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person or persons having any improvements upon any land heretofore granted to this State in aid of any work of internal improvement, including what are known as the Des Moines river lands, and whose title thereto is questioned by another claimant, shall be entitled to remove all such improvements made or purchased by him upon such land in dispute at his own expense, and without injury otherwise to the land. Occupying claimants upon Des Moines river, etc., lands may remove improvements.

SEC. 2. The person or persons desiring to avail themselves of the provisions of this act, may do so at any time before eviction or, if *he* [they] desires, may claim the benefit of the law of occupying claimants. When to remove. Alternative right.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its In force when.

publication in the State Register and Boone Standard, newspapers published at Des Moines and Boone, Iowa. Approved, April 22d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 28, and in *The Boone Standard*, May 4, 1872.

ED WRIGHT, *Secretary of State.*

CH. 172.] CHAPTER LXXXVI. [H. F. 291.

ELECTION PRECINCTS.

APRIL 22. AN ACT to Repeal a Part of Section Number One, of Chapter Number Twenty-three of [the acts of the] Ninth General Assembly.

Restriction limiting division into election precincts to townships having 1,000 voters, removed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all of section number one of chapter number twenty-three, of laws of the Ninth General Assembly, after the word "Counties" in sixth line, be and is hereby repealed.

Approved, April 22d, 1872.

CH. 174.] CHAPTER LXXXVII. [S. F. 77.

JUDGMENTS AGAINST MUNICIPAL CORPORATIONS.

APRIL 22. AN ACT to Repeal Section 3275 of the Revision of 1860, and Chapter 43 of the Acts of the Thirteenth General Assembly, amending said Section, and for the Enactment of a new Section in lieu thereof, Providing for the Collection and Payment of Judgments against Municipal Corporations.

Rev.: §275.  
1870: ch. 43.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 3275 of the Revision of 1860, and chapter 43 of the acts of the Thirteenth General Assembly of the State of Iowa, be, and the same are hereby, repealed, and there is hereby enacted the following section in lieu thereof:—

"Section 3275. In case no property of a municipal corporation against which an execution has issued is found,

upon which to levy, or if the judgment creditor elect not to issue execution against such corporation, he is entitled to demand and receive of such debtor corporation the amount of his judgment and costs, either in the ordinary evidences of indebtedness issued by such corporation, or in bonds of such corporation, of such character as the parties may agree upon; and, if the debtor issues no scrip, bonds, or other evidences of debt, a tax must be levied, as early as practicable, sufficient to pay off the judgment with interest and costs; and when a tax has been so levied, and the same, or any part thereof, has been collected, the treasurer shall on demand, without an order from the board of supervisors, or warrant from the clerk thereof, pay 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; and, if bonds shall be issued in payment of judgments as above provided, said bonds shall be issued in substantially the same form as is provided by chapter 54 of the acts of the Thirteenth General Assembly of the State of Iowa, entitled, 'An act to provide for the funding of county indebtedness, and for the payment thereof,' and said bonds shall draw interest at a rate, not to exceed ten per cent., and both principal and interest shall be and become due, and shall be payable in the same time and manner as provided for in said chapter; and if paid when due, the same may be deposited with the Auditor of State, who shall take the same steps for the payment of said bonds, with the interest thereon, as is provided in said chapter 54 aforesaid."

In execution against municipal corporations, creditors may take scrip or bonds;

or a tax must be levied,

County treasurer to pay over proceeds of tax to creditor on demand.

Bonds, form of.

1870: ch. 54.

Interest.

Payment of principal and interest to be enforced by State authorities, when.

In force when.

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

Approved, April 22d, 1872.

I hereby certify that the foregoing act was published in the Daily State Leader, April 27, and in the Daily Iowa State Register, April 28, 1872.

ED WRIGHT, Secretary of State.

## CH. 177.] CHAPTER LXXXVIII. [S. F. 137.]

## DRIVING OFF CATTLE.

APRIL 22. AN ACT to Prevent the Unlawful Driving of any Cattle or other Stock from the Premises of any Citizen of this State, or from their lawful Range.

*Driving off stock three miles a misdemeanor.*  
*Penalty.*  
*Repealing clause.*

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person who shall knowingly and willfully drive off, or cause to be driven off, any cattle or other stock, from the premises of any citizen of this State, or from the range in which the stock of any such citizen may lawfully run, to any distance exceeding three miles, shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding thirty days.

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

Approved, April 22d, 1872.

## CH. 180.] CHAPTER LXXXIX. [H. F. 238.]

## ASSESSMENT OF ROAD-BEDS.

APRIL 22. AN ACT to Provide for the Exemption of Land-owners to pay Taxes on Land which they have conveyed to Railroad Companies.

*Lands used for railroad beds, not to be assessed to individuals.*

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That, hereafter, no real estate in this State, used by railroad corporations for road-beds, shall be included in the assessment to individuals of the adjacent or contiguous property; but all such real estate shall be deemed to be the property of such companies for the purpose of taxation.

Approved, April 22d, 1872.

CH. 181.]

## CHAPTER XC.

[S. F. 282.]

## WEBSTER COUNTY.

AN ACT to Amend Chapter 138 [Lxi.], Acts of the Fourteenth General Assembly, and Attaching Webster County to the Eleventh Judicial District. APRIL 23.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That chapter 138 [Lxi.], acts of the Fourteenth General Assembly, be and the same is amended as follows: Strike out the word "Webster," in the third section, also the words "and Eleventh," in the seventh section, in the fourth and fourteenth line[s] (of the original bill), and insert the word "and" before the word "fifth," as it occurred in each of said lines. Webster county changed from 4th to 11th judicial district.  
1872: ch. LXL.

SEC. 2. Webster county is hereby returned to and attached to the Eleventh Judicial District for judicial purposes, and all acts or parts of acts, inconsistent herewith, are hereby repealed. Inf orce when.

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

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 23, and in the *Iowa State Leader*, May 2, 1872.

ED WRIGHT, *Secretary of State.*

CH. 183.]

## CHAPTER XCI.

[H. F. 163.]

## OFFICIAL VISITATION OF HOSPITALS FOR THE INSANE.

AN ACT to Protect the Insane.

APRIL 23.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there shall be a Visiting Committee of three appointed by the Governor, to visit the Insane asylums of the State at their discretion, with power to send for persons and papers, and to examine witnesses on oath, to ascertain whether any of the Committee to be appointed by Governor to visit Insane Hospitals.

**Powers of same.** inmates are improperly detained in the Hospital, or unjustly placed there, and whether the inmates are humanely and kindly treated, with full power to correct any abuses found to exist; and any injury inflicted upon the insane shall be treated as an offense, misdemeanor, or crime, as the like offense would be regarded when inflicted upon any other citizen outside of the insane asylums. They shall have power to discharge any attendant or employee who is found to have been guilty of misdemeanor meriting such discharge; and in all these trials for misdemeanor, offense, or crime, the testimony of patients shall be taken and considered for what it is worth, and no employee at the asylum shall be allowed to sit upon any jury before whom these cases are tried. Said Committee shall make an annual report to the Governor of the State.

**Address of members of Committee to be posted.** **Sec. 2.** The names of this Visiting Committee, and their post-office address, shall be kept posted in every ward in the asylum, and every inmate in the asylum shall be allowed to write when and *what they* [he] please to this committee, and to any other person *they* [he] may choose: *Provided,* The Superintendent may, if he thinks proper, send letters addressed to other parties to the Visiting Committee for inspection before forwarded to the individual addressed. And any member of this Committee who shall neglect to heed the calls of the patient to him for protection, when proved to have been needed, shall be deemed unfit for his office, and shall be discharged by the Governor.

**Stationery to be furnished inmates of hospitals once a week,** **Sec. 3.** Each and every person, confined in any insane asylum within the State of Iowa, shall be furnished by the Superintendent or party having charge of such person, at least once in each week while so confined, with suitable materials for writing, inclosing, sealing, and mailing letters: *Provided,* They request the same, unless otherwise ordered by the Visiting Committee, which order shall continue in force until countermanded by said Committee.

**Supt. to transmit one letter a week, unopened, for each patient, if desired.** **Sec. 4.** It is hereby made the duty of the Superintendent or party having charge of any person under confinement to receive, if requested to do so by the person so confined, at least one letter in each week without opening or reading the same, and without delay to deposit it in a post-office for transmittal, by mail, with a proper postage-stamp affixed thereto.

**Sec. 5.** It is hereby made the duty of the Superintendent, or party having charge of any person confined on



account of insanity, to deliver to said person any letter or writing to him or her directed, without opening or reading the same: *Provided*, This letter has been forwarded by this Visiting Committee.

Letters forwarded by Visiting Committee to be delivered to patient unopened

SEC. 6. In the event of the sudden and mysterious death of any person so confined, a coroner's inquest shall be held as provided for by law in other cases.

Coroner's inquest in case of sudden death.

SEC. 7. Any person neglecting to comply with, or willfully and knowingly violating any of the provisions of this act, shall, upon conviction thereof, be punished by imprisonment for a term not exceeding three years, or by fine not exceeding one thousand dollars, or by both fine and imprisonment, in the discretion of the court, and by ineligibility for this office in future, and, upon trial had for such offense, the testimony of any person, whether insane or otherwise, shall be taken and considered for what it is worth.

Penalty for non-compliance, or violation of this act.

SEC. 8. At least one member of said committee shall visit the asylums for the insane every month.

Hospital to be visited every month.

SEC. 9. That there shall be allowed, as salary of such Visiting Committee, the sum of five dollars per day for the time taken in visiting such Insane asylums, and the same mileage as is now by law allowed members of the General Assembly. And the disbursing officer of such Insane asylum shall pay the per diem and mileage allowed such Visiting Committee under the provisions of this act, and each member of such Visiting Committee shall certify under oath to such disbursing officer, the number of days he has served, and the number of miles traveled.

Pay and mileage.

How paid.

SEC. 10. This act, being deemed of immediate importance, shall take effect and be in force from and after two weeks, publication in the Daily Iowa State Register, and Leader, newspapers published in Des Moines, Iowa.

In force when.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published for two weeks, in the *Daily State Leader*, commencing April 25, and in the *Daily Iowa State Register*, commencing April 26, 1872.

ED WRIGHT, *Secretary of State*.

## CH. 184.]

## CHAPTER XCII.

[H. F. 111.]

## THE STATE LIBRARY.

APRIL 28. AN ACT in Relation to the State Library, and the Duties of the State Librarian.

Trustees of State Library. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Governor, Judges of the Supreme Court, Secretary of State, and Superintendent of Public Instruction shall, by virtue of their office, constitute a Board of Trustees of the State Library, of which the Governor shall be president.

Powers. SEC. 2. The said Trustees shall have full power to make and carry into effect such rules and regulations for the superintendence and care of the books, maps, charts, papers, and furniture contained in the State Library, and for the arrangement and safe keeping of the same, as they may deem proper.

Who entitled to take books. SEC. 3. It shall be the duty of said Trustees to provide in their rules and regulations that any member of the General Assembly, any member or attorney of the Supreme Court, during the session of the same, the judges and attorneys of the courts of the United States, and the heads of departments of State, shall be permitted, under proper restrictions, penalties, and forfeitures, to take from the library any books, excepting such as the Trustees shall determine ought not to be removed therefrom; but none of such persons shall be allowed to take such books or property from the Library without executing a receipt therefor, nor to retain the same more than ten days at a time.

Limitation as to time.

Prohibition. SEC. 4. No books or other property shall be removed from the seat of government, and no person shall be entitled to take from the Library more than two books at the same time: *Provided*, That during the terms of the Supreme Court of the State, or the federal courts, the judges and attorneys of said courts may be permitted to take and use any number of books needed on the trial of causes, but such books shall not be taken from the seat of government, and shall be returned according to law.

Attorneys.

Library to be open when. SEC. 5. The State Library shall be kept open every day during the sessions of the General Assembly and of the Supreme Court, and during such other days as the Trustees shall direct, and during such hours as shall be determined by the Trustees.

SEC. 6. The State Library shall be in the custody of the State Librarian, who shall be appointed by the Governor, and who shall hold the office for the term of two years, commencing on the first day of May, and until his successor shall be appointed and qualified. Before entering upon the duties of his office, he shall give a bond, with good and sufficient surety, in the penal sum of five thousand dollars, in such form as the Governor shall approve, conditioned for the performance of all the duties required of him by law, and for the observance of all the rules prescribed by the Trustees of the Library.

SEC. 7. The Librarian shall give his or her personal attendance upon the Library during the hours it shall be directed to be kept open, and shall perform such duties as shall be imposed on him by law or shall be prescribed by the rules and regulations of the Trustees.

SEC. 8. The salary of the Librarian shall be twelve hundred dollars per annum, nor shall any extra amount be paid for any assistant librarian.

SEC. 9. It shall be the duty of the Librarian to prepare a complete alphabetical catalogue of the Library, to number the books therein, and report the same to the Governor, who shall cause the same to be published for the use of the Library.

SEC. 10. It shall be the duty of the Librarian to cause each book in the Library to be labeled with a printed label, to be pasted on the inside of the cover, with the words, Iowa State Library, with the number of the volume in the catalogue of said Library inscribed on said label, also to write the same words at the bottom of the thirtieth page of each volume. All books that may hereafter be added to the Library shall be labeled in the same manner, and entered on the catalogue immediately on their receipt and before they can be taken therefrom.

SEC. 11. The Librarian shall make report to the Governor, five days before the adjournment of any session of the General Assembly, of the number of books that have been taken out of the Library by the members, giving the names of all members that have any books at the date of such report, with the name and number of such book.

SEC. 12. All fines, penalties, and forfeitures, imposed by the rules and regulations of the Library for any violation of such rules and regulations, may be recovered in any proper action or proceeding in the name of the State, before any court of competent jurisdiction; and all such fines, penalties, forfeitures, and recoveries shall be applied to the use of the Library, under the direction of the Trustees.

State Librarian.

Bond.

Attendance and duties.

Salary—no extra pay for assistant.

Catalogue.

Publication of same.

Books to be labeled.

Entry on 80th page.

Report of books taken by members of General Assembly.

Recovery of fines, penalties, and forfeitures.

Disposition of same.

**SEC. 13.** Any person, injuring, defacing, destroying, or losing a book, shall pay to the Librarian twice the value of the book, and, if it shall be one of a set, he shall be liable to pay the full amount of the value of the set, and it shall be the duty of the Librarian to prosecute such person on such liability: *Provided*, That, if such person shall within a reasonable time replace the book so injured or lost, he shall not be liable under this section.

Penalty for injuring or losing books.

Replacing of books.

Report to the Governor.

Report to the General Assembly.

Librarian to furnish academic institutions with certain publications.

25 copies to be retained in State Library.

\$1000 annually for increase of Library.

Rev.: chap. 44, and 1870, chap. 145, repealed.

In force when.

**SEC. 14.** The Librarian shall report to the Governor, whenever required, a list of books and other property missing from the Library, an account of fines and forfeitures imposed and collected, and the amount uncollected, a list of accessions to the Library since the last report, and all other information required by the Governor. He shall also make a full and specific report to the General Assembly on the first day of its regular sessions.

**SEC. 15.** The Librarian is hereby authorized to deliver to each college, incorporated academy, public library, and literary institution of this State, having a number of books not less than three hundred volumes, one copy of the compiled or revised statutes, one copy of the session laws of each General Assembly, one copy of the journals of the Senate and House of Representatives of each session, one copy of all documents printed by order of the General Assembly of this State, and the reports of the decisions of the Supreme Court of this State: *Provided*, That twenty-five copies of each of said documents and books be retained in the State Library.

**SEC. 16.** There is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of one thousand dollars annually, to be expended by the Board of Trustees in the purchase of books for the Library.

**SEC. 17.** Chapters forty-four of the Revision of 1860, and one hundred and forty-five of the laws of the Thirtieth General Assembly, are hereby repealed.

**SEC. 18.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the State Register and the State Leader, newspapers published in Des Moines, Iowa.

Approved, April 23, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and the *Daily State Leader*, April 26, 1872.

ED WRIGHT, *Secretary of State.*

CH. 191.]

## CHAPTER XCIII.

[H. F. 396.]

## LEGALIZING CONVEYANCES BY EXECUTORS IN OTHER STATES.

AN ACT to Legalize Deeds and Conveyances made by Executors. APRIL 23.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all deeds and conveyances of lands situated in this State, and now of record in any of the counties of this State, the grantees whereof were acting in the discharge of their duties as executors, duly qualified and authorized by the laws or the orders of any court of any other State to make deeds and conveyances in accordance with any last will and testament duly allowed and established in any other State, be, and the same are hereby, declared to be legal and valid, the same as if the laws of this State in the matter of the settlement of estates had been fully complied with.

Conveyances of land in this State, now of record, by executors qualified under laws of other States, legalized.

Approved, April 23d, 1872.

CH. 192.]

## CHAPTER XCIV.

[H. F. 429.]

## LEGALIZING ROADS ESTABLISHED BY COUNTY JUDGES AND AUDITORS.

AN ACT Legalizing the Establishment of Roads by County Judges and Auditors. APRIL 23.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all county roads heretofore established by county judges acting as auditors, or by county auditors, by virtue of any supposed or delegated authority, shall be held and treated as roads, the same as though they had been established by the respective boards of supervisors of the counties in which said roads are located: *Provided,* That this act shall not affect any litigation now pending.

County roads established by county judges and auditors, to be treated as roads properly established.

Proviso.

SEC. 2. This act, being deemed by the General Assembly of immediate importance, shall take effect and be In force when:

in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 28, and in the *Iowa State Leader*, May 2, 1872,

ED WRIGHT, *Secretary of State.*

CH. 194.]

CHAPTER XCV.

[H. F. 77.]

VENUE IN SUITS AGAINST PRIVATE CORPORATIONS.

APRIL 28.

AN ACT Providing the Place of bringing Suits in certain Cases.

Suits against railroad, stage, express, car, telegraph, and canal companies, where brought.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That suits may be instituted against railroad companies, the owners of mail-stages; or other line of coaches or cars, including express companies, Pullman or other car companies, telegraph and canal companies, and the lessees, companies, or persons operating the same, in any county of this State through which the line or road thereof passes, or is operated.

Builders of railroads, telegraphs, canals, etc may be sued where.

SEC. 2. Companies and persons engaged in the construction and erection of railroads, telegraphs, canals, or other similar works, in this State, may be sued upon any contract relating thereto, or to any part thereof, or for damages in any manner growing out of the work thereon, in any county where such contract was made, or performed in whole or in part, or where the work was done out of which arose the damages claimed.

Insurance cos. where.

SEC. 3. Insurance companies may be sued in any county, in which is kept their principal place of business, in which was made the contract of insurance, or in which the loss insured against occurred.

Service of notice.

SEC. 4. In all of the cases mentioned in the preceding sections, service of notice may be made upon any general agent of such company, person, or lessee, wherever found, or upon any station, ticket, or other agent, of such company, person, or lessee, transacting the business thereof in the county where suit is brought; if there is no such agent in said county, then service may be had upon an

agent thereof transacting said business in any other county.

SEC. 5. Section 2799 of the Revision of 1860, and section 2 of chapter one hundred and seventy-two of the laws of the Twelfth General Assembly, are hereby repealed.

Rev.: §2799, and  
1868: ch. 172,  
§3, repealed.

Approved, April 23d, 1872.

CH. 195.]

CHAPTER XCVI.

[H. F. 431.]

## APPLICATIONS FOR PARDON.

AN ACT to Provide for taking Testimony in Applications for Pardon. APRIL 23.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 5120 of the Revision of 1860 be amended by adding thereto the following:

Rev. §5120.

"He may also take the testimony of such persons, bearing upon such application, as he may deem advisable, and for this purpose is authorized to administer the necessary oath. Any person who in giving such testimony shall swear falsely, and any person who shall, knowingly and corruptly, make any false statements in an affidavit intended to be used in connection with an application for pardon, or for remission of fine or forfeiture, shall be deemed guilty of perjury, and shall be punished therefor as provided by law."

Governor may take testimony in applications for pardons, and administer oath

False swearing in applications perjury.

SEC. 2. 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, the Daily State Leader, and The Iowa Homestead, newspapers published at Des Moines, Iowa.

In force when.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 29, in the *Daily Iowa State Register*, April 30, and in *The Iowa Homestead*, May 3, 1872.

ED WRIGHT, *Secretary of State.*

CH. 196.]

CHAPTER XCVII.

[H. F. 188.]

EXPENSES OF OFFICERS ARRESTING OR CONVEYING  
PRISONERS.

APRIL 28. AN ACT to Amend Chapter One hundred and seventy-five of the  
Laws of the Thirteenth General Assembly.

1870 : chap. 175  
amended.

Sheriffs, constables, &c. making  
arrests to be  
allowed actual  
expenses for  
carriage-hire.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section one of chapter one hundred and seventy-five, of the laws of the Thirteenth General Assembly, is hereby amended by striking out all that part of said section after the words "allowed by law," occurring in the tenth line of said section, and inserting in lieu thereof the words, "Whatever sums said sheriff, constable, or other person shall actually and necessarily pay for carriage-hire in so conveying such prisoner to jail."

Approved, April 23d, 1872.

CH. 197.]

CHAPTER XCVIII.

[H. F. 450.]

## ROADS LEADING TO CITIES.

APRIL 28. AN ACT to Amend Section 1, Chapter 39 [xiii. General], Laws  
the Fourteenth General Assembly.

1872 : ch. xiii.

Cities may aid  
in construction  
and repair of  
county roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section one, chapter thirty-nine [xiii. general], laws of the Fourteenth General Assembly, be, and the same is hereby, amended by inserting after the word "town," in the third line of said section, the words "Or city."

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa State Register, and State Leader, newspapers published at Des Moines, Iowa.

In force when.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 29, and in the *Daily Iowa State Register*, April 30, 1872.

ED WRIGHT, *Secretary of State.*



CH. 198.]

CHAPTER XCIX.\*

[H. F. 446.]

## SHORT-HAND REPORTERS.

AN ACT Authorizing the Appointment of Short-Hand Reporters APRIL 23.  
in District and Circuit Courts.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the judge of any district court of this State is hereby authorized to appoint a short-hand reporter, when in his judgment such appointment will expedite public business, for the purpose of recording oral testimony of witnesses in criminal cases, and in civil cases when the parties consent thereto, and such other matter as the judge of such court may direct. The said short-hand reporter shall be well skilled in the art, and competent to discharge the duties required.

District judge may appoint short-hand reporter to take testimony.

SEC. 2. The said short-hand reporter, thus appointed, shall be sworn to the faithful performance of his duties. He shall attend such sessions of the district or circuit court as the judge thereof may direct, and shall be allowed compensation to be fixed by the presiding judge of said court of not more than eight dollars per day for each day actually employed in court in the taking of testimony, which sum shall be audited and paid upon the certificate of said presiding judge.

Reporter to be sworn.

Duty.

Compensation.

SEC. 3. Said short-hand reporter shall be allowed ten cents per folio of one hundred words for making transcripts of the record, or any part thereof, the cost to be paid by the party requiring such transcript, except on trials on indictments, when the court may order such transcript to be audited and paid for in the same manner as reporters' per diem compensation.

Pay for transcripts.

SEC. 4. The said reporter so appointed may, at any time, be removed for misconduct or inattention to duty.

Remove

SEC. 5. This act shall take effect and be in force from and after its publication in the Iowa State Register, and the Iowa State Leader, newspapers published in Des Moines, Iowa.

In force when.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 29, and in the *Daily Iowa State Register*, April 30, 1872.

ED WRIGHT, *Secretary of State.*

\* See chapter c.

## CH. 199.]

## CHAPTER C.

[H. F. 452.]

## SHORT-HAND REPORTERS IN CIRCUIT COURTS.

APRIL 23.

AN ACT to Amend an Act entitled, "An Act authorizing the Appointment of Short-hand Reporters in the District and Circuit Courts," Laws of the Fourteenth General Assembly.

1872: ch. xcix., amended.

Circuit judge may also select reporter.

In force when.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 1 of said act, entitled, "An act for authorizing the appointment of short-hand reporters in the district and circuit courts," be and the same is hereby amended, by adding in the second line of section 1, after the word "district," the words, "Or circuit."

SEC. 2. This act to take effect and be in force from and after its publication in the Iowa State Register, and State Leader, newspapers published in Des Moines, Iowa. Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, April 30, and in the *Daily Iowa State Register*, May 1, 1872.

ED WRIGHT, *Secretary of State.*

## CH. 200.]

## CHAPTER CI.

[H. F. 448.]

## CO-OPERATIVE ASSOCIATIONS.

APRIL 23.

AN ACT Amending Chapter Seventy-four (xxx.) of the Acts of the Fourteenth General Assembly.

1872: ch. xxx.

Twenty shares in building associations may be owned by one person.

In force when.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter seventy-four (xxx.) of the acts of the Fourteenth General Assembly be, and the same is hereby, amended, by striking out the words "ten shares," where they occur in sections two and three thereof, and inserting in lieu of them the words, "twenty shares."

SEC. 2. This act, being deemed of immediate importance by the General Assembly, shall take effect from and

after its publication in the Daily State Register, and Daily Leader, papers published at Des Moines.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and the *Daily State Leader*, April 30, 1872.

ED WRIGHT, *Secretary of State*.

CH. 201.] CHAPTER CII. [H. F. 303.

TESTIMONY IN RE-ESTABLISHING CORNERS OR LINES.

AN ACT to Authorize County Surveyors to issue Subpoenas for APRIL 28.  
Witnesses.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That county surveyors, when establishing defaced or lost land corners or lines, may issue subpoenas for witnesses, and administer oath to them. County surveyors may issue subpoenas and administer oath.

SEC. 2. That all fees for service of officers and attendance of witnesses be same as in proceedings before a justice of the peace. Fees.

Approved, April 23d, 1872.

CH. 202.] CHAPTER CIII. [S. F. 235.

LEADS AND OTHER PROPERTY HELD BY THE STATE.

AN ACT to Provide for the Disposal of Property held by the State, APRIL 28.  
and to Legalize Sales and Conveyances thereof heretofore made.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That real estate which has been or may hereafter be bid in on behalf of the State, upon execution in favor of the State, or which it has been, or may hereafter become, necessary for the State to take in order to secure it from loss, shall be held and disposed of as provided in section three, of chapter thirty-two of the acts of the Ninth General Assembly. Real estate in possession of the State, how to be disposed of. 1862: ch. 82.

**SEC. 2.** All sales of real estate so acquired by the State, as specified in the foregoing section, heretofore made by the Governor, in accordance with chapter thirty-two of the acts of the Ninth General Assembly, are hereby legalized and made valid and binding, anything in any statutes heretofore enacted to the contrary notwithstanding.

**SEC. 3.** This act, being deemed of immediate importance, shall take effect from its publication in the *Daily Iowa State Register*, the *Daily State Leader*, and *The Iowa Review*, or any two of them.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and the *Daily State Leader*, April 30, and in *The Iowa Review*, May 4, 1872.

ED WRIGHT, *Secretary of State.*

CH. 203.]

CHAPTER CIV.

[H. F. 451.

SUPREME COURT REPORTS.

APRIL 23. AN ACT to Provide for Disposing of the Supreme Court Reports, and to Increase the Law Department of the State Library.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That all Supreme Court reports that may be left after the distribution required by section ten, of chapter twenty-two, acts 1864, has been made, shall be disposed of by the Secretary of State as may be directed by the Trustees of the State Library, the proceeds thereof to be used for the purpose of increasing the law department of the State Library, and for no other purpose.

**SEC. 2.** The Secretary of State shall deliver to the State Librarian all Supreme Court reports now in his office deposited there pursuant to the provisions of section ten, chapter twenty-two, laws of 1864.

**SEC. 3.** All acts and parts of acts, in conflict with this act, are hereby repealed.

Approved, April 23d, 1872.

Sales heretofore made legalized.

In force when.

10 G. A.: ch. 22.

Surplus Supreme Court reports to be disposed of under direction of Trustees of Library.

Use of proceeds.

Reports in Secretary's office to be turned over to Library.

CH. 204.]

## CHAPTER CV.

[H. F. 430.]

## GEOLOGICAL SPECIMENS.

AN ACT to Amend Section One Hundred and Eighty-seven, Chapter Fourteen, of the Revision of 1860. APRIL 23.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section one hundred and eighty-seven, chapter fourteen, of the Revision of 1860, be amended by striking out the word "all," in the first line, and inserting, in lieu thereof, "Complete sets," and add after the word "purpose," in the fourth line, "And such duplicate specimens and fossils as remain, after complete sets shall have been deposited in the cabinet of the University, shall be deposited in the Museum of the State Agricultural College."

1860: §187 amended.

Duplicate specimens and fossils to go to Agricultural College.

Approved, April 23d, 1872.

CH. 205.]

## CHAPTER CVI.

[S. F. 265.]

## INSURANCE COMPANIES.

AN ACT to Amend Chapters 138 and 173 of the Twelfth General Assembly, to Regulate Insurance Companies. APRIL 23.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the parts of section 35 of chapter 138, and section 12 of chapter 173, of the acts of the Twelfth General Assembly, after the word "provided" in said sections, be and the same are hereby repealed.

1868: ch. 138.

1868: ch. 173.

Certificates of solvency of companies in other States, not conclusive.

SEC. 2. That section 23, of said chapter 138, is hereby amended, by changing the word "one" after the words "possessed of," to "Two," so that said section as amended shall read, "possessed of two hundred thousand dollars of actual, paid-up capital."

Companies abroad doing business in Iowa to have capital of \$200,000.

SEC. 3. That section 9 of said chapter 173 is hereby amended by substituting for the words, "upon the basis of the New York standard of valuation of life policies, "it being Dr. Farr's English Life Table No. 3 for males, "with interest at 5 per cent," the words, "Upon the basis

Basis for valuation of life policies.

“of American Experience Table of Mortality, and four  
“and one-half per cent. interest.”

Fees to be paid  
by companies  
from abroad :

for filing declar-  
ation ;  
annual state-  
ment ;  
certificate and  
copy ;

copy of paper ;  
seal ;

valuation ;

official examin-  
ation.

Same by home  
companies :

first application  
and license ;

annual state-  
ment ;  
certificate of  
authority.

Reciprocal fees,  
penalties, &c.

Taxes to be paid  
by companies  
from abroad.

SEC. 4. There shall be paid by every company doing business in this State, except companies organized under the laws of this State, the following fees:—

Upon filing declaration or certified copy of charter, twenty-five dollars.

Upon filing the annual statement, twenty dollars.

For each certificate of authority, and certified copy thereof, two dollars.

For every copy of any paper filed in the department, the sum of twenty cents per folio, and for affixing the official seal to such copy, and certifying the same, one dollar.

For valuing policies of life insurance companies, ten dollars per million of insurance, or any fraction thereof.

For official examinations of companies under this act, the actual expense incurred.

And companies organized under the laws of this State shall pay the following fees:

For filing and examination of the first application of any company, and the issuing of the certificate of license thereon, ten dollars.

For filing each annual statement, and issuing the renewal of license required by law, three dollars.

For each certificate of authority to its agents, fifty cents.

SEC. 5. When, by the laws of any other State, any taxes, fines, penalties, licenses, fees, deposits of money or of securities, or other obligations or prohibitions, are imposed, or would be imposed, on insurance companies of this State doing, or that might seek to do, business in such other State, or upon their agents therein, so long as such laws continue in force the same obligations and prohibitions, of whatever kind, shall be imposed upon all insurance companies of such other State doing business within this State, or upon their agents here.

SEC. 6. In addition to the foregoing fees, every insurance company doing business in this State, except joint-stock companies organized under the laws of this State, shall, at the time of making the annual statements as required by law, pay into the State treasury, as taxes, two and one-half per cent. of the gross amount of premiums received in this State during the preceding year, taking duplicate receipts therefor, one of which shall be filed with the Auditor; and upon the filing of said receipts, and not till then, the said Auditor shall issue the annual certificate as provided by law; and the said sum of two

and one-half per cent. shall be in full for all taxes, State and local.

SEC. 7. All of sections 32, 33, and 38, of said chapter 138, and all of sections 19 and 20, of said chapter 173, be, and the same are hereby, repealed.

1868: chap. 188, §2 32, 33, and 38, and 1868: chap. 173, §§ 19 and 20, repealed.

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

In force when.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *Daily State Leader*, April 30, 1872.

ED WRIGHT, *Secretary of State.*

CH. 206.]      CHAPTER CVII.      [H. F. 194.

INSURANCE COMPANIES.

AN ACT to Amend Section Forty of Chapter One Hundred and Thirty-Eight of the Laws of the Twelfth General Assembly, to regulate Insurance Companies.

APRIL 28.  
1868: ch. 183.

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 laws of the Twelfth General Assembly be, and the same is hereby, amended by striking out the following words: "Shall in no case pay any salaries or compensation to officers, agents, or any other employees, and".

Restriction upon self-insurance companies as to pay of officers, &c., removed.

Approved, April 23d, 1872.

CH. 207.]      CHAPTER CVIII.      [S. F. 270.

THE ADDITIONAL PENITENTIARY.

AN ACT to Amend Chapter One Hundred and One [XLIII], of the laws of the Fourteenth General Assembly, in Relation to an Additional Penitentiary, and to Provide for the general Support of the Convicts therein.

APRIL 28.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That chapter one hundred and one

1872: ch. XLIII, amended.

[xl.iii.], of the laws of the Fourteenth General Assembly, be amended as follows : by striking out the tenth section thereof, and inserting in lieu thereof the following:

“SEC. 10. The money hereby appropriated shall be expended under the direction of the Board of Commissioners. The Commissioners shall, at the close of each month, present to the Auditor of State a certified exhibit of all amounts due for property purchased, labor done, or materials furnished during said month, and the Auditor shall thereupon deliver to them a warrant upon the State Treasurer for the amount, and no warrant shall be issued except upon such exhibit, 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. 2. Add to section 12 the following: That for the general support of the convicts and the payment of the guards and employees in said Penitentiary, or at said quarries, there is hereby appropriated the monthly sum of eight and one-third dollars, or so much thereof as may be necessary, for each convict, to be estimated by the average number for the preceding month; to be paid to the Warden on his requisition, monthly, accompanied with a detailed statement, in such form as the Auditor of State shall prescribe, exhibiting the payments made by the money drawn on the previous requisition. But no such estimate and statement shall be necessary for the first month after convicts are transferred to or confined and worked in said Penitentiary and quarries.

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

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and *Daily State Leader*, April 30, 1872.

ED WRIGHT, *Secretary of State.*



CH. 208.]

CHAPTER CIX.

[H. F. 418.

STATE HISTORICAL SOCIETY.

AN ACT to Reorganize the State Historical Society.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That from and after the taking effect of this act, the Board of Curators of the State Historical Society at Iowa City shall consist of eighteen persons, of whom nine shall be appointed by the Governor of the State, and nine elected by the members of the Society. The term of office of said Curators shall be two years, except as provided in the next section, and they shall receive no compensation for their services.

Board of Curators.

How chosen.

Term of office.

No pay.

SEC. 2. The Curators appointed by the Governor, shall be appointed on or before the last Wednesday in June in the year 1872, and each second year thereafter, and their term of office shall commence on that day. Nine Curators shall be selected by the present board to serve on behalf of the Society until the last Wednesday in June, A. D. 1873, or, in default of such selection, the nine members of the present Board having the longest unexpired terms shall so serve. And at the annual meeting of said Historical Society held next before the last Wednesday in June, A. D. 1873, and in each second year thereafter, there shall be elected by ballot from the members of the Society nine Curators for the term next ensuing.

Term of first curators.

Their successors, when to be appointed.

SEC. 3. All persons who are members of said Historical Society, at the date of this act, shall remain members of the same as reorganized; and new members may be admitted at any time under the rules now in force, or such other rules as may hereafter be adopted by the Board of Curators.

Members of Historical society.

SEC. 4. The annual meeting of the Society shall be held at Iowa City on the Monday preceding the last Wednesday in June of each year.

Annual meeting.

SEC. 5. The Board of Curators shall choose annually, or oftener, if need be, a corresponding secretary, recording secretary, a treasurer, and a librarian, who shall be selected from the members of the Historical Society outside of their own number, and shall hold office for one year, unless sooner removed by a vote of the Board. Said officers shall be officers of the Society as well as of the Board of Curators, and their respective duties shall be

Officers of society.

Term.

Duties.

No compensation.

determined by said Board. No officers of the Society or of the Board shall receive any compensation from the State appropriation to the Society.

President of board.

SEC. 6. The Board of Curators shall also choose from their own number a president, who shall be the executive head of the Board, and shall hold his office for one year, and until his successor is elected.

Residence of curators.

SEC. 7. The Curators, a majority of whom shall reside in the vicinity of the State University, and seven of whom shall constitute a quorum, shall be the executive department of the Society, and shall have full power to manage its affairs. They shall keep a full and correct account of all their doings, and of the receipt and expenditure of all funds collected or granted for the purposes of the Society, and shall report the same annually to the Governor on or before the fifteenth day of December, as required by law of other State institutions.

A quorum.

Board, powers and duties of.

Annual report.

Books, etc., to be delivered to Society.

SEC. 8. There shall be delivered to said Society eighty bound copies of the reports of the Supreme Court, and of all other books and documents published by the State, or at its order, for the purpose of effecting exchanges with similar societies in other States and countries, and for preservation in its library, and the other purposes of the Society.

In force when.

SEC. 9. This act, being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the *Daily State Register*, a newspaper published at Des Moines, and in the *Iowa City Press*, a newspaper published at Iowa City, without expense to the State.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily Press*, of Iowa City, April 29, and in the *Daily Iowa State Register*, April 30, 1872.

ED WRIGHT, *Secretary of State.*

CH. 209.]

CHAPTER CX.

[S. F. 219.]

CONVEYANCES EXECUTED IN OTHER STATES.

APRIL 28.

AN ACT Providing for the Acknowledgment and Recording of Deeds in certain Cases, and Rendering Valid the Acknowledgments of Deeds and Instruments in Writing.

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 have been acknowledged or proved according to and in compliance with the laws and usages of the State, territory, or country in which said deeds or conveyances were acknowledged and proved, or in which they shall be acknowledged or proved, 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 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 recorded, had, prior to being recorded, been acknowledged or proved within this State.

Conveyances of property in Iowa, heretofore executed in other States, according to laws of such States, made valid.

May be admitted to record.

Proviso: record of such confirmed.

Sec. 2. That the acknowledgments of all deeds, mortgages, or other instruments in writing, taken and certified previous to the taking effect of this act, and which have been duly recorded in the proper counties in this State, be, and the same are hereby, declared to be legal and valid in all courts of law and 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.

Acknowledgments of all conveyances heretofore recorded, legalized.

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

In force when.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and in the *Daily State Leader*, April 30, 1872.

ED WRIGHT, *Secretary of State.*

CH. 210.]

CHAPTER CXI.

[S. F. 138.]

## VIOLATION OF CRIMINAL LAWS BY COMPANIES.

APRIL 28. AN ACT Authorizing the Punishment of Railroad Companies, and other Incorporate [d] Bodies, for Violation of the Criminal Laws of this State.

R. R. co's, etc., etc., liable to prosecution.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all railroad companies, and all other incorporate [d] bodies, shall be liable to prosecution, by indictment or information as hereinafter provided, in the courts in this State.

Name;

SEC. 2. Such companies or corporations may be indicted or informed against in any name in which they transact business, or in which they are commonly known.

when in court.

SEC. 3. Said companies shall be deemed to be in court upon the return by the sheriff, or other officer, that a copy of the information or indictment has been delivered to any person upon [whom] service is authorized to be made in civil actions.

Fine.

SEC. 4. Upon conviction of any such company, or upon a plea of "guilty" filed in open court by their authorized attorney, such company may be punished by fine in any sum in the discretion of the court.

R. R. co's may be indicted for what.

SEC. 5. Railroad companies and other incorporated bodies shall be liable to indictment under the criminal laws of this State for obstructing highways, or private ways, or for such highways to remain obstructed after the taking effect of this act, or for the doing or suffering of any other act which by the statute of this State is a crime or misdemeanor.

Presumptive evidence of obstructions of highway.

SEC. 6. Proof that any highway or opening any railroad track, is in an unsafe condition, or that it is not convenient for the public travel at the place of its crossing such railroad, or within its right of way, shall be presumptive evidence that such corporation has obstructed such highway, and unless rebutted shall be sufficient evidence to warrant a conviction against said corporation for obstructing such highway.

Any operating R. R. co. liable.

SEC. 7. Any company operating any railroad in this State shall be liable under the provisions of this act.

Arraignment not necessary.

SEC. 8. In prosecutions under this act, the arraignment of the defendant shall not be required.

Approved, April 23d, 1872.

CH. 211.]

CHAPTER CXII.

[H. F. 152.]

## VACATION OR MODIFICATION OF INJUNCTIONS.

AN ACT to Amend section 3782 of the Revision of 1860, in Relation APRIL 28.  
to the Vacation and Modification of Injunctions.

SECTION 1. *Be it enacted by the General Assembly* Rev.: § 3782.  
*of the State of Iowa,* That section 3782, of the Revision  
of 1860, be and the same is hereby amended, by adding  
thereto as follows : Or such application may be made to  
the judge of the court in which such action may be pend- Application to  
ing. modify or vacate,  
to whom made.

SEC. 2. This act to be in force from and after its pub- In force when.  
lication in the Daily State Register, and Daily Leader,  
newspapers published at Des Moines, Iowa.

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the  
*Daily Iowa State Register* and the *Daily State Leader*, April 30, 1872.

ED WRIGHT, *Secretary of State.*

CH. 212.]

CHAPTER CXIII.

[H. F. 444.]

## TERMS OF COURTS.

AN ACT to Repeal Section Four of Chapter Sixty-Two [xxii.] of APRIL 28.  
the Acts of the Fourteenth General Assembly, and to Enact a  
Substitute therefor.

SECTION 1. *Be it enacted by the General Assembly* 1872: ch. xxii,  
*of the State of Iowa,* That section four of chapter sixty- § 4 superseded.  
two [xxii.] of the acts of the Fourteenth General Assembly  
is hereby repealed, and the following is enacted in lieu  
thereof, as said section:

“ SEC. 4. The present district and circuit judges of each Terms of courts  
judicial district in this State (except the 13th) who may be for 1872 and 1873,  
residing in the territory of each respective district as it will how designated.  
be constituted after the first Monday of January, A. D. 1873,  
shall, on or before the first Monday of December, A. D. 1872,  
and the acting district and circuit judges of each judicial  
district, on or before the first Monday of December of each  
alternate year thereafter, designate, by order made under Thereafter same.

their hands, the time of holding the terms of the district and circuit courts in each county of their districts, for the two years next ensuing the first Monday of January thereafter, which order shall be filed forthwith with the clerk of the district court of each county in such district, and which order or notice thereof shall be published in each county of said district; and at least one term of each court shall be held in each organized county in the State. That no process, writ, notice, petition, indictment, or other paper issued out of, returnable to, or to be tried in any of the courts in any district or circuit, and made returnable to or triable at any term fixed by law therein, shall be quashed, set aside, or in any manner invalidated by reason of anything in this act, or in chapter 62 [xxii.] of the laws of the Fourteenth General Assembly, or by the acts of said judges in fixing said times, but the same shall be held to be returnable to and triable at the times by said judges under the provisions of this act in the respective counties of such district; and in any county, wherein the time of holding any term of either of the courts herein named is changed, such process, writ, notice, petition, indictment, or other paper, shall be held to be returnable and triable at the first term of such court as fixed by said judges."

Approved, April 23d, 1872.

CH. 213.]

CHAPTER CXIV.

[H. F. 348.]

LIST OF DEAF AND DUMB.

APRIL 23. AN ACT to Provide Information concerning the Deaf and Dumb.

Co. Superintendent to report list of deaf and dumb.

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 Deaf and Dumb, the name, age, and post-office address of every deaf and dumb person between the ages of five and twenty-one, who resides in the county in which he is superintendent, including all such persons as may be deaf to such an extent as to be unable to acquire an education in the common schools.

SEC. 2. It shall be the duty of the secretary of each school-district to furnish the information above required with his annual report to the county superintendent. Duty of district secretary.  
 Approved, April 23d, 1872.

CH. 214.]

CHAPTER CXV.

[H. F. 121.

APPRAISEMENT OF PROPERTY ON EXECUTION.

AN ACT to Amend an act entitled "An Act to amend Sections 3362 and 3363 of the Revision of 1860," being Chapter Fifty-one of the Laws of the Tenth General Assembly. APRIL 28.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section one of chapter fifty-one of the laws of the Tenth General Assembly, being an amendment to sections 3362 and 3363 of the Revision of 1860, be and the same is hereby amended, by striking out in the fourth line from the bottom of said section the word "th[e]y," and insert[ing] the words, "the officer serving the writ." Also, add to said section the following:  
 "And, if a majority of said appraisers fail to agree upon such appraisal, then such appraisers shall be discharged by the sheriff and new appraisers appointed in the manner aforesaid until an appraisal shall be agreed upon."  
1864: ch. 41.  
 Rev.: § 8362,  
 8363.  
 Officer serving writ to appoint third appraiser.  
 In case of disagreement, new appraisers to be appointed.

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

Approved, April 23d, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, April 30, and in the *Daily State Leader*, May 1, 1872.

ED WRIGHT, *Secretary of State.*

CH. 216.]

CHAPTER CXVI.\*

[S. F. 279.]

## PAY OF TRUSTEES OF REFORM SCHOOL.

APRIL 24.

AN ACT Supplemental to an Act providing for the permanent Location of the Iowa Reform School.

Trustees in locating and building school-house, to receive \$3 per day and expenses.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Board of Trustees of the Iowa Reform School, while employed in locating and superintending the erection of buildings for said School, shall receive the sum of three dollars per day and their actual traveling expenses, the amount due each Trustee to be certified to by the president and secretary of said Board.

Treasurer's bond; how approved.

SEC. 2. The treasurer of said Board of Trustees shall give bond in a sufficient amount, to be approved by the Census Board.

In force when.

SEC. 3. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and State Leader. Approved, April 24th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, May 1, and in the *Daily State Leader*, May 2, 1872.

ED WRIGHT, *Secretary of State*.

CH. 217.]

CHAPTER CXVII.

[S. F. 84.]

## AMENDATORY OF THE GAME LAW.

APRIL 24.

AN ACT to Amend Chapter 113, Acts of the Twelfth General Assembly, entitled An Act to protect Game.

1868: ch. 113. Unlawful to kill or trap deer and prairie chickens before Aug. 15.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That chapter 113 of the laws of the Twelfth General Assembly, *are* [is] hereby amended, by striking out the word "first" in the sixth line of section one of said chapter, and insert [ing] the word "fifteenth" therefor; also strike out the first and second provisos, and

\* See chapter LXXVII.



insert the following therefor: " *Provided*, Except on his own premises, it shall be unlawful for any person to net, ensnare, or trap any of said game. *And provided further*, That, except on his own premises, it shall be unlawful for any person to shoot, kill, net, ensnare, or trap any quail at any time of the year. *And provided further*, That it shall be unlawful for any person to kill, ensnare, or trap any beaver, mink, otter, or muskrat, between the first day of April and the first day of November in each year, except that it shall be lawful to shoot quail on the premises of another within the time designated in the act to which this act is an amendment, with the consent of the owner or occupant thereof."

Unlawful to trap game.  
Unlawful to kill quail.  
Unlawful to kill or trap mink, etc., between April 1 and November 1.  
Quail may be shot with consent of owner or prem ier.

Approved, April 24th, 1872.

COMPENSATION OF FUTURE GENERAL ASSEMBLIES.

**AN ACT** Fixing the Compensation of Members of the General Assembly, and of Officers and Employees thereof. APRIL 24.

**SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa*, That the compensation of members, officers, and employees of future General Assemblies shall be as follows :—To every member, for each regular session five hundred and fifty dollars, and for each extra and adjourned session the same compensation per diem while in session, to be ascertained by the rate per diem of the compensation of the members of the General Assembly at the next preceding regular session, and for every twenty miles in going to and returning from the place where the General Assembly is held, by the nearest traveled route, three dollars. To the secretary of the Senate and chief clerk of the House, each, eight dollars per day. To the assistant clerk of the House and assistant secretaries of the Senate, each, seven dollars per day. To the engrossing and enrolling clerks, each, five dollars per day. To the sergeants-at-arms, doorkeepers, janitors, postmasters, mail-carriers, and their assistants, each, four dollars per day. To the clerks of committees, each, three dollars per day. To the messengers and paper-folders, each, two dollars per day.

Pay of members for regular sessions, \$550.  
Do. for extra and adjourned sessions.  
Mileage.  
Secretary and clerk, \$8 per day.  
Assistant do., \$7  
Engrossing and enrolling clerks, \$5.  
Sergeants-at-arms, postmasters, etc., \$4.  
Clerks of committees, \$3.  
Messengers and paper-folders, \$2.

Full compensa-  
tion.  
No allowances or  
perquisites.

SEC. 2. That the above shall be the only and full compensation to such members, officers, and employees, and no allowance of stationery, postage, newspapers, or other perquisites shall be made, except the stationery necessary for the clerks aforesaid.

Approved, April 24th, 1872.

CH. 219.]

CHAPTER CXIX.

[H. F. 176.]

RIGHT OF WAY.

APRIL 24.

AN ACT to Amend Section 1317, of Chapter 55, of the Revision.

Rev.: § 1317.

Costs in cases of  
appeal from  
award of free-  
holders.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the following part of section 1317, of chapter 55, of the Revision of 1860, be and the same is hereby repealed, viz.: "In no case shall said corporation be liable for the costs on appeal, unless the owner of such real estate shall be adjudged, and entitled upon the appeal to a greater amount of damages than was awarded by said freeholders," and in lieu thereof the following be substituted, viz.: In cases of appeal, the appellant shall pay the costs of the appeal, unless such appellant recover a more favorable judgment than the appraisement of such freeholders.

Approved, April 24th, 1872.

CH. 220.]

CHAPTER CXX.

[S. F. 160.]

DITCHES, DRAINS, AND WATER COURSES.

APRIL 24.

AN ACT to Provide for locating, establishing, and constructing Ditches, Drains, and Water-courses.

County supervi-  
sors in larger  
counties, may  
construct ditch-  
es, drains, or  
water-courses,  
when.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the county supervisors of any county, having not less than ten thousand population, shall have power at any regular session, whenever, in their opinion, the same is demanded by, or will be conducive to, the public health, convenience, or welfare, to

cause to be established, located, and constructed, as hereinafter provided, any ditch, drain, or water-course within such county.

SEC. 2. That, before the county supervisors of any county shall take any steps toward locating or establishing any ditch, drain, or water-course, there shall be filed, with the county auditor, a petition from a majority of the resident persons owning land adjacent to the line of such proposed ditch, drain, or water-course, setting forth the necessity of the same, with a description of its proposed starting-point, route, and terminus, and shall at the same time file a bond, with good and sufficient sureties, to the acceptance of the county auditor, conditioned to pay all costs and expenses incurred, in case the supervisors shall refuse to grant the prayer of the petition, and it shall be the duty of the county auditor, immediately thereafter, to place a correct copy of said petition in the hands of the county surveyor, or a competent engineer, who shall thereupon, taking with him the necessary assistance, proceed to make an accurate survey of the route of such proposed ditch, drain, or water-course, and, on completion thereof, shall return a plat or profile of the same to said county auditor, and shall also set forth in his return a description of the proposed route, its availability and necessity, with a description of each separate tract of land through which the same is proposed to be located, how it will be affected thereby, and its situation, and level, as compared with that of adjoining lands, together with such facts as he may deem material. It shall be the duty of the county auditor, immediately on said report being filed, to cause notice in writing to be given to the owner, or one of the owners, of each tract of land along the route of such proposed ditch, drain, or water-course, of the pendency and prayer of said petition, and of the session of the county supervisors at which the same will be heard, which notice shall be served at least ten days prior to said session, and an affidavit of service filed with the county auditor, and in case such owner is not a resident of the county, or should any party or parties in interest die, during the pendency of said proceeding, such death shall not work an abatement of such proceeding, but the county supervisors, on being notified thereof, shall make such order as they may deem proper for giving notice to the person or persons succeeding to the right of such deceased party or parties, and notice of the pendency and prayer of said petition, and the time of hearing the same, shall be given to such owner or persons, by publication for two

Petition.

Bond.

Duty of county auditor.

Survey to be made.

Return.

Auditor to give notice of petition and hearing to owners.

Service of same.

Death of owner not to work abatement.

Notice in such case.

consecutive weeks in some newspaper published and of general circulation in said county.

**Sec. 3.** That any person or persons claiming compensation for land appropriated for the purpose of constructing any ditch, drain, or water-course, under the provisions of this act, shall make his, her, or their application in writing therefor to the county supervisors on or before the third day of the session, at which the petition has been set for hearing, and on failure to make such application shall be deemed and held to have waived his, her, or their right to such compensation.

**Sec. 4.** That said county supervisors, at the session set for the hearing of said petition, shall, if they find the requirement of the second section of this act to have been complied with, proceed to hear and determine said petition; and, if they deem it necessary, shall view the premises, and if they find such ditch, drain, or water-course to be necessary, and that the same is demanded by, or will be conducive to, the public health, convenience, or welfare, and no application shall have been made for compensation, as provided in the third section of this act, they shall proceed to locate and establish such ditch, drain, or water-course, on the route specified in the plat and return of said county surveyor, or engineer. But, if any application or applications for compensation, as aforesaid, shall have been made, further proceedings by the county supervisors shall be adjourned till the next regular session; and the county auditor shall forthwith proceed to appoint appraisers to assess and determine the damages and compensation of such claimant, or claimants, who shall proceed in the same manner as is now or hereafter may be provided by law, for the assessment of damages, in the opening of roads and highways; and the compensation so found and assessed, in favor of said claimant or claimants, shall be paid in the first instance by the parties benefited by such improvement, or secured to be paid upon such terms and conditions as the county auditor may deem just and proper; and the said county supervisors shall, at the next regular session after such compensation shall have been assessed, and paid, or secured as aforesaid, proceed to locate and establish such ditch, drain, or water-course, as hereinbefore provided.

**Sec. 5.** That said county supervisors, whenever they shall have established any such ditch, drain, or water-course, shall divide the same into suitable sections, not less in number than the number of owners of land through which the same may be located, and shall also pre-

Claimants for compensation, when to make application.

Failure to do so a waiver of right.

Hearing.

Determination.

Location of the water-course.

Proceedings to be postponed in case of application for compensation.

Appraisers to assess damages.

Compensation, by whom to be paid.

Board to establish.

Ditch to be divided into sections.

Time for completion of work.

scribe the time within which the work upon such section shall be completed.

SEC. 6. That the county auditor shall cause notice to be given of the time and place of letting, and of the kind and amount of work to be done upon said section, and the time fixed by the supervisors for its completion, by publication for thirty days, in some newspaper printed and of general circulation in said county, and shall let the work upon sections respectively to the lowest bidder therefor; and the person or persons taking such work at such letting shall on the completion thereof, to the satisfaction of the county supervisors, be paid for such work, out of the county treasury, upon the order of the county auditor, as provided in section eight hereof: *Provided*, That, if any person, or persons, to whom any portion of said work shall be let as aforesaid, shall fail to perform said work, the same shall be relet by the county auditor, in manner hereinbefore provided: *Provided, further*, That no water-course shall be so changed as to deprive the owner of any adjacent lands of the benefit thereof, unless the owner shall consent thereto.

Advertisement of letting.

Work to be let to lowest bidder.

Payment of contractors.

Re-letting of work.

Change of water-course.

SEC. 7. The county auditor shall keep a full and complete record of all proceedings had in each case under this act.

Co. auditor to keep record.

SEC. 8. That the auditor and surveyor or engineers shall be allowed such fees for services under this act as the county supervisors shall in each case deem reasonable and allow; and all other fees and costs accruing under this act shall be the same as provided by law for like services in other cases; and all costs, expenses, costs of construction, fees and compensation for property appropriated, which shall accrue and be assessed and be determined under this act, shall be paid out of the county treasury, from the fund collected for that purpose, on the order of the county auditor.

Fees and costs.

How paid.

SEC. 9. The county supervisors shall make an equitable apportionment of the costs, expenses, costs of construction, fees, and compensation for property appropriated, which shall accrue and be assessed and determined under this act, among the owners of the land benefited by the location and construction of such ditch, drain, or water-course, in proportion to the benefit to each of them through, along the line [of], or in the vicinity of, whose lands the same may be located and constructed, respectively. And the same may be levied upon the lands of the owners so benefited, in said proportions, and collected, in the same manner that other taxes are levied and collected for county purposes.

Assessment of expenses of work upon owners benefited.

How collected.

In force when.

SEC. 10. This act, being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers printed and published at Des Moines, Iowa.

Approved, April 24th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and in the *Daily State Leader*, May 2, 1872.

ED WRIGHT, *Secretary of State.*

CH. 221.]

CHAPTER CXXI.

[H. F. 302.]

## SPECIAL ELECTION.

APRIL 24.

AN ACT to Amend Section Four hundred and ninety-eight, of the Revision of 1860, in Relation to Special Elections.

Eff. of excess  
of ballots over  
voters.

County officer.

Township officer.

District or State  
officer.Tie vote and ex-  
cess.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section four hundred and ninety-eight, of the Revision of 1860, be, and the same is hereby, amended to read as follows: If the ballots of any officer are found to exceed the number of the voters in the poll-lists, that fact shall be certified with the number of the excess in the return, and if it be found that the vote of the township where the error occurred would change the result in relation to a county officer, if the person elected were deprived of so many votes, then the election shall be set aside as to him in the township where such excess occurs, and a new election ordered therein, providing that no person or persons residing in another township of the county at the time of the general election shall be allowed to vote at such special election; but, if the error occur in relation to a township officer, the trustees may order a new election or not, in their discretion. If the error be in relation to a district or State officer, the error and the number of the excess are to be certified to the canvassers, and if it be found that the error would affect the result, as above, a new vote shall be ordered in the county where the error happened, and the canvass be suspended until such new vote is taken and returned. When there is a tie vote and such an excess, there shall be a new election as above directed.

Approved, April 24th, 1872.

CH. 222.]

CHAPTER CXXII.

[H. F. 383.

BOUNDARY LINES OF TOWNSHIPS.

AN ACT Relative to the Change of the Boundary Lines of Civil Townships. APRIL 24.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter the boundary lines of no civil township shall be changed by the board of supervisors of any county, so as to divide any school-district or sub-district by changing the boundary lines thereof, except when a majority of the voters of such district or sub-district shall petition therefor, *Provided, however;* That this act shall not prevent the change of the boundary lines of any civil township, when such change is made by adopting the lines of congressional townships.

Township lines not to be changed so as to divide school-districts, except, etc.

Providso: townships may be conformd to Congressional lines.

Approved, April 24th, 1872.

CH. 223.]

CHAPTER CXXIII.

[H. F. 365.

WRIT OF REPLEVIN.

AN ACT to Amend Section 3555 of the Revision of 1860.

APRIL 24.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section number 3555, chap. 142, of the Revision of 1860, be amended by inserting, after the word "Plaintiff," the following: And in all cases where property is wrongfully taken from one county into another, and those specific facts are sworn to, the writ may issue from the county whence such property was so wrongfully taken, and the necessary process shall run and be served in any county where the property may be found, in the same manner and with like effect as if served in the county where suit is brought: *Provided,* That, where such writ issues from a justice's or other inferior court, the authority of such court, and signature of the magistrate, shall be certified by the clerk of the district court of the county from whence the writ originated.

Revision: §3555 amended.

Issuance of writ where property is taken from one county to another.

Service of same.

Authentication.

Approved, April 24th, 1872.

## CH. 224.]

## CHAPTER CXXIV.

[H. F. 44.]

## TAX DEEDS.

APRIL 24.

AN ACT to Amend Section Seven Hundred and Eighty-one of the Revision of 1860.

Rev.: § 781  
amended.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section seven hundred and eighty-one of the Revision of 1860, be, and the same hereby, is amended so as to read as follows:

Deed to be made  
out when.

Notice that deed  
be made to be  
given.

By whom signed  
and upon whom  
served.

Service upon  
non-residents.

Agent of non-  
residents.

Completed ser-  
vice.

SEC. 781. Immediately after the expiration of ninety days from the date of completed service of written notice, as hereinafter provided, which shall in no case be less than two years and nine months from the date of sale of the land therein set forth, for taxes under the provisions of this act, the treasurer then in office shall make out a deed for each lot or parcel of land so sold and remaining unredeemed, and deliver the same to the purchaser upon the return of the certificate of purchase. The notice shall state the date of sale, the description of the land or town-lot sold, the name of the purchaser, and that the right of redemption will expire, and a deed for said land be made, unless redemption from such sale be made within ninety days from the completed service thereof. It shall be signed by the lawful holder of the certificate of purchase, his agent, or attorney, and shall be served upon the person or persons in possession of such land or town-lot, and also upon the person or persons in whose name the same is taxed, if such person resides in the county where the land is situate, in the same manner as is provided by law for the service of original notices in the district court. Service of such notice may be made upon non-residents of the county or State, by publishing the same three times in some newspaper printed in said county, and if no newspaper is printed in said county, then in the nearest newspaper that is published in this State. But any such non-resident may file with the treasurer of the county a written appointment of some resident of the county where his lands or lots are situate, as agent, upon whom service of such notice shall be made, and in such case personal service of said notice shall be made upon said agent in the same manner as upon the resident owner. Service of notice shall be deemed completed when an affidavit of the service of said notice, and of the particular mode and manner thereof, duly signed and verified by the holder of the said certificate of purchase, his



agent or attorney, shall have been filed with the treasurer authorized to execute the tax-deed. Such affidavit shall be filed by said treasurer, and carefully preserved and entered upon the records of his office, and said record or affidavit shall be prima facie evidence of the completed service of notice herein required, and until such completed service of said notice, the right of redemption from such sale shall not expire. Any person, swearing falsely to any fact or statement contained in said affidavit, shall be deemed guilty of perjury, and, punished accordingly. The cost of serving the said notice, whether by publication or otherwise, together with the cost of preparing the affidavit and the jurat thereto, shall be added to and deemed part of the redemption money necessary to make redemption after the service of such notice. But this amendment shall not apply to sales made prior to the taking effect thereof.

Affidavits filed;  
evidence of what.  
Right of redemption.  
False swearing.  
Costs.  
Application.

Approved, April 24th, 1872.

CH. 225.] CHAPTER CXXV. [H. F. 208.

THE TERRITORY OF DISTRICT TOWNSHIPS.

AN ACT Providing for restoring Territory for School Purposes to Township Districts to which it geographically belongs. APRIL 24.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where territory has been or may be set into an adjoining county or township for school purposes, under the provisions of chapter ninety-four, laws of the Thirteenth General Assembly, or of section twenty-nine (sec. 37, S. L. 1868), chapter one hundred and seventy-two, laws of the Ninth General Assembly, as amended April 3d, 1866, such territory may be restored by the concurrence of the respective boards of directors; but on the written application of two-thirds of the electors residing upon the territory within the township in which the school-house is not situated, the said board shall restore the territory to the township district in which it geographically belongs.

Reservation of territory detached from district-townships.  
1870: ch. 94.  
1862: ch. 172.  
11 G. A.: ch. 148.

SEC. 2. In case an independent district embraces a

Independent dis- part or the whole of a civil township which has no separate district township organization, upon the written application of two-thirds of the electors, residing upon the territory of such independent district and within such civil township, to the board of directors, they shall set off such territory, whether provided with school-houses or not, to be organized as a district-township in the manner provided for such organization when a new civil township is formed.

1870: ch. 94 re- SEC. 3. Chapter ninety-four, laws of the Thirteenth repealed.

In force when. SEC. 4. This act, being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Daily Iowa State Register, and Daily Iowa State Leader.

Approved, April 24th, 1872.

I hereby certify that the foregoing act was published in the *Daily State Leader*, May 1, and in the *Daily Iowa State Register*, May 2, 1872.

ED WRIGHT, *Secretary of State.*

CH. 227.] CHAPTER CXXVI. [S. F. 76.

COUNTY INDEBTEDNESS.

APRIL 24. AN ACT to Amend Sections One and Two, of Chapter Fifty-four, of the Acts of the Thirteenth General Assembly.

1870: chapter 54 amended. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section one of chapter fifty-four of the acts of the Thirteenth General Assembly, be, and the same is hereby, amended by striking out the figures "3000," in the third line of said section, and inserting in lieu thereof the words "Seven thousand;" and by striking out the figures "1870," in the fourth line of said section, and inserting in lieu thereof the figures "1872;" and that section two of said chapter be, and the same is hereby, amended, by striking out the figures "1870," in the ninth line of said section two, and inserting in lieu thereof the figures "1872;" and by inserting after the word "exchange," in the eleventh line of said section two, the words, "But such bonds shall not be exchanged for any indebtedness of the county, except by the approval of the board of supervisors of said county."

Counties of over 7000 people, with debt, Jan. 1, 1872, of \$5,000,

may fund amt. due May 1.

Exchange of bonds for outstanding debt.

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

Approved, April 24th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and in the *Daily State Leader*, May 1, 1872.

ED WRIGHT, *Secretary of State.*

CH. 228.]

CHAPTER CXXVII.

[S. F. 22.]

## CHANGE OF VENUE IN JUSTICE'S COURT.

AN ACT to Repeal Section 3875 of the Revision of 1860, and to APRIL 24,  
Enact a Substitute therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 3,875 of the Revision of 1860 be, and the same is hereby, repealed, and there is enacted in lieu thereof the following, to-wit: Rev.: §3875 superseded.

“Section 3875. Either party, before the trial is commenced, may have a change of venue upon filing an affidavit that the justice is prejudiced against him, or is a near relation to the other party, or is a material witness for the affiant, or that the affiant cannot obtain justice before him; but no more than one change of venue shall be allowed to each party, unless the justice to whom the case shall be transmitted is related to either party by consanguinity or affinity within the fourth degree, or is a witness, or [has] been an attorney employed in the action, in either of which events, a second change of venue may be allowed to the same party. Either party may have change of venue; but only one, unless justice is related or a witness, or has been attorney.

Approved, April 24th, 1872.

## CH. 229.] CHAPTER CXXVIII. [H. F. 367.

## FENCES, AND RESTRAINING STOCK.

APRIL 24. AN ACT Supplementary to Chapter 26, Laws of the Thirteenth General Assembly, being An Act to restrain Stock from running at large; and also Supplemental to Section Six, Chapter One hundred and sixty-nine, Laws of the Ninth General Assembly, in Relation to Railroad Fences.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That nothing contained in chapter twenty-six, laws of the Thirteenth General Assembly, shall e[a]ffect the provisions of chapter sixty-one, of the Revision of 1860, in relation to partition fences. Nor shall the same e[a]ffect the provisions of section six, chapter one hundred and sixty-nine, of the laws of the Ninth General Assembly, in relation to railroad fences, and the duties of railroad companies to fence their roads within this State.

Act restraining stock not to affect statute concerning fences; nor that requiring railroads to be fenced.

1870: ch. 26.

Rev.: ch. 61.

1862: ch. 169.

Approved, April 24th, 1872.

## CH. 230.] CHAPTER CXXIX. [H. F. 441.

## KEEPERS OF PUBLIC SCALES.

APRIL 24. AN ACT Supplementary to Chapter Fifty-six, Laws of Tenth General Assembly, relating to Weighmasters of Public Scales.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of any weighmaster or keeper of public scales, kept for the purpose of weighing stock or grain, to provide and keep a standard weight of not less than fifty pounds avoirdupois, for the purpose of testing such scales, and he shall, at least once a month, and oftener if requested, make a satisfactory test of the correctness of such scales.

Weighmasters to keep standard weight, and test scales monthly.

Penalty for neglect.

1864: ch. 56.

SEC. 2. Any keeper of public scales, failing to comply with the provisions of this act, shall be liable to the same penalty as is provided by section three, chapter fifty-six, of the laws of the Tenth General Assembly.

Approved, April 24th, 1872.

CH. 231.]

CHAPTER CXXX.

[H. F. 353.]

## BRIDGES ACROSS BOUNDARY LINE OF STATE.

AN ACT to Amend Chapter Six [i.] of the Acts of the Fourteenth General Assembly of the State of Iowa, entitled "An Act authorizing the Appropriation of Money to build Bridges," approved, January 31, 1872. APRIL 24.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section one of chapter six [i.] of the acts of the Fourteenth General Assembly of the State of Iowa, entitled "An act authorizing the appropriation of money to build bridges," approved January 31, 1872, be amended by adding the following, after the words "within the limits of said county," to-wit: "Or may appropriate towards the construction of any bridge across any unnavigable river which is the dividing line between one county in this State and another State." 1872: chapter i. amended.

SEC. 2. That section two of the act aforesaid be amended by adding thereto the following, to-wit: "Or may appropriate a like sum to aid in the construction of any bridge contiguous to said city on a road leading to the same, including also any bridge across any unnavigable river which divides the county in which said city is located from another State." Supervisors may appropriate money for bridge across State line.

Approved, April 24th, 1872. Powers of cities in relation to construction of bridges increased.

CH. 232.]

CHAPTER CXXXI.

[S. F. 275.]

## TRUSTEES OF THE REFORM SCHOOL.

AN ACT to Repeal Section Two of Chapter Fifty-nine, of the Laws of the Twelfth General Assembly, and Enact a Substitute therefor. APRIL 24.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section two, of chapter fifty-nine, of the laws of the Twelfth General Assembly be, and the same is hereby, repealed, and the following enacted in lieu thereof: "There shall be a Board of Trustees, whose name and style shall be the Board of Trustees of the Iowa Reform School, which shall consist of five persons, who shall be appointed by the" 1868: ch. 59, § 2, superseded.

Board of Trustees to consist of five.

How appointed.	"General Assembly, no two of whom shall be taken
Restriction.	"from the same congressional district, and shall hold
Term.	"their offices for six years, and until their successors are
Vacancies.	"elected and qualified. All vacancies occurring in said "Board by death, resignation, or otherwise, shall be filled "by appointment of [by] the Governor of the State."
In force when.	§ 2. This act, being deemed of immediate impor- tance, shall take effect and be in force from and after its publication in the Iowa State Register, and Des Moines Leader, newspapers published at Des Moines, Iowa. Approved, April 24th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and in the *Daily State Leader*, May 1, 1872.

ED WRIGHT, *Secretary of State.*

CH. 233.] CHAPTER CXXXII.\* [H. F. 240.]

TAXES FOR SCHOOL PURPOSES.

APRIL 24. AN ACT to Amend Chapter One Hundred Seventy-two Laws of the Ninth General Assembly, and the Acts amendatory thereto, in Relation to the Voting and Levying of School Taxes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all taxes hereafter voted and levied under the provisions of chapter 172, laws of the Ninth General Assembly, and the acts amendatory thereto, shall be after the following manner, to-wit: Each school district-township and independent school-district shall vote the several specific sums of money deemed by them necessary to be raised for school-house fund, teachers' fund, and contingent fund, respectively, in their respective school-districts, at the same time as now provided by law, and the secretary of each district-township, or independent school-district, shall certify the several sums so voted to the board of supervisors, designating the amount of school-house tax to be levied in each sub-district, who, in levying the said taxes, shall determine and fix, as near as may be, the per centum necessary to be levied upon the property of each sub-district, township, or independent school-district, in order to realize the respective

1862: ch. 172.

Districts to vote specific sums for the several funds.

Secretary to certify.

School-house tax in each sub-district.

Board of supervisors to fix per centum.

\* See chapter xxi.

sums so certified, due regard being had, in all cases, to the proper apportionment of the school-house fund tax between the several sub-districts of any district-township as now provided by law: *Provided, always,* That the per centum so levied shall in no case exceed the limit now fixed by law, but, in case the board of supervisors ascertain that the specific sum certified is greater than the maximum per centum now authorized will produce, the board shall nevertheless levy such maximum limit; and the amount raised for contingent fund "shall not exceed five dollars per scholar, and the amount raised for "teachers' fund," including the amount received from the semi-annual apportionment, shall not exceed fifteen dollars per scholar, for each scholar residing in the district-township, or independent district for which the tax is levied. The number of persons between the ages of five and twenty-one years, as shown by the last report of the county superintendent, shall, for the purposes of this act, be deemed the number of scholars in each school-district.

Proviso: maximum not to be exceeded.

Sec. 2. All acts or parts of acts, inconsistent with this act, are hereby repealed.

Repeal.

Approved, April 24th, 1872.

CH. 238.] CHAPTER CXXXIII. [S. F. 151.

SCHOOLS.

AN ACT to Amend Chapter 172, of the Acts of the Ninth General Assembly, passed April 8, 1862, in Relation to Schools; also Chapter 57, Laws of the Tenth General Assembly. APRIL 25.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section four, of said chapter one hundred and seventy-two, is hereby amended by inserting therein, immediately after the first word "when," the words, "Changes in civil township boundaries are made, "or:" also by inserting, immediately after the words "for both or all of the new districts," the words, "Or parts of districts;" also to amend the last clause of said section four to read as follows: "A similar division shall be made in case of a formation or changes of boundaries of independent districts, or the consolidation or other change in the boundaries of civil townships."

1862: ch. 172.  
Provision for district when boundaries of township are changed.

Division of assets.

Independent districts.

SEC. 2: Section sixty-nine of said chapter is hereby

Investigation before revocation of teachers' certificate.

amended by adding thereto the following, to-wit: After an investigation of facts in the case, of which investigation the teacher shall have personal notice, and he shall be permitted to be present and make his defense.

Independent district may be abandoned.

SEC. 3. Section ninety-one of said chapter is hereby amended by inserting, immediately after the words "may be changed," the words, Or the independent district abandoned.

In force when.

SEC. 4. 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 State Leader, newspapers published at Des Moines.

Approved, April 25th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, and in the *Iowa State Leader*, May 2, 1872.

ED WRIGHT, *Secretary of State.*

CH. 239.] CHAPTER CXXXIV. [H. F. 136.

FEEs OF JUSTICES AND CONSTABLES.

APRIL 25.

AN ACT to Repeal Sections Four thousand one hundred and forty-nine and Four thousand one hundred and fifty-two, of Chapter 162, of the Revision of 1860—Fees of Justices of the Peace and Constables.

Rev.: §§ 4149 and 4152 superseded.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That sections 4149 and 4152, of the Revision of 1860, be repealed, and the following be substituted therefor:

CONSTABLE'S FEES.

Constable's fees.	To serving any notice or civil process on each person named therein . . . . .	[\$]0.50
	Copy thereof when required . . . . .	.10
	For serving a writ of attachment or replevin . . . . .	.50
	Traveling fees, going and returning, per mile . . . . .	.05
	Summoning a jury (including mileage) . . . . .	1.00
	Attending the same on trial . . . . .	1.00
	Serving execution (besides mileage) . . . . .	.50
	Advertising and selling property . . . . .	.75
	Advertising without selling . . . . .	.25
	Return of execution when no levy is made . . . . .	.10



On all sums collected on execution, and paid over, (except costs,) five per cent., of which shall be added to the costs: *Provided*, That, when five per cent. has been paid to such constable, no further percentage shall be paid over to the justice under this act.

Constables fees  
---continued.

Serving each subpoena (besides mileage,.....)	\$0.15
Posting up each notice required by law.....	.15
Serving each warrant of any kind.....	.75
Attending each trial in a criminal case.....	1.00
For serving each mittimus or order of release (besides mileage).....	.30
For serving each <i>scire facius</i> (besides mileage,....)	.50

JUSTICE'S FEES.

Docketing each case in any action except in garnishment proceedings.....	.50	Justice's fees.
Issuing each original notice.....	.50	
Issuing writ of attachment or replevin.....	.25	
Drawing and approving bond when required in any case.....	.50	
Entering judgment by confession after suit brought.	.50	
Entering judgment by confession not on suit brought.....	1.00	
Entering judgment by default, or on a plea of guilty.	.50	
Entering judgment when contested.....	.50	
Additional when a jury is called.....	1.00	
Issuing venire for jury.....	.25	
For subpoena in each civil cause when demanded...	.25	
For each oath or affirmation, except in proceedings connected with suits before him.....	.05	
For each continuance at the request of either party..	.50	
For setting aside each judgment by default.....	.50	
For each information and jurat.....	.50	
For each execution, renewal of execution, or warrant of any kind.....	.50	
For each bond of recognition....	.50	
For each mittimus [or] order of discharge. ....	.50	
For each official certificate or acknowledgment....	.25	
For making and certifying transcript.....	.50	
For trial of all caases, civil or criminal, for each six hours or fraction thereof.....	1.00	

For all moneys collected and paid over after suit brought without judgment, 5 per cent.

The fees of a justice of the peace and constable in criminal causes, where the prosecution fails, or where the money cannot be made from the person liable to pay the same, the facts being certified by the justice and sworn to, shall be allowed and paid out of the county treasury.

Approved, April 25th, 1872.

CH. 241.]

CHAPTER CXXXV.

[S. F. 374.]

HOSPITALS FOR THE INSANE.

APRIL 25.

AN ACT to Amend Sections Three, Six, Ten, Twelve, and Forty-Four of Chapter One Hundred and Nine of the acts of the Thirteenth General Assembly.

1870: ch. 109.

Orders for pay and mileage of Trustees to be approved by Board.

Superintendent not to be steward.

Restriction upon salaries removed.

Money for current expenses not to be used for improvement.

Steward to make purchases, and superintend farm

To take duplicate vouchers.

Board in open session to make quarterly examination.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the third section of chapter one hundred and nine, of the acts of the Thirteenth General Assembly of Iowa, be amended, by striking out the words, "and approved by the superintendent," and inserting the words, "And approved by the Board;" and that the sixth section of the same act be amended by striking out all after the word "however," in the twelfth line, down to the word "they," in the sixteenth line, and insert[ing] the following: "That the same person shall not hold the office of superintendent and steward;" and by striking out the word "provided" where it occurs the second time in said section, and all the words which follow it in the same section; and that section ten of the same act be amended, by adding after the word "Hospital," in the sixteenth line of said section, "But no part of the money so drawn for current expenses shall be used in making improvements;" and the same act be amended by striking out section twelve, and inserting the following: "The steward, under the direction of the Trustees, 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 all employees, and have a personal superintendence of the farm. He shall take duplicate vouchers for all purchases made, and for all wages paid by him, which he shall submit to the Trustees at each of their quarterly meetings, for their examination and approval. Such settlement of accounts shall be made by the Board of Trustees in open session, and shall not be intrusted to

“ a committee. The Trustees shall, after examining and  
 “ approving such vouchers, file one of them with the Vouchers filed with Auditor.  
 “ Auditor of State. The books and papers of the steward Books open for inspection.  
 “ and treasurer shall be open at all times to the inspection  
 “ of any one of the Trustees, State officers, or members of the  
 “ General Assembly;” and the same act be further amended  
 by striking out section forty-four, and insert[ing] the follow-  
 ing: “ The Trustees shall from time to time fix the sum to be  
 “ paid per week for the board and care of patients, which Trustees to fix price for care of patients at not more than \$3.75 per week.  
 “ shall not exceed the sum of three dollars and seventy-  
 “ five cents per week, and the weekly sum so fixed shall  
 “ be the sum said Hospital shall be entitled to demand for  
 “ keeping any patient, and the certificate of the superin-  
 “ tendent, attested by the seal of the Hospital, shall be  
 “ evidence in all places of the amount due as fixed.”

SEC. 2. It shall be the duty of the Board of Trustees of Notice of readiness for patients at Independence  
 the Hospital at Independence to give notice by mail, of  
 the time when the Hospital will be ready for the reception  
 of patients, to all the clerks of the circuit courts of the  
 State.

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

Approved, April 25th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, May 1, and in the *Daily State Leader*, May 3, 1872.

ED WRIGHT, *Secretary of State.*

CH. 242.]

CHAPTER CXXXVI.

[H. F. 443.]

CAPITAL PUNISHMENT ABOLISHED.

AN ACT in Relation to Capital Punishment, and Regulating MAY 1.  
 Pardons.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* The penalty of death as a punishment for crime, is hereby abolished. The death penalty abolished.

SEC. 2. All crimes heretofore punishable with death shall be punished by imprisonment for life at hard labor in the State Penitentiary. Imprisonment for life.

Pardon in such cases not to be granted unless recommended by Gen. Assembly.

SEC. 3. That, in all cases of conviction under the preceding sections, the Governor shall not grant a pardon unless the same shall have been recommended by the General Assembly of the State.

In force when.

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

Approved, May 1st, 1872.

CH. 243.]

CHAPTER CXXXVII.

[S. F. 267.]

SCHOOL-DISTRICTS IN CONTIGUOUS COUNTIES.

MAY 6.

AN ACT Amendatory of the School-Laws of the State, and Relative to the Formation of Independent School-Districts in certain Cases.

School districts heretofore existing, of territory in contiguous counties, may be revived.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That where, under the school-laws of the State heretofore in force, from the necessities of

Boundaries of independent district.

localities, arising from natural obstructions, the organization of school-districts under said laws and for the convenience and accommodation of the people, school-districts were formed of portions of two counties of territory lying contiguous to each other, and where, under present laws, such districts are not provided for, at the written request of five legal voters residing in portions of such territory in each county, the board of directors of the district-township to which such territory belongs having a majority of the legal voters shall fix the boundaries of an independent school-district composed of such sections of land, or portions thereof, as may be specified and described in the petition for such independent district, and shall give at least ten days' notice of the submission of the question of the formation of said independent district to the legal voters of the contemplated independent district, at a special election for said purpose, specifying the boundaries of the district, the time and place of the meetings of the electors of the district containing a majority of the legal voters, at which meeting the electors in the contemplated district shall vote by ballot for or against a separate organization. Should a majority of the votes be cast in favor of such separate organization, the said board of directors shall proceed by ballot to elect, in the manner

Election upon separate organization.

Choice of first officers, and temporary organization.

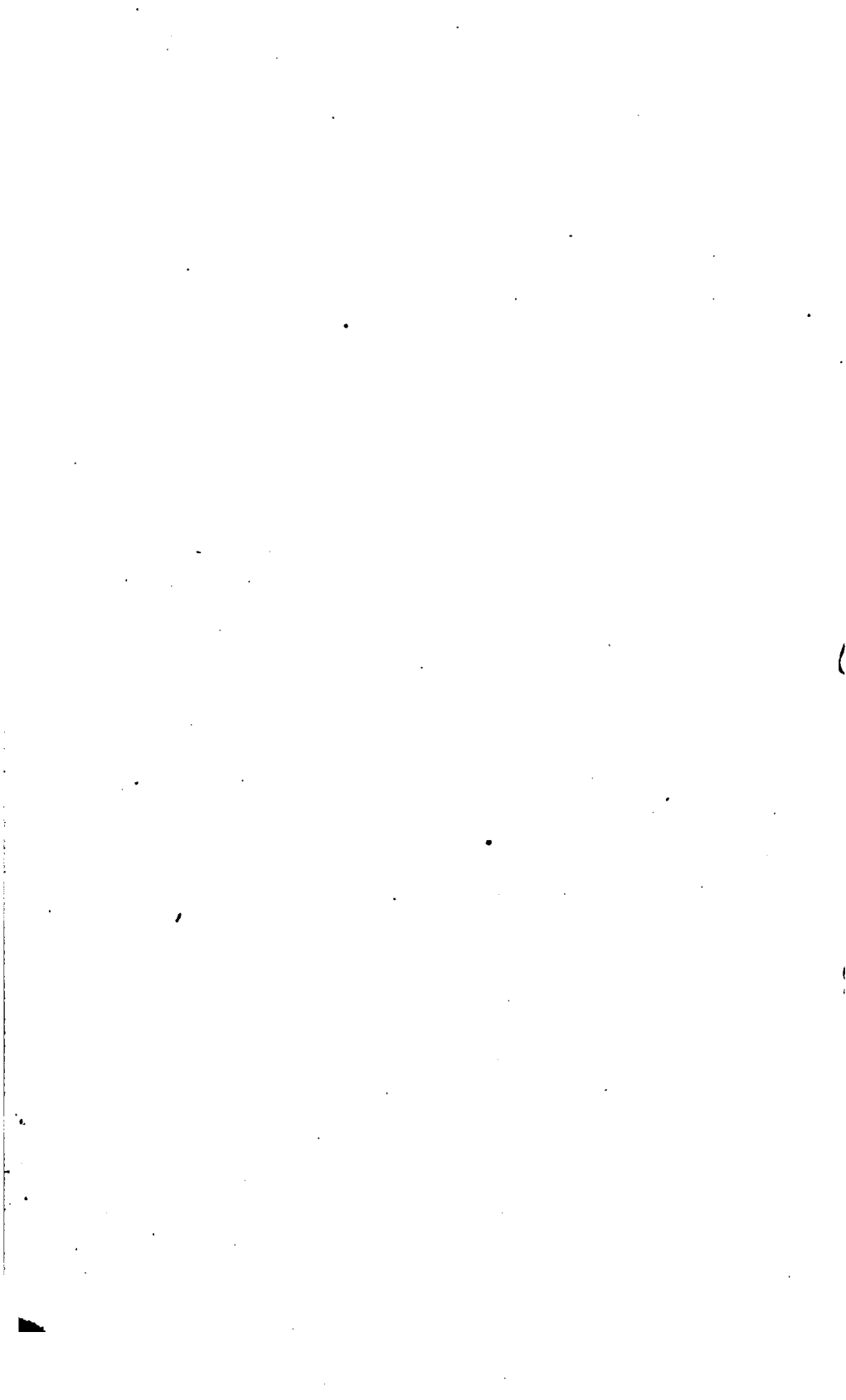
now provided by law, the necessary officers, and organize said independent district.

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 State Leader, newspapers published at Des Moines, Iowa. In force when.

Approved, May 6th, 1872.

I hereby certify that the foregoing act was published in the *Daily Iowa State Register*, May 8, and in the *Daily State Leader*, May 9, 1872.

ED WRIGHT, *Secretary of State.*



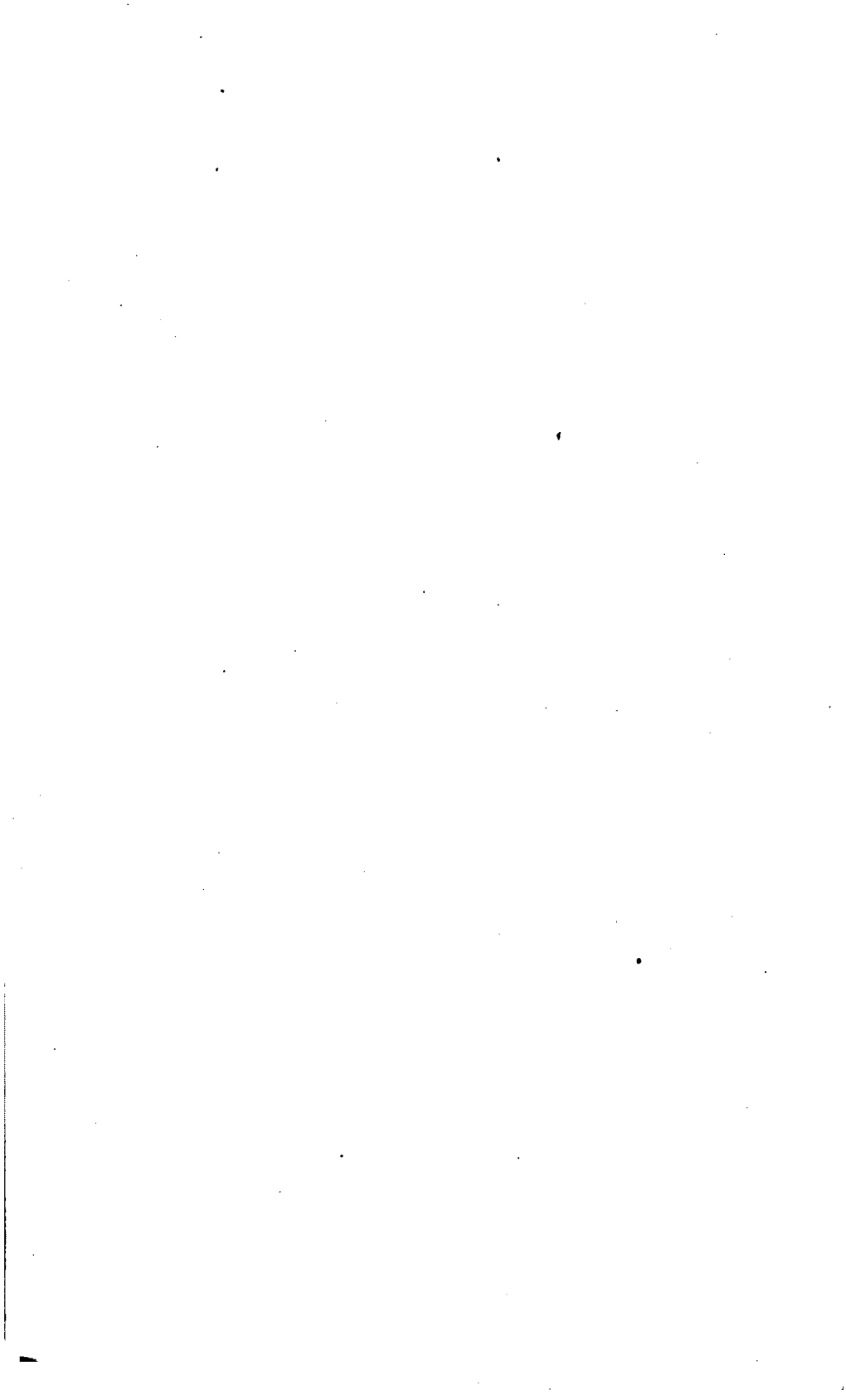
STATE OF IOWA, AUDITOR'S OFFICE, }  
DES MOINES, May 14th, 1872. }

HON. ED WRIGHT, *Secretary of State:*

SIR:—In compliance with the provision contained in section 18, article 3, of the constitution of Iowa, I herewith furnish to you, for publication with the laws of the Fourteenth General Assembly, a statement of the receipts and expenditures of the public money, for the two fiscal years ending on the 4th day of November, 1871.

Yours truly,

JOHN RUSSELL,  
*Auditor of State.*





# AUDITOR'S STATEMENT

OF

RECEIPTS AND EXPENDITURES OF THE PUBLIC MONEY,

FOR TWO YEARS ENDING NOVEMBER 4, 1871.

STATE OF IOWA, AUDITOR'S OFFICE, }  
DES MOINES, May 14, 1872. }

The following is an accurate statement of the receipts and expenditures of the public money, for the two years commencing on the 1st day of November, 1869, and ending on the 4th day of November, 1871, both days inclusive:

The balance remaining in the State treasury at the close of the fiscal year, October 30th, 1869, as shown by my predecessor's report, was \$303,198.86.

There was received into the State treasury during the past two years, from all sources, the sum of \$2,206,357.33, which added to the above amount on hand makes the sum of \$2,509,556.19, and the disbursements by the State Treasurer during the same period amounted to \$2,413,586.93, leaving in the State treasury, November 4th, 1871, the sum of \$95,969.26.

This balance is distributed among the several funds as follows:

General Revenue.....	\$81,740 84
Coupon Fund.....	1253 85
Swamp-land Fund.....	2634 45
Des Moines River Land Claims (special fund).....	61 88
Agricultural College Endowment Fund.....	6692 41
Permanent School-Fund.....	3095 00
Temporary School-Fund.....	490 83
Total.....	<u>\$95,969 26</u>

## 1st—GENERAL STATEMENT OF RECEIPTS AND DISBURSEMENTS.

## RECEIPTS.

The receipts were derived from the following sources :

## General Revenue—

From State Taxes, 2-mill levy.....	\$ 1300429 87
From Interest on delinquent taxes.....	53034 03
From Insane dues from counties.....	171598 52
From Peddlers' Licenses.....	319 47
From Sale of Laws.....	1779 25
From Railroad Taxes.....	90171 88
From Sale of Arms, Rents, &c.....	429 38
From Insurance Companies for taxes.....	43547 96
From Insurance Companies by Auditor for fees.....	20501 33
From U. S. on War and Defense Fund.....	85079 64
From Secretary of State, for Fees.....	2239 93
From Register of the State Land Office, for Fees.....	391 65
	<hr/>
	\$1,769,522 91

Coupon Fund—transferred from General Revenue.....	\$ 43025 00
Railroad Fund—from Taxes on Railroads.....	292377 14
Swamp-Land Fund—from U. S.....	3081 16
Agricultural College Endowment Fund—from sale of Agricultural College Lands.....	6692 41
Permanent School-Fund—from U. S. 5-per cent Funds and Eads' Loans and Sureties.....	45685 68
Temporary School-Fund—from Interest on State Bonds and Eads' Loans.....	45973 03
	<hr/>

Total receipts for two years..... \$ 2206357 33

Balance in treasury Oct. 30th, 1869..... 303198 86

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\$2,509,556 19

## DISBURSEMENTS.

The disbursements were for the following purposes :

## General Revenue—

Redemption of Auditor's Warrants.....	\$ 1973,941.56
Interest allowed on same.....	.70
Railroad Fund, apportioned to State and Counties.....	292377.14
Swamp-Land Fund, paid to Counties.....	5753.01
Des Moines River Land Claims, redemption of Warrants and interest allowed on the same.....	3854.86
Permanent School-Fund, apportioned to Counties.....	50818.78
Temporary School-Fund, apportioned to Counties.....	45520 20
Dictionary Fund, amount paid Meriam & Co.....	20.00
Coupon Fund, redemption of Coupons.....	41800.71
	<hr/>

Total disbursements for two years..... \$ 2413586.93

Balance in treasury, November 4th, 1871..... 95969.26

Total..... \$ 2509556.19

2D—STATE INDEBTEDNESS.

War and Defense Fund, 7 per cent. Bonds issued under chapter 16, acts of extra session of 1861, due July 1st, 1881.....\$300,000.00

The Revenue Fund has also become responsible to the School-Fund for the following Bonds:

Bond No. 1, issued to the Permanent School-Fund of the State, dated November 12th, 1864, interest payable on the 1st days of January and July in each year at 8 per cent., for.....\$122,295.75  
 Bond No. 2, 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  
 Bond No. 3, issued to the Permanent School-Fund of the State, dated Nov. 1st. 1871, interest payable on the 1st days of January and July in each year at 8 per cent., for..... 8,558.14

This last bond, No. 3, was issued for losses to Permanent School-Fund, in accordance with article 7, section 3, of new constitution, and of section 2, chapter 134, acts of 1864.

Total bonded indebtedness..... \$543,056.15

3D—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 4th, 1871.*

ACCOUNTS.	AMOUNT EXPENDED.
Adjutant-General's salary.....	\$ 3999 40
Adjutant-General's contingent fund.....	2725 89
Attorney-General's salary and <i>per diem</i> .....	5915 00
Auditor of State's salary.....	3990 12
Auditor of State's Deputy's salary.....	1850 00
Auditor of State's contingent fund.....	2864 70
Circuit Judge's salary, 1st circuit, 1st district.....	3000 00
Circuit Judge's salary, 2d circuit, 1st district.....	2875 00
Circuit Judge's salary, 1st circuit, 2d district.....	3250 00
Circuit Judge's salary, 2d circuit, 2d district.....	1875 00
Circuit Judge's salary, 1st circuit, 3d district.....	3125 00
Circuit Judge's salary, 2d circuit, 3d district.....	4600 00
Circuit Judge's salary, 1st circuit, 4th district.....	3285 00
Circuit Judge's salary, 2d circuit, 4th district.....	3125 00
Circuit Judge's salary, 1st circuit, 5th district.....	3000 00
Circuit Judge's salary, 2d circuit, 5th district.....	3125 00
Circuit Judge's salary, 1st circuit, 6th district.....	3000 00
Circuit Judge's salary, 2d circuit, 6th district.....	3225 00
Circuit Judge's salary, 1st circuit, 7th district.....	3125 00
Circuit Judge's salary, 2d circuit, 7th district.....	3750 00
Circuit Judge's salary, 1st circuit, 8th district.....	3807 50
Circuit Judge's salary, 2d circuit, 8th district.....	3000 00
Circuit Judge's salary, 1st circuit, 9th district.....	3000 00

Circuit Judge's salary, 2d circuit, 9th district.....	\$ 3000 00
Circuit Judge's salary, 1st circuit, 10th district.....	2625 00
Circuit Judge's salary, 2d circuit, 10th district.....	3000 00
Circuit Judge's salary, 1st circuit, 11th district.....	3000 00
Circuit Judge's salary, 2d circuit, 11th district.....	3875 00
Circuit Judge's salary, 1st circuit, 12th district.....	3387 50
Circuit Judge's salary, 2d circuit, 12th district.....	3000 00
District Judge's salary, 1st district.....	3916 64
District Judge's salary, 2d district.....	4083 30
District Judge's salary, 3d district.....	4033 33
District Judge's salary, 4th district.....	3533 32
District Judge's salary, 5th district.....	4649 97
District Judge's salary, 6th district.....	3899 98
District Judge's salary, 7th district.....	3993 30
District Judge's salary, 8th district.....	3899 97
District Judge's salary, 9th district.....	3899 98
District Judge's salary, 10th district.....	3716 64
District Judge's salary, 11th district.....	4790 00
District Judge's salary, 12th district.....	3648 35
District Attorney's salary, 1st district.....	1250 00
District Attorney's salary, 2d district.....	1200 00
District Attorney's salary, 3d district.....	1200 00
District Attorney's salary, 4th district.....	1150 00
District Attorney's salary, 5th district.....	1298 67
District Attorney's salary, 6th district.....	1250 00
District Attorney's salary, 7th district.....	1300 00
District Attorney's salary, 8th district.....	1200 00
District Attorney's salary, 9th district.....	1000 00
District Attorney's salary, 10th district.....	1250 00
District Attorney's salary, 11th district.....	750 00
District Attorney's salary, 12th district.....	1250 00
Governor's salary and house-rent.....	7060 00
Governor's contingent fund.....	1900 67
Governor's Private Secretary's salary.....	2437 87
Janitor and Night-Watch.....	6928 03
Register of State Land-Office, salary.....	4218 66
Register of State Land-Office Deputy's salary.....	2316 00
Superintendent of Agricultural College and Farm.....	2000 00
Secretary of State's salary.....	3989 80
Secretary of State's Deputy's salary.....	1900 00
Secretary of State's contingent fund.....	1168 65
State Treasurer's salary.....	4821 00
State Treasurer's Deputy's salary.....	2316 00
State Treasurer's contingent fund.....	1354 72
State Superintendent of Weights and Measures.....	125 00
Superintendent of Public Instruction's salary.....	4081 09
Superintendent of Public Instruction's Deputy's salary.....	1925 00
Superintendent of Public Instruction's contingent fund.....	666 00
Supreme Judge's salary, Hon. J. M. Beck.....	4860 00
Supreme Judge's salary, Hon. C. C. Cole.....	5183 64
Supreme Judge's salary, Hon. J. G. Day.....	3016 64
Supreme Judge's salary, Hon. J. F. Dillon.....	383 50
Supreme Judge's salary, Hon. E. H. Williams.....	1315 98
Supreme Judge's salary, Hon. G. G. Wright.....	1916 73
Supreme Judge's salary, Hon. W. E. Miller.....	3268 08
Supreme Court contingent fund.....	7928 22
General contingent fund.....	22282 89
Agricultural Societies.....	29445 00
Agricultural College Improvement.....	68500 00
Agricultural College Board (mileage).....	2489 00
Arrest of fugitives.....	5695 36
Blind Asylum (support and pupilage).....	43340 00

Blind Asylum (improvements).....	85411 84
Blind Asylum (clothing account).....	1480 74
Capitol building repairs.....	2233 00
Commissioners of Immigration (support).....	4997 98
Commissioners of Immigration (mileage).....	870 70
Commissioners to revise laws.....	7457 00
Commissioner to Washington (J. N. Dewey).....	6804 35
Commissioner to Washington (J. A. Harvey).....	554 10
Deaf and Dumb Institution (support and pupilage).....	39620 00
Deaf and Dumb Institution (building at Council Bluffs).....	78061 01
Deaf and Dumb Institution (furnishing building).....	12000 00
Deaf and Dumb Institution (clothing account).....	143 74
Educational Journal.....	147 00
First Iowa Cavalry claims.....	2518 20
Gray uniform claims.....	1482 00
Geological survey.....	323 26
Geological reports.....	18800 00
Greene's Supreme Court Reports.....	4000 00
Hospital for Insane, Mt. Pleasant (county dues).....	185000 00
Hospital for Insane, Mt. Pleasant (Trustees' expenses).....	1727 65
Hospital for Insane (State dues).....	8290 46
Hospital for Insane, Mt. Pleasant (improvement).....	39200 00
Hospital for Insane, Mt. Pleasant (building).....	261398 83
Hospital for Insane, Independence (Commissioners' expenses).....	547 05
Iowa Soldiers' Orphans' Home (support).....	190660 00
Iowa Soldiers' Orphans' Home (improvements).....	25000 00
Iowa Soldiers' Orphans' Home (Trustees' mileage).....	2720 20
Interest on School-Fund loans.....	43960 06
Interest on war bonds.....	43025 00
New State House plans.....	3613 25
New Capitol Building.....	94027 73
New Capitol Building (Commissioners' expenses and <i>per diem</i> ).....	5898 85
Penitentiary (general support).....	1827 59
Penitentiary (guards' pay).....	22691 11
Penitentiary (expenses of Census Board).....	69 25
Penitentiary (improvements).....	20719 63
Penitentiary (visitor).....	22 25
Penitentiary (clerk's salary).....	1500 00
Penitentiary (chaplain's salary).....	1200 00
Penitentiary (physician's salary).....	1200 00
Penitentiary (Warden's salary).....	3000 00
Penitentiary (deputy Warden's salary).....	1999 92
Permanent school-fund costs.....	818 30
Publishing laws in newspapers.....	65034 13
Phonographic reports.....	4527 92
Providential contingencies.....	1903 00
Quartermaster-General's expenses.....	2000 00
Rewards for criminals.....	1000 00
Reunion of Iowa soldiers.....	15000 00
School Journal.....	121 25
Special appropriations.....	3550 00
Swamp-lands.....	24 00
State Reform School (support and deficiency).....	22000 00
State Reform School (Trustees' mileage).....	1245 60
State Binding.....	17035 19
State Printing.....	24573 48
State University (support).....	34912 55
State University (Trustees' mileage).....	2159 00
Stationery.....	33953 54
Swamp-Land Indemnity Fund (expenses).....	439 40
Supreme Court Reports.....	10230 00
State Historical Society.....	1000 00

## AUDITOR'S STATEMENT.

Teachers' Institutes.....	\$ 8600 00
Twelfth General Assembly (postage).....	66 83
Thirteenth General Assembly (postage).....	7921 42
Thirteenth General Assembly (mileage and <i>per diem</i> ).....	98951 60
Thirteenth General Assembly (newspapers).....	20510 23
Thirteenth General Assembly (special appropriations).....	6898 17
War and Defense Fund (revenue).....	492 96
War claims of counties and cities.....	4479 92
Total amount of warrants issued during the two years.....	\$ 1,972,930 78
Interest paid on W. and D. Warrants redeemed.....	70
Mileage to county treasurers and banks.....	4527 74
Total expenditures.....	\$ 1,977,459 22

The foregoing is an accurate statement of the receipts and expenditures of the public moneys, for the two years ending on the 4th day of November, A. D. 1871, as shown by the books in this office.

JOHN RUSSELL, Auditor of State.

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## ERRATA.

Upon page 58, in second line, the word "appeal" should be "repeal."

Upon page 98, in fourth line from bottom of first section, instead of "and if paid when due," read, "and, if not paid when due."

In index under head "BRIDGES," add this line:

"Across any un navigable river forming boundaries of State, counties and cities may aid in constructing..... 188