

AUTHORIZED REPRINT OF THE
ACTS AND RESOLUTIONS
PASSED AT THE
REGULAR SESSION
OF THE
SEVENTH GENERAL ASSEMBLY
REGULAR SESSION
OF THE
EIGHTH GENERAL ASSEMBLY
AND THE
EXTRA SESSION
OF THE
EIGHTH GENERAL ASSEMBLY
OF THE
STATE OF IOWA

Prepared for Publication Under the Direction of
W. S. ALLEN
Secretary of State

DES MOINES:
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1914

CONCURRENT RESOLUTION

Relating to printing the early Iowa laws.

WHEREAS, the supply has been exhausted and there is considerable demand for the laws hereinafter mentioned,

Be it resolved by the House of Representatives, the Senate concurring:

That the secretary of state be and he is hereby authorized to have printed and bound in cloth one thousand each of the following:

The Iowa Code of 1851 in one volume.

The acts of the general assembly of Iowa enacted at each session, between the code of 1851 and the revision of 1860, in volumes of convenient size.

The revised statutes of the Territory of Iowa, 1843, in one volume.

The acts of the Territorial legislature of Iowa, commencing with the regular session of 1840 and ending with the last session prior to the adoption of the code of 1851, in volumes of convenient size.

That when published said volumes shall be sold at cost and shall be distributed for sale in the same manner that the code is now distributed, except that none of said volumes shall be distributed free to any county, town, township or city officer.

Adopted by 34th General Assembly, April 12, 1911.

CERTIFICATE.

STATE OF IOWA,
OFFICE OF SECRETARY OF STATE.

I, W. S. Allen, secretary of state of the state of Iowa, hereby certify that the acts and resolutions herein contained are copied from printed volumes of the regular session of the Seventh General Assembly, the regular session of the Eighth General Assembly, and the extra session of the Eighth General Assembly of the state of Iowa, and that the same are a full, true and complete copy thereof, except that the paging of the original volumes is shown herein by inserting in brackets [thus] the number of the page on which appeared the matter immediately following.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed the official seal of my office.
Done at Des Moines, the capital of the state, this
21st day of March, A. D. 1914.

(SEAL)

W. S. Allen

Secretary of State.

**SPECIAL
ACTS AND RESOLUTIONS**

PASSED AT THE

REGULAR SESSION

OF THE

EIGHTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA

(GENERAL LAWS PRINTED WITH REVISED STATUTES.)

WHICH CONVENED AT THE CAPITOL, IN DES MOINES, ON THE SECOND
MONDAY IN JANUARY, A. D. 1860.

SAMUEL S. KIRKWOOD, Governor.
ELIJAH SELLS, Secretary of State.
J. W. CATTELL, Auditor of State.
J. W. JONES, Treasurer of State.
N. J. RUSCH, Lt. Gov. and Pres. of the
Senate.

THOS. H. BENTON, JR., Sec. Board Edu-
cation.
A. B. MILLER, Register of State Land Office
LEW. I. COULTER, State Librarian.
JOHN EDWARDS, Speaker of the House
of Reps.

BY AUTHORITY

DES MOINES:
J. TEESDALE, STATE PRINTER.
1860.

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LAWS OF IOWA

[1] [S. F. 1.]

CHAPTER 1.

[Chap. 1.]

APPROPRIATION PER DIEM MEMBERS AND OFFICERS 8TH GENERAL ASSEMBLY.

AN ACT making appropriations for the payment of the per diem of the Members and Officers of the General Assembly.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That the following sums of money, or so much thereof as may be necessary be, and the same are hereby appropriated for the purposes hereinafter designated.

SEC. 2. **\$5,500—senate.** For the payment of the per diem of the members and officers of the senate, the sum of five thousand five hundred dollars, or so much thereof as their certificates may entitle them to.

SEC. 3. **\$9,900—house.** For the payment of the per diem of the members and officers of the house of representatives, nine thousand nine hundred dollars, or so much thereof as their certificates may entitle them to.

SEC. 4. **Procure warrant upon certificate of presiding officer.** That the money thus appropriated, shall be paid by the treasurer of state upon warrants issued by the auditor of state, which warrants shall be issued by the auditor to any member or officer of the senate or house presenting a certificate signed by the presiding officer, and attested by the secretary or chief clerk, of the body to which he may belong, certifying that such person is a member or officer of the senate or house, as the case may be, and the amount to which he is entitled.

SEC. 5. **Take effect.** This act to take effect and be in force from [2] and after its publication in the Iowa State Register and Iowa State Journal.

Approved January 16, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal January 21st, 1860, and in the Iowa state Register January 18th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 11.]

CHAPTER 2.

[Chap. 2.]

ELEVENTH JUDICIAL DISTRICT.

AN ACT fixing the times of holding courts in the Eleventh Judicial District.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Times holding court.** That the district courts within and for the counties composing the eleventh judicial district of this state, shall be held at the times and places hereinafter designated.

Marshall co. At Marshall, in the county of Marshall, on the first Monday in April and first Monday in September.

Story county. At Nevada, in the county of Story, on the first Monday after the first Monday in April and September.

Boone county. At Boonsboro, in the county of Boone, on the second Monday after the first Monday in April and September.

Webster county. At Fort Dodge, in Webster county, on the third Monday after the first Monday in April and September.

Hamilton co. At Webster City, in Hamilton county, on the fourth Monday after the first Monday in April and September.

Hardin county. At Eldora, in Hardin county, on the sixth Monday after the first Monday in April and September.

Wright county. In the county of Wright, on the seventh Monday after the first Monday in April.

Hancock co. In the county of Hancock, on the first Thursday after seventh Monday, after first Monday in April.

Winnebago co. In the county of Winnebago, on the eighth Monday after the first Monday in April.

[3] **Worth county.** In the county of Worth, on the first Thursday after the eighth Monday, after the first Monday in April.

Cerro Gordo co. In the county of Cerro Gordo, on the ninth Monday after the first Monday in April.

Franklin co. In the county of Franklin, on the tenth Monday after the first Monday in April.

SEC. 2. **Suits pending.** All suits, pleadings, process, and proceedings now pending in or returnable to any of the district courts in the counties hereinbefore named, shall be deemed pending in and returnable to the terms herein fixed, and no suit, plea, process, recognizance, indictment or other proceeding shall be quashed or held to be invalid by reason of this act, or by reason of any change in the terms of court hereby made.

SEC. 3. **Jurors to appear.** The judge of said district may, if deemed advisable by him, order the jurors summoned to attend at any term of the courts in said district, to appear on the first or some subsequent day of the term.

SEC. 4. **Hold an adjourned term.** Should the causes pending in the district courts of any of the counties of said district remain undisposed of for want of sufficient time being allowed for the term of court in such county under this act, the judge of said district may order and hold an adjourned term for the disposition of such business as may be so pending, and the announcement in open court at the term at which said adjourned term shall be determined upon, shall be sufficient notice of the time for holding the same to all persons interested therein.

SEC. 5. **Repealing.** All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 6. **Take effect.** This act shall be in force from and after its publication in the Iowa State Register and the Marshall County Times.

Approved January 19, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register January 23d, 1860, and in the Marshall County Times, February 1, 1860.

ELIJAH SELLS,
Secretary of State.

[4] [S. F. 2.]

CHAPTER 3.

[Chap. 3]

FOURTH JUDICIAL DISTRICT.

AN ACT fixing the times of holding Courts in the fourth Judicial District.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That the several courts in the fourth judicial district shall be holden as follows:

Woodbury. WOODBURY—In the county of Woodbury on the first Monday of April and third Monday in September in each year.

Monona. MONONA—In the county of Monona on the Mondays next succeeding the courts in Woodbury.

Harrison. HARRISON—In the county of Harrison on the Mondays next succeeding the courts in Monona.

Shelby. SHELBY—In the county of Shelby on the Mondays next succeeding the courts in Harrison.

Crawford. CRAWFORD—In the county of Crawford on the Thursdays of the same weeks of the courts in Shelby.

Sac. SAC—In the county of Sac on the Mondays next succeeding the courts in Crawford.

Humboldt. HUMBOLDT—In the county of Humboldt on the Mondays next succeeding the courts in Sac.

Kossuth. KOSSUTH—In the county of Kossuth on the Mondays next succeeding the courts in Humboldt.

Dickinson. DICKINSON—In the county of Dickinson on the Mondays next succeeding the courts in Kossuth.

SEC. 2. **Time of sitting in Woodbury.** In the county of Woodbury, at the April term of each year, said court may sit two weeks, and at the September term thereof, and in the counties of Monona and Harrison, at all the terms, said court may sit one week if the business require it.

And other counties—special terms. In the counties of Shelby and Crawford courts may sit three days at each term, and in the counties of Sac, Humboldt, Kossuth and Dickinson, courts may sit four days at each term, if the business require it. In the above named counties, and all the other counties of the district, courts may be held at such other times as the district judge of said district may designate, and at [5] least one term of court in each year shall be holden in each county of said district wherein a cause may be pending.

SEC. 3. **Suits pending.** All writs, process and proceedings pending in any of said courts, and returnable at the terms now fixed by law, shall be deemed pending and returnable at the terms as fixed by this act, and no suit, notice, recognizance, indictment or other proceeding shall be quashed or held invalid by reason of this act, or by reason of the change of the terms of court hereby made.

SEC. 4. **Repealing.** That all acts or parts of acts inconsistent herewith are hereby repealed, and this act shall take effect from and after its publication in the Sioux City Register, Ft. Dodge Sentinel and Magnolia Republican, which shall be done without expense to the state.

Approved January 23, 1860.

I hereby certify that the foregoing act was published in the Magnolia Republican February 8th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 17.]

CHAPTER 4.

[Chap. 5.]

SEVENTH JUDICIAL DISTRICT.

AN ACT fixing the terms of Court in the Seventh Judicial District.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Times of holding.** That the terms of the district court in the seventh judicial district shall commence and be held as follows:

Muscatine. In the county of Muscatine on the first Mondays of January and May, and on the third Monday of October in each year.

Scott. In the county of Scott on the first Mondays of February, June, August and December in each year; provided that this section shall not affect the term of said court now in session.

[6] **Clinton.** In the county of Clinton on the first Mondays of March, September and November in each year.

Jackson. In the county of Jackson on the first Tuesdays after the fourth Mondays of March and September in each year.

SEC. 2. **Attendance of jurors.** That the judge of said district, upon the adjournment of said court in Scott county, at the June term in each year, may, in his discretion, enter an order that the grand and petit jurors be summoned to attend at the August term of said court in said Scott county, or that their attendance may be dispensed with at said term.

SEC. 3. **Suits pending.** No suits, pleas, indictments or proceedings of any character, civil, criminal or special shall be abated, quashed, discontinued or affected in consequence of the change of time of holding said courts; all process issued at any time before the taking effect of this act shall be considered as returnable to the first term of the court in said counties respectively, which shall be held next after the taking effect of this act.

SEC. 4. **Take effect.** This act shall take effect from and after its publication in the Iowa State Register, Muscatine Journal, Davenport Gazette, Bellevue Courier and DeWitt Standard.

Approved January 27th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register on the 4th day of February, 1860, in the Muscatine Journal February 8th, 1860, Davenport Gazette February 9th, 1860, in the Bellevue Courier Feb. 16th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 52.]

CHAPTER 5.

[Chap. 6.]

EIGHTH JUDICIAL DISTRICT.

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

Be it enacted by the General Assembly [7] of the State of Iowa,

SECTION 1. **Times of holding.** That the district courts of the eighth judicial district shall be held as follows:

Johnson county. At Iowa City, in Johnson county, on the first Monday in March, fourth Monday in June, and first Monday in November, provided that

the first term in said county after the passage of this act shall be held on the third Monday in March.

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

Tama county. At Toledo, in Tama county, on the second Monday in February and September.

Benton county. At Vinton, in Benton county, on the third Monday in February and September; provided that the first term held in said county after the passage of this act, shall be held on the first Monday in March, as now provided by law.

Linn county. At Marion, in Linn county, on the second Monday in January, May and October.

Cedar county. At Tipton, in Cedar county on the first Monday in June and December.

Jones county. At Anamosa, in Jones county, on the second Monday in June and December.

SEC. 2. Suits pending. That no process, writ, notice, petition or indictment issued out of or filed in any of the courts in said district, and made returnable or triable at any term now fixed by law for holding courts in the counties composing said district shall be quashed, set aside or in any manner invalidated by reason of anything in this act, but the same shall be held returnable and triable at the times fixed by this act, and all proceedings hereafter pending shall be treated as if under this act commenced.

SEC. 3. Repealing. That section nine, of chapter one hundred and fifty of the acts of the seventh general assembly of the state of Iowa, be and the same are hereby repealed.

SEC. 4. Take effect. That this act shall take effect from and after its publication in the Iowa Weekly Citizen, and Iowa State Journal, published at Des Moines, and Iowa Weekly Republican, published at Iowa City, and shall [8] be in force from the date of such publication; section twenty-one, of chapter three of the code to the contrary notwithstanding.

Approved January 27th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, February 4th, 1860, in the Iowa Weekly Republican, February 1st, 1860, and in the Iowa Weekly Citizen, February 1st, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 79.]

CHAPTER 6.

[Chap. 8.]

APPROPRIATION.

AN ACT making appropriations for furniture and improvements in the Capitol Building.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That the following sums of money or as much thereof as may be necessary, be, and the same are hereby appropriated for the purposes hereinafter designated.

SEC. 2. P. Palmer. To P. Palmer, as per bill for carpet, two hundred and sixty dollars and ninety-six cents.

SEC. 3. Wm. Warr. To Wm. Warr, as per bill for building galleries, repairing roof and other work in improving the halls of the senate and house, one thousand two hundred and eighty-six dollars.

SEC. 4. **M. W. Houston.** To M. W. Houston, as per bill for furniture for the capitol, three hundred and fifty-five dollars.

SEC. 5. **Frank Dillon.** To Frank Dillon, as per contract for plastering in the capitol, eighty dollars and twenty cents, which amount is to be paid upon the completion of the work, and its approval by the secretary of state.

SEC. 6. **Take effect.** This act to take effect from and after its publication in the Daily State Register and the Iowa State Journal.

Approved February 2d, 1860.

I hereby certify that the foregoing act was published in the Daily State Register, February 7th, 1860, and in the Iowa State Journal.

ELIJAH SELLS,
Secretary of State.

[9] [H. F. 39.]

CHAPTER 7.

[Chap. 9.]

APPROPRIATION PRO TEM OFFICERS OF 8TH GENERAL ASSEMBLY.

AN ACT providing for the payment of the pro tem officers of the two Houses of the Eighth General Assembly.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That the following sums of money be, and the same are hereby appropriated for the purposes hereinafter designated.

SEC. 2. For the payment of I. C. Curtis, speaker pro tem of the house of representatives, the sum of six dollars for two days services. For the payment of W. P. Hepburn, chief clerk pro tem of the house of representatives, the sum of ten dollars for two days services. For the payment of J. M. Newcomb, assistant clerk pro tem of the house of representatives, the sum of eight dollars for two days services. For the payment of E. R. Clapp, sergeant-at-arms, pro tem of the house of representatives, the sum of six dollars for two days services. For the payment of John Watson, fireman, pro tem of the house of representatives, the sum of six dollars for two days services. For the payment of Enoch Ross, door keeper, pro tem of the house of representatives, the sum of six dollars for two days services. For the payment of J. S. Dimmitt, secretary pro tem of the senate, the sum of ten dollars for two days services.

SEC. 3. This act to take effect and be in force from and after its publication in the Iowa State State Register and Iowa State Journal, papers published at Des Moines, Iowa.

Approved February 4th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal February 11th, 1860, and in the Iowa State Register, Feb. 15th, 1860.

ELIJAH SELLS,
Secretary of State.

[10] [H. F. 28.]

CPAPTER 8.

[Chap. 10.]

LEGALIZE NOTARIAL ACTS GEO. S. C. DOW.

AN ACT to legalize the acts of Geo. S. C. Dow, as Notary Public in Scott County, Iowa.

WHEREAS, Geo. S. C. Dow, of Scott county, Iowa, was on the 11th day of September, 1856, appointed a notary public in and for said county, by James W. Grimes, then governor of Iowa, for the term of three years, then

next thereafter, and whereas, after the expiration of the said term, and previous to the re-appointment of the said Dow in manner required by law to the said office, the said Geo. S. C. Dow, had performed certain official acts as a notary public; therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That all official acts of said Geo. S. C. Dow, by him performed as a notary public within and for said county of Scott subsequent to the 11th day of September, 1859, and up to the date of his appointment to that office, be, and the same are hereby declared legal and binding in law and equity as fully as though the said appointment had been in full force and effect at the time of such official acts as notary public.

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

SEC. 3. This act shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Journal, newspapers published in Des Moines, state of Iowa, without expense to the state.

Approved February 6th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal February 18th, 1860, and in the Iowa State Register February 22d, 1860.

ELIJAH SELLS,
Secretary of State.

[11] [S. F. 43.]

CHAPTER 9.

[Chap. 13.]

SECOND JUDICIAL DISTRICT.

AN ACT fixing the time of holding Courts in the Second Judicial District.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Times of holding—Van Buren.** That the district courts within and for the counties composing the second judicial district of this state shall be held at the times and places hereinafter designated, commencing at Keosauqua, in the county of Van Buren on the first Mondays of March and September. Provided that the first term of court in said county next after the taking effect of this law shall be held on the tenth Monday after the first Monday in March, 1860.

Davis. At Bloomfield in Davis county, on the second Monday after the first Monday of March and September.

Appanoose. At Centerville, in Appanoose county, on the fourth Monday after the first Monday of March and September.

Wayne. At Corydon, in Wayne county, on the sixth Monday after the first Monday of March and September.

Lucas. At Chariton, in Lucas county, on the eighth Monday after the first Monday of March and September.

Monroe. At Albia, in Monroe county, on the tenth Monday after the first Monday of March and September, Provided that the first term of court in said county next after the taking effect of this law shall be held on the first Monday in March 1860.

Wapello. And at Ottumwa, in Wapello county, on the twelfth Monday after the first Monday of March and September.

SEC. 2. Suits pending—not affected. All suits, pleadings, and process now pending or returnable to any of the district courts in the counties herein before mentioned, shall be deemed pending in and returnable to the terms herein fixed; and no such suit, plea, process, recognizance, indictment or other proceedings shall be quashed or held to be invalid [12] by reason of any change in the terms of court hereby made.

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

SEC. 4. Take effect. This act shall be in force from and after its publication in the Iowa State Journal and Iowa State Register.

Approved February 11th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register February 15th, 1860, and in the Iowa State Journal Feb. 18th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 66.]

CHAPTER 10.

[Chap. 15.]

ENLARGING SIOUX RIVER.

AN ACT to declare the Little Sioux River Navigable.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That the Little Sioux river from its mouth on the Missouri, to the west forks of the Little Sioux at the Falls, in the county of Harrison, be and the same is hereby declared a navigable stream, subject to all the liabilities and privileges of navigable streams under the laws of Iowa.

Approved February 13, 1860.

[S. F. 44]

CHAPTER 11.

[Chap. 17.]

THIRD JUDICIAL DISTRICT.

AN ACT to fix the time of holding Courts in the 3d Judicial District of the State of Iowa.

Be it enacted by the General Assembly [13] of the State of Iowa,

SECTION 1. To be held in Cass, Pottawattamie, Mills and Fremont. That the terms of the district court in the counties of Cass, Pottawattamie, Mills, and Fremont, be held at the times now fixed by law.

Page. In the county of Page, at Clarinda, on the third Monday in March and September in each year.

Taylor. At Bedford, in Taylor county, on the fourth Monday in March and September in each year.

Ringgold. At Mount Ayr, in Ringgold county, on the first Monday after the fourth Monday in March and September in each year.

Decatur. At Leon, in Decatur county, on the second Monday after the fourth Monday in March and September in each year.

Clarke. At Oceola, in Clark county, on the fourth Monday after the fourth Monday in March and September in each year.

Union. At Afton, in Union county, on the sixth Monday after the fourth Monday in March and September in each year.

Adams. At Quincy, in Adams county, on the seventh Monday after the fourth Monday in March and September in each year.

Montgomery. At Frankfort, in Montgomery county, on the Thursday after the seventh Monday after the fourth Monday in March and September in each year.

SEC. 2. Suits pending, not effected. All writs, processes and proceedings pending in any of said courts, and returnable at the terms now fixed by law, shall be deemed pending and returnable at the terms as fixed by this act; and no suit, notice, recognizance, indictment, or other proceeding, shall be quashed or held invalid by reason of this act, or by reason of the change of the terms of court hereby made.

SEC. 3. Take effect. This act to be in force from and after its publication according to law.

Approved February 14th, 1860.

[14] [S. F. 94.]

CHAPTER 12.

[Chap. 18.]

FIFTH JUDICIAL DISTRICT.

AN ACT to fix the time of holding Courts in the Fifth Judicial District of the State of Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Times of holding. That the times of holding court in the fifth judicial district of the state of Iowa shall be as follows:

Warren. In Warren county on the second Monday of February and the first Monday in August in each year.

Polk. In the county of Polk on the first Monday of March and third Monday of August in each year.

Madison. In the county of Madison on the first Monday of April and third Monday in September in each year.

Dallas. In the county of Dallas, on the third Monday of April and fourth Monday of September in each year.

Adair. In the county of Adair, on the first Monday after the fourth Monday in April, and the second Monday after the fourth Monday of September in each year.

Guthrie. In the county of Guthrie, on the second Monday after the fourth Monday in April, and the fourth Monday after the fourth Monday in September in each year.

Greene. In the county of Greene, on the third Monday after the fourth Monday in April, and the fifth Monday after the fourth Monday of September in each year.

Audubon. In the county of Audubon, on the fourth Monday after the fourth Monday in April, and the sixth Monday after the fourth Monday of September in each year.

Carroll. In the county of Carroll on the Thursday after the fourth Monday after the fourth Monday in April, and the Thursday after the sixth Monday after the fourth Monday of September in each year.

SEC. 2. Suits pending, not effected. All writs, processes, and proceedings, pending in any of said courts and returnable at the terms now fixed by law, shall be deemed pending and returnable at the terms as fixed by this act,

and no writ, notice, recognizance, indictment or other proceedings shall be quashed or held invalid by reason of this act, or by [15] reason of the change of the times of holding court in the several counties in said district.

SEC. 3. **Take effect.** This act to be in force from and after its publication in the Daily Iowa State Register and the Daily Iowa State Journal, papers published at Des Moines, Iowa.

Approved February 16th, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa Register February 18, 1860, and in the Daily Iowa State Journal February 18, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 73.]

CHAPTER 13.

[Chap. 19.]

SIXTH JUDICIAL DISTRICT.

AN ACT to amend an act entitled an act to amend chapter one hundred and fifty of the acts of the Seventh General Assembly.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Times of holding court in Powesheik county.** That so much of the act entitled an act to amend chapter one hundred and fifty of the acts of the seventh general assembly, and approved Jan. 27th, 1860, as reads as follows: "At Montezuma, in Powesheik county, on the second Tuesdays of March and September in each year," is hereby repealed, and in lieu thereof, it is enacted as follows: at Montezuma, in Powesheik county, on the first Mondays in July and January in each year.

SEC. 2. **Proceedings not affected.** All petitions, answers, notices or other pleadings or processes returnable to or pending in said district court for adjudication at the time now fixed by the act to which this is amendatory, shall be held returnable to and pending at the terms of said court as fixed by this act.

SEC. 3. **Take effect.** This act to take effect and be in force from and after its publication in the Daily Iowa State Register, published at Des Moines, Iowa, and in the Jasper Free Press, published at Newton, Jasper county, Iowa, [16] anything in section 21 of the code to the contrary notwithstanding.

Approved February 20th, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Register Feb. 23, 1860, and in the Jasper Free Press March 1, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 213.]

CHAPTER 14.

[Chap. 21.]

FIFTH JUDICIAL DISTRICT.

AN ACT supplementary to "an act to fix the time of holding Courts in the Fifth Judicial District of the State of Iowa," approved Feb. 16th, 1860.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Times of holding.** That the time of holding court in the fifth judicial district of the state of Iowa shall be as follows:

Warren. In Warren county on the second Monday in February and the first Monday in August in each year.

Polk. In the county of Polk on the first Monday in March and the third Monday in August in each year.

Madison. In the county of Madison on the first Monday in April and third Monday in September in each year.

Dallas. In the county of Dallas on the third Monday in April and fourth Monday in September in each year.

Adair. In the county of Adair on the first Monday after the fourth Monday in April, and the first Monday after the fourth Monday in September in each year.

Audubon. In the county of Audubon on the second Monday after the fourth Monday in September in each year, and in the year 1860 one term shall be held in the county of Audubon on the fourth Monday after the fourth Monday in April.

Carroll. In the county of Carroll on Thursday after the second Monday after the fourth Monday in September in each year.

Guthrie. In the county of Guthrie on the second Monday after [17] the fourth Monday in April and the third Monday after the fourth Monday in September in each year.

Greene. In the county of Greene on the third Monday after the fourth Monday in April and the fourth Monday after the fourth Monday in September in each year.

SEC. 2. **Suits not affected.** All writs, processes and proceedings pending in any of said courts, and returnable at the terms now fixed by law, shall be deemed pending and returnable at the terms as fixed by this act, and no writ, notice, recognizance, indictment or other proceedings, shall be quashed or held invalid by reason of this act, or by reason of the change of the times of holding court in the several counties in said district.

SEC. 3. **Take effect.** This act to be in force from and after its publication in the Daily Iowa State Register and the Daily Iowa State Journal, papers published at Des Moines, Iowa.

Approved March 2, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Register March 8th, 1860, and in the Daily Iowa State Journal March 8th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 198]

CHAPTER 15.

[Chap. 22.]

ATTACH VAN BUREN TOWNSHIP.

AN ACT to annex the township of Van Buren, in the County of Lee, to the township of Jackson, Montrose and Des Moines, in said county, for Judicial purposes.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Judicial extinguisher.** That the township of Van Buren, in Lee county, be, and the same is hereby annexed to the township of Jackson, Montrose and Des Moines, townships in said county, for judicial purposes, and that all acts or parts of acts which apply to the township of Jackson, Montrose and Des Moines, for judicial purposes, shall in the same manner, apply to the township of Van Buren.

[18] SEC. 2. **Suits not affected.** *And be it enacted,* That all criminal and civil cases arising in the township of Van Buren, and hereafter com-

menced and pending in court under any of the provisions of law now in force, shall be prosecuted to final judgment in the courts in which the same was instituted, unless the same is removed by change of venue in the manner now provided for by law.

SEC. 3. Repealed. *And be it enacted,* That all laws or parts of laws inconsistent with the provisions of this act, are hereby repealed.

SEC. 4. Take effect. This act to be in force from and after its publication in the Iowa State Journal and the Iowa State Register, two newspapers published in the city of Des Moines.

Approved March 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, March 10th, 1860, and in the Iowa State Register March 14th, 1860.

ELIJAH SELLS, Sec. of State.

[H. F. 174.]

CHAPTER 16.

[Chap. 25.]

DES MOINES RIVER IMPROVEMENT.

AN ACT in relation to the Des Moines River Improvement, and abolishing the Office of Commissioner thereof.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Lands to pay liabilities—where set apart. That the fifty thousand acres of land to be set apart by the register of the state land office under the second section of an act of the general assembly, approved March 22d, 1858, entitled "an act disposing of the grant of land made by an act of congress, granting land to the territory of Iowa to aid in the improvement of the navigation of the Des Moines river," shall be taken from the lands next above those transferred by the state to the Des Moines navigation and railroad company by the terms of settlement with that company, authorized by joint resolution of the general assembly, approved March 22d, 1858.

SEC. 2. Completion of dams. That the uncompleted dams to be built by [19] the Keokuk, Fort Des Moines and Minnesota Railroad Company as provided by the said second section of the act above referred to, shall be completed as follows: that is to say, the dam at Keosauqua shall be completed in one year after the lands granted to said railroad company by said act shall have been certified by the general government to the state of Iowa, or otherwise become the property of said company, and the dam at Plymouth and the other works within two years after the lands shall have been certified as aforesaid.

SEC. 3. Office of commissioner abolished. That the office of commissioner of the Des Moines River Improvement be, and the same is hereby abolished.

SEC. 4. Comm'rs appoint'd to ascertain liabilities. That Geo. G. Wright, of Van Buren county, Edward Johnston, of Lee county, and Christian W. Slagle, of Jefferson county, be, and they are hereby appointed a board of commissioners for the purpose of ascertaining all the liabilities whether in suit or otherwise, against said Des Moines River Improvement, and against the state of Iowa, growing out of said improvement, and which are to be paid by the Keokuk, Fort Des Moines and Minnesota Railroad Company, as provided by the said second section of the act of the 22d of March, 1858, above referred to.

SEC. 5. Meeting of commissioners. Said commissioners, or a majority of them shall meet at the city of Keosauqua, in the county of Van Buren, within

six months after the passage of this act, or as soon thereafter as practicable; and shall organize the board by taking an oath that they will well and truly discharge the duties imposed upon them by this act.

SEC. 6. Notice to claimants. After having organized, said commissioners shall give public notice of the time and place of their meeting, and the objects of the commission, by a general notice to all persons claiming to be entitled to be paid by the provisions of the said section of the said act of March 22d, 1858, that unless they present their claims within six months after the time fixed in said notice for the meeting of the board, they will not thereafter be received or acted upon, but forever barred; which notice [20] shall be published for at least four weeks in some newspaper published at the county seat of Van Buren co., and a newspaper published in the city of Keokuk.

SEC. 7. Com'rs, a court to det'rmine the right of claimants. After said notice shall have been given, said commissioners, or a majority of them, shall meet at the time and place appointed by said notice, and proceed to hear testimony and decide upon the validity of all claims presented which are legal and equitable, and the amount thereof, which decision shall be final and conclusive, and may adjourn from time to time during and after the said six months from the time of their meeting, until they shall have decided upon all the claims presented within said six months; and at any time during said six months, when said board shall not be in session, claims may be filed with the clerk of the district court of the county in which the board sits, and it shall be the duty of said clerk to present said claims so filed to the said commissioners at their first meeting thereafter. Said commissioners shall have power to administer oaths, and to compel the attendance of witnesses and the production of papers, and the sheriff of the county in which the board sits shall serve and execute the necessary processes, when required by said commissioners, and all claims not presented within the said six months shall be forever barred.

SEC. 8. Register of state land office to audit claims—claims paid by K., Ft. D. & M. R. R. Co. When any of the claims aforesaid shall have been decided, the commissioners shall report the same to the register of the state land office, who shall audit said claims and none others, in accordance with the second section of the said act of the 22d of March, 1858, and it shall be the duty of the Keokuk, Ft. Des Moines and Minnesota Railroad Company, to pay said liabilities so audited, one-half within one year, and one-half within two years after the aforesaid lands shall have been certified to the state of Iowa, or otherwise become the property of said company, with ten per cent. interest thereon from the time said claims were audited.

SEC. 9. Register to certify lands to K., Ft. D. & M. R. R. Co. For every three thousand dollars worth of work done on the locks and dams, and for every three thousand dollars of said audited liabilities paid by the [21] said Keokuk, Fort Des Moines and Minnesota Railroad Company, in accordance with the second section of the said act of March 22d, 1858, the register of the state land office shall certify to said company 1,000 acres from said 50,000 acres of land.

SEC. 10. Comm'rs to complete dams upon the failure of the K., Ft. D. & M. R. R. Co. In case said Keokuk, Fort Des Moines and Minnesota Railroad Company shall not complete said dams or pay said audited liabilities as hereinbefore provided, then the said commissioners shall proceed to complete said dams and pay said liabilities by the sale or mortgage of so much of said fifty thousand acres of land as may be necessary for that purpose, provided that said commissioners may give said railroad company further time for the completion of said dams, if in their opinion the said company shall have

proceeded in the construction thereof in good faith, and that said further time is necessary.

SEC. 11. The state shall sell water power and land—dams to be kept in repair—tolls—state not to be liable—proceeds arising from sale of water power. Said commissioners shall, as soon after the organization of the board as may be expedient, proceed to sell all the interest of the state in all such locks and dams belonging to the Des Moines River Improvement and the land appertinent thereto, and the water power thereto belonging, as shall have been completed by the state or by the said railroad company; and shall also sell the dams and water power at Keosauqua and Plymouth in the same manner, when said dams shall have been completed, and shall make conveyances in the name of the state without warranty to the purchasers of the interest so sold, containing covenants on the part of said purchasers that they and their heirs and assigns shall and will forever keep said locks and dams in good repair, and that they will at all reasonable times pass boats through said locks, and charge only such tolls as may be agreed upon between said commissioners and the purchasers, not exceeding the maximum rates prescribed in the contract by the state with the Des Moines Navigation and Railroad Company, which conveyances shall also be executed by the purchasers as parties of the second part thereto, and said sale shall be made upon such terms as will secure the state against all liability upon [22] any leases or contracts for water power heretofore executed between the officers of the improvement and individuals, and the proceeds of said sales shall be applied first to the payment of the expenses of said sales, second to the payment of said commissioners, third to the payment of damages for any lands condemned, and fourthly, any balance that may remain shall be paid on the audited claims herein provided for.

SEC. 12. Com'rs compensation. Said commissioners shall receive five dollars per day for the time actually employed in said commission: Provided, that the aggregate per diem of each of said commissioners shall not exceed three hundred dollars; which, if not paid by the proceeds of the sales aforesaid, shall be paid by the said Keokuk, Fort Des Moines and Minnesota Railroad Company, as one of the audited claims hereinbefore provided for.

SEC. 13. Materials to be relinquished to the K., Ft. D. & M. R. R. Co. That all the stone, timber and other materials belonging to said Des Moines Improvement, and not necessary to be used in the construction of the locks and dams provided for in the second section of the said act of the 22d of March, 1858, are hereby relinquished and transferred to the Keokuk, Fort Des Moines and Minnesota Railroad Company.

SEC. 14. Vacancy of commissioners to be fill'd by appointment by the governor. In case of the death, resignation, or refusal to act, of any of said commissioners, it shall be the duty of the governor to fill such vacancy by appointment.

SEC. 15. Com'rs may purchase lands adjacent to dams. Said commissioners shall have power to procure for the state at any one of said points where dams are or may hereafter be erected, the land upon which any part of any lock or dam, or abutment, is or may be erected, and also a sufficient quantity of land at and adjacent to said dams, not exceeding two acres in extent on each side of the river, to make the water power created by said dam available and of value to the state, by condemning said land in the same manner as is or may be provided by law for condemning land for right of way for railroads; and any damages which may be awarded to the owners of such lands, shall be paid out of the proceeds of the sale of the dam and water power for the benefit of which said land is condemned; the [23] possession of said lands not to be taken after the condemnation until the damages are paid.

SEC. 16. This act to be in force from and after its publication in the Iowa State Register and the Keosauqua Republican.

Approved March 3d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register March 14th, 1860, and in the Keosauqua Republican March 16th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 142.]

CHAPTER 17.

[Chap. 26.]

DUBUQUE & PACIFIC RAILROAD COMPANY.

AN ACT extending the time for completion of 75 miles of Road by the Dubuque and Pacific Railroad Company.

WHEREAS, It has been represented that the Dubuque and Pacific Railroad Company did not complete seventy-five continuous miles of said road by the first day of December last, as required by the 8th section of the act approved fourteenth July, A. D. 1856, commonly called the land grant act, but have since completed the same; therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Legalizing.** That said subsequent completion of said seventy-five miles shall be deemed a substantial compliance with the provisions of said section by said company.

SEC. 2. **Take effect.** This act to take effect from and after its publication in the Iowa State Register and the Dubuque Herald, at the expense of said company.

Approved March 7th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register March 14th, 1860, and in the Dubuque Herald March 14th, 1860.

ELIJAH SELLS,
Secretary of State.

[24] [S. F. 82.]

CHAPTER 18.

[Chap. 28.]

AN ACT to amend an act entitled "An act to authorize the Dubuque and Pacific Railroad Company, and others, to bridge the Mississippi River at Dubuque.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Locat'n of bridge.** That section one (1,) of an act entitled "An act to authorize the Dubuque and Pacific Rail Road Company, and others, to bridge the Mississippi river at Dubuque," which became a law on the 22d day of March, A. D. 1858, is hereby amended so as to read as follows, to-wit: That the Dubuque and Pacific Railroad Company, or its assigns, shall have the right to construct a railroad bridge across the Mississippi river at Dubuque; said bridge shall not be below the depot grounds now occupied by said company on the island in said city, nor above *the present north limits of said city.*

SEC. 2. **Bridge to be commenced within five years.** That section four of said law entitled as aforesaid, be so amended that said bridge shall be commenced within five years from the date of this law.

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

Approved March 9, 1860.

[S. F. 74.]

CHAPTER 19.

[Chap. 30.]

APPROPRIATION TO WILLIAM M'HARGUE.

AN ACT to pay the claim of William McHargue.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **School fund, \$146.66 to be paid by treasurer of Wayne county.** That the treasurer of Wayne county, Iowa, be and is hereby directed to pay Wm. McHargue or order, the sum of one hundred and forty-six dollars and sixty-six cents, out of the school funds in his hands, in manner as follows: One hundred dollars out of the permanent school fund, and forty-six dollars and sixty-six cents out of any temporary fund not otherwise appro- [25] -priated, being the sum of one hundred dollars having been paid to the school fund commissioner of Wayne county, for lands which, at the time of the payment of said money, was believed to belong to the school fund of the state.

SEC. 2. The treasurer of said county shall take duplicate receipts for the same sums of money, one of which shall be immediately forwarded to the auditor of state.

Approved March 9th, 1860.

[H. F. 219.]

CHAPTER 20.

[Chap. 31.]

NOAH D. HASKALL'S NOTARIAL ACTS LEGALIZED.

AN ACT to legalize the acts of Noah D. Haskall, a Notary Public in Polk county, Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That all official acts of Noah D. Haskall, as a notary public within and for Polk county, in this state, done or performed subsequent to the 7th day of June, A. D. 1858, be and the same are hereby declared legal and binding in law and equity, as fully and completely as though the said Noah D. Haskall had given bond and otherwise qualified as required of notaries public by law.

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

SEC. 3. This act to take effect and be in force from and after its publication in the Daily Iowa State Register, and Daily Iowa State Journal, anything in section 26 of the code to the contrary notwithstanding.

Approved March 12, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Journal March 14th, 1860, and in the Iowa State Register March 21st, 1860.

[26] [H. F. 6.]

CHAPTER 21.

[Chap. 32.]

PAUL C. JEFFRIES.

AN ACT to repeal an Act entitled "An Act to authorize Paul C. Jeffries to transcribe and index certain records of Wapello County."

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Repealing chap. 74 6th general assembly.** That chapter 74 of the laws of the sixth general assembly, entitled an act to authorize Paul C.

Jeffries to transcribe and index certain records of Wapello county, be and the same is hereby repealed.

Approved March 12, 1860.

[H. F. 60.]

CHAPTER 22.

[Chap. 33.]

PAY MAJOR WILLIAMS AND OTHERS.

AN ACT to pay Major William Williams, and others, for service and supplies, Spirit Lake Expedition, 1857.

WHEREAS, Major William Williams did, by authority of the governor of the state of Iowa, in the year 1857, enroll three companies of men in the service of the state, and furnished supplies, and employed teams and teamsters in said service, in an expedition for the relief of citizens of Dickinson county, in the state of Iowa; and whereas the federal government has provided for the payment of a part of said service and supplies, leaving a part entirely unpaid and unprovided for; therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Procure copies of claims filed with the war department.** That the governor of the state of Iowa, procure from the proper department of the federal government, copies of all claims audited by said department, and all papers that may be on file in said department necessary for carrying into effect the provisions of this act properly certified by said department.

[27] SEC. 2. **Governor shall audit and notify claimants.** That the governor, so soon as he shall have procured such copies as provided for in section one of this act, shall audit said claims and amounts unpaid thereon, and shall notify the persons to whom such claims are due by such notice as to him may seem expedient.

SEC. 3. **Gov. issue certificate.** That upon application to the governor as aforesaid of any person or persons by themselves, their executors, assignees or attorneys, and he shall be satisfied that they are or do legally represent the person or persons to whom the claim or claims mentioned in section two of this act do legally belong, and that they are or do legally represent the owners thereof, he shall issue a certificate to such persons, their executors or assignees showing the amount due, and for what due, and shall take from such person or persons, receipt or receipts showing such claim or claims fully settled.

SEC. 4. **Aud. issue warrants.** That upon presentation of the certificate mentioned in section three of this act to the auditor of state, he shall issue his warrant to the person or persons named in said certificate for the amount therein stated, and deliver the same to such person or persons.

SEC. 5. **Treas. pay.** That upon the presentation of said warrant mentioned in section four of this act by the person therein named, or his assignee, to the treasurer of state, he shall pay the same out of any money in the state treasury not otherwise appropriated.

SEC. 6. **Appropriation.** That the sum of three thousand dollars, or so much thereof as shall be necessary, be and the same is hereby appropriated to carry into effect the provisions of this act.

SEC. 7. **Take effect.** This act to take effect and be in force from and after its publication in the Weekly Iowa State Journal and Weekly Iowa State Register.

Approved March 12th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal March 17th, 1860, and in the weekly Iowa State Register March 21, 1860.

ELIJAH SELLS,
Secretary of State.

[28] [S. F. 80.]

CHAPTER 23.

[Chap. 35.]

ESCHEAT, MARTIN M'HUGO.

AN ACT to release to Martin McHugo the right of the State by escheat to a parcel of land in Henry County, Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Land of Michael McHugo, deceased — released to Martin McHugo. That any interest acquired by the state of Iowa, in and to the south-east fourth of the south-west quarter of section thirty-two, (32) in township seventy-two, (72) north of range five (5) west in Henry county, Iowa, by the death of Michael McHugo, he having no heirs capable of inheriting the title to said land, be and the same is hereby released to Martin McHugo, the brother of the deceased.

SEC. 2. This act shall take effect and be in force from and after its publication according to law.

Approved March 13, 1860.

[H. F. 271.]

CHAPTER 24.

[Chap. 37.]

APPROPRIATION MILEAGE 8TH GENERAL ASSEMBLY.

AN ACT making appropriation for the payment of the mileage of members of the Eighth General Assembly.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That the following sums, or so much thereof as may be necessary, be and the same are hereby appropriated for the purposes hereinafter specified.

SEC. 2. Senate, \$2064. For payment of mileage of members of the senate, including the lieutenant governor, the sum of two thousand and sixty-four dollars.

SEC. 3. House, \$4,090.50. For payment of mileage of members of the house of representatives, four thousand and ninety dollars and fifty cents.

SEC. 4. Pay according to the report of committee on mileage. The money appropriated by this act shall [29] be paid by the treasurer of state out of the treasury upon the warrant of the auditor of state, who shall issue his warrant to the members of the senate and house, including the lieutenant governor, for the amount due to each as shown by the reports of the committee on mileage of the branch of the general assembly of which such person is a member, and it is hereby made the duty of the president and secretary of the senate, and of the speaker and clerk of the house, to furnish immediately to the auditor of state a copy of the report of the committee on mileage of their respective houses, which copy shall be certified to be correct by the officers herein required to furnish them.

SEC. 5. Take effect. This act to take effect and be in force immediately from and after its publication in the Daily Iowa State Register and Daily State Journal, newspapers published in the city of Des Moines, Iowa, anything in section 21 of the code to the contrary notwithstanding.

Approved March 17th, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Register March 21st, 1860, and in the Daily State Journal March 22, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 112.]

CHAPTER 25.

[Chap. 39.]

RESUMPTION OF LANDS CONFERRED UPON THE IOWA CENTRAL AIR LINE
R. R. CO.

AN ACT to resume all rights conferred upon the Iowa Central Air Line Railroad Company, by an act Approved July 14th, 1857, and to repeal certain laws in relation thereto.

WHEREAS, By the act of congress approved May 15th, 1856, there were granted to the state of Iowa, certain lands to aid in the construction of certain railroads in said state, upon certain terms, conditions and restrictions under which said lands might be disposed of; and

[30] WHEREAS, The general assembly of the state of Iowa, by an act approved July 14th, 1856, accepted said grant of lands upon the terms, conditions and restrictions contained in said act of congress, and contracted with the Iowa Central Air Line Railroad Company for the sale upon certain terms of that portion of said lands granted by said act of congress, to aid in the construction of a railroad from Lyons City, north westerly to a point of intersection with the main line of the Iowa Central Air Line Railroad near Maquoketa, thence on said main line running as near as practicable to the forty second parallel across the said state to the Missouri river; in consideration of the undertaking on the part of said company, and subject to the conditions and restrictions contained in said act, and the act of congress aforesaid; and

WHEREAS, The said Iowa Central Air Line Railroad Company has wholly failed to perform on their part, the conditions of said acts, and has utterly failed to construct any part of said railroad as required by law, and by the terms of their contract; and has failed to complete and equip any portion of said road, thereby at the option of said state, annulling all their rights to the lands and privileges, under and by virtue of said acts by reason whereof the state of Iowa has the right to resume all said rights and privileges, and all the rights in relation to said lands so as aforesaid conferred upon said company by said state; and

WHEREAS, No part of said lands have been actually conveyed by this state to said company, nor by said company disposed of pursuant to the provisions of said acts; and inasmuch as the interest of the state in said lands and the construction of the road to aid which said lands were granted by congress, as also the good faith of the state in executing the trust confided to it by congress, require that the state should resume said rights and privileges, and all rights to the lands aforesaid. Now therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Resumed by the state.** That all rights to the lands, inter-
[31] ests, rights, powers and privileges heretofore conferred or intended to be upon the Iowa Central Air Line Railroad Company, by an act approved July 14th, 1856, entitled "an act to accept of the grant and carry into execution the trust conferred upon the state of Iowa by an act of congress entitled "an act making a grant of lands to the state of Iowa in alternate sections to aid in the construction of certain railroads in said state, approved May 15th, 1856," be and the same are hereby absolutely and entirely resumed by the state.

SEC. 2. **Repealed.** The fourth section of said act approved July 14th, 1856, and all other acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 3. Take effect. This act shall take effect and be in force from and after its publication in the Daily Iowa State Register and Daily Iowa State Journal, published at the city of Des Moines.

Approved March 17th, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Register March 21st, 1860, and in the Daily Iowa State Journal March 22d, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 178.]

CHAPTER 26.

[Chap. 40.]

SIOUX CITY.

AN ACT to legalize the levy of Road Tax in Sioux City for the year 1859.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Legalize levy of tax. That the road tax levied for the year 1859 by the trustees of Sioux City township, in Woodbury county, Iowa, upon the property within the corporate limits of Sioux City, be and hereby is declared to be legal and binding, and shall be collected in all respects and in like manner as if said tax had been duly levied by the corporate authorities of Sioux City.

SEC. 2. Take effect. This act shall take effect from and after its [32] publication in the Iowa State Register and Sioux City Register, at the expense of Sioux City.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in Session, has become a law this 20th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 93.]

CHAPTER 27.

[Chap. 41]

DAVID C. SPERRY'S NOTARIAL ACTS LEGALIZED.

AN ACT legalizing the acts of David C. Sperry, of Fayette County, Iowa, as a notary public.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That the official acts of David C. Sperry, a notary public appointed for Fayette county, Iowa, on the 22d day of February, 1858, be and the same are hereby legalized.

SEC. 2. This act to take effect and be in force from and after its publication in the Fayette County Pioneer and the Fayette County Public Review, newspapers published in Fayette county, Iowa, and the Iowa State Register, without expense to the state.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in Session, has become a law this 20th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Iowa State Register March 28th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 33.]

CHAPTER 28.

[Chap. 42.]

SCHOOL LANDS.

AN ACT to amend Chapter one hundred and seven of the acts of the Sixth General Assembly, entitled an act to legalize the sale of school lands made by John Jordon, School Fund Commissioner of Decatur county, Iowa.

Be it enacted by the General Assembly of [33] the State of Iowa,

SECTION 1. **Legalizing sales by Jon. Jordon school F. commissioner, Decatur county.** That section one of chapter one hundred and seven of the acts of the sixth general assembly, be amended as follows: That all private sales of school lands made by John Jordan, school fund commissioner of Decatur county, Iowa, from the first day of February to the twentieth day of the same month in the year 1855.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in Session, has become a law this 20th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 149.]

CHAPTER 29.

[Chap. 44.]

SCHOOL DISTRICT IN DAVIS COUNTY.

AN ACT to legalize the acts of the Bloomfield Township School District, in Davis County.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Acts legalized.** That all acts done and collections made by the school board of Bloomfield town district, in Davis county, Iowa, comprising the sub-districts Nos. eight, nine, ten and eleven, of said school district, organized under an act entitled an act to provide for the public instruction of the state of Iowa, approved December 24th, 1858, be and the same are hereby legalized as though said district had been legally organized under act No. 11 of the acts of the board of education, approved December 24th, 1858.

SEC. 2. **Take effect.** This act to be in force from and after its publication in the Iowa State Register and Bloomfield Clarion.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law this 21st day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Iowa State Register March 28th, 1860.

ELIJAH SELLS,
Secretary of State.

[34] [H. F. 272.]

CHAPTER 30.

[Chap. 45.]

CODE OF CIVIL PRACTICE.

AN ACT to repeal part of section 845 of Chapter 31 of the Code of Civil Practice.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Fee of five dollars not to be taxed with the cost.** That the following words be and they are hereby stricken out of section 845 of chapter

31 of the code of civil practice passed at the present session of the legislature, namely: When any party recovers costs, the clerk shall include in the costs for the fee of such party's attorney, (if he have one) five dollars, and no attorney's fee, or part thereof, shall in any case be taxed as costs against the losing party, anything in the code of civil practice to the contrary notwithstanding.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in Session, has become a law this 22d day of March, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 376.]

CHAPTER 31.

[Chap. 48.]

ELEVENTH JUDICIAL DISTRICT.

AN ACT to amend an act fixing the times of holding Courts in the Eleventh Judicial District.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Change time of holding court in Hardin county.** That the sixth sub-division of chapter two of the acts of the eighth general assembly, approved January 19, 1860, entitled "An act fixing the times of holding courts in the eleventh judicial district," be amended as follows: At Eldora in the county of Hardin, commencing on the fifth Monday after the first Monday of April and September in each year; provided that all actions commenced in said court since the approval of the act to which this is amendatory and prior to the first day of May, 1860, [35] shall be tried as though this amendment had not been made.

SEC. 2. So much of said chapter two as is inconsistent with this act is hereby repealed.

SEC. 3. **Take effect.** This act shall take effect from and after its publication in the Daily Iowa State Register and the Daily Iowa State Journal, anything in section twenty-one of the code, to the contrary notwithstanding.

Approved March 22, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Register March 26th, 1860, and in the Daily Iowa State Journal March 26, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 53.]

CHAPTER 32.

[Chap. 50.]

AN ACT making appropriations to meet the expenses of the Deaf and Dumb Asylum.

Be it enacted by the General Assembly of the State of Iowa,

APPROPRIATION DEAF AND DUMB ASYLUM.

SECTION 1. **\$7,000 for 1860—\$7,500 for 1861—paid quarterly—\$500 for deficiencies 1859.** That to meet the ordinary and contingent expenses of the institution of the deaf and dumb asylum for the next two years, including rents, provisions, school apparatus, salaries and clothing for pupils, when necessary, there be and is hereby appropriated for the year commencing on the first day of January, A. D. 1860, the sum of seven thousand dollars, and for the year commencing on the first day of January, A. D. 1861, the sum of

seven thousand five hundred dollars, which appropriations shall be audited and paid by the state treasurer in quarterly instalments in advance, out of any money in the treasury not otherwise appropriated, but the same shall not be drawn unless the same shall be at the time when drawn actually necessary for the maintenance of said asylum, and shall be expended under the direction of the trustees of said institution; and there is hereby appropriated [36] the further sum of five hundred dollars to meet the deficiency in the appropriation heretofore made for the support of said asylum for the year commencing on the first day of January, A. D., 1859, which sum shall be audited, paid and expended, as hereinbefore prescribed.

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

Approved March 22d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register March 28th, 1860, and in the Iowa State Journal April 7th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 232.]

CHAPTER 33.

[Chap. 51.]

RELIEF SPIRIT LAKE VOLUNTEERS.

AN ACT for the relief of Michæl Sweeney and others.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **The governor to audit claims.** That upon proof satisfactory to the governor, made in such form as he shall direct, that Michæl Sweeney, Henry E. Dally, William L. Defore and A. S. Leonard, members of the Spirit Lake expedition under Major Wm. Williams, and other members of said company whose names appear on the original list as furnished to the governor, and that they are fully entitled to relief for services therein rendered, or supplies furnished, he shall audit their claims; and the same when audited and allowed shall be paid in manner and form as provided in the act entitled "an act to pay Maj. Wm. Williams, &c.

SEC. 2. **Jacob Funk.** That in manner provided in section one of this act, Jacob M. Funk may make proof of supplies furnished the said expedition, which when audited in like manner shall be paid in like manner.

[37] SEC. 3. **From what fund paid.** That these claims shall be paid out of the appropriation made by this general assembly for the pay of Maj. Wm. Williams.

SEC. 4. **Take effect.** This act to be in force after its publication in the Iowa State Register and Iowa State Journal.

Approved March 22d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 7th, 1860, and in the Iowa State Register April 4th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 76.]

CHAPTER 34.

[Chap. 52.]

PENITENTIARY.

AN ACT making appropriations for general support of the Iowa Penitentiary, to supply deficiency in the appropriation made by the Seventh General Assembly.

WHEREAS, The appropriation made by the 7th general assembly for the support of the Iowa penitentiary proved insufficient for the purpose and it being absolutely necessary that funds should be used for such support over and

above the amount so appropriated, to provide the convicts with the necessary provisions and prevent suffering, or otherwise the payment of exorbitant prices for provisions and supplies, and thereby causing an increased expense to the state; and

WHEREAS, Under this state of facts the governor of the state, with the concurrence of the auditor and treasurer, did take of the state revenue whilst in transitu from the county treasurers to the state treasury, the sum of six thousand five hundred dollars, and apply the same to the general support of said prison. Therefore

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Legalizing the acts of the gov. in providing means for the support of the penitentiary. That the said sum of six thousand five hundred dollars, be and is hereby appropriated to [38] balance said expenditure, and be it further enacted, that the action of the governor herein be legalized and that the auditor of state be and is hereby authorized and required to issue a warrant for said amount, and charge the same to the penitentiary on account of general support, and charge the state treasurer with said sum on the presentation of his receipt to the bank from which the funds were taken.

SEC. 2. This act shall be in force and take effect when published according to law.

Approved March 23rd, 1860.

[H. F. 229.]

CHAPTER 35.

[Chap. 53.]

COMMISSIONER DES MOINES RIVER IMPROVEMENT.

AN ACT making provision for the payment of the salary of the Commissioner of the Des Moines River Improvement, and requiring the Keokuk, Fort Des Moines and Minnesota Railroad Company to pay the amount of said salary into the State Treasury.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. 460,00—Wm. C. Drake. That there be and is hereby appropriated out of the state treasury, the sum of fourteen hundred and sixty dollars, to pay the salary of William C. Drake, commissioner of the Des Moines River Improvement, from the first day of January, 1859, up to the time said office was abolished, and the auditor of state is hereby directed to draw a warrant on the treasurer in favor of said Drake for said sum.

SEC. 2. Referred to the state—salary and interest. The Keokuk, Ft. Des Moines & Minnesota Railroad Company, are hereby required to pay into the state treasury of this state, the amount of money appropriated by the first section of this act, to pay the salary of said commissioner, with ten per cent interest thereon from the time this act takes effect, within one year after the lands granted to said railroad company by an act entitled "an act disposing of the grant of land made by act of congress granting land to the territory [39] of Iowa, to aid in the improvement of the navigation of the Des Moines river," approved March 22d, 1858, shall have been certified to the state of Iowa, or otherwise become the property of said company.

SEC. 3. R. R. Co.—failure to refund proceed by sale or mortgage. In case said railroad company fail to pay said sum of money into the state treasury, as provided in section two of this act, then the commissioners appointed by an act entitled "an act in relation to the Des Moines River Improvement, and abolishing the office of commissioner thereof," approved March 3, 1860, shall proceed by the sale or mortgage of lands, as provided for in section ten of

said act last named, to raise said sum and pay the same into the state treasury.

SEC. 4. Take effect. This act to take effect and be in force from and after its publication in the Daily Iowa State Register and Daily Iowa State Journal, anything in section twenty-one of the code to the contrary notwithstanding.

Approved March 24, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Register March 28th, 1860, and in the Daily Iowa State Journal March 27th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 166.]

CHAPTER 36.

[Chap. 57.]

DUBUQUE & PACIFIC RAILROAD COMPANY.

AN ACT entitled an act declaratory of the meaning of an act entitled an act for extending the time of completion of 75 miles of road by the Dubuque and Pacific Railroad Company, approved 7th March, 1860.

WHEREAS, the first section of the act above recited reads as follows:

Be it enacted by the General Assembly of the State of Iowa,

That said subsequent completion of said seventy-five miles shall be deemed a substantial compliance with the provisions of said section by said company. deemed a substantial compliance with the provisions of said section by said company.

Now, therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Acceptance of completion 75 miles of road as substanti'l compliance with the law. That said first [40] section shall be considered, and is hereby declared to mean, that said completion of said seventy-five miles by said company shall be deemed to be a substantial compliance by said company with that portion of said 8th section which required seventy-five miles of said road to have been finished by the first day of December last.

SEC. 2. Take effect. That this law shall be in force from and after its publication in the Iowa State Register and Dubuque Herald, at the expense of said railroad company.

Approved March 26th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 4th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 266.]

CHAPTER 37.

[Chap. 59.]

CEDAR RAPIDS AND MISSOURI RIVER R. R. COMPANY.

AN ACT to carry into execution the trust conferred upon the State of Iowa, in respect to the lands granted by an act of Congress, approved May 15th, 1856, to aid in the construction of a Railroad from Lyons City, across the State of Iowa, and near the forty-second parallel to the Missouri River.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Lands granted to I. C. A. L. R. R. Co., granted and conferred to and upon the C. R. & Mo. R. R. Co.—lands not to be applied to the payment of former debts—title not guaranteed. That so much of the lands, interests, rights, powers, and privileges as have been or may be granted and conferred in pursuance of the act of congress, entitled "an act making a

grant of lands to the state of Iowa, in alternate sections, to aid in the construction of railroads in said state, approved May 15th, 1856, to aid in the construction of a railroad from Lyons City, north-westerly to a point of intersection with the main line of the Iowa Central Air Line railroad, near Maquoketa; thence on said main line running as near as practicable to the forty-second parallel across the state of Iowa to the Missouri river, are hereby disposed of, granted and conferred to and upon the Cedar Rapids and Missouri River Railroad Company, a body corporate, created and existing under the laws [41] of the state of Iowa, *Provided*, however, that no portion of the grants of land provided for in this act shall be applied to the liquidation of any debt or obligation heretofore made or contracted by the said Cedar Rapids and Missouri River Railroad Company, or of the Chicago, Iowa and Nebraska Rail Road Company; *Provided*, further, that it is hereby declared to be the true intent and meaning of this act, that the state of Iowa according to the conditions herein specified—conveys and grants to the Cedar Rapids and Missouri River Rail Road Company, her right, title to and interest in the aforesaid lands, and nothing more; and in no event shall said company have any claim or recourse against the state for any defect in the title or conveyance of said lands.

SEC. 2. 40 miles to be completed the first year after Dec. 1860. 30 miles each year thereafter for 2 years—penalty for failure. The grant by this act conferred upon said company is made upon the express condition that in case said company shall fail to have completed and equipped forty miles of its roadalong the route aforesaid, and west from some convenient point on the Cedar river, near the 42d parallel, within one year from the first day of December next, after the passage of this act, thirty miles in addition, each year thereafter, for two years, and the remainder of their whole line of road in two years thereafter, or by the first day of December, 1865, then and in that case it shall be competent for the state of Iowa to resume all rights conferred by this act upon said company so failing, and to resume all rights to the lands hereby granted and remaining undisposed of to the company so failing to have the length of road completed in manner and time as aforesaid.

SEC. 3. Highways for the use of the government of the U. S. paid from toll—acceptance in writi'g filed with sec. of state. The provisions of the ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections of the first chapter of the laws of Iowa, passed at the extra session of the fifth general assembly, and approved July 14th, 1856, so far as the same are applicable to this company under the provisions of this act, and the one hundred and eighty second chapter of the laws of this state, enacted by the sixth general assembly, and approved January 28th, 1857; and the eighty-[42] fifth chapter of the laws of this state, enacted by the seventh general assembly, and approved March 20th, 1858, so far as said enactments are not inconsistent with the provisions of this act, be and the same are hereby made applicable to this company, receiving the benefits of the grant hereby conferred; and it is further provided, that said railroad shall be and remain a public highway for the use of the government of the United States, free from toll or other charge upon the transportation of any property or troops of the United States; and if the said company shall accept this grant upon the condition aforesaid, which acceptance shall appear by an express writing, under the seal of said corporation, with the signatures of its president and secretary, and shall be filed in the office of the secretary of the state of Iowa, within ninety days after the approval of this act by the governor, it shall take the same with the conditions imposed, and incumbrances specified in this act; and shall in no event have any claim or recourse whatever upon the state of Iowa, for a misapplication of said grant, incumbrances or conditions in this act imposed.

SEC. 4. Full amount of land to be certified for the first three secs. of 20 mil's each, there after apportionments pro rata. It is hereby further provided, that said Cedar Rapids and Missouri River Railroad Company shall be entitled to the full amount of land authorized by said act of congress, as the work progresses, for the first three sections of road, of twenty miles each, which shall be constructed by said company; but thereafter as the work progresses, they shall be entitled to an equal pro rata apportionment of the lands remaining subject to appropriation in aid of this work, to be ascertained by a division of the quantity of lands so remaining by the number of whole sections of twenty miles each, extending from the point of construction then reached to the Missouri river.

SEC. 5. No title giv'n and as the work progresses—state may resume. It is further expressly provided, that this act shall not be so construed as to give title to any portion of said lands to the company, accepting the provisions hereof, otherwise than as the work progresses, and as provided in the act of congress aforesaid, conferring the [43] lands upon the state of Iowa, namely: When they shall have completed each section of twenty miles of road aforesaid, they shall be entitled to the amount of land apportioned thereto, and not before; and they shall not become entitled to the first one hundred and twenty sections authorized by act of congress, until such first section of their road shall have been completed, at which time they shall become entitled to the first apportionment of land. Nor shall this act be so construed as in any manner to prevent the general assembly of this state from resuming, upon failure of either of the conditions named in the second section of this act, all lands to which the said company shall not have then become entitled by completion of one or more sections as aforesaid of the said road.

SEC. 6. To build a road from Lyons to intersect the C. I. and N. R. R.—tolls shall be equal. And it is further expressly provided that said company shall build or cause to be built before the first day of January, 1861, a railroad of like guage and equal in quality to the Chicago, Iowa and Nebraska railroad from Pearl street, in Lyons City, to a point of intersection with the said Chicago, Iowa and Nebraska railroad within the corporate limits of Clinton City, with such switches and side tracks as the business of said town of Lyons may require; and to operate or cause to be operated the same by running passenger and freight cars, of the same class with those used by the Chicago, Iowa and Nebraska railroad, in close connection forever with all regular trains at any time run on said Chicago, Iowa and Nebraska railroad, without occasioning any unnecessary delay to freight or passengers at said point of intersection; and the charge per mile for transportation of freight or passengers shall never exceed the regular charges for like service on the Chicago, Iowa and Nebraska railroad; the intent and meaning of this section being to secure to the citizens of Lyons the same privileges and benefits of a railroad connection that are enjoyed by any other place on said Chicago, Iowa and Nebraska railroad; and it is hereby expressly provided that no lands shall be certified by the governor to said Cedar Rapids and Missouri River [44] Railroad Company until they have complied with all the requirements of this section.

SEC. 7. Work to commence on said road at Marion in Linn county. Said company shall not commence to build or construct said road, at any point further west from the Mississippi river than the town of Marion in Linn county, Iowa, and the governor of the state shall not certify any of the lands herein transferred to said company, until that portion of the road between said town of Marion and the city of Cedar Rapids, together with so much more of said road as to make in the aggregate at least twenty miles, shall be completed, equipped and operated by said company or its successors.

SEC. 8. Penalty for misapplication of lands. And be it further enacted that it shall be deemed a felony for the president and directors or managers of the said rail road company accepting the grant of land to be conveyed by this act to wilfully misapply any of the land herein granted, to any other purpose than the carrying into effect the true meaning and intent of this act, and the president, directors or managers of said railroad company who may be guilty of any such wilful mis-application of the lands herein granted shall be liable to a fine of not less than five thousand dollars, or imprisonment in the county jail not less than twelve months and not more than three years, or both such fine and imprisonment at the discretion of the court before whom any case may be tried.

SEC. 9. Cedar R. & Mo. R. Co., failing to accept, the census board may confer upon other company. It is further expressly provided, that if said Cedar Rapids and Missouri River Rail Road Company shall fail or refuse to accept of this grant upon the conditions hereby imposed, and in time and manner, as aforesaid, the census board of this state is hereby authorized, by proper writing with the seal of state affixed thereto, to confer the same upon such party or company as shall in their judgment, be competent to carry out the enterprise hereinbefore provided for in good faith, and which shall accept the grant by a proper written instrument duly executed and attested, and shall file the same in the office of secretary of this state, subject to all the preceding sections of this act, and the same shall in that case, be applicable to such grantee, subject [45] to all the foregoing terms and conditions of this act as fully as if named and originated herein.

SEC. 10. Take effect. This act shall take effect and be in force from and after its publication in the Iowa State Register and in the Iowa State Journal.

Approved March 26th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, April 7th, 1860, and in the Iowa State Register, April 11th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 192.]

CHAPTER 38.

[Chap. 61.]

CITY COUNCIL OF MAQUOKETA.

AN ACT legalizing the official acts of the City Council of Maquoketa, and the election of the Mayor of said city.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Legalizing certain acts. That the election of S. S. Germond, as mayor of the city of Maquoketa, on the first Monday of February, 1859, be and is hereby legalized; and all the official acts of said mayor and the city council of the city of Maquoketa, since said election, be and are hereby declared of as full force and validity in law as though the said election had been held at the time fixed by and conducted in all respects according to forms of law.

SEC. 2. Take effect. This act shall take effect and be in force from and after its publication in the Daily Iowa State Register and the Weekly Maquoketa Excelsior, without expense to the state.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law this, the 26th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Daily Iowa State Register April 2d, 1860.

ELIJAH SELLS,
Secretary of State.

[46] [H. F. 30.]

CHAPTER 39.

[Chap. 62.]

CHARITON, LUCAS COUNTY.

AN ACT to legalize the election of the President and the Town Council, and other officers of Chariton, Lucas county, and the official acts of the same.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Legalizing an electi'n and acts of incorporation.** That the election held on the 26th day of February, A. D. 1857, by authority of the county judge of Lucas county, for the purpose of incorporating the town of Chariton, and all elections subsequently held under said act of incorporation, and all official acts of the same are hereby declared to be legalized.

SEC. 2. **May amend.** Said incorporation is hereby authorized to amend its act of incorporation, so as to conform to the general act of incorporation, approved March 23d, 1858.

SEC. 3. **Take effect.** This act to take effect from and after its publication in the Iowa Patriot and Iowa State Register, free of expense to the state.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law, this the 26th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Iowa State Register May 2d, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 383.]

CHAPTER 40.

[Chap. 63.]

H. B. HORTON'S NOTARIAL ACTS LEGALIZED.

AN ACT to legalize the acts of H. B. Horton, a Notary Public in Clinton County, Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That all the official acts of H. B. Horton, a notary public, within and for Clinton county, and who received said appointment January [47] 26th, 1857, from James W. Grimes, then governor of of the state for the term of three years next thereafter, be and the same are hereby declared legal and binding in law and equity.

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa State Register and the Clinton Herald, without expense to the state.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law, this the 28th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Clinton Herald April 7th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 262.]

CHAPTER 41.

[Chap. 64.]

RELIEF OF BENJAMIN KELLER, AND OTHERS.

AN ACT for the relief of Benjamin Keller, Jr., Michael Hennelly and William Thrift.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Ringgold county to pay \$210,25 for arrest of horse thieves.** That the county judge of Ringgold county is hereby authorized to pay out of the county funds of said county, the sum of two hundred and ten dollars

and twenty-five cents to Benjamin Keller, Jr., Michael Hennelly and William Thrift, as expenses and costs in a certain case where the said parties arrested or caused to be arrested and delivered to the authorities of said county, two horse thieves by the names of David Franklin and Emery Strickland.

SEC. 2. This act to be in force from and after its publication in the State Register and Journal, papers published in Des Moines.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law, this the 28th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Iowa State Register April 7th, 1860.

ELIJAH SELLS,
Secretary of State.

[48] [H. F. 141.]

CHAPTER 42.

[Chap. 65.]

POOR HOUSE, SCOTT COUNTY.

AN ACT for legalizing the acts of the County Judge of Scott county, in purchasing real estate for a Poor House Farm, and in issuing bonds in payment therefor.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Legalize acts of co. judge in purchas'g farm.** That the purchase of real estate made by the county judge of Scott county, on or about the first day of March, A. D. 1859, comprising 110 acres in town 78 and 79, range 3 east of 5th P. M., for the purpose of a poor house farm, is hereby legalized and approved.

SEC. 2. **Bonds legalized.** That the bonds numbering 1, 2 and 3 respectively, dated March 1st, 1859, issued by the said county judge, payable to Albert Morely, T. H. Morely and John S. Seymour in ten years from date, given in payment of said real estate, are hereby legalized and confirmed.

SEC. 3. **Take effect.** This act shall take effect from and after its publication in the Iowa State Register, at Des Moines, and the Davenport Weekly Gazette, without expense to the state.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in session, has become a law this 28th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 113]

CHAPTER 43.

[Chap. 68.]

CITY OF GLENWOOD.

AN ACT entitled an act to legalize the city elections of the city of Glenwood, in Mills County, Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Electi'n legaliz d.** That the elections for city officers heretofore held in said city of Glenwood, be and the same are hereby legalized.

[49] SEC. 2. This act shall take effect and be in force from and after its publication.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in session, has become a law this the 29th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 107.]

CHAPTER 44.

[Chap. 69.]

HARTLAND TOWNSHIP.

AN ACT to legalize the organization of the Township of Hartland, in the County of Worth.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Organizati'n and elections legalized. That the organization of the township of Hartland, in the county of Worth, on the 21st day of February, 1859, under the direction and by virtue of a warrant for that purpose, issued by the county judge of the said county of Worth, be and the same is hereby legalized, and all township elections held, and all acts performed by the citizens of said township of Hartland, under and by virtue of said organization, are hereby declared legal and of full force at law.

SEC. 2. This act to take effect and be in force from and after its publication in the Iowa State Register and Iowa State Journal.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in session, has become a law this 29th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Iowa State Journal April 7th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. Sub. H. F. 139.]

CHAPTER 45.

[Chap. 70.]

CITY OF CLINTON.

AN ACT entitled an act to legalize the elections and organizations of Common Councils of the city of Clinton.

Be it enacted by the General Assembly [50] of the State of Iowa,

SECTION 1. Election and organization legalized. That the elections of said city of Clinton, and the organization of the several common councils of said city since the formation of said city government, are hereby declared legal.

SEC. 2. This act shall be in force upon its publication in the Iowa State Register and the Clinton Herald, at the expense of said city.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law, this the 29th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Clinton Herald April 7, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 138.]

CHAPTER 46.

[Chap. 71.]

CHARLES A. BANNON.

AN ACT entitled an act to legalize the acts of Charles A. Bannon, as Notary Public.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Notarial acts legalized. That all acts performed by Charles A. Bannon as notary public in and for the county of Butler, be and the same

are hereby legalized, and declared to be of the same legal effect, as if his seal had had engraved thereon, the words, Notarial Seal, Iowa.

SEC. 2. This act shall take effect and be in force from and after its publication according to law.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in session, has become a law this 29th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 209.]

CHAPTER 47.

[Chap. 72]

AN ACT relating to the Journals of the Senate and House of Representatives.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Journals to be transcrib'd, certifi'd and deposit'd with the sec. of state.** That the secretary of the senate [51] and the clerk of the house of representatives are authorized and required to transcribe the journals of their respective houses in books prepared for that purpose, and after having certified to the correctness of the same to deliver them to the secretary of state for preservation in his office.

SEC. 2. **Sec'y and clerk superintend printing—copy deliver'd to printer.** The secretary and clerk shall superintend the printing of their respective journals, and the indexing of the same, and it shall be the duty of each to deliver a carefully prepared copy thereof to the state printer, written up in solid paragraphs, as nearly as practicable, which copy shall be delivered in two months from the day of adjournment of the legislature.

SEC. 3. As soon as the journals are printed, or either of them, it shall be the duty of the secretary and clerk respectively, to distribute the same as herein provided.

SEC. 4. **Distribution.** Each member of the senate and house of representatives shall be entitled to three copies of the journal of the house of which he is a member, and one copy of the journal of the other house, and three copies shall also be sent to each organized county in the state, directed to the clerk of the district court thereof, and one copy to each officer and reporter of the general assembly, and the state librarian shall preserve at least fifteen copies of each journal in the library.

SEC. 5. **Compensation.** As a compensation for the services herein required, the secretary and clerk shall each receive five hundred dollars, to be paid out of any money in the treasury not otherwise appropriated, one half of which shall be allowed and paid when the copy is furnished to the state printer and the transcribed journal filed in the office of the secretary of state, and the remainder when the auditor shall be satisfied by the presentation of receipts therefor, or otherwise, that the journals have been distributed as herein required.

SEC. 6. **Take effect.** This act to take effect and be in force from [52] and after its publication in the Iowa State Register and Iowa State Journal.

Approved March 29th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 7th, 1860, and in the Iowa State Register April 4th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 196.]

CHAPTER 48.

[Chap. 74.]

COMMISSIONERS OF REVISION—COMPENSATION.

AN ACT to pay the Commissioners of Revision, &c.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **\$6,750 appropriated.** That there be and is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of six thousand seven hundred and fifty dollars as compensation to the commissioners appointed under authority of the seventh general assembly, to prepare a code of civil and criminal practice, and to revise the laws, for services rendered since the adjournment of the last general assembly.

SEC. 2. **C. Ben Darwin, \$3000—William Smith, \$1500—W. T. Barker, \$1500.** Of the sum hereby appropriated, there shall be paid to C. B. Darwin the sum of three thousand dollars; to William Smyth the sum of fifteen hundred dollars, and to W. T. Barker the sum of fifteen hundred dollars.

SEC. 3. **R. J. Thomas, \$750.** There shall also be paid out of any money not otherwise appropriated, the sum of seven hundred and fifty dollars to R. J. Thomas, as compensation for his services as clerk of said commissioners.

SEC. 4. **Auditor.** The auditor of state is hereby instructed to issue his warrants for the sum above appropriated.

SEC. 5. This act shall take effect from and after its publication in the Iowa State Register and Iowa State Journal.

Approved March 29, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 7th, 1860.

ELIJAH SELLS,
Secretary of State.

[53] [S. F. 62.]

CHAPTER 49.

[Chap. 75.]

SWAMP LANDS.

AN ACT making appropriations for selecting Swamp Lands.

WHEREAS, An act was passed by the general assembly of the state of Iowa, entitled an act making an appropriation for swamp land purposes, approved January 27th, A. D. 1858, in which it was enacted that one or more agents of the state of Iowa should be appointed to select the swamp and overflowed lands in the new and unorganized counties of the state, and

WHEREAS, T. B. Johnson, of Cass county, was appointed such agent, to select the swamp and overflowed lands in the new and unorganized counties of the state of Iowa, and

WHEREAS, The said T. B. Johnson, in pursuance to such appointment, proceeded to select and did select the swamp and overflowed lands in the counties of Ida, Sioux, Plymouth and O'Brien, new and unorganized counties in the state of Iowa, and

WHEREAS, The said T. B. Johnson did, in selecting said swamp and overflowed lands, and in employing the necessary assistants therefor, expend the sum of seventeen hundred and ninety-six dollars and forty-five cents, in addition to money received.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **\$1796.45 appropriated to T. B. Johnson, and others.** That there be and is hereby appropriated out of the treasury of the state of Iowa, the

sum of seventeen hundred and ninety-six dollars and forty-five cents for the purpose of paying the said T. B. Johnson, K. W. Macomber, William Waddell, E. R. Bartlett, and William Jenkins, for their services in selecting said swamp and overflowed lands aforesaid.

SEC. 2. **To be refunded by the counties in which the lands were selected.** That it shall be the duty of the register of the state land office as soon as the swamp lands are duly certified to the state of Iowa by the United States, within the counties of Ida, Plymouth, Sioux and O'Brien [54] to select from the lands so certified, an amount of land at an estimated value of one dollar per acre, sufficient to pay the sum hereby appropriated with ten per cent interest, said land shall be selected from each of said counties, in proportion as the quantity of land certified in each of said counties, shall bear to the sum hereby appropriated, which land shall be retained by the state, and disposed of as may be provided by law: Provided that if any money or land scrip shall be paid to the state by the United States, for swamp lands sold, that it shall be the duty of the register or officer receiving the same, to retain such money and land scrip to the amounts aforesaid, and in the proportions aforesaid from each county.

SEC. 3. This act shall take effect and be in force from and after its publication in the Daily Iowa State Register and Daily Iowa State Journal.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in Session, has become a law this 30th day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Daily Iowa State Journal April 2d, 1860, and in the Iowa State Register April 11th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 71.]

CHAPTER 50.

[Chap. 76.]

INSANE ASYLUM.

AN ACT making a further appropriation for the State Insane Asylum.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **\$75,000 appropriated—drawn upon monthly estimates—east wing to be finished.** That there be and hereby is appropriated out of any money in the state treasury not otherwise appropriated, the sum of seventy-five (75) thousand dollars for the completion of a part of said asylum, and for the furnishing of the same. The money hereby appropriated shall be paid on the order of the [55] commissioners appointed to superintend the erection of said asylum, which order shall be audited and paid as other claims: *Provided*, that said money so appropriated shall be drawn from the treasury by the commissioners only upon estimates made monthly, upon and during the progress of the work, and when materials or furniture shall have been purchased for the erection or use of such building, vouchers shall be taken, and copies thereof sent to the auditor of state, with such orders for warrants or money as the commissioners may sign; and *Provided, further*, that said commissioners shall first finish and furnish the centre portion and the east wing of said building, so that patients may be received and properly cared for, and the balance of said appropriation, if any, shall be expended towards the completion of the west wing of said building.

SEC. 2. **Compensation of superintend'nt.** The superintendent of the build-

ing shall not receive more than one thousand dollars a year as a full compensation for his services, and the employment of a secretary, as heretofore, is expressly prohibited.

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

Approved March 30, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, April 14th, 1860, and in the Iowa State Register April 18th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 204.]

CHAPTER 51.

[Chap. 77.]

ALIENS.

AN ACT respecting the taking effect of the laws of 1858, entitled "An act respecting Aliens," approved March 15th, 1858.

WHEREAS, The general assembly did, on the 15th day of March, A. D. 1858, pass an act entitled "an act respecting aliens," as found upon the ninety-eighth page of the laws of said year; and

[56] WHEREAS, Said law provided that the same should take effect and be in force from and after its publication in several newspapers printed in this state, which was not done in accordance with the provisions of said law, whereby doubts have arisen whether said law was in force; now, in order to remove any and all objections to said law,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **In force.** That said law is hereby declared to have been in full force and effect from and after the 4th day of July, A. D. 1858, by virtue of the constitution of the state of Iowa.

SEC. 2. That this act shall take effect and be in force from and after its publication in the Daily State Journal, at Des Moines, and "Der Democrat," published at Davenport.

Approved March 30th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 14, 1860, and in the Der Democrat April 13, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 213.]

CHAPTER 52.

[Chap. 80.]

SENATORIAL APPORTIONMENTS.

AN ACT to re apportion the State into Senatorial Districts.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. The ratio for the apportionment of the state into senatorial districts shall be one senator for each seventeen thousand inhabitants or fraction thereof, exceeding one half in each senatorial district.

SEC. 2. **1st district.** The county of Lee shall constitute the first district, and shall have two senators.

SEC. 3. **2d district.** The county of Van Buren shall constitute the second district, and shall have one senator.

SEC. 4. **3d district.** The county of Davis shall constitute the third district, and have one senator.

[57] SEC. 5. **4th district.** The county of Appanoose shall constitute the fourth district, and shall have one senator.

SEC. 6. **5th district.** The counties of Wayne and Decatur shall constitute the fifth district, and shall have one senator; and the votes for senator in said district shall be canvassed at the county seat of Decatur county.

SEC. 7. **6th district.** The counties of Ringgold, Taylor, Page, Union, Adams, and Montgomery, shall constitute the sixth district, and shall have one senator; and the votes for senator in the sixth district shall be canvassed at the county seat of Taylor county.

SEC. 8. **7th district.** The counties of Fremont, Mills and Pottawattamie, shall constitute the seventh district, and have one senator. The votes for senator in the seventh district shall be canvassed at the county seat of Mills county.

SEC. 9. **8th district.** The county of Des Moines shall constitute the eighth district, and have one senator.

SEC. 10. **9th district.** The county of Henry shall constitute the ninth district, and shall have one senator.

SEC. 11. **10th district.** The county of Jefferson shall constitute the tenth district, and shall have one senator.

SEC. 12. **11th district.** The county of Wapello shall constitute the eleventh district and have one senator.

SEC. 13. **12th district.** The counties of Monroe and Lucas shall constitute the twelfth district, and have one senator. The votes for senator in the twelfth district shall be canvassed at the county seat of Monroe county.

SEC. 14. **13th district.** The county of Louisa shall constitute the thirteenth district, and shall have one senator.

SEC. 15. **14th district.** The county of Muscatine shall constitute the fourteenth district, and shall have one senator.

SEC. 16. **15th district.** The county of Washington shall constitute the fifteenth district, and shall have one senator.

SEC. 17. **16th district.** The county of Keokuk shall constitute the sixteenth district, and shall have one senator.

SEC. 18. **17th district.** The county of Mahaska shall constitute the seventeenth district, and shall have one senator.

SEC. 19. **18th district.** The county of Marion shall constitute the eighteenth district, and shall have one senator.

[58] SEC. 20. **19th district.** The county of Scott shall constitute the nineteenth district, and shall have two senators.

SEC. 21. **20th district.** The county of Clinton shall constitute the twentieth district, and shall have one senator.

SEC. 22. **21st district.** The county of Cedar shall constitute the twenty-first district, and shall have one senator.

SEC. 23. **22d district.** The county of Johnson shall constitute the twenty-second district, and shall have one senator.

SEC. 24. **23d district.** The county of Polk shall constitute the twenty-third district, and shall have one senator.

SEC. 25. **24th district.** The county of Jackson shall constitute the twenty-fourth district, and shall have one senator.

SEC. 26. **25th district.** The county of Jones shall constitute the twenty-fifth district, and shall have one senator.

SEC. 27. **26th district.** The county of Linn shall constitute the twenty-sixth district, and shall have one senator.

SEC. 28. **27th district.** The county of Dubuque shall constitute the twenty-seventh district, and shall have two senators.

SEC. 29. **28th district.** The county of Clayton shall constitute the twenty-eighth district, and shall have one senator.

SEC. 30. **29th district.** The county of Warren shall constitute the twenty-ninth district, and shall have one senator.

SEC. 31. **30th district.** The counties of Madison and Clark shall constitute the thirtieth district, and shall have one senator. The votes for senator in the thirtieth district shall be canvassed at the county seat of Madison county.

SEC. 32. **31st district.** The counties of Adair, Cass, Dallas, Guthrie, Audubon and Shelby, shall constitute the thirty first district, and shall have one senator. And the votes for senator in the thirty-first district shall be canvassed at the county seat of Adair county.

SEC. 33. **32d district.** The counties of Harrison, Monona, Crawford, Carroll, Woodbury, Sac, Ida, Calhoun, Webster, Humboldt, Pocahontas, Buena Vista, Cherokee, Plymouth, Sioux, O'Brien, Clay, Palo Alto, Kossuth, Emmett, Dickinson, Osceola and Buncombe, shall constitute the thirty-second district, and shall have one senator. And the votes cast in said district for senator shall be canvassed at the county seat of Sac county.

[59] SEC. 34. **33d district.** The counties of Iowa and Poweshiek shall constitute the thirty-third district, and shall have one senator. And the votes for senator in the thirty-third district shall be canvassed at the county seat of Poweshiek county.

SEC. 35. **34th district.** The counties of Marshall, Hardin and Grundy, shall constitute the thirty-fourth district and shall have one senator. And the votes cast therein for senator shall be canvassed at the county seat of Marshall county.

SEC. 36. **35th district.** The counties of Benton and Tama shall constitute the thirty-fifth district, and shall have one senator. And the votes cast for senator in said district shall be canvassed at the county seat of Benton county.

SEC. 37. **36th district.** The counties of Black Hawk, Butler and Franklin shall constitute the thirty-sixth district, and shall have one senator. And the votes cast for senator therein shall be canvassed at the county seat of Black Hawk county.

SEC. 38. **37th district.** The counties of Delaware and Buchanan, shall constitute the thirty-seventh district, and shall have one senator. And the votes cast in said district for senator shall be canvassed at the county seat of Buchanan county.

SEC. 39. **38th district.** The counties of Fayette and Bremer shall constitute the thirty-eight district, and shall have one senator. And the votes cast therein for senator shall be canvassed at the county seat of Fayette county.

SEC. 40. **39th district.** The county of Alamakee shall constitute the thirtieth district, and shall have one senator.

SEC. 41. **40th district.** The counties of Chickasaw, Howard, Mitchell, Winnebago, Hancock, Floyd, Worth, Cerro Gordo and Wright, shall constitute the fortieth district, and shall have one senator. And the votes cast in said district for said office shall be canvassed at the county seat of Floyd county.

SEC. 42. **41st district.** The counties of Story, Boone, Hamilton, and Greene, shall constitute the forty-first district, and shall have one senator, and the votes cast in said dis- [60] trict, for said office shall be canvassed at the county seat of Story county.

SEC. 43. **42d district.** The county of Winneshiek shall constitute the forty-second district, and shall have one senator.

SEC. 44. **43d district.** The county of Jackson shall constitute the forty-third district, and shall have one senator.

SEC. 45. No district herein constituted shall be represented in the next general assembly by a greater number of senators than herein provided for.
Approved March 30, 1860.

[H. F. 170.]

CHAPTER 53.

[Chap. 81.]

COMMISSIONER OF IMMIGRATION.

AN ACT to provide for the establishment of a Commissioner in the City of New York, to promote immigration to the State of Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **To be appointed by the govern'r with consent of the senate—keep an intelligence office in New York—report to the governor.** That a commissioner of immigration for the state of Iowa, shall be appointed by the governor, with the consent of the senate, who shall hold his office for two years from the first day of May next, and shall reside and keep an office in the city of New York at least from the first day of May until the first day of December in each year, which office shall be kept open at all reasonable business hours, between the dates aforesaid, and to give to immigrants the necessary information in relation to the soil and climate of the state, and the branches of business to be pursued with advantages therein, and the cheapest and most expeditious route by which the same can reach the state, and to give such further information as will, as far as practicable, protect immigrants against the impositions often practiced upon them; to report to the governor as often as required, and in the manner to be prescribed by him, the number of immigrants sent by him to the state, [61] their nationality, and the branches of business intended to be pursued by them.

SEC. 2. **Gov. may remove.** The governor shall have power to remove such commissioner for inefficiency and misconduct in the discharge of the duties of his office, and to appoint some proper person in his place.

SEC. 3. **Appropriation.** The following sums of money are hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to carry out the objects of this act, the sum of two thousand four hundred dollars for the salary of said commissioner of immigration, for two years; a sum not exceeding one thousand dollars, to be expended under the direction of the governor, in a publication of a description of the state, in English, German, and such other languages as the governor shall deem advisable; a sum not exceeding one thousand one hundred dollars for office rent, furnishing the same, and for maps and books to be used in the office of the commissioner of immigration.

SEC. 4. **Salary paid quarterly.** The salary of said commissioner shall be paid to him quarterly, in advance, and the remainder of the sums appropriated shall be paid on the order of the governor, for said purposes, in such sums and at such times as the governor shall direct.

SEC. 5. **No fee exopt salary to be rec'd.** *And be it further enacted,* That if said commissioner shall, directly or indirectly, take or receive any fee, compensation or reward, except said salary, he shall be deemed guilty of felony, and shall be punished by imprisonment in the state's prison for not less than one nor more than five years.

SEC. 6. This act shall take effect from and after its publication in the Daily Iowa State Register and the Daily Iowa State Journal, published at Des Moines.

Approved March 30, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 11, 1860, and in the Iowa State Journal April 7, 1860.

ELIJAH SELLS, Sec. of State.

[62] [H. F. 307.]

CHAPTER 54.

[Chap. 82.]

IOWA CITY LOTS.

AN ACT in relation to the "Records" of original title of lots in Iowa City.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Records to be transferred to the office of the register of the state land office. That all the records, books and papers, of whatever character, relating to the original title of lots in Iowa City, in Johnson county, and to sales thereof by the territory of Iowa, and since then by the state, including the plat of said city, be and the same are hereby transferred from the offices of the secretary and treasurer of state, to the office of the register of state lands; and the same shall hereafter be kept in the office of said register, and under his charge as other records in his office.

SEC. 2. Regist'r to examine titles—report to the gen'l assembly. It is hereby made the duty of the register of the state land office, to examine the said records, books and papers, and to complete in the "Tract Book" of sales of lots in said city, the abstract of present title of each lot, showing whether the same has been finally sold, or forfeited to the state; and to report to the general assembly at the next session thereof, whether the title to either of said lots or to any property in said Iowa City, still remains in the state, and the facts relating to any property still unsold.

SEC. 3. Register to furnish recorder of Johnson county with abstract of records. That as soon as practicable, the state register shall make out, certify as correct, and transmit to the recorder of Johnson county, an abstract from the said records, books and papers, showing to whom the original deed of each lot in Iowa City was issued, by the territory or state, and the date of such deed; which abstract shall remain in the office of said recorder.

SEC. 4. Repealing. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed; and all acts authorizing the sale of lots in said Iowa City, by the state treasurer, are hereby repealed.

Approved March 30th, 1860.

[63] H. F. 317.]

CHAPTER 55.

[Chap. 86.]

M'GREGOR.

AN ACT to legalize the elections and official acts of the Corporation of McGregor.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Election and official acts legalized. That the elections and all official acts of the present corporation of the town of McGregor, in Clayton county, are hereby declared legal and legalized as fully and completely as if the law had been in every respect complied with and the records of said corporation properly made.

SEC. 2. This act shall take effect and be in force from and after its publication in the North Iowa Times and Iowa State Register, the said publication to be without expense to the state.

Approved March 31, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 25th, 1860, and in the North Iowa Times April 18, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 331.]

CHAPTER 56.

[Chap. 87.]

OVERFLOWED LANDS.

AN ACT authorizing owners of land subject to overflow, situated on the Iowa and Mississippi River Bottom, in Des Moines and Louisa Counties, to raise a tax upon such lands for the purpose of repairing, continuing, and extending the levee now commenced, to prevent such overflow.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Tax land in Louisa county, south of the Iowa river, and in Des Moines county, for making levee. That all lands situated on the south side of the Iowa river, and west of the Mississippi river, in the counties of Des Moines and Louisa, and subject to overflow, may be subjected to a tax or contribution in manner hereinafter provided.

SEC. 2. Commissioners. That the county judge of Des Moines county, shall appoint two persons, resident of said [64] county, and the county judge of Louisa county shall appoint one person resident of said county, who shall, before entering on their duty, give bond for the faithful performance of their duty, to be approved by said judges, and shall hold their office one year and until their successors are appointed and qualified as other county officers, and shall act as commissioners in relation to the system of leveeing the lands subject to overflow, as in the first section of this act referred to.

SEC. 3. Powers and duties of com'rs—tax pro rata—notice of meeting of the owners of the land—object of meeti'g. The commissioners shall have power to arrange and decide as to the character and extent that levees shall be made, and drains shall be dug, and do all acts necessary to carry out the system of leveeing already begun; for the purpose of raising funds, they shall have power, and they are hereby authorized to tax the lands to be protected and benefitted by said work pro-rata not to exceed ten cents per acre. Before levying any tax as aforesaid, they shall call a meeting of the owners of said lands, to be held at some place convenient to said overflowed lands. They shall give at least ten days notice of the time and place of said meeting, by posting notices in five public places in each county, in the vicinity of said lands, and the owners of said lands shall at said meeting, decide by ballot, at an election to be held, and governed as other elections in this state. The commissioners to act as judges of said election. The amount and pro-rata of said tax, the manner of collecting, the extent of the work that shall be done each year, and all other acts that may be necessary to secure the making of the levee and draining of said lands, contemplated by this act which acts of the owners shall be instructions to said commissioners, and by them faithfully carried out.

SEC. 4. Collection of tax. Said commissioners shall have power to cause said tax to be collected, appoint a surveyor, and all agents necessary to superintend the work, collect the taxes or disburse the money collected under this act.

SEC. 5. This act shall be in force from and after its publication in the Hawkeye, and Wapello Republican, [65] papers published in Des Moines and Louisa counties, without expense to the state.

Approved March 31, 1860.

I hereby certify that the foregoing act was published in the Wapello Republican April 19, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 312.]

CHAPTER 57.

[Chap. 88.]

WILLIAM R. BROWN.

AN ACT to legalize the official acts of William R. Brown, a Notary Public of Des Moines County.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Notarial acts legalized.** That all official acts done by William R. Brown, a notary public of Des Moines county, be and the same are hereby legalized and made valid, notwithstanding the same may have been done after the expiration of the time for which he was appointed to said office.

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

Approved March 31, 1860.

[S. F. 214.]

CHAPTER 58.

[Chap. 89.]

SCHOOL DISTRICT CLEAR CREEK TOWNSHIP.

AN ACT to authorize the Board of Directors of Clear Creek Township school district to correct the assessment made in 1859.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Board of direct'rs may correct the assessment.** That the present board of directors for school district Clear Creek township, in Keokuk county, Iowa, be and are hereby authorized to correct [66] the assessment of taxes made in said township school district for schools and school house purposes, for the year 1859, so that the tax so levied may come under the provisions of the law then existing.

SEC. 2. This act to take effect and be in force from and after its publication in the Daily Iowa State Register and Daily Iowa State Journal.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in session, has become a law this 2d day of April, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Daily Iowa State Journal April 3, 1860, and in the Iowa State Register April 11, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 180.]

CHAPTER 59.

[Chap. 90.]

JOHN J. BELL'S RELIEF.

AN ACT for the relief of John J. Bell, a defaulting School Fund Commissioner, and the sureties upon his official Bonds.

WHEREAS, In the year 1856, one John J. Bell was elected to the office of school fund commissioner of Story county, Iowa, and

WHEREAS, E. Armstrong, John Hempsted, Isaac Hogue, Amirah Mullen, Thomas J. Westlake, S. S. Webb, Wm. Lockridge, E. G. Day, D. J. Norris, Jas. Hawthorn, Abner Bell, C. D. Berry and Jonathan Statler became sureties on his official bonds; and

WHEREAS, At the October term of the district court of said Story county, held at Nevada, A. D. 1859, judgment was obtained against the said Bell as a defaulter to the amount of four thousand five hundred and fifty-three dollars, and in the like amount against certain of the sureties above named, together with costs of suit; therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. [67] **Co. judge may settle with sureties.** That the county judge of said Story county, be and he hereby is authorized to cause the claim against

the said parties as represented by the said judgment, to be so arranged that the amount of the same may become a loan to such of said parties as he may deem proper, at the rate of ten per centum interest per annum, payable annually, the principal sum to be paid in five years from the date of such loan, and to be secured in all respects as now required by law.

SEC. 2. This act to be in force from and after its publication in the Daily Iowa State Register and the Daily Iowa State Journal.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in session, has become a law this 2d day of April, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Daily Iowa State Journal April 3, 1860, and in the Iowa State Register April 11, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 170.]

CHAPTER 60.

[Chap. 91.]

STORY COUNTY BONDS.

AN ACT to legalize certain bonds heretofore issued by the County of Story.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Bonds issued for the benefit of the state agr. college & farm declared valid, binding and legal.** That the acts of the county judge of the county of Story, in issuing certain bonds of that county, for the use and benefit of the state agricultural college and farm, be and the same are hereby declared valid, binding and legal, and said bonds are hereby legalized and declared to be valid and binding on said county, and it is hereby made the duty of the county judge, or other proper authorities of said county, to levy and cause to be collected sufficient taxes to pay the interest on said bonds and the principal thereof according to the tenor and effect thereof.

SEC. 2. This act shall take effect and be in force [68] from and after its publication in the Iowa State Register and State Journal.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law, this 2d day of April, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Iowa State Journal April 21st, 1860, and in the Iowa State Register April 25.

ELIJAH SELLS,
Secretary of State.

[S. F. 101.]

CHAPTER 61.

[Chap. 92.]

ORIGINAL NOTICES.

AN ACT rendering valid the service of original notices in certain actions.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Legalizing certain notices.** That in all actions pending in any of the courts of this state, or which may have been determined in said courts, in which the original notice may have been served by publication in accordance with the provisions of chapter 191, as published with the acts of the 6th general assembly, the service of said notice as aforesaid, shall be deemed and taken to be good and valid to all intents and purposes to the same extent as though said chapter 191 had been duly enacted by the general assembly of this state.

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

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law this 2d day of April, 1860.

ELIJAH SELLS,
Secretary of State.

[69] [S. F. 194.]

CHAPTER 62.

[Chap. 93.]

MILL DAMS.

AN ACT authorizing the construction of mill dams on the Nishnabotany River.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **May dam Nishna Botany river & erect mill.** That any person owning lands on both sides of the Nishnabotany river where the same has been meandered, and being desirous of building a mill or erecting other machinery to be propelled by water-power on said stream, and of erecting a dam thereon, is hereby authorized to build a mill or erect a dam or other machinery on said river.

SEC. 2. **Time for completing.** Provided that any person desirous of building a mill or other machinery, or to erect a dam on said river, shall not be required to complete the same in three years, as required by the acts of the seventh general assembly.

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

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in Session, has become a law this 2d day of April, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 198.]

CHAPTER 63.

[Chap. 94.]

DES MOINES RIVER LANDS.

AN ACT making provisions for the settlement of all liabilities of the State growing out of the sale of certain lands of the Des Moines River Improvement Grant as School lands.

WHEREAS, Certain contracts have been entered into between school fund commissioners, acting under the directions of "the superintendent of public instruction," an officer of this state, and citizens of the state, for the sale and purchase of a part of the school lands of the state, known as the 500,000 acre grant, and

[70] WHEREAS, The state of Iowa has, by a settlement with the Des Moines Navigation and Rail Road Company, conveyed said lands in whole or in part to said company; therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Payment to be made to purchasers of lands sold as school lands, which were afterwards deeded by the state to the Des Moines N. and R. R. Co.—proof to be made to the gov.—the gov. deliv'r statement to claimant.** That upon the presentation (or proof of in case of loss) of any contract for the sale of any of said lands situated in Webster or Hamilton county, executed by John Polman, late school fund commissioner of Webster county, or of any certificate of final payment from said school fund commissioner, or of

any patent for said lands under any contract made by said school fund commissioner, to the governor of the state, with proof satisfactory to him by the affidavit of the holder of said contract certificate, or patent, as the case may be, or such other proof as he may require of the amount of money paid upon any tract or tracts of said land, he shall make a complete statement, showing the amount of money so paid, whether as principal or interest, and the time when each sum of money was paid, and upon the delivering up of any contract, certificate or patent, as the case may be, to the governor, or in case of loss, upon proper proof, he shall deliver the statement aforesaid by him signed, to the holder of said contract, certificate or patent, as the case may be.

SEC. 2. Auditor to issue warrant. Upon the presentation of said statement so made by the governor, as aforesaid, to the auditor of state by the holder, the auditor shall audit the amount due as shown by said statement, with ten per cent interest upon each sum so paid on said contract, certificate or patent, from the time of payment until the time said account shall be audited as aforesaid, and shall draw his warrant on the treasurer of state for the amount so audited.

SEC. 3. \$4000 appropriated. There is hereby appropriated out of any monies in the state treasury not otherwise appropriated, the sum of four thousand dollars, or so much thereof as may be necessary to pay any claims to be audited under the provisions of this act.

[71] **SEC. 4. Certificates to be filed in the office of the register of the state land office.** The contracts, certificates or patents, or in case of loss, the proof of said contracts, certificates or patents, as returned to the governor, shall be filed in the office of the register of the state land office.

SEC. 5. Holders of land not compell'd to comply with this act—may dispose of improvements—claimant receiving pay shall have no further claim against the state—legal rights against other parties not affected. No person holding any contract, certificate or patent for any of the lands aforesaid, sold by said commissioner, shall be required to present the same as provided for under the provisions of this act; and no person presenting the same and receiving the money to be paid as herein provided, shall be prohibited, in any manner, from receiving under color of title or otherwise, for any improvements made upon said lands, included in any contract, certificate or patent, as aforesaid, and no person receiving money under the provisions of this act, shall, in any manner, have any further claim on the state by reason of said contract, certificate or patent, and the receiving of the money as aforesaid, and making settlement with the state as provided by this act, shall in no way prejudice any legal rights of the party so receiving it, which he may have against any other party, the state only excepted as aforesaid.

SEC. 6. May recov'r pay for improvements made upon lands. Any person who may have made valuable improvements upon any of said lands, patented to the Des Moines Navigation and Rail Road Company by the state, and before that time sold by said school fund commissioner, or the assignee of the person so making such improvements, may commence suit against said company, or the person claiming title under said company, for the value of said improvements, and such person shall be entitled to receive the value of said improvements made before the passage of the act, conveying said lands to said company from the party who is at the time of the commencement of such suit, the owner of said land.

SEC. 7. This act to take effect and be in force from and after its publication in the Weekly Iowa State Register and Fort Dodge Sentinel.

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 25th, 1860.

ELIJAH SELLS, Sec. of State.

[72] [S. F. 218.]

CHAPTER 64.

[Chap. 95.]

REPRESENTATIVE APPORTIONMENT.

AN ACT apportioning the State of Iowa into Representative Districts.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That one representation to seven thousand five hundred inhabitants, or fraction thereof exceeding one-half in each representative district, is hereby constituted the ratio of apportionment.

SEC. 2. **1st district.** Lee county is the first district, and entitled to four representatives.

SEC. 3. **2d district.** Van Buren county is the second district, and entitled to two representatives.

SEC. 4. **3d district.** Davis county is the third district, and entitled to two representatives.

SEC. 5. **4th district.** Appanoose county is the fourth district, and entitled to two representatives.

SEC. 6. **5th district.** Wayne county is the fifth district, and entitled to one representative.

SEC. 7. **6th district.** Decatur county is the sixth district, and entitled to one representative.

SEC. 8. **7th district.** Des Moines county is the seventh district, and entitled to three representatives.

SEC. 9. **8th district.** Henry county is the eighth district, and entitled to two representatives.

SEC. 10. **9th district.** Jefferson county is the ninth district, and entitled to two representatives.

SEC. 11. **10th district.** Wapello county is the tenth district, and entitled to two representatives.

SEC. 12. **11th district.** Monroe county is the eleventh district, and entitled to one representative.

SEC. 13. **12th district.** Lucas county is the twelfth district, and entitled to one representative.

SEC. 14. **13th district.** Clarke county is the thirteenth district, and entitled to one representative.

SEC. 15. **14th district.** Fremont county is the fourteenth district, and entitled to one representative.

SEC. 16. **15th district.** Mills county is the fifteenth district, and entitled to one representative.

[73] SEC. 17. **16th district.** Louisa county is the sixteenth district, and entitled to one representative.

SEC. 18. **17th district.** Washington county is the seventeenth district, and entitled to two representatives.

SEC. 19. **18th district.** Keokuk county is the eighteenth district, and entitled to two representatives.

SEC. 20. **19th district.** Mahaska county is the nineteenth district, and entitled to two representatives.

SEC. 21. **20th district.** Marion county is the twentieth district, and entitled to two representatives.

SEC. 22. **21st district.** Warren county is the twenty-first district, and entitled to one representative.

SEC. 23. **22d district.** Madison county is the twenty-second district, and entitled to one representative.

SEC. 24. **23d district.** Pottawattamie county is the twenty-third district, and entitled to one representative.

SEC. 25. **24th district.** Muscatine county is the twenty-fourth district, and entitled to two representatives.

SEC. 26. **25th district.** Johnson county is the twenty-fifth district, and entitled to two representatives.

SEC. 27. **26th district.** Iowa county is the twenty-sixth district, and entitled to one representative.

SEC. 28. **27th district.** Poweshiek county is the twenty-seventh district, and entitled to one representative.

SEC. 29. **28th district.** Jasper county is the twenty-eighth district, and entitled to one representative.

SEC. 30. **29th district.** Polk county is the twenty-ninth district, and entitled to one representative.

SEC. 31. **30th district.** Dallas county is the thirtieth district, and entitled to one representative.

SEC. 32. **31st district.** Scott county is the thirty-first district, and entitled to three representatives.

SEC. 33. **32d district.** Clinton county is the thirty-second district, and entitled to two representatives.

SEC. 34. **33d district.** Cedar county is the thirty-third district, and entitled to two representatives.

SEC. 35. **34th district.** Jackson county is the thirty-fourth district, and entitled to two representatives.

SEC. 36. **35th district.** Jones county is the thirty-fifth district, and entitled to two representatives.

[74] SEC. 37. **36th district.** Linn county is the thirty-sixth district, and entitled to two representatives.

SEC. 38. **37th district.** Benton county is the thirty-seventh district, and entitled to one representative.

SEC. 39. **38th district.** Tama county is the thirty-eighth district, and entitled to one representative.

SEC. 40. **39th district.** Marshall county is the thirty-ninth district, and entitled to one representative.

SEC. 41. **40th district.** Story county is the fortieth district, and entitled to one representative.

SEC. 42. **41st district.** Boone county is the forty-first district, and entitled to one representative.

SEC. 43. **42d district.** Dubuque county is the forty-second district, and entitled to four representatives.

SEC. 44. **43d district.** Delaware county is the forty-third district, and entitled to one representative.

SEC. 45. **44th district.** Buchanan county is the forty-fourth district, and entitled to one representative.

SEC. 46. **45th district.** Black Hawk county is the forty-fifth district, and entitled to one representative.

SEC. 47. **46th district.** Hardin county is the forty-sixth district, and entitled to one representative.

SEC. 48. **47th district.** Clayton county is the forty-seventh district, and entitled to two representatives.

SEC. 49. **48th district.** Fayette county is the forty-eighth district, and entitled to two representatives.

SEC. 50. **49th district.** Bremer county is the forty-ninth district, and entitled to one representative.

SEC. 51. **50th district.** Chickasaw county is the fiftieth district, and entitled to one representative.

SEC. 52. **51st district.** Allamakee county is the fifty-first district, and entitled to one representative.

SEC. 53. **52d district.** Winneshiek county is the fifty-second district, and entitled to two representatives.

SEC. 54. **53d district.** The counties of Howard and Mitchell shall constitute the fifty-third district, and be entitled to one representative, and the votes therein for representative shall be canvassed at the county seat of Mitchell county.

SEC. 55. **54th district.** The counties of Floyd, Cerro Gordo, Worth and Winnebago shall constitute the fifty-fourth district, [75] and entitled to one representative, and the votes therein for representative shall be canvassed at the county seat of Floyd county.

SEC. 56. **55th district.** The counties of Butler, Grundy and Franklin shall constitute the fifty-fifth district, and entitled to one representative, and the votes therein for representative shall be canvassed at the county seat of Butler county.

SEC. 57. **56th district.** The counties of Hancock, Kossuth, Emmett and Palo Alto shall constitute the fifty-sixth district, and entitled to one representative, and the votes cast therein for representative shall be canvassed at the county seat of Kossuth county.

SEC. 58. **57th district.** The counties of Humboldt, Wright, Hamilton and Webster shall constitute the fifty-seventh district, and entitled to one representative, and the votes cast therein for representative shall be canvassed at the county seat of Hamilton county.

SEC. 59. **58th district.** The counties of Dickinson, Clay, Buena Vista and Pocahontas shall constitute the fifty-eighth district, and entitled to one representative, and the votes cast therein for representative shall be canvassed at the county seat of Clay county: Provided, that the unorganized counties of Osceola and O'Brien shall be attached to this district.

SEC. 60. **59th district.** The counties of Plymouth, Cherokee, Ida and Woodbury shall constitute the fifty-ninth district, and entitled to one representative, and the votes cast therein for representative shall be canvassed at the county seat of Woodbury county: Provided, that the unorganized counties of Sioux and Buncombe shall be attached to this district.

SEC. 61. **60th district.** The counties of Sac, Calhoun, Carroll and Greene shall constitute the sixtieth district, and entitled to one representative, and the votes cast therein for representative shall be canvassed at the county seat of Greene county.

SEC. 62. **61st district.** The counties of Audubon, Guthrie, Cass and Adair, shall constitute the sixty-first district, and entitled to one representative, and the votes cast there- [76] in for representative, shall be canvassed at the county seat of Adair county.

SEC. 63. **62d district.** The counties of Taylor, Ringgold and Union, shall constitute the sixty-second district, and entitled to one representative, and the votes cast therein for representative, shall be canvassed at the county seat of Taylor county.

SEC. 64. **63d district.** The counties of Adams, Montgomery and Page, shall constitute the sixty-third district, and entitled to one representative, and the votes cast therein for representative, shall be canvassed at the county seat of Adams county.

SEC. 65. **64th district.** The counties of Shelby, Harrison, Monona and Crawford, shall constitute the sixty-fourth district, and shall have one representative, and the votes cast therein in said district, shall be canvassed at the county-seat of Harrison county.

SEC. 66. This act to take effect and be in force from and after its publication according to law.

Approved April 2, 1860.

[S. F. 221.]

CHAPTER 65.

[Chap. 99.]

SENATORS.

AN ACT to provide for the allotment of terms of Senators.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Allotment—mode of determining. That whenever under the provisions of the constitution it becomes the duty of the senate to determine by lot the members elect, who shall hold respectively for the terms of two years, and of four years, the same shall be determined at the first session by depositing in a box, to be provided by their secretary, a number of folded ballots equal to the whole number of new members elected, the proper proportion of each number so as to equalize the classes as nearly as possible, shall bear the writing "for two [77] years," and the remainder "for four years," which ballots shall be prepared and deposited by the secretary of the senate, and then the roll of such new members shall be called, and as each member's name is called he shall draw one of such ballots from the box, and hand the same to the secretary, who shall announce the term so drawn, and if any such member shall refuse to draw his ballot, or is absent when his name is called, or being present shall refuse to draw, the president shall in like manner draw and announce the term so drawn; and the term so drawn shall be the term of office for which said senator shall be taken and held to have been elected, and shall be accordingly entered on the journal of the senate.

SEC. 2. Senators elected in 1859 hold for four years. The members of the senate elected at the October election in the year one thousand eight hundred and fifty-nine, except those elected to fill vacancies, shall hold their said office for the term of four years, but their successors, if it shall then be necessary to equalize the classes of members holding for the respective terms aforesaid, shall determine the terms for which each shall hold his said office by lot, as provided in the preceding section.

Approved April 2d, 1860.

[S. F. 24.]

CHAPTER 66.

[Chap. 101.]

DELINQUENT TAXES.

AN ACT to enforce the collection of delinquent taxes for the year 1858.

WHEREAS, chapter 152 of the laws of the seventh general assembly went into force and effect on the fourth day of July, 1858, and made no provision for the assessment and levy of taxes for that year, and whereas, the taxes for that year were assessed and levied in pursuance of the laws in force prior to the taking effect of said chapter of the acts of the [78] said assembly, and by reason thereof many persons against whose property said taxes are assessed refuse to pay the same, Now therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. The assessment and levy of taxes for the year 1858, legalized. That all assessments and levies of taxes in this state for the year 1858, made

in pursuance of the laws in force prior to the fourth day of July, 1858, whether made before or after said fourth day of July, if the same were made in said year 1858, be and the same are hereby declared to be legal and valid with like effects as if chapter 152 of the acts of the seventh general assembly had not been enacted.

SEC. 2. Collection of delinquent taxes. That it shall be lawful for, and is hereby made the duty of the several collectors of taxes in this state to proceed and collect all taxes described and legalized in section first of this act that may remain delinquent, together with like interest and costs, as in other cases of like delinquent taxes annexed in pursuance of law.

SEC. 3. Title vested in purchaser. That the title to all property, whether real or personal that may be sold in the collection of the delinquent taxes in this act legalized, shall vest in the purchaser with like effect as if said taxes had been legally assessed in the first instance and said sales taken place in pursuance of law.

SEC. 2. Take effect. This act to be in force from and after its publication in the Iowa State Register and Iowa State Journal.

Approved April 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 28th, 1860.

ELIJAH SELLS,
Secretary of State.

[79] [H. F. 207.]

CHAPTER 67.

[Chap. 104.]

ROAD TAX.

AN ACT to legalize the levy of the road tax of Mitchell county for the year 1858, and the collection of the taxes of said county, for said year.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Collecti'n of taxes for the year 1858, legalized. That the levy of the road tax in Mitchell county, for the year 1858, be and the same is hereby declared valid and binding in law.

SEC. 2. *Be it further enacted,* That the collection of road, county, school and state taxes, by J. M. Smith, the treasurer and recorder of said county, for said year, be and the same is hereby declared to be legal and valid, as though the warrant of the county judge of said county had been attached to the tax list of said county, as required by law.

SEC. 3. This act shall be in force from and after its publication in the Iowa State Journal, published at Des Moines, and the North Iowan, published at Osage, in said county.

Approved April 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, April 14th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 228.]

CHAPTER 68.

[Chap. 107.]

CITY OF CAMANCHE.

AN ACT legalizing certain bonds issued by the City of Camanche.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Issue of bonds for \$15,000 legalized. That the \$15,000 bonds issued by the city of Camanche, to the Camanche, Albany and Mendota Railroad

Company, in lieu of a stock subscription to said railroad, voted for by the said city, be and the same are hereby declared legal and binding on said city.

[80] SEC. 2. **Repealing.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. **Take effect.** This act shall be in force from and after its publication in the Iowa State Register and the Iowa State Journal without expense to the state.

Approved April 2, 1860.

[H. F. 355.]

CHAPTER 69.

[Chap. 108.]

FORT MADISON.

AN ACT to legalize the acts of the City Council of the city of Fort Madison, in Lee County, in vacating Oriental Street, and to confirm the title of said Street to the State of Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Act of the city council legalized.** That the acts of the city council of the city of Fort Madison, in Lee county; in vacating Oriental street in said city, and attempting thereby to give the title thereto to the state of Iowa, for the use of the penitentiary of Iowa, be and the same is hereby legalized, and the title of the state of Iowa, to said street so far as the aforesaid city council attempted to vacate the same for the uses and purposes aforesaid, is hereby confirmed as fully and completely as though all the forms of law had been fully complied with.

Approved April 2, 1860.

[H. F. 151.]

CHAPTER 70.

[Chap. 110.]

MUSCATINE ISLAND.

AN ACT to amend an act entitled "an act to provide for levying a tax on certain lands to complete and keep in repair a levy on Muscatine Island, and for the election of a Levee Commissioner, to superintend the same.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Com'rs term of office one year—vacancy fill'd by special election.** That the term of office of the levee [81] commissioner, whose election is provided for in the 5th section of the act to which this is amendatory, be and is hereby limited to one year; and should said office become vacant by death, removal from the island or other cause, it shall be the duty of the county judge of the county in which such vacancy occurs to order a special election to be held as provided after publication thereof for three weeks in the papers of the county in which such vacancy occurs.

SEC. 2. **Take effect.** This act to take effect from and after its publication in the Muscatine Journal and Wapello Republican, and Iowa State Register, or either of them, without expense to the state.

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 25, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 227.]

CHAPTER 71.

[Chap. 113.]

PENITENTIARY.

AN ACT making an appropriation for building fifty-four cells and repairing the fence, and also to provide for the support of the Iowa Penitentiary.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **\$35,000 appropriated for general support.** That there is hereby appropriated out of any monies in the treasury, not otherwise appropriated, the sum of thirty-five thousand dollars for the general support of the Iowa penitentiary, until the first day of January, 1862, the same to be drawn from the treasury only as provided by law, and no part of the money appropriated by this section shall be used for any other purpose.

SEC. 2. **\$6400 for repairing wall and building cells.** There is also hereby appropriated the further sum of six thousand and four hundred dollars for repairing the wall around the prison grounds, and for the building of fifty-four cells therein, and no part of [82] the money appropriated by this section shall be used for any other purpose, unless it be for the general support of the prison.

SEC. 3. **\$300 for purchasing safe.** There is hereby also appropriated out of the state treasury the further sum of three hundred dollars, or so much thereof as may be necessary to purchase a fire-proof safe for the use of the penitentiary, the same to be audited and paid on the order of the warden, accompanied with a bill of the same.

SEC. 4. **\$15,000 to pay guards.** There is also appropriated out of the treasury the sum of fifteen thousand dollars or so much of the same as may be necessary to pay expenses of guarding the premises, the same to be paid monthly, on the order of the Warden, accompanied with a statement of the number of hands employed, and the amount paid to each.

SEC. 5. **\$90 to pay Jas. H. Reynolds, deputy ward'n.** The further sum of ninety dollars is hereby appropriated to pay James H. Reynolds, for two months' services as deputy warden, for services performed in the year 1859, the same not having heretofore been provided for; this sum shall be paid on the order of the warden.

SEC. 6. This act shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Journal.

Approved April 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 14th, 1860, and in the Iowa State Register April 25, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 347.]

CHAPTER 72.

[Chap. 114.]

APPROPRIATION TO FT. DODGE SENTINEL.

AN ACT providing for the payment of expenses incurred by the Attorney General in the case of the State of Iowa vs. Wm. Tighlman, et al.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. [83] **\$48.25 appropriated to Fort Dodge Sentinel.** That there be and is hereby appropriated out of any monies in the state treasury, not

otherwise appropriated, the sum of forty eight dollars and twenty five cents or so much thereof as may be necessary to pay for the publication of the notices in the case of the State of Iowa *vs.* Wm. Tighlman.

SEC. 2. **Bill must be sworn to & certified by the attorney general.** That upon the presentation of the bill for said services, sworn to by the publisher of the Ft. Dodge Sentinel, and the correctness thereof certified by the attorney general the auditor of state is hereby authorized to audit the amount of said claim and draw his warrant for the amount thus audited.

Approved April 2d, 1860.

[H. F. 371.]

CHAPTER 73.

[Chap. 115.]

LEVY FOR STATE TAX, 1860.

AN ACT to provide for a levy of tax for State purposes for the year 1860.

WHEREAS, By section thirty-four (34) and thirty-five (35) of an act in relation to revenues, passed by the seventh general assembly of the state of Iowa, the census board are authorized to fix the rate of state tax to be levied for those years only in which real property is by law required to be assessed, and

WHEREAS, The rate of levy fixed by law when no action of the said board is had, is three mills on the dollar valuation, and

WHEREAS, The law requires no assessment of real property for the year 1860, therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Clerks of district court to return abstracts.** That it shall be the duty of the several county clerks, to make and certify abstracts of the assessment for 1860, as provided by section thirty-three (33) of said act in relation to revenues, in the same manner as for years in which real property is assessed.

[84] SEC. 2. **Action of equalization board—notice to clerk by auditor.** That the census board shall meet at the time specified in section thirty-four (34) of said act, and shall determine the rate of tax that shall be levied for state purposes for said year, and it shall be the duty of the auditor of state to notify the several county clerks of the rate so fixed.

SEC. 3. **Clerk to transmit to aud. amount of tax.** That immediately before delivering the tax book to the county treasurer, and after the same has been completed, it shall be the duty of the county clerk of each county to transmit to the auditor of state a certified transcript of the assessment in his county showing the aggregate value of lands assessed, the aggregate value of real property in towns, and the aggregate value of personal property, and also the aggregate amount of each separate tax on said tax book.

SEC. 4. This act shall be in force from and after its publication in the Iowa State Register and the Iowa State Journal.

Approved April 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 11th, 1860, and in the Iowa State Journal April 21st, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 388.]

CHAPTER 74.

[Chap. 116.]

LAWS.

AN ACT to provide for the publication of certain laws.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **15,000 copies for the use of township officers.** That the census board of the state shall as soon as practicable after the adjournment of this session of the general assembly, cause to be printed by the state printer, fifteen thousand copies of a volume, in pamphlet form, containing all the general laws of this state pertaining to the duties of the board of supervisors, supervisors of roads, township trustees, and other township officers, together with such [85] practical forms and suggestions as the board may deem necessary.

SEC. 2. **Distribution.** The secretary of state shall cause said laws to be distributed to the several counties in this state, in the same manner as is or may be provided by law for the distribution of the "revised statutes," and no distribution other than to the several counties, shall be made.

SEC. 3. This act to be in force from and after its publication in the Iowa State Register and Iowa State Journal.

Approved April 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 18, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 226.]

CHAPTER 75.

[Chap. 117.]

PENITENTIARY.

AN ACT providing for the payment of the indebtedness of the Iowa Penitentiary.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **\$38,500 to pay indebtedness—audited by gov.** That the sum of thirty-eight thousand and five hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of any money in the treasury of the state not otherwise appropriated, for the purpose of paying the existing indebtedness of the Iowa penitentiary; Provided, however, that no part of said indebtedness shall be paid out of the monies hereby appropriated until the claim upon which the same is based shall have been audited and allowed by the governor, or by some person appointed by the governor for that purpose.

SEC. 2. Monies hereby appropriated, shall be drawn from the treasury by the warden only as claims are audited and allowed as provided in the first section of this act.

SEC. 3. **Gov. report.** The governor shall report in writing to the [86] next session of the general assembly all claims allowed and paid under this act.

SEC. 4. **Take effect.** This act shall take effect and be in force from and after its publication in the Iowa State Register and Iowa State Journal.

Approved April 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 14th, 1860, and in the Iowa State Register April 25th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 202.]

CHAPTER 76.

[Chap. 118.]

POLK COUNTY.

AN ACT authorizing the County Judge of Polk County to appropriate a portion of the proceeds of the Swamp Lands for the completion of the Court House of said County.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Co. judge may appropriate swamp lands to complete court house. That the county judge of Polk county is hereby authorized to appropriate, for the purpose of completing the court house of said county, such a portion of the proceeds of the sales of the swamp lands in said county as may be necessary for such completion; Provided, that nothing in this act shall be so construed as to authorize the said county judge to sell or otherwise dispose of, or encumber any of said swamp lands belonging to Polk county without first submitting the question to the electors of said county, and it shall have received the approval of a majority of said electors at a special or general election held for that purpose.

SEC. 2. All acts or parts of acts conflicting with this act are hereby repealed.

SEC. 3. This act shall take effect from and after its publication in the Iowa State Journal and the Iowa State Register, without expense to the state.

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 18th, 1860.

ELIJAH SELLS,
Secretary of State.

[87] [S. F. 231.]

CHAPTER 77.

[Chap. 123.]

INSANE HOSPITAL.

AN ACT making appointment of a Commissioner for the erection of the State Hospital for the Insane, and providing for filling vacancies in said Board.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Wm. H. Postlewait, commissioner. That William H. Postlewait, of Burlington, be and he hereby is appointed a commissioner for the erection of the Iowa hospital for the insane, to supply the vacancy caused by the resignation of Edward Johnstone.

SEC. 2. Vacancy fill'd by appointm'nt, by the governor. In case the said William H. Postlewait refuses to accept said appointment, or in case any other vacancy may occur in said board, the governor is hereby authorized to fill the same by appointment.

SEC. 3. Take effect. This act to take effect and be in force from and after its publication in the Iowa Register and Iowa Journal.

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, April 21st, 1860, and in the Iowa State Register May 2, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 398.]

CHAPTER 78.

[Chap. 125.]

APPROPRIATION.

AN ACT making appropriations for the per diem of Members and Officers of the Eighth General Assembly and for other purposes

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. That the following sums be and are hereby appropriated out of any money in the treasury not otherwise appropriated.

SEC. 2. **Newspapers furnish'd the house of representatives.** For the payment of the subscription for newspapers taken by the members of the house of representatives, the following sums:

[88] Iowa State Register, Des Moines,.....	weekly,	\$1655 50
do do do do	daily..	536 00
Iowa State Journal, do	weekly	1684 50
do do do do	daily..	152 00
Hawkeye, Burlington,	weekly	32 50
do do	daily..	94 00
Dubuque Times, Dubuque,	weekly	37 50
do do do	daily..	54 00
Davenport Gazette, Davenport,	weekly	12 00
do do do	daily..	20 00
Dubuque Herald, Dubuque,	weekly	4 00
do do do	daily..	26 00
Democrat and News, Davenport.....	weekly	4 00
do do do	daily..	8 00
Guardian, Independence,	weekly	5 50
Civilian, do	weekly	50
Der Democrat, Davenport,	weekly	74 00
do do do	daily..	2 00
Gate City, Keokuk,	weekly	4 50
do do do	daily..	8 00
National Democrat, Dubuque,	weekly	7 00
do do do	tri-weekly	2 00
Eureka, Anamosa,		1 00
Herald, Clarinda,		5 00
Register, Marion,		11 00
North Western Farmer, Dubuque,	monthly	57 50
North Iowa Times, McGregor,		3 00
Rough Notes, Decorah,		50
Lansing Mirror, Lansing,		1 00
Journal, Garnavillo,		50
Valley Press, Guttenburg,		50
Delaware Democrat, Delhi,		50
Fayette Co. Pioneer, West Union,		50
Courier, Waterloo,		1 50
Visitor, Indianola,		2 00
News, Mt. Vernon,		10 50
Chieftan, Centerville,		2 50
Gazette, Burlington,		50
Transcript, Toledo,		6 00
Republican, Wapello,		1 00
[89] Cedar Co. Democrat, Tipton,		50
Linn Co. Herald, Marion,		1 00

Free Press, Newton,	12 00
Boone Co. News, Boonsboro,	2 50
Hamilton Freeman, Webster City,	37 50
Journal, Muscatine,	45 00
do do	20 00
Cedar Valley Times, Cedar Rapids,	54 00
Democratic Standard, Knoxville	40 00
Iowa Democrat, Sigourney,	21 00
Republican, Keosauqua,	50
Republican, Centerville,	2 00
Press, Washington,	25 50
Zietung, Muscatine,	1 00
Staats Zietung, Dubuque,	1 50
Volks Blaet, Keokuk,	1 00
Frie Presse, Burlington,	1 00
Republic, Decorah,	1 00
Democrat, Delhi,	1 00
Visitor, Marengo,	10 00
Courier, Bellevue,	1 50
Enquirer, Muscatine,	1 00
Excelsior, Maquoketa,	1 00
Pioneer, Leon,	4 00
North Iowan, Osage,	50
Republican, New Hampton,	50
Standard, Dewitt,	2 50
Herald, Clinton,	1 50
Advocate, Lyons,	1 50
Mirror, Lyons,	1 50
Journal, Knoxville,	5 00
Republican, Iowa City,	60 00
News, Mt. Pleasant,	17 50
Valley Whig, Keokuk,	33 00
do do do	2 00
Public Review, West Union,	1 00
Cedar Valley News, Bradford,	1 00
Herald, Pacific City,	50
Advertiser, Tipton,	15 50
Press, McGregor,	2 50
[90] Republican, Waverly,	3 50
Intelligencer, St. Charles City,	3 50
Press, Mason City,	50
Herald, Oskaloosa,	15 00
Times, do	1 00
Transcript, Waukon,	2 00
Patriot, Chariton,	10 50
Madisonian, Winterset,	19 00
Sentinel, Fort Dodge,	9 50
Bugle, Council Bluffs,	14 00
South West, Bedford,	4 00
Register, Sioux City,	4 50
Gazette, Pella,	1 50
Courier, Osceola,	15 50
Republican, Magnolia,	2 00
Home Journal, Mt. Pleasant,	5 50
Ledger, Fairfield,	24 50
Nonpariel, Council Bluffs,	22 00

Times, Marshalltown,	50
Reporter, Iowa City,	4 50
Eagle, Vinton,	12 50
Clarion, Bloomfield,	3 50
Courier, Ottumwa,	50
Journal, Keokuk,	50
Commonwealth, Des Moines,	2 00
Monroe Sentinel, Albia,	2 00

SEC. 4. **Newspapers furnished the senate.** For the payment of the subscription for newspapers taken by the members of the senate, the following sums:

Advertiser, Tipton,	\$ 12 50
Advocate, Lyons,	50
Argus, Waverly,	2 00
Bugle, Council Bluffs,	3 50
Courier, Waterloo,	3 00
Courier, New Hampton,	13 00
Courier, Bellevue,	2 00
Courier, Osceola,	3 50
Democrat, Glenwood,	50
Der Democrat, Davenport,	58 50
do do	8 00
do	daily
[91] Democratic News, Davenport,	50
do do do	4 00
do	daily
Eureka, Anamosa,	2 50
Eagle, Vinton,	13 00
Free Press, Burlington,	3 00
Free Press, Newton,	3 00
Gate City, Keokuk,	5 00
do do	daily
do	22 00
Gazette, Davenport,	6 00
do do	daily
do	24 00
Guardian, Independence,	6 00
Hawkeye, Burlington,	17 50
Intelligencer, St. Charles,	1 50
Herald, Dubuque,	5 00
do do	daily
do	10 00
Herald, Clinton,	50
Herald, Clarinda,	1 00
Herald, Oskaloosa,	2 00
Home Journal, Mt. Pleasant,	5 00
Journal, Clayton County,	50
Hamilton Freeman, Webster City,	3 00
Journal, Keokuk,	1 50
Journal, Knoxville,	5 50
Journal, Muscatine,	3 50
do do	daily
do	12 00
Journal, Des Moines,	128 00
do do	daily
do	704 00
Ledger, Fairfield,	27 50
Madisonian, Winterset,	51 00
Union, Lyons,	1 50
Mirror, Lansing,	2 50
National Democrat, Dubuque,	1 00
do do do	tri-weekly
do	1 00
North Iowan, Osage,	1 00

News, Mt. Pleasant,	50
News, Delhi,	50
News, Bradford,	3 00
North Iowa Times, McGregor,	3 50
Nonpariel, Council Bluffs,	19 50
Patriot, Chariton,	50
[92] Pioneer, West Union,	1 50
Press, McGregor,	1 00
Press, Washington,	15 00
Public Review, West Union,	3 50
Plain Dealer, Fort Madison,	1 50
M. V. Register, Guttenburg,	1 50
Rough Notes, Decorah,	2 50
Reporter, Iowa City,	3 50
Republican, Sigourney,	8 50
Register, Marion,	1 00
Republican, Keosauqua,	50
Republican, Waverly,	2 00
Republic, Decorah,	50
Record, Honeytown,	50
Register, Des Moines,	394 50
do do	daily 328 00
Republican, Iowa City,	4 50
South West, Bedford,	50
Standard, Knoxville,	6 50
Standard, Dewit,	1 00
Times, Cedar Rapids,	10 00
Times, Marshall,	3 00
Times, Dubuque,	3 00
do do	daily 26 00
Transcript, Waukon,	5 50
Visitor, Indianola,	1 00
Visitor, Marengo,	4 50
Volks Blaaf, Keokuk,	3 50
Zietung, Muscatine,	3 50
Zietung Staats, Dubuque,	4 00
Sentinel, Fort Dodge,	5 00
Register, Sioux City,	2 00

SEC. 4. **Miscellaneous.** That there be paid to the following named persons the sums set opposite their respective names, the bills for the same being on file in the auditor's office:

C. P. Luse & Co., hardware	\$ 17 35
G. M. Hippee	73 35
Keyes & Crawford	23 25
J. & I. Kuhn	14 37
H. Strathern	62 35
[93] W. W. Moore	21 25
Latshaw & Woodwell	26 63
Childs & Howell	9 05
I. Brandt	3 80
— Thomas	4 50
James Crane	9 75
J. H. Gower	23 76
Terry & Butler	1 40
E. R. Clapp, American Flag	56 00
S. S. Daniels, as extra clerk for auditor	30 00

J. M. Newcombe, as extra clerk for auditor.....	30 00
W. Warr, flag staff on state house.....	60 00
H. Stephenson	5 60
U. S. Express Company, two bills.....	12 50
J. G. Weeks, for abstract of title.....	10 00
G. M. Hippee	1 50
Goodwin & Purdee, one pen.....	3 00
W. Warr, repairing state house and for furniture.....	95 00
John Hyde, well	60 00
John Hyde, making curb	30 00
Alex. Shaw, postage for house of representatives.....	484 63
Alex. Shaw, postage for senate	74 81
Jonathan Jones, sergeant-at-arms pro tem. of the senate, 7th general assembly	8 00
H. B. Curtis, messenger pro tem. of the senate of 7th general assembly	6 00
David Sells, clerk for special committee on printing 28 days.....	30 00
F. M. Mills, witness fees	2 00
J. C. Brown, witness fees	2 00
E. B. Stillman, witness fees	2 00
J. P. Rodgers, witness fees	3 00
J. D. Edmundson, paste furnished house of representatives.....	10 00
Postage house representatives. Wesley Redhead, postage of the house of representatives	2,342 37
Same. To meet the postage for the balance of the session of the house of representatives, and [94] to mail matter to the members, the sum of one hundred and forty dollars, or so much thereof as may be necessary.	
Stationery. Wesley Redhead, for stationery furnished the house of representatives, as per bill	220 70
Same. G. W. Ells & Co., for stationery furnished the house of representatives, as per bill	130 00
Same. Mills & Co., for stationery furnished the house of representatives, as per bill	97 15
Mills & Co., for stationery and binding for code commissioners, as per bill	13 37½
Translating into the Holland language. H. P. Scholte, for translating and superintending the printing of the message and inaugural in Holland language	80 00
Postage. For paying further postage for this general assembly, two hundred dollars, or so much thereof as may be necessary.	
John Watson. For pay of John Watson, four days services as fireman before the commencement of the session.....	12 00
Speaker. John Edwards, speaker, eighty-five days at three dollars per day	255 00
Watching. J. J. Safely, night watch forty-seven days at three dollars per day	141 00
Post master. E. H. Brown, post-master 10 days.....	30 00
Mail carrier. E. H. Brown, mail carrier eighty-six days at two dollars and fifty cents per day.....	215 00
Librarian. L. Coulter, salary as state librarian from the first of November to thirty-first of December, 1859, the sum of.....	50 00
Western Stage Company. Western Stage Co., for transporting documents from Pella	4 00

SEC. 5. **Members house representatives.** For the payment of the per diem of the members and officers of the house of representatives, the sum of sixteen

thousand five hundred dollars, or so much thereof as their certificates may entitle them to.

SEC. 6. **Members senate.** For the payment of the per diem of the members and officers of the senate, the sum of nine thousand dollars, or so much thereof as their certificates may entitle them to.

[95] SEC. 7. **Dillon's digest.** For the purpose of carrying out the concurrent resolution authorizing the secretary of state to furnish members and clerks of the senate and house with a copy of the revised statutes of Iowa, and the Iowa digest, and for forwarding a copy of the same to each state and territory of the union, the sum of one thousand dollars, or so much thereof as may be necessary.

Miscellaneous. Maturin L. Fisher, to pay clerk hire.....	93 33
Edward Neally, to pay clerk hire.....	50 00
Z. Washburn, eighty-six days as fireman.....	258 00
Edward Zitschke, for translating governor's message.....	40 00
Edward Zitschke, for translating Kirkwood.....	40 00
Willis Conard, for paste	5 00
Will Tomlinson, for computing the journals of 1856 and 1858.....	2 50
W. W. Maynard, for same	2 50
J. P. Rodgers, for same	2 50
N. W. Mills, for same	2 50
As per senate resolution	
Geo. W. Ells & Co., stationery.....	178 75
Wesley Redhead, for stationery to senate as per bill.....	144 90
Fort Dodge Sentinel office, for publishing an act to create the county of Humboldt	5 00
U. S. Express Co., for transporting governor's message.....	16.10
Senate postage. Wesley Redhead, for senate postage bill.....	1,316 68
“ “ “ “ “ “ “ “	90 00

or so much thereof as may be necessary for postage hereafter to be paid for the session.

Stationery. N. W. Mills & Co., bill of stationery.....	79 57
Investigation insane asylum. Expenses of investigating com. to insane asylum, fees paid and services rendered.....	175 70
General expenses	180 90
To David Simpson, mechanic (bal.).....	13 30
J. Stover, architect, (bal.).....	45 00
John S. Bartruff, bailiff (bal.).....	15 00
E. S. Gardener, furnisher	34 00
Swan & Langdon, services	30 00
[96] To L. G. Palmer, as notary public.....	10 00
A. O. Patterson, (com.) mileage.....	50 00
Dan Anderson, (com.) mileage.....	50 00
J. C. Hall, (com.) mileage	50 00
Ed. Wright, (com.) mileage	50 00
G. W. Bemis, (com.) mileage	50 00
W. F. Davis, as clerk to the committee and expenses, and for assisting enrolling cl'k,	162 25
Penitentiary investigation. John W. Jones, for money advanced as expenses to penitentiary investigating com.....	300 00
I. C. Curtis, com. and mileage.....	60 00
M. W. Robinson, com. and mileage.....	60 00
D. D. Sabin, com. and mileage.....	60 00
N. Udell, com., milage and expenses.....	79 35
Jesse Bowen, com., and mileage and expenses.....	74 00
Wm. Gray, clerk to com., (per diem).....	98 65

Geology. To meet a deficiency in the appropriations heretofore made to continue the survey of the geological survey, and publishing the reports, &c.....	2,309 58
Enrolling. M. H. King, for 16 days services in enrolling bills, and for three evenings' work.....	42 50
Post master. W. W. Maynard, for 76 days services as post-master @ \$3 per day	228 00
For the chaplains, to be divided among themselves.....	258 00
Agr. reports. For publishing reports of sec'y of agricultural college for the years 1860 and 1861.....	500 00
R. J. Thomas. R. J. Thomas, for traveling expenses when acting as sec'y for code commissioners.....	50 00
To Lieut. Gov. Faville, mileage and per diem attending the opening of the present session (if not heretofore appropriated).....	87 00
President senate. To Lieut. Gov. Rusch, for 86 days services as president of the senate during the present session, @ \$6 00....	516 00
Approved April 2, 1860.	

[97] [S. F. 232.]

CHAPTER 79.

[Chap. 128.]

GENERAL BANKING.

AN ACT to amend an act entitled "an act authorizing General Banking in the State of Iowa," passed by the Seventh General Assembly.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **May commence banking with a capital of \$25,000.** That chapter one hundred and fourteen of the acts of the seventh general assembly be so amended, that when the words "fifty thousand" occur in the seventh section of said act, it shall read, "twenty-five thousand."

Approved April 2, 1860.

[S. F. 225.]

CHAPTER 80.

[Chap. 130.]

BANKING.

AN ACT providing for the submission to the people of an act to amend the General Banking Law.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **A vote of the people upon banking with a capital of \$25,000.** That at the next general election there shall be submitted to the people, the question whether or not, an act entitled "an act to amend an act, entitled an act, authorizing general banking in the state of Iowa," passed at the regular session of the eighth general assembly, shall go into effect or in any manner be in force.

SEC. 2. **Ballots.** Every person voting at said election, shall have the right to use a ticket or ballot with the words written or printed thereon, "For amendments to General Banking law," or "Against amendments to General Banking Law."

SEC. 3. Abstract of votes to be transmitted to the sec'y of state—canvass. In making the abstract of votes given at said election, as now required by law, the proper officers shall make an abstract of the votes given under the provisions of this act, and which shall be transmitted [98] to the secretary of state within the time and in the same manner as is now required in the election of state officers; said abstract shall be endorsed "Abstract of votes for and against amendments to General Banking Law," or in words clearly indicating the contents of the paper, and the abstracts so transmitted shall be opened and the votes canvassed in the time and manner, and by the officers provided for in relation to the elections of state officers.

SEC. 4. Certificate. It shall be the duty of the officers canvassing the votes for and against amendments, aforesaid, as soon as said state canvass shall be made, to make a certificate under their hands of the facts, stating the number of votes given for and against the law aforesaid, and file the same in the office of the secretary of state.

SEC. 5. Proclamation of the governor. If it shall appear from such certificate that a majority of all the votes cast at such election, "For amendments to General Banking Law," and "Against amendments to General Banking Law," has been cast, "For amendments to General Banking Law," the governor shall immediately and within ten days from the filing of such certificate in the office of the secretary of state, issue his proclamation declaring such result of said election; and upon the issuing of such proclamation, the said act, entitled "An act to amend an act, entitled an act authorizing General Banking in the State of Iowa," shall go into effect and be in full force, and not otherwise.

Approved April 2, 1860.

[S. F. 35.]

CHAPTER 81.

[Chap. 131.]

RAIL ROAD BONDS.

AN ACT to legalize certain Rail Road Bonds of Mitchell County.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Mitchell county bonds legalized. That the election held in Mitchell [99] county on the 4th day of December, 1858, under and in pursuance of a proclamation issued by the county judge on the 30th day of October, 1858, be and the same is hereby declared to be legalized, and the bonds of said county which have been issued to the Cedar Falls and Minnesota Rail Road Company, in pursuance of such proclamation and election, are hereby declared to be to all intent and purposes, legal, and of binding force and effect upon said county of Mitchell.

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

Approved April 2, 1860.

[H. F. 292.]

CHAPTER 82.

[Chap. 133.]

HOWARD COUNTY TAX.

AN ACT to legalize the taxes levied in Howard County for the year 1859.

WHEREAS, The board of equalization changed the rate of county tax after the regular levy was made, from two mills to three and one-half mills on the dollar of the taxable property of said county, and

WHEREAS, The clerk of said county failed to complete the tax list by the time required by law, and

WHEREAS, The warrant of the county judge was not attached to the tax list at the time required by law, therefore,

Be it enacted by the General Assembly of the State of Iowa,

Levy of 1859 legalized. That none of the taxes levied for the year 1859, in said county of Howard, shall be held void by reason of the illegal acts of any of the several officers in and about the assessment equalization, or other matters connected therewith; but the taxes assessed and levied for the year 1859, in said county, shall be held legal and binding, and the proper officer is author- [100] ized to collect the same as though no informalities ever existed.

This bill having remained with the Governor three days, Sundays excepted, the General Assembly being in session, has become a law, this the 3d day of April, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 277.]

CHAPTER 83.

[Chap. 134.]

SCHOOL HOUSE TAX.

AN ACT to legalize the levy of a school house tax in the District Township of Jefferson, in Poweshiek County, Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Tax in Jefferson township, Poweshiek c o. legalized. That the tax heretofore levied in the district township of Jefferson, Poweshiek county, Iowa, for school house purposes, be and the same is hereby legalized, and made as valid as though the same had been made in strict conformity with the provisions of the law.

SEC. 2. Take effect. This act shall take effect and be in force from and after its publication in the Daily Iowa State Register and Daily State Journal, papers published at Des Moines, anything in section 21 of the code to the contrary, notwithstanding.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in session, has become a law this 3d day of April, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 325.]

CHAPTER 84.

[Chap. 135.]

APPROPRIATION.

AN ACT making appropriations for the pay of State Officers, and other purposes, and defining the duties of State Officers in certain cases.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. [101] That the following sums of money be, and the same are hereby appropriated for the purposes hereinafter designated.

SEC. 2. Salary and contingent expenses governor's office. For the salary of the governor for two years, ending the 31st day of December, A. D. 1861, the sum of four thousand dollars; and for contingent expenses of the executive office for the term of two years, ending as aforesaid, the sum of twelve hundred dollars; and for contingent expenses of the adjutant general's department, four hundred dollars.

SEC. 3. **Sec'y of state.** For the salary of the secretary of state, for the term of two years, ending the 31st day of December, A. D. 1861, the sum of three thousand dollars; for supplying the deficiency in the appropriation for the year ending the 31st day of December, A. D. 1859, the sum of one hundred and twenty-five (\$125) dollars; and for the pay of clerks and deputies, in the office of secretary of state, for the term of two years ending as aforesaid, the sum of two thousand dollars.

SEC. 4. **Auditor of state.** For the salary of the auditor of state, for the term of two years, ending the 31st day of December, A. D. 1861, the sum of three thousand dollars; for supplying the deficiency in the appropriation for the year ending the 31st day of December, A. D. 1859, the sum of three hundred and seventy-five dollars; and for the pay of clerks and deputies in the office of auditor of state, for the term of two years ending as aforesaid, the sum of two thousand dollars.

SEC. 5. **State treasurer.** For the salary of the treasurer of state, for the term of two years ending the 31st day of December, A. D. 1861, the sum of three thousand dollars; for supplying the deficiency in the appropriation for the year ending the 31st day of December, A. D. 1859, the sum of three hundred and seventy-five dollars; and for the pay of clerks and deputies in the office of treasurer of state, for the term of two years ending as aforesaid, the sum of twelve hundred dollars.

SEC. 6. **Register state land office.** For the salary of the register of the state land office, for the term of two years ending the 31st day of December, 1861, the sum of three thousand dol- [102] lars; for supplying the deficiency in the appropriation for the year ending the 31st day of December, A. D. 1859, the sum of three hundred and forty-five dollars; and for the pay of clerks and deputies in the office of the register, for the term of two years ending as aforesaid, the sum of two thousand dollars.

SEC. 7. **Sec'y board of education.** For the salary of the secretary of the board of education, for the term of two years, ending the 31st day of December, 1861, the sum of three thousand dollars; for supplying the deficiency in the appropriation for the year ending the 31st day of December, A. D. 1859, the sum of three hundred and thirty-seven dollars; for traveling expenses and for the pay of deputy for the term of two years ending as aforesaid, the sum of eighteen hundred dollars, provided said deputy shall act as state librarian.

SEC. 8. **Judges of the supreme court.** For the salaries of the judges of the supreme court, for the term of two years ending the 31st day of December, A. D. 1861, the sum of eleven thousand seven hundred and seventy-seven dollars, in addition to the sum now appropriated and unexpended. For the contingent expenses of the supreme court, for the term of two years ending as aforesaid, the sum of three thousand dollars, or so much thereof as may be necessary; provided, that all the expenses incurred under section 1548 of the code, chapter 142 of the acts of the sixth general assembly, and chapter 82 of the acts of the seventh general assembly, shall be charged to said contingent fund, and all bills properly charged to said contingent fund shall contain the items for what said fund may be expended, and be certified to by one of the judges of said court before being audited.

SEC. 9. **Att'y general.** For the salary of the attorney general for the term of two years, ending the 31st day of December, A. D. 1861, the sum of one thousand seven hundred and seventy-five dollars, in addition to the sum now appropriated and unexpended; and for fees and mileage, as allowed by section seven of the acts of the seventh general assembly, the sum of eight hundred dollars, or so much thereof as may be necessary, for the term of two [103] years, as aforesaid, and for contingent expenses of the attorney general for two years, four hundred dollars.

SEC. 10. Dist. judges. For the salaries of the district judges for the term of two years, ending the 31st day of December, A. D. 1861, the sum of thirty-five thousand two hundred dollars.

SEC. 11. District atty's. For the salaries of the district attorneys for the term of two years, ending the 31st day of December, A. D. 1861, the sum of seventeen thousand six hundred dollars.

SEC. 12. Warden penitentiary. For the salary of the warden of the penitentiary, for the term of two years, ending the 31st day of December, A. D. 1861, the sum of two thousand dollars; and for supplying the deficiency in the appropriation for the year ending the 31st day of December, A. D. 1859, the sum of two hundred and fifty dollars.

SEC. 13. Deputy warden. For the salary of the deputy warden of the penitentiary, for the term of two years, ending the 31st day of December, A. D. 1861, the sum of fifteen hundred dollars; and for supplying the deficiency in the appropriation for the year ending the 31st day of December, A. D. 1859, the sum of one hundred and twenty-five dollars.

SEC. 14. Clerk of the penitentiary. For the salary of the clerk of the penitentiary, for the term of two years, ending the 31st day of December, A. D. 1861, the sum of fifteen hundred dollars; and for supplying the deficiency in the appropriation for the year ending the 31st day of December, A. D. 1859, the sum of one hundred and twenty-five dollars.

SEC. 15. Chaplain penitentiary. For the salary of the chaplain of the penitentiary, for the term of two years, ending the 31st day of December, A. D. 1861, the sum of one thousand dollars, or so much as may be necessary; and for supplying the deficiency in the appropriation for the year ending the 31st day of December, A. D. 1859, the sum of seventy-five dollars.

SEC. 16. Inspectors. For the salaries of the inspectors of the penitentiary, up to the time they go out of office, according to the laws of this session, the sum of one hundred [104] dollars, or so much thereof as may be found due them by the governor.

SEC. 17. Contingent fund. All officers who are provided with a contingent fund, or other fund herein provided beyond their regular salary, shall keep a correct account thereof, by items, of the expenditure from said funds, and report in detail to the general assembly, or to such person or persons as the governor may appoint to examine the accounts of such office, and all bills properly chargeable to said fund shall contain the items for which said fund may be expended, and be certified to by the officer having control of said fund, before being audited.

SEC. 18. Salaries paid monthly. All salaries of the state officers, and other officers, payable out of the state treasury, shall be paid monthly at the end of each month, if called for, and the state auditor shall in no case issue warrants on the state treasury for the pay of any state officer, or other officers payable out of the state treasury, in advance of service actually rendered.

SEC. 19. General contingent fund. For a general contingent fund for the payment of postage of state officers, arrest of fugitives from justice, abstracts of lands entered, necessary repairs and improvements upon state house and grounds, and furniture for state house and offices, renting a warehouse for the storage of the stationery of the state, fuel for state house, and such other necessary expenses as are not specifically provided for, the sum of fifteen thousand dollars, or so much thereof as may be necessary; provided, that all bills properly chargeable to said fund shall be made out by items, and certified to by the officers incurring the expense, and approved by the census board before being audited.

SEC. 20. Janitors. For the payment of a janitor or janitors, for the term of two years, ending the 31st day of December, A. D. 1861, the sum of eleven hundred dollars.

SEC. 21. **Interest on state indebtedness.** For the payment of five semi-annual instalments of interest, due and to become due on the bonds issued by the state on the \$200,000 loan, authorized to be made by the seventh general assembly, the sum of thirty-five thousand dollars; for paying the exchange or [105] express charges on the same, the sum of five hundred and twenty-five dollars, or so much thereof as may be necessary; and for supplying the deficiency in the appropriation of the 7th general assembly, for exchange or express charges, the sum of three hundred and fifteen dollars and thirty-four cents, to be drawn from the treasury of the state only when necessary to pay said interest as it may become due.

SEC. 22. **Inter'st on school fund.** For the payment of three annual instalments of interest on school fund loans due and to become due, the sum of thirty-six thousand six hundred and eighty-eight dollars and seventy-two cents, to be drawn from the state treasury only when necessary to pay said interest as it may become due, for supplying the deficiency in the appropriation made by the seventh general assembly, for the payment of interest on school fund loan, the sum of eleven dollars and eleven cents.

SEC. 23. **Rent.** For the payment of the rent of the building now occupied by the general assembly and state officers, the sum of five dollars, or so much thereof as may be necessary; said rent to be paid as it becomes due.

SEC. 24. **Take effect.** This act to take effect and be in force from and after its publication in the Iowa Register and the Iowa State Journal, newspapers published in the city of Des Moines.

Approved April 3d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 21st, 1860, and in the Iowa State Register May 2, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 177.]

CHAPTER 85.

[Chap. 138.]

GRUNDY COUNTY.

AN ACT to legalize the levy of taxes in the County of Grundy, made in October 1858, and the delivery of the tax list to the Treasurer of said county, in November of the same year in said county.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. [106] **Levy of tax for 1858 legalized.** That the levy of taxes in the county of Grundy, in the state of Iowa, made in the month of October, 1858, and the delivery of the tax list for said year to the treasurer of said county, be and the same are hereby legalized.

SEC. 2. This act shall take effect and be in full force from and after its publication according to law.

Approved April 3, 1860.

[S. F. 117.]

CHAPTER 86.

[Chap. 140.]

PENITENTIARY.

AN ACT to enforce collection and settlement of claims of the State vs. Winterbottom & Jones, or successors of Winterbottom & Headley, Contractors for the Convict labor of the Iowa Penitentiary.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Att'y general to settle with contractors.** That it is hereby made the duty of the attorney general of this state, as soon as practicable,

to enquire into the relations of the state of Iowa with Winterbottom & Jones, in relation to a contract made between the state and Winterbottom & Jones, or their assignees, contractors, lessees of the convict labor of the Iowa penitentiary, and all matters connected with said contract, and with action and actions now pending, and report at the earliest possible period to the governor, whether said lessees and contractors are indebted to the state, and if so what amount is due—whether said contract is forfeited by said contractors.

SEC. 2. **Legal proceedings instituted by the gov.** If the attorney general shall report that there is money due the state from said contractors, then the governor may, if said contractors shall not pay the amount so reported due into the state treasury, or secure the same to the state, to the satisfaction of the governor, direct the attorney general to commence and prosecute such legal proceedings as he shall judge necessary for the enforcement of the collection of the claims of the state against said contractors.

[107] SEC. 3. **Contr'ct annull'd.** If the attorney general shall find and report that said contractors have forfeited their right under their contract with the state, he shall commence and prosecute such legal proceedings as may be necessary in the name of the state of Iowa for the purpose of annulling said contract, and placing the state in possession of the property and rights held and used by said contractors.

SEC. 4. **Convict labor.** In case the said contract shall be annulled, the governor shall provide for the employment of the convict laborers of the penitentiary under the charge of the warden, for the benefit of the state; and the same power shall be vested in the governor in case said contractors shall abandon said contract to the state.

SEC. 5. **Attorney gen'l.** The attorney general, for the purpose of carrying into effect the provisions of this act, shall have power to prosecute or discontinue any suit or suits now brought against Winterbottom & Jones, if, in the name, or by the authority of the state, as in his judgment shall be for the interest of the state.

SEC. 6. This act shall be in force and take effect from and after its publication in the Iowa State Journal and Iowa State Register, at Des Moines.

Approved April 3d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 14th, 1860, and in the Iowa State Register, April 25th, 1860.

ELIJAH SELLS,
Secretary of State.

[S. F. 234.]

CHAPTER 87.

[Chap. 142.]

APPRAISEMENT.

AN ACT providing for the taking effect of Senate File No. 6, an act to provide for the appraisement of property sold under execution on its publication.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Take effect by publication.** That senate file No. six, a bill for an act to provide for the appraisement of property [108] sold under execution, which passed both branches of the general assembly on Saturday, March (twenty-ninth) 29, 1860, shall take effect and be in force from and after its publication in the State Register and State Journal, anything in the code of Iowa to the contrary notwithstanding.

SEC. 2. That this act shall take effect and be in force from and after its publication in the State Register and State Journal.

Approved April 3, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 11th, 1860, and in the State Journal.

ELIJAH SELLS,
Secretary of State.

[S. F. 108.]

CHAPTER 88.

[Chap. 143.]

CITY OF DUBUQUE.

AN ACT to grant to the City of Dubuque title to certain lands.

WHEREAS, The city of Dubuque has purchased of the United States a large tract of land, consisting of low lands and islands, lying between the main channel of the Mississippi river and the main west bank thereof, and has received of the United States patents therefor, and has expended and caused to be expended large sums of money in running streets across, filling and improving said low lands and islands, and the sloughs and ponds of water which intersect the same, and

WHEREAS, Doubts have arisen whether the title of said lands is now in the state of Iowa, therefore,

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **State releases title to certain lands and islands.** That there be, and there is hereby granted and released to the city of Dubuque, all the title and interest vested in the state of Iowa, in and to the lands and islands, and in the beds of the sloughs and ponds of water within so much of section number [109] nineteen and thirty, in township number eighty-nine, north of range number three, east of the fifth principal meridian, and also within so much of sections number twenty-four and twenty-five, in township number eighty-nine, north of range number two, east of the fifth principal meridian, as lies east of a line commencing at a point where the north line of said section number nineteen intersects with the west shore of Lake Peosta; thence southerly along the west shore of Lake Peosta, and of the slough, to the north-east corner of lot number five hundred and two, at the foot of twelfth street, in the city of Dubuque; thence on the easterly line of said lot and lots number five hundred and three, five hundred and seven, five hundred and eight, and five hundred and ten, to the north-east corner of lot number four hundred and four; thence on the west line of the levee, as laid out on the plat of the town of Dubuque, made by survey by the government of the United States, to where the same intersects with the south line of the said town of Dubuque, on section number twenty-five aforesaid; thence on the west shore of the slough to the south line of the said section number twenty-five; Provided nothing in this act shall affect the rights of private individuals holding title either from the general government or school fund.

SEC. 2. This act shall in no wise limit or impair the jurisdiction of the state of Iowa upon the lands and territory hereby granted and released.

SEC. 3. This act to take effect from and after its publication in the Daily Dubuque Times and Daily Iowa State Journal, without expense to the state.

Approved March 3d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 14, 1860.

ELIJAH SELLS,
Secretary of State.

[110] [H. F. 344.]

CHAPTER 89.

[Chap. 144.]

BLIND ASYLUM AT VINTON.

AN ACT making further appropriations for the Blind Asylum at Vinton.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Gov'n'r. appoint com'r.** That one commissioner of the "Institution for the education of the Blind" at Vinton, shall be appointed by

the governor of this state, who shall as soon as practicable after the taking effect of this act, take into possession all money, books, paper and material of whatever kind and character, together with all claims, grounds, &c., that may be in the possession of the present commissioner, or other parties, belonging to said institution, and safely keep the same for the use of the said institution.

SEC. 2. Com'rs give bond. Said commissioner shall give a bond to the state, in the sum of five thousand dollars, which shall be approved by the governor and filed in the office of the secretary of state, and before entering upon his duties, shall take and subscribe an oath faithfully to discharge his duties as such commissioner according to law. Said commissioner shall be removed at the pleasure of the governor.

SEC. 3. \$10,000 appropriated. There is hereby appropriated the sum of ten thousand dollars, or so much thereof as may be necessary to build the wall of the said blind asylum at Vinton, to the top of the third story, above the basement story, and to cover the same with a good, substantial pine shingle roof, and to so enclose the windows and doors as to protect the building from damage—using in said work all the material now on hand, or that may be due from individuals indebted upon subscription.

SEC. 4. Plan of building changed. The internal plan of the building shall be so changed as to dispense entirely with a chapel, and the room designed for a chapel shall be finished the same height of other rooms on the same floor, and the plan shall be so changed as to accommodate the great- [111] est number of pupils, which changes in plan shall be made with the approval of the governor.

SEC. 5. Changes approved by the gov. No part of said appropriation provided for in the third section of this act shall be drawn until the said commissioner shall submit to the governor, plans and specifications, making such changes in the style of finish and in the internal arrangements, as will bring the remaining cost of completing said building, within twenty thousand dollars, as shown by a reliable proposal of responsible parties for the completion of said building according to definite and full specifications accompanying such proposal.

SEC. 6. Auditor issue warrants upon governor's approval. The auditor of state shall issue a warrant or warrants, upon the state treasurer for the payment of said appropriations in section three of this act, only upon the proposal embodying the specifications as required in section 5, accepted by the commissioner and approved by the governor.

SEC. 7. Repealing. That so much of the act entitled an act to locate and provide for the erection of an "Institution for the education of the Blind of the State of Iowa," approved March 22, 1858, by which commissioners were appointed to superintend the same, is hereby repealed.

SEC. 8. Take effect. This act shall take effect from and after its publication in the Iowa State Journal and the Iowa State Register.

Approved April 3, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 18, 1860.

ELIJAH SELLS,
Secretary of State.

[112] [H. F. 353.]

CHAPTER 90.

[Chap. 146.]

EVIDENCE.

AN ACT in relation to Evidence.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Parties in interest may be examined. That on the trial of any issue joined, or of any matter, or of any inquiry arising in any action or other

proceeding in any court of justice, or before any person having by law, or by consent of parties authority to hear, receive and examine evidence, no person shall be disqualified by reason of his interest in the same, or in the event of the same—whether such interest be as a party thereto or otherwise. But the party or parties thereto and the person in whose behalf such action or other proceeding may be brought or defended shall, except as hereinafter excepted, be competent and compellable to give evidence either *viva voce* or by deposition according to the practice of the court on behalf of himself or either, or any of the parties to the issue, action or proceeding.

SEC. 2. **Crimin'l not compelled to testify.** But nothing herein contained shall render any person who in any criminal proceeding is charged with the commission of any public offence competent or compellable to give evidence therein for or against himself.

SEC. 3. **Settlement of estates.** No person shall be allowed to testify under the provisions of the first section of this act where the adverse party is the executor of a deceased person, when the facts to be proved transpired before the death of such deceased person; and nothing in such section contained shall in any manner affect the laws now existing in relation to the settlement of estates of deceased persons, infants or persons of unsound mind, or the attestation of any instrument required to be attested.

SEC. 4. **Husband & wife.** The husband or wife shall in no case be a witness for or against the other except in a criminal proceeding for a crime committed by one against the other, or in a civil action or proceeding one against the [113] other, but they may in all criminal proceedings be witnesses for each other.

SEC. 5. All acts inconsistent with this act are hereby repealed.

SEC. 6. **Take effect.** This act shall take effect and be in force from and after its publication in the Iowa State Register and Daily Iowa State Journal.

Approved April 3, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 18th, 1860, and in the Iowa State Journal April 21, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 377.]

CHAPTER 91.

[Chap. 147.]

DES MOINES RIVER COMMISSIONERS.

AN ACT conferring certain powers on the Board of Commissioners appointed for the purpose of ascertaining the liabilities of the Des Moines River Improvement, and for other purposes.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Commissioners have full power to make settlement.** That the board of commissioners appointed and provided for by an act entitled, "An act in relation to the Des Moines River Improvement, and abolishing the office of Commissioner thereof," approved March 3d, 1860, shall have the power, and they are hereby authorized and directed to inquire into and examine the liabilities and obligations of all persons to said improvement, or the state on account of said improvement, arising from contracts made by any person or persons with the officers or agents of said improvement, and also all liabilities of any and all persons who may have heretofore acted as agents or officers of said improvement, and also all liabilities of any and all persons who may wrongfully withhold any money or property belonging to

said improvement, or to the state on account of said improvement, or who may have wrongfully taken or trespassed on any of the property be- [114] longing to said improvement, or who may for any cause be liable in any sum to said improvement or the state for or on account of said improvement.

SEC. 2. May compel attendance. Said board for that purpose may, upon their own motion, or on the petition of any other party, issue a citation or notice to any person believed to be indebted or liable in any sum to said improvement, or to the state on account of said improvement, requiring such person to appear before such commissioners at such time and place as they may, in such notice, designate, to answer to such claims, charges and liabilities as may be briefly set forth and specified in said notice. Such notice shall be served by the sheriff, as other notices, and his returns shall have the same force and validity as in other cases. Said commissioners, or any one of them may issue subpoenas for witnesses, which shall, in like manner, be served by the sheriff.

SEC. 3. May award judgment—no appeal. At the time fixed in such notice for the appearance of the person against whom the claim is made, and who may have had the notice required by the preceding section, the commissioners shall (unless, for good cause the hearing is continued,) proceed to determine the liabilities of said party so cited to said improvement, or to the state on account of said improvement, and shall render judgment for any amount due from such party, together with all costs, including the mileage and per diem of the commissioners, which judgment said commissioners shall file in the office of the clerk of the district court of the county in which the board sits, and when said judgment of said commissioners is so filed in said clerk's office, it shall be entered by the clerk in the proper records, and shall have all the force and effect of a judgment rendered in said court, and no appeal shall in any case be allowed from such judgment.

SEC. 4. May employ counsel. Said commissioners shall have power to employ counsel to prosecute before said board any and all the claims aforesaid against any or all persons indebted or liable to said improvement, or the state on account of said improvement, or the property connected [115] therewith, and to that end said commissioners may arrange to pay such counsel such sums or proportion of any amount recovered, as they deem right and just.

SEC. 5. May adopt rules. The true intent and meaning of this act is to confer on said commissioners full powers, judicial and otherwise, to enable them fully to carry out the objects and purposes of this act, and said commissioners may adopt such rules and regulations as they deem proper to aid them in carrying out the objects of this act.

SEC. 6. Disposition of funds. All moneys collected under the provisions of this act shall be applied as provided in section 11 of said act, approved March 3d, 1860, for the disposition of the proceeds of the sales of the dams, water power, &c., connected with said improvement.

SEC. 7. Discretionary power in settlement. Said commissioners may, without the proceedings herein provided for, when practicable, proceed and settle with any party liable to said improvement, and make such provisions for the security and payment of any amounts found due, as they deem just and right.

SEC. 8. This act shall be in force and take effect from and after its publication in the Iowa State Journal and Keosauqua Republican.

Approved April 3d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, April 14th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 396.]

CHAPTER 92.

[Chap. 148.]

PUBLICATION OF LAWS.

AN ACT to authorize the publication of certain laws in the Iowa State Register and the Iowa State Journal.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Laws required to be published in daily papers may be published in weeklies. That any laws passed at the present session of the general assembly, and required [116] to be published in the Daily Iowa State Register and Daily Iowa State Journal, may be published in the Weekly Iowa State Register and the Weekly Iowa State Journal, and such publication shall be valid, and said law shall be in force and take effect as though published in the Daily Iowa State Register and the Daily Iowa State Journal.

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

SEC. 3. This act shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Journal.

Approved April 3d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 7th, 1860, and in the Iowa State Register April 11th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 400.]

CHAPTER 93.

[Chap. 150.]

CITY OF DUBUQUE.

AN ACT to cede jurisdiction over certain lots, the property of the United States, in the City of Dubuque.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Jurisdiction ceded to the United States—state to have concurrent jurisdiction. That jurisdiction is hereby ceded to the United States over certain lots in the city of Dubuque, owned by the United States government, and held or used for the purposes of a custom house; *Provided*, that such jurisdiction is granted upon the express condition that the state of Iowa shall retain concurrent jurisdiction with the United States, in and over the said lots, so far as that civil process in all cases not affecting the real and personal property of the United States, and such criminal or other process as shall issue under the authority of the state of Iowa against any person or persons charged with crimes or misdemeanors committed within or without the limits of the [117] said lots, may be executed therein in the same way and manner as if no jurisdiction had been hereby ceded.

SEC. 2. Take effect. This act to be in force from and after its publication in the Iowa State Journal and Iowa State Register, published at Des Moines, Iowa.

Approved April 3, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 21st, 1860, and in the Iowa State Register May 2, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 69.]

CHAPTER 94.

[Chap. 152.]

AGRICULTURE.

AN ACT to amend Chapter 188 of the acts of the Sixth General Assembly, entitled "An act for the encouragement of Agriculture," approved Jan. 28th, 1857.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Annual report of agr. society. That the number of copies of the annual reports of the Iowa state agricultural society to be published, shall be limited to three thousand, all of which shall be bound in a manner and style uniform with those bound by the state for the years 1857 and 1858; Provided, said binding shall not cost more than thirty cents per copy.

SEC. 2. Distribution of report. The secretary of state shall distribute said reports as follows: Two hundred copies to the secretary of the state agricultural society, for the purpose of making exchanges with other state societies; five copies to the state library; five copies to the agricultural college; one copy to each member of the eighth general assembly; the remainder to the various county societies in the state.

Approved April 3, 1860.

[118] [H. F. 372.]

CHAPTER 95.

[Chap. 153.]

GERMAN PAPERS.

AN ACT to provide for the publication of the laws of a general nature of the Eighth General Assembly, in certain German newspapers.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. General laws to be published in German news papers. That as soon after the adjournment of the present session of the general assembly of the state of Iowa as practicable, the secretary of the state shall furnish for publication to the following named German newspapers, published in this state, all the laws of a general nature passed at this session of the legislature, except the codes of civil and criminal practice, to-wit: the Staats Zeitung, of Dubuque; National Demokrat, of Dubuque; Der Demokrat, at Davenport, and Muscatine Zeitung; Freie Presse, of Burlington; Volksblatt, of Keokuk; Iowa Post, of Des Moines City.

SEC. 2. Paid out the state treasury. There shall be paid out of any money in the treasury not otherwise appropriated, the sum of thirty-five cents per thousand ems, solid matter, for such publication, and the auditor of state is authorized to audit the claims, and to draw his warrant in favor of any publisher of any such papers for the amount due each, when he shall be satisfied of the correctness of such claims.

SEC. 3. This act to take effect from and after its publication in the Daily Iowa State Register and the Iowa Weekly Post.

Approved April 3, 1860.

I hereby certify that the foregoing act was published in the Iowa Weekly Post April 14th, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 253.]

CHAPTER 96.

[Chap. 154.]

STATE WAREHOUSE.

AN ACT providing greater safety for books, papers and records belonging to the State.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **\$3500 appropriated for build'ng—fire proof vaults.** That the sum of three thousand five [119] hundred dollars be and is hereby appropriated for the purpose of erecting a building on Capital Square, with fire proof vaults, for the reception of important books, papers and records belonging to the state, and for the use of the state land office, and also for a paper warehouse, to be built under the direction of the secretary of state, with the advice and consent of the census board.

SEC. 2. **Cost limited.** In no case shall the cost of said building exceed the sum of three thousand five hundred dollars.

SEC. 3. **Take effect.** This act to be in force from and after its publication in the Iowa State Register, and Iowa State Journal.

Approved April 3, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 25th, 1860, and in the State Journal April 28th, 1860.

ELIJAH SELLS, Secretary of State.

[H. F. 397.]

CHAPTER 97.

[Chap. 157.]

TAX SALE.

AN ACT to repeal Sections 50, 51 and 52 of Chapter 152, acts 7th General Assembly.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Repeals the law which authorizes the sale of property for delinquent taxes.** That sections fifty, fifty-one and fifty-two of chapter one hundred and fifty-two of the seventh general assembly, be and the same are hereby repealed.

SEC. 2. **Take effect.** This act to take effect and be in force from and after its publication in the Weekly Iowa State Register and the Weekly Iowa State Journal, newspapers published in the city of Des Moines.

Approved April 3, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 28, 1860.

ELIJAH SELLS, Secretary of State.

[H. F. 369.]

CHAPTER 98.

[Chap. 158]

REVISED CODE.

AN ACT to provide for the Printing of the Revision of 1860.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. [120] **Com'rs to contract for print'g.** That the governor, secretary, auditor, and treasurer of state and Charles Ben Darwin of the code commission, are hereby appointed commissioners, and authorized and directed to contract for the printing of not more than ten thousand copies of a volume to be known as the "Revised Statutes, of Iowa," which shall contain all laws of the state of a general nature in force, or provided for by the present general assembly, to be in force during its present session and

subsequent to its adjournment; said laws shall be published in one volume, with law type of the usual size, on good book paper, and bound in good law binding, and shall be published under the supervision of one of the code commissioners, to be determined by the general assembly; *Provided*, that said commissioners are hereby prohibited from letting the foregoing work to any person or persons who are not bona fide residents of the state of Iowa.

SEC. 2. Darwin's notes. The commissioners hereby appointed shall contract for the printing at the end of each chapter of said volume a synopsis, prepared by Charles Ben Darwin, of all prior laws on the same subject, beginning with those of the state of Michigan, which were in force in the state of Iowa, and continuing down to the present time, stating when each took effect, and when it was repealed, and referring to the book and pages where the original acts are found; also, giving notes and references under each chapter, to all decisions made by the supreme court of this state, on the same or any prior law of the same kind; also giving notes and references to the decisions of the highest courts of those states, from whose laws sections of the code of civil practice have been taken; also to contain an index to the contents of the volume. And the contractor for such printing shall furnish at his own expense the said synopsis notes and references; *Provided*, said notes and references shall not add more than twenty-five cents to the cost of each volume of said book, exclusive of material and printing.

SEC. 3. Cost not to exceed \$2.50 per copy—damage for delay. The cost to the state of such volume with [121] the notes and references aforesaid, shall in no case exceed two dollars and fifty cents per copy; and each and every copy of said volume contracted for shall be delivered to the secretary of state in good order, within six months from the time the superintendent appointed by the general assembly, shall notify the contractor that he is ready to superintend the publication of the same; and a failure on the part of the contractor, to deliver said copies of said volume in manner and time herein specified, to the secretary of state, such contractor shall forfeit to the state twenty-five per cent of the entire amount of his compensation under said contract; and shall further forfeit for each month's delay thereafter, the further sum of ten per cent of the entire remaining amount of his compensation; which said forfeitures shall not be included in any damages which the state may be entitled to recover, for any breaches of the conditions of the bond hereinafter provided for.

SEC. 4. Bond. The person to whom said contract may be awarded, shall execute and deliver to the secretary of state a bond in such sum, and upon such terms, and with such sureties as the board of commissioners hereby appointed shall deem necessary, conditioned for the faithful performance of said contract.

Pay rent. When the secretary shall receive the said book, he shall give his receipt therefor to the contractor, who, on the production thereof to the auditor of state, shall be entitled to a warrant or warrants for the sum due such contractor by virtue of his contract, and the auditor shall draw the same on the treasurer in favor of said contractor.

SEC. 5. This act shall be in force from its publication in the Iowa State Journal and Iowa State Register, or in any other two papers in this state.

Approved April 3d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 11th, 1860, and in the Iowa State Journal April 21st, 1860.

ELIJAH SELLS,
Secretary of State.

[122] [S. F. 222.]

CHAPTER 99.

[Chap. 160.]

LAWS.

AN ACT providing for the Revision of the laws of this Session into the Revision presented by the Commissioners, and also for Superintending the publication and indexing and distributing of the same.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Darwin supt. revision.** That Charles Ben Darwin is hereby appointed to incorporate, by proper revision, into the revision prepared by him, and presented to this session by the code commissioners, all the laws of a general nature passed at this session, to the end that the volume of revised laws about to be published, and which shall be known as the revision of 1860, shall contain, when published, all the laws of a general nature which shall be of force in this state, when the laws of this session have taken effect.

SEC. 2. That said Darwin (or, in case of his resignation, or other inability to discharge the duties herein imposed, some other person to be, in that event, appointed by the governor,) shall, within ten days after the adjournment of this session, proceed to complete the revision as herein provided, without any change of language, save as in section five hereof allowed.

SEC. 3. **May employ cl'k.** That said revisor may employ a clerk to assist him, at a compensation of \$3 00 per day, and his certificate of the number of days of such service shall entitle the clerk to compensation for the same.

SEC. 4. **Arrange and index.** That the revisor shall also superintend the order of publication of such revision, and prepare brief marginal notes, as in the code of 1851, and a full and complete index, and arrange and properly number in a convenient and suitable manner, the several divisions and subdivisions, from the beginning throughout; and examine and correct the proof sheets, and cause all clerical, typographical and grammatical errors, and errors of punctuation to be corrected.

SEC. 5. That the same shall be arranged in conformity to the code of 1851, as near as may be, and that [123] such sections of such revision as are part of said code of 1851, shall be indicated also, by the old numbers of such sections, placed within brackets.

SEC. 6. **Appendix.** That an appendix shall accompany the same, as in the code of 1851, wherein shall be placed the constitution of Iowa, and also all the matter included in the appendix of said code of 1851, excepting the index thereof.

SEC. 7. **Sec'y of state furnish copy.** The secretary of state is hereby directed to furnish to the revisor, copies of all the general laws of this session, which said revisor may demand, and to allow him free access to the state archives, for the purpose of comparing any law with the original act.

SEC. 8. **Compensation supt.** For his services to be rendered as herein contemplated, said revisor shall receive the sum of \$1,000, from any money in the treasury not otherwise appropriated, to be paid when the whole work is in print.

SEC. 9. **Session laws.** There shall also be printed and indexed, under the superintendence of the secretary of state, three thousand copies of those acts and resolutions of the eighth general assembly, which are not to be included in the revision; two thousand of which shall be distributed among the counties of this state, according to the population of each, giving eight copies, at least, to each county, for which services he shall be paid the sum of three hundred dollars.

SEC. 10. **Number of copies to be published.** There shall be published 10,000 copies of said revision. When the revision shall have been published

and delivered to the secretary, he shall immediately deliver, or transmit to the governor, two copies; to each other state officer one copy each; retain one in his own office; deposit twenty copies in the state library, and transmit to the secretary of state of each of the United States one copy, and to the executive of each of the United States one copy. He shall also transmit to the clerk of the district court of each county, four copies, which shall be for the use of the county judge—the clerk of the district court—the treasurer—the president of the board of supervisors.

SEC. 11. **Distribution and sale.** Of the remainder of the edition, the secretary shall divide seven thousand copies among the counties of the state, in proportion to the population, but giving to no county less than ten copies, and as soon as practicable, transmit to the district court clerk of each county, the number of copies to which his county is entitled, which the clerk is required to sell at three dollars a copy, and pay to the treasurer of his county the amount received by him for them, on or before the first day of December of each year, and the treasurer shall pay the same into the state treasury, at the time of making his next return.

SEC. 12. **Clerk dist. court report to aud.** The said clerk shall also, on or before the first day of December, each year, make out in writing, under oath, a statement of the number of copies sold by him, and not before accounted for, and the number remaining on hand, and the amount paid to the county treasurer, and transmit such statement to the auditor of state, who shall charge the county treasurer with such amount, and the secretary of state shall certify to the auditor the number of copies transmitted to each clerk, and the auditor shall charge such clerk therewith, and subsequently credit him with such as may be sold or otherwise lawfully disposed of.

SEC. 13. **Clerk decline to his successor.** When the clerk goes out of office, having any such copies remaining, he shall deliver them to his successor, taking his receipt therefor, which shall be his sufficient discharge therefor, and every county officer, on receiving a copy, shall give his receipt therefor, and shall pass the copy to his successor, or deliver it in to the clerk for the use of subsequent officers, and each shall be liable therefor on his official bond.

SEC. 14. **Sec'y to sell.** The remainder of the edition of the revision shall be deposited in the office of the secretary of state, and he may in like manner apportion and deliver them to any counties hereafter organized. The secretary may also sell them at the rate above named, after setting apart copies for subsequent distribution, he paying the proceeds into the state treasury.

SEC. 15. For the distribution of the revision, the secretary shall receive fifteen hundred dollars.

[125] SEC. 16. This act shall take effect from its publication in the Iowa State Register and Iowa State Journal, or any other two newspapers printed in this state.

Approved April 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 11, 1860, and in the Iowa State Journal April 21, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 270.]

CHAPTER 100.

[Chap. 165.]

SCHOOL FUND COMMISSIONERS.

AN ACT to provide for the payment of School Fund Commissioners in certain cases.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Salary to be paid.** That the school fund commissioners created and acting under and by virtue of chapter 71 of the code, prior to its repeal,

who continued to discharge the duties of that office from April first to October the first, A. D. 1858, by virtue of chapter 36 of the acts of the seventh general assembly of the state of Iowa, shall receive for such service a sum equal to one third of the salary allowed by the county officers, and approved by the superintendent of public instruction for the year 1857.

SEC. 2. Certificate of co judge. Before any school fund commissioner shall be allowed such salary as provided in section first of this act, he shall present to the auditor of the state a certificate from under the hand and official seal of the county judge, countersigned by the clerk of his county, setting forth that _____ has performed the service as provided in this act, and that he has not received his compensation for said service.

SEC. 3. Aud. and sec'y of the board of education may audit—co. treas. pay. The auditor of the state, upon the receipt of the certificate aforesaid, shall consult with and submit the same to the secretary of the board of education, and, if upon an examination they are satisfied that [126] such allowance is just, and that said school fund commissioner has not been paid, the auditor of the state shall issue a certificate in favor of each of such commissioners and remit the same to the county treasurer, authorizing him to pay the sum so allowed from the interest of the school fund of the county, and such certificate from the auditor when properly receipted shall be a sufficient voucher to the treasurer of the county for the amount thereof.

SEC. 4. Salary allowed and approv'd by supt. pub. instruction may be paid. In all cases in which the salary of school fund commissioners have been allowed by the proper authorities of the county and approved by the superintendant of public instruction with all amounts due said school fund commissioner, as shown by the settlement filed with the auditor of state according to the acts of the 7th general assembly of the state of Iowa, shall be paid in the same manner as is provided for in section 3 of this act.

Approved April 3, 1860.

[127]

JOINT RESOLUTIONS.

NUMBER 1.

[No. 8.]

JOINT RESOLUTION for a grant of land to aid in the construction of a Rail Road from McGregor to the Missouri River.

Resolved by the General Assembly of the State of Iowa, That our senators in congress be instructed and our representatives requested to use their best exertions to procure from the general government a grant of land to the McGregor, St. Peters and Missouri River Rail Road Company, to aid in the construction of a rail road from McGregor, in Clayton county, on the Mississippi river, westward across the state of Iowa to the Missouri river.

Resolved further, That the secretary of state be, and he hereby is directed to forward a copy of this resolution to each of our senators and representatives in the congress of the United States.

Approved March 31, 1860.

NUMBER 2.

[No. 10.]

MEMORIAL AND JOINT RESOLUTION asking for a grant of land to aid in the construction of a Rail Road as herein set forth.

To the Senate and House of Representatives,

Of the United States of America in Congress Assembled:

Your memorialists, the general assembly of the state of Iowa, would respectfully represent that the whole extent of country drained by the Missouri river and its tributaries is wholly destitute of fine timber, and greatly destitute of timber of any kind, unless it be the extreme north and western portions of the country so drained, thereby greatly retarding its settlement and growth. That the distance from the centre of this destitution, say at Council Bluffs, north easterly by the Boyer valley, to the vast pineries upon the head waters of the Mississippi, at some point as St. Peters in Minnesota, is less than 230 miles via. the Boyer valley in the state of Iowa, and it is believed that a railroad communication from the termination of the St. Joe and Council Bluffs railroad on the south line of the state of Iowa, via. Council Bluffs and the Boyer valley to the railroads of Minnesota, at or near St. Peters, would be not only to the states of Iowa and Minnesota, but to the general government, a great source of revenue, commencing at the point on the state line aforesaid, it runs via. Council Bluffs in Pottawattamie county, along the Missouri valley to where the Boyer valley joins it, thence in a north

easterly direction up the Boyer valley, through Harrison, Monona, Crawford, Sac, Buena Vista, Pocahontas, Palo Alto, and Kossuth counties, in Iowa, and Fairbault and Blue Earth counties in Minnesota. It follows the Boyer valley to near its source, thence rising on to the "Plateau Des Praries," it traverses for 25 miles an unsettled and sparsely timbered portion of Iowa, on the great plain forming the divide between the Missouri and the Minnesota rivers, to the state line, thence descending to the valley of the Blue Earth, one of the tributaries of the Minnesota, it follows that valley to its terminus, intersecting in its course the "Land Grant Roads" of Iowa and Minnesota, and terminating contiguous to the great pineries of the north-west.

The formation of the country is singularly adapted for a road of light grades, and cheap construction; nine-tenths of the distance with grades not to exceed 10 feet to the mile, and a maximum grade not to exceed 40 feet to the mile, with a never failing source of revenue. It opens to a market and settlement the lands of a portion of Iowa and Minnesota heretofore excluded, for the want of timber and the facilities of a market. It traverses a portion of the state unprovided with railroads, and with a little additional line of road would give Dakotah territory ample railroad facilities for the present. Its cheapness of construction, and light grades adapt it to the distribution of the timber of the pine [129] regions of the north-west through Iowa, Nebraska, Missouri and Kansas, now wholly supplied by water conveyance of nearly 2,000 miles, and when built would give western Wisconsin and Minnesota, by their great thorough-fares now built or building, a direct outlet to the great overland routes to the interior territories and Pacific possessions, together with a direct communication with St. Louis.

The advantages of such a road are to be summed up briefly thus:

First—Its directness and amount of territories and population it would accommodate for its length.

Second—Its rendering available a great portion of the pineries of Minnesota and prairies of Iowa, heretofore unattainable.

Third—Its light cost and easy grades.

Fourth—Its bringing into market and opening to settlement a large portion of the public domain otherwise unavailable for years for want of the necessary facilities for carriage and market.

Fifth—Its cutting at right angles nearly all the land grant roads of Iowa and Minnesota, rendering to each a valuable feeder to the southern roads, of lumber, and to the more northern ones a great outlet to the plains and St. Louis.

Sixth—Its interests not conflicting with any road now projected, building, or built; carries out in part the plan of congress in its land grants to Minnesota, rendering available to that state one of its principal sources of wealth, and saving to the state of Iowa in the item of lumber alone, more than enough to build the entire road.

Your memorialists would, therefore, ask of your honorable bodies that a law may be passed granting to the states of Iowa and Minnesota alternate sections of lands along the line of the proposed road upon the same terms and under like privileges and restrictions with the grants made to the state of Iowa, May 15th, 1856, known as the "Iowa Land Grants," to aid in the construction of such a road aforesaid.

Resolved, That our senators be instructed and our representatives in congress requested to use their influence to procure the passage of a law as asked in the foregoing memorial, and that the secretary of state be instructed to forward a copy of the foregoing memorial and resolution to each of our senators and representatives in congress.

Approved April 2, 1860.

[130]

NUMBER 3.

[No. 11.]

JOINT RESOLUTION for the election of Trustees of the State Agricultural College.

Be it Resolved by the General Assembly of the State of Iowa, That G. W. F. Sherwin, of Cherokee county, Suel Foster of Muscatine county, Peter Melindy of Black Hawk county, E. G. Day of Story county, and J. W. Henderson of Linn county, are hereby elected trustees of the Iowa state agricultural college and farm, who shall hold the office for the term of four years from the fifteenth day of January next, to fill the vacancies which occur at that time by the expiration of the term of office of G. W. F. Sherwin, Suel Foster, J. W. Henderson, Peter Melindy, and E. G. Day, subject to the provisions of the law, approved March 22d, 1858, establishing the Iowa state agricultural college and farm.

Approved April 2, 1860.

[131] AUDITOR'S OFFICE, IOWA, }
DES MOINES, APRIL 18TH, 1860. }

HON. ELIJAH SELLS, *Secretary of State,*

Dear Sir:

In pursuance of article third, section eighteen, of the constitution, I herewith hand you for publication with the laws of the eighth general assembly, the following statement of receipts and expenditures for the two fiscal years commencing November 1st, 1857, and ending November 6th, 1859, inclusive.

Very respectfully,

J. W. CATTELL,
Auditor of State.

1st—RECEIPTS AND DISBURSEMENTS OF REVENUE.

The receipts of revenue into the state treasury, during the past two years have been as follows:

Balance of revenue in treasury, Nov. 1st, 1857,.....	\$ 13,682 90	
Received from county treasurers.....	513,189 79	
Received from interest on school fund as excesses in counties and state treasurer, on loans.....	50,090 43	
Received from sale of state bonds.....	200,005 00	
Received from secretary of state, on sale of laws...	64 75	
Received from register state land office, (fees,)....	1 00	
		777,033 87

DISBURSEMENTS.

For redemption of auditor's warrants.....	702,663 16	
For interest on auditor's warrants.....	15,563 29	
For redemption of appor'ment warrants.....	33,176 68	
		751,403 13

Bal. revenue in S. treasury at this date.....		\$ 25,630 74
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[132] In making the apportionment of school fund interest in March last, under chap. 158, sec. 8, acts of 1858, warrants were issued to the county treasurers, in favor of the temporary school fund of their respective counties, to the amount of \$55,012 60; this being the excess of school fund interest in counties having more than their proportion, together with the amount included in the apportionment as interest on state loans of school fund.

Of this excess, there has been paid into the state treasury, as
 revenue \$50,090 43
 Warrants issued as above have been paid into the state treasury as
 revenue, to the amount of..... 33,176 68

Leaving of said warrants outstanding, a balance over amount of
 excess unpaid, of..... \$16,913 75

The revenue account, therefore, shows a balance of \$16,913 75 greater than
 the true revenue balance; there being this amount of outstanding warrants,
 to meet which, revenue must be diverted.

2d—RECEIPTS AND DISBURSEMENTS OF SALINE FUND.

RECEIPTS.

Balance in treasury, Nov. 1, 1857.....	\$ 499 80	
Am't recv'd from Lucas co., Dec. 15, 1857.....	1,292 45	
Am't recv'd from Wayne co., Jan. 1, 1858.....	418 64	
Am't recv'd from Decatur co., Feb. 8, 1859.....	141 08	
Am't recv'd from Wayne co., Feb. 8, 1859.....	571 68	
		\$2,923 65

DISBURSEMENTS.

Amount paid insane asylum in redemption of auditor's warrant No. 8716	499 80	
Leaving a bal. of saline fund in treas'ry at this date.....		\$2,423 85

3d—EXPENDITURES.

Showing the amount of warrants issued, and to what account charged, and
 other expenditures which have occurred during the two fiscal years just
 passed.

[133] Governor's salary	\$ 4,011 10	
Secretary of state—salary	2,875 00	
Auditor of state—salary	3,124 65	
Treasurer of state—salary.....	3,125 00	
Register of state land office—salary.....	3,042 00	
Superintendent of public instruction—salary.....	1,800 00	
Secretary of board of education—salary.....	1,185 00	
Supreme court—judges salary—Wright.....	\$3.750	
Stockton	3.750	
Woodward.....	3.700	—11,200 00
Attorney general—salary	1,766 66	
Secretary agricultural college and farm—salary.....	1,583 32	
Librarian—salary	700 00	
Governor's contingent fund	2,000 00	
Secretary of state—contingent fund	2,229 07	
Auditor of state—contingent fund	2,255 33	
Treasurer of state—deputy account	1,033 33	
Register state land office—clerk account	2,082 69	
Sec'y ag'l college and farm—contingent fund.....	1,803 16	
Supreme court—contingent fund	1,442 93	

“	“	expenses	1,336 39
Attorney general—fees and mileage			679 25
Supt. public instruction—contingent fund.....			1,000 00
Sec’y of board of education—contingent fund.....			750 00
Janitor’s wages			1,937 40

JUDGES’ SALARIES—OLD DISTRICTS.

District No.	1.....	\$2,240 00	
“	“ 2.....	2,258 36	
“	“ 3.....	2,000 00	
“	“ 4.....	1,903 33	
“	“ 5.....	2,050 00	
“	“ 6.....	2,000 00	
“	“ 7.....	1,949 44	
“	“ 8.....	2,255 00	
“	“ 9.....	2,383 00	
“	“ 10.....	2,400 00	
“	“ 11.....	2,000 00	
“	“ 12.....	2,414 00	
“	“ 13.....	2,000 00	
“	“ 14.....	2,076 00—\$	29,929 13

[134] JUDGES’ SALARIES—NEW DISTRICTS.

District No.	1.....	\$1,200 00	
“	“ 2.....	1,200 00	
“	“ 3.....	1,180 00	
“	“ 4.....	1,200 00	
“	“ 5.....	1,332 66	
“	“ 6.....	1,167 00	
“	“ 7.....	1,200 00	
“	“ 8.....	1,200 00	
“	“ 9.....	800 00	
“	“ 10.....	1,200 00	
“	“ 11.....	1,333 33—\$	13,012 99

DISTRICT ATTORNEYS’ SALARIES.

District No.	1.....	\$ 600 00	
“	“ 2.....	400 00	
“	“ 3.....	600 00	
“	“ 4.....	600 00	
“	“ 5.....	600 00	
“	“ 6.....	600 00	
“	“ 7.....	600 00	
“	“ 8.....	599 99	
“	“ 9.....	400 00	
“	“ 10.....	600 00	
“	“ 11.....	600 00—\$	6,199 99

Agricultural societies		\$ 14,942 18
“ college and farm		6,065 79
Institution for deaf and dumb		16,000 00
“ for blind at Iowa City		13,740 00
“ for blind at Vinton.....		16,647 00
Insane asylum		107,846 34

“ “ —trustees expenses	33 80
Geological survey	18,064 20
Iowa reports	10,000 00
Swamp lands	1,667 00
State binding	5,856 81
State printing	13,309 24
Military expenses—frontier army	19,800 79
[135] Penitentiary appropriations	41,729 97
“ “ —officers' salaries	4,921 62
Fuel for state house	1,028 49
Expenses of sixth general assembly	194 35
“ “ seventh “ “	49,064 62
Stationery	24,086 95
Constitutional convention	187 00
Special appropriations	23,326 50
Publishing laws in newspapers	4,285 25
Removal of capital	9,797 86
Commissioners of revision	779 00
Capitol square appropriation	1,500 00
Commissions to examine state officers	603 00
Teachers' institutes	1,799 60
General contingent fund	1,587 40
Census of 1859	466 20
Postage of state offices	1,156 85
Interest on state bonds (N. Y.)	21,315 35
“ “ school fund loan	27,667 80
State house expenses	104 25
State bank expenses	600 50
Abstracts of land entries	642 32
Arrest of fugitives	1,036 75
Board of education	2,012 53
Legislative expenses	61 25
Miscellaneous disbursements	10,117 91
Mileage (by warrants)	1,645 76
Total amount of warrants issued	\$577,797 62
Add interest paid on redeemed warrants	15,563 29
Also, mileage allowed co. treasurers by certificates	2,742 84
Total expenditures	\$596,102 75
The foregoing includes \$499 80 of saline fund charged to account of insane asylum.	

4TH—WARRANTS.

Amount of warrants outstanding Nov. 1, 1857,	\$155,003.56
Amount issued during the two years	577,796.62
Total,	\$732,800.18
[136] From which deduct am't redeemed by state treasurer	703,162.96
Leaves now outstanding	\$ 29,637.22
In the amounts of warrants issued and warrants redeemed is included the warrant on saline fund for \$499.80 in favor of the insane asylum. This having been redeemed from a distinct fund is not included in the amount of warrants redeemed as stated under the head of disbursements of revenue.	

[137]

LAWS OF IOWA

The following laws were added by the revising commissioner, Hon. C. Ben Darwin, after the foregoing volume was in print:

CHAPTER 101.

[Chap. 4.]

PATENTS.

AN ACT to repeal part of section 4, of Chapter 148, of the laws of the Seventh General Assembly.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Register of the state land office allowed no fee for using patents. That so much of section four, of chapter one hundred and forty-eight, of the laws of the 7th general assembly, as requires persons entitled to patents to pay the register the sum of one dollar, be and the same is hereby repealed.

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

Approved January 24th, 1860.

CHAPTER 102.

[Chap. 7.]

SIXTH JUDICIAL DISTRICT.

AN ACT to amend Chapter 150 of the acts of the Seventh General Assembly.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Times of holding courts. That the seventh section of chapter one hundred and fifty of the acts of the seventh general [138] assembly, approved March 23, 1858, be and the same is hereby amended so as to read as follows, to-wit:

Keokuk co. In the sixth judicial district, commencing at Sigourney, in Keokuk county, on the second Mondays in February and August in each year.

Mahaska. At Oskaloosa, in Mahaska county, on the fourth Mondays of February and August in each year.

Poweshiek. At Montezuma, in Poweshiek county, on the second Tuesdays of March and September in each year.

Jasper. At Newton, in Jasper county, on the third Mondays of March and September in each year.

Washington. At Washington, in Washington county, on the second Tuesdays of April and November in each year.

Jefferson. At Fairfield, in Jefferson county, on the fourth Tuesdays of April and November in each year.

Marion. At Knoxville, in Marion county, on the third Monday of May and the second Monday of December in each year.

SEC. 2. Not affect suits pending. All petitions, answers, notices, recognizances, or other pleadings or processes returnable to or pending in said district courts for adjudication at the terms now fixed by the act to which this is amendatory, shall be held returnable to and pending at the terms of said courts as fixed by this act.

SEC. 3. Repealing. All acts or parts of acts contravening the provisions of this act, be and the same are hereby repealed.

SEC. 4. Take effect. This act to be in force from and after its publication in the Iowa State Register, published at Des Moines, and the Democratic Standard, published at Knoxville, in said district.

Approved January 27th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register February 1, 1860, and in the Democratic Standard February 4, 1860.

ELIJAH SELLS,
Secretary of State.

[139] CHAPTER 103.

[Chap. 12.]

KEOKUK, F. D. & M. R. R. COMPANY.

AN ACT relative to the Keokuk, Fort Des Moines and Minnesota Railroad Company.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Shall not execute addition'l mortgage without consent of the bond holders—bonds shall not issue at a greater rate than \$15000 per mile—construction of bonds. That it shall not be lawful for the Keokuk, Fort Des Moines and Minnesota Rail Road Company to make any deed of trust or mortgage on their rail road and franchises from the city of Keokuk to the city of Des Moines, other than the existing mortgage executed by the said company to Luther C. Clark and Samuel R. Curtis, dated February 16, 1857, except with the consent in writing first had and obtained, of a majority in interest of the holders of the bonds secured by the said existing mortgage, such consent to be acknowledged and recorded in the same manner as the said mortgage is now recorded. And it shall not be lawful for said company to issue their bonds under the aforesaid existing mortgage at any greater rate than fifteen thousand dollars per mile, and in respect to that portion of their rail road lying between the town of Eddyville and the city of Des Moines, it shall not be lawful for said company, except with the consent in writing of a majority of bondholders in the manner aforesaid, to issue their bonds under said existing mortgage, except as the track of their railroad shall have been prepared, and the rails laid thereon and affixed thereto, so that cars can run thereon, and then only at the aforesaid rate of \$15,000 per mile, and the trustees under said mortgage shall certify such bonds only as may be issued as herein provided. But nothing herein contained shall be construed to prevent said company from making and issuing such an amount of

construction bonds as they may deem necessary to provide for the construction and equipment of the said railroad, or to secure the same by pledge of the bonds issued under and secured by the aforesaid existing mortgage.

[140] SEC. 2. **Purchases upon foreclosure of mortgages possessed of franchises, &c.** In case said existing mortgage or deed of trust shall be foreclosed, and a sale of said road be made by the trustees, or by order or decree of court under said mortgage, the road, its appurtenances and franchises shall immediately thereby pass to the purchaser or purchasers, who shall be deemed the successors to said Keokuk, Fort Des Moines and Minnesota Rail Road Company, and as such shall take, have, enjoy and exercise all the rights, powers, privileges and franchises that were possessed by said Keokuk, Fort Des Moines and Minnesota Railroad Company at the time of the execution of such mortgage or deed of trust, or at the time of sale aforesaid.

SEC. 3. **Take effect.** This act shall take effect when accepted by the said company, by a resolution to that effect of the board of directors, duly authenticated by the president and secretary, under the corporate seal of the said company, and filed in the office of secretary of state.

SEC. 4. This act to be in force from and after its publication in the Iowa Citizen and Iowa State Journal, without expense to the state.

Approved February 10th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal February 18th, 1860, and in the Iowa State Register February 22, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 104.

[Chap. 16.]

SCHOOL LANDS.

AN ACT to amend Chapter 156 of the Seventh General Assembly, entitled "Preemptions of School Lands," Approved March 23d, 1858.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Pre-emptor entitled to purchase.** That any claimant or pre-emptor, entitled to purchase any of the lands described in said act, at the time of the approval thereof, and was unable [141] to file a statement under oath, of the date and character of his claim, within the sixty days after the taking effect of the same, be and the same is hereby empowered to make the purchase therein contemplated, on filing with the county judge of the county wherein the land is situated, an oath as in the same act required, and the further statement under oath that the said claimant or pre-emptor was deprived of the benefit of said act in consequence of the expiration of the sixty days before he knew of the passage of the act.

SEC. 2. This said oath shall be filed with the county judge in six months from the taking effect of this act.

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

Approved February 11th, 1860.

CHAPTER 105.

[Chap. 23.]

ROAD COMMISSIONERS.

AN ACT to amend section 530 of the Code.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Must be sworn.** That section 530 of the code, be and the same is hereby amended, so as to read as follows: "The Commissioner, surveyor

and assistants must be sworn by some officer authorized to administer oaths, to the faithful and impartial discharge of their several duties, except that when the County Surveyor is employe he need not be sworn."

Approved March 2d, 1860.

[142] CHAPTER 106.

[Chap. 24.]

AN ACT to repeal part of the sixth section of chapter ninety-three of the acts of the Seventh General Assembly, entitled an act to authorize the construction of Bridges in the State of Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Not to apply to the Des river above Scott's bridge.** That so much of section 6, chapter 93, of the acts of the seventh general assembly as provides that the provisions of said section providing for a draw shall not be held to apply to the Des Moines river above a point immediately below the bridge known as Scott's bridge in Polk county, and so much of said section as declares said river not navigable above that point be and the same is hereby repealed.

SEC. 2. This act to be in force from and after its publication in the Weekly Iowa State Journal and the Iowa State Register.

Approved March 2d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal March 10th, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 107.

[Chap. 29.]

ARMY OF PROTECTION.

AN ACT to authorize the Governor of the State of Iowa to provide for the protection of certain citizens thereof, to guard against Indian depredations, and making appropriation therefor.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **North west to be proted against Indians.** That for the purpose of protecting the citizens of the north-western portion of the state, and enabling them to defend themselves against the threatened depredations of marauding bands of hostile Indians, the governor be and he is hereby authorized to furnish to said settlers such arms and ammunition as he may deem necessary for the purposes aforesaid.

[143] SEC. 2. **Minute men enrolled by order of the gov.** That the governor be, and hereby is authorized to cause to be enrolled a company of minute men, in number not exceeding twelve, at the governor's discretion, who shall at all times hold themselves in readiness to meet any threatened invasion of hostile Indians as aforesaid—the said minute men only to be paid for the time actually employed in the service herein contemplated.

SEC. 3. **Minute men act as police.** That of the said minute men under the orders of the governor, at his discretion, and under such regulations as he may prescribe, a number not exceeding four, may be employed as an active police for such time, and to perform such services as may be demanded of

them, who shall be paid only for the period during which they shall be actively employed as aforesaid.

SEC. 4. **\$500 appropriated.** There is hereby appropriated from the state treasury the sum of five hundred dollars, or so much thereof as may be necessary for carrying into effect the provisions of this act.

SEC. 5. This act to take effect and be in force from and after its publication in the Daily Iowa State Register and the Daily Iowa State Journal.

Approved March 9, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Register March 13, 1860, and in the Daily Iowa State Journal March 13, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 108.

[Chap. 34.]

WEIGHT OF OATS.

AN ACT to amend section nine hundred and forty of the Code of Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **33 lbs. per bush'l.** That section nine hundred and forty of the code of Iowa, is hereby amended by striking out after the words "of oats," the words "thirty-five pounds," and inserting instead, the words "thirty-three pounds."

[144] SEC. 2. This act shall take effect immediately after its publication in the Iowa State Journal and the Iowa State Register.

Approved March 13, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register March 21 1860, and in the Iowa State Journal April 21, 1860.

ELIJAH SELLS, Sec. of State.
Secretary of State.

CHAPTER 109.

[Chap. 36.]

OCCUPYING CLAIMANTS.

AN ACT entitled an act to amend section 1240 of the Code of Iowa.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Shall have color of title and lien for improvem't and for taxes paid—ten'nts except'd.** That section one thousand two hundred and forty of the code of Iowa, be amended so as to read as follows: Any person has also such color of title who has occupied a tract of land by himself, or by those under whom he claims for the term of five years; or who has thus occupied the land for a less term than five years, if he, or those under whom he claims, have at any time during such occupancy, with the knowledge and consent, express or implied, of the real owner, made any valuable improvement thereon, or where he or those under whom he claims, have at any time during such occupancy, paid the ordinary county taxes thereon for any one year, and if two years afterwards elapsed without a repayment or proffer of the repayment of the same by the real owner of the land. Provided such occupancy is

continued up to the time at which the suit is brought by which the recovery of the land is obtained as above contemplated. Provided, that nothing in this act shall be construed to give tenants color of title against their landlords.

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

Approved March 13th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register March 21, 1860, and in the North Iowa Times, March 21, 1860.

ELIJAH SELLS, Sec. of State.

[145] CHAPTER 110.

[Chap. 43.]

MORTGAGES.

AN ACT to regulate the foreclosure of Mortgages.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Foreclosure.** That in actions now commenced, or which may hereafter be commenced, in any of the courts of this state, for the foreclosure of any mortgage or mortgages, the defendants shall not be held to answer therein until the expiration of nine months after the date of the service of the original notice in such actions on the first defendant served, any provision in any law or laws enacted by the general assembly at its present session to the contrary notwithstanding.

SEC. 2. From and after the first day of January, one thousand eighth hundred and sixty-one, this act shall cease to be in force, and the class of actions mentioned in this act, shall be governed by rules of practice concerning such actions in force at that time.

SEC. 3. **Take effect.** This act to take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Journal, newspapers published at Des Moines.

This bill having remained with the Governor three days, Sunday excepted, the General Assembly being in Session, has become a law this 21st day of March, 1860.

ELIJAH SELLS,
Secretary of State.

I hereby certify that the foregoing act was published in the Iowa State Journal, April 7th, 1860, and in the Iowa State Register March 28th, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 111.

[Chap. 49.]

COUNTY JUDGES.

AN ACT limiting the powers and defining the duties of County Judges in certain cases.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. [146] **Limited in constructing for public buildings.** That no contract made by any co. judge for the use of, or for the erection of county buildings where the expenditures exceeds two thousand dollars, shall be legal, unless it is first submitted to a vote of the people of his county as provided

in sections one hundred and thirteen (113) and one hundred and fourteen (114) of the code of Iowa.

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

SEC. 3. **Take effect.** This act shall take effect and be in force from and after its publication in the Iowa State Register and the Iowa State Journal, anything in sections twenty-three (23) and twenty-four (24) of the code to the contrary notwithstanding.

Approved March 22, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register March 28th, 1860, and in the Iowa State Journal April 7th, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 112.

[Chap. 58]

STATE HISTORICAL SOCIETY.

AN ACT entitled an act to amend an act entitled an act to provide for an annual appropriation for the benefit of a State Historical Society, approved Jan. 28th, 1857.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **\$500 appropriated annually to be expended by the society.** That chapter two hundred and three (203) of the laws of the 6th general assembly, approved January 28th, 1857, be amended as follows:

That there is hereby annually appropriated, until the legislature shall by law otherwise direct, to the state historical society, formed in connection with, and under the auspices of the state university, the sum of five hundred dollars, to be expended by said society in collecting, embodying, arranging and preserving in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary and other materials illustrative of the history of Iowa. To rescue from oblivion the memory of its early pioneers, to obtain and preserve varieties of their exploits, perils and hardy adventures. To secure facts and statements relative to the history, genius, progress or decay of our Indian tribes. To exhibit faithfully the antiquities, past and present resources of Iowa. Also, to aid in the publications of such of the collections of the society as the society shall from time to time deem of value and interest. To aid in binding its books, pamphlets, manuscripts and papers, and in paying other necessary incidental expenses of the society.

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

Approved March 26th, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 7th, 1860, and in the Iowa State Register April 4, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 113.

[Chap. 83.]

CHANGE OF VENUE.

AN ACT to authorize change of Venue in certain cases.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **When jury cannot be obtained.** That in any civil action in the district court, where it is made to appear to the judge thereof that a jury of

twelve men cannot be obtained in the county where said action is pending, then, upon application of either party, a change of venue shall be granted to the nearest county in which a jury can be obtained.

SEC. 2. The change of venue herein authorized shall be made in accordance with the laws now in force, or hereafter to be in force, governing change of venue in civil cases.

Approved March 30, 1860.

[148] CHAPTER 114.

[Chap. 103.]

MORTGAGES.

AN ACT to provide for the redemption of Real Estate sold on foreclosure of mortgages.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Right of redemption allowed.** That in all cases when judgments or decrees are rendered by any of the courts of this state upon a foreclosure of mortgages on real estate, the defendant, judgment creditors, and other creditors having liens on the mortgaged premises, shall, in case of the sale of the mortgaged premises on execution, have the same time to redeem and the same rights to redemption as in cases of sales on ordinary judgments at law, as provided for in chapter 110 of the code, and all acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 2. *And be it further enacted,* That this act shall take effect from and after its publication in the Daily Iowa State Register and the Daily Iowa State Journal, two newspapers published at Des Moines City.

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Journal April 13, 1860, and in the Iowa State Register April 11th, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 115.

[Chap. 106.]

OATH OF OFFICE.

AN ACT requiring Trustees Managers, Commissioners and Inspectors of public buildings, improvements and Institutions to take and subscribe an oath, and punishing violation of the same.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Offic'r havi'g disposition of money for the erection of public building shall be sworn, &c.** That every person appointed by the governor, or elected by the legislature, or otherwise appointed or elected a trustee, manager, commissioner or inspector, or a member of any board of [149] trustees, managers, commissioners or inspectors, now or hereafter created or provided by law for the government, control, management or inspection of any public building, improvement or institution whatsoever, owned, controlled or managed, in whole or in part, by or under the authority or direction of this state, shall, before entering upon the discharge of his duties, as such trustee, manager, commissioner or inspector, take and subscribe an oath, in substance and form as follows: "I (here insert affiant's name) do solemnly swear that

I will support the constitution of the United States, and of the state of Iowa; that I will honestly and faithfully discharge the duties of (here describe nature of the office, trust or position as trustee, manager or inspector, as the case may be) according to the laws that now are or that may hereafter be in force, regulating said institution, and prescribing the duties of trustees, managers, commissioners or inspectors thereof, (as the case may be;) that I will, in all things, conform to the directions contained in said law or laws, and that I will not, directly or indirectly, as such trustee, manager, commissioner or inspector, (as the case may be) make, or enter into, or consent to any contract or agreement, expressed or implied, whereby any greater sum of money shall be expended or agreed to be expended than is expressly authorized by law, at the date of such contract or agreement.

SEC. 2. **Contracts must be limited to within the term of, the officer contracting.** Any such officer who shall be empowered to expend any public monies, or to direct such expenditures, is hereby prohibited from making any contract for the erection of any building, or any other purpose which shall contemplate any excess of expenditures beyond the terms of the law under which said officer was appointed.

SEC. 3. Any such officer already elected or appointed, who has not already taken such oath, shall forthwith do so, and shall be subject to the provisions of this act.

SEC. 4. **Oath to be filed with the audit'r of state.** All the oaths required by this act shall be filed in the office of auditor of state, and the state [150] auditor shall not draw any warrant upon the state treasurer for the purposes for which any of said officers are appointed until said oaths are so filed.

SEC. 5. **Penalty.** Any person wilfully violating the provisions of this act, shall, upon conviction thereof, be liable to a fine not exceeding five thousand dollars, or imprisonment in the penitentiary not exceeding five years, or both, at the discretion of the court.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 21st, 1860, and in the Iowa State Register May 2, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 116.

[Chap. 120.]

SWAMP LANDS.

AN ACT, to amend an act entitled "an act to prevent trespass or waste on swamp or other lands, in the State of Iowa, and for other purposes" approved January 25th, 1855.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. **Prevent trespass or waste—penalty.** That section 3 of an act entitled "a bill to prevent trespass or waste on swamp or other lands in the state of Iowa, and for other purposes" approved January 25, 1855, be and the same is hereby amended so as to read; "on the appearance of the person or persons arrested under said warrant the county judge shall proceed to hear testimony in the case, and if the person or persons so arrested shall be found

guilty of committing trespass or waste contrary to the provisions of this act he or each of them, if more than one is arrested, shall be adjudged to pay a fine not exceeding [151] one hundred dollars, or to be imprisoned in the county jail for a period not exceeding thirty days, at the discretion of said judge. *Provided*, that any person so arrested shall be entitled to be tried by a jury of six disinterested residents of the county, if he or they require it, and the county judge shall have authority to commit such person to the county jail until the fine and costs adjudged against him shall be paid.

SEC. 2. This act to be in force from and after its publication in the Iowa State Register and Iowa State Journal.

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 25, 1860, and in the Iowa State Journal April 21, 1860.

ELIJAH SELLS,
Secretary of State.

STATE OF IOWA—SS.

I, ELIJAH SELLS, Secretary of the State of Iowa, hereby certify that the foregoing acts and resolutions are truly copied from the original rolls on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the state of Iowa. Done at Des Moines, this 9th day of May, A. D., 1860.

ELIJAH SELLS,
Secretary of State.

L. S.

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