

hereby appointed commissioners to lay out and establish a state road from Elkader, in Clayton county, to Quasqueton, in Buchanan county.

**SEC. 2. Time and place of meeting.** That said commissioners, or a majority of them, shall meet at Elkader, on the first Monday in March next, or within sixty days thereafter, and proceed to lay out and establish said road agreeably to the laws now in force on that subject.

**SEC. 3. Duties.** That said commissioners shall take to their assistance a surveyor, and other necessary hands, and they shall receive such compensation and in such manner as is approved by law.

**SEC. 4. When to take effect.** This act to take effect from and after its passage.

Approved, January 24, 1848.

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[29] CHAPTER 28.

PEDLARS.

· AN ACT to license and tax pedlars.

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

**SECTION 1. Who are pedlars.** That whoever shall deal in the selling of goods, wares, and merchandize, other than the growth, produce, or manufacture of this state, by going from place to place to sell the same, is declared to be a pedlar.

**SEC. 2. To be licensed.** No person shall deal as a pedlar without a license; and no two or more persons shall deal under the same license either as partners, agents, or otherwise.

**SEC. 3. Manner of peddling.** Every license shall state the manner in which the dealing is to be carried on; whether on foot or with one or more beasts of burden or carriage.

**SEC. 4. Rates of license.** There shall be levied and paid on all pedlars, (except clock pedlars), the following rates: First—If the pedlar travel and carry his goods on foot, three dollars for every period of six months. Second—If on one or more beasts of burden, six dollars for every period of six months. Third—If on a cart or other land carriage, ten dollars for every period of six months.

**SEC. 5. License how obtained—duty of county clerk—duty of auditor.** Any person desirous of obtaining a pedlar's license, may do so in the following manner, to-wit: He shall pay in money to the treasurer of some county in this state, the amount levied on such license, and take his receipt for the sum so paid; which receipt he shall deliver to the clerk of the board of commissioners of such county, whose duty it shall be to issue to such person a license, under the seal of the commissioners of his county, and make a return of the amount of such receipt to the auditor of state, when the auditor shall charge said amount to the county treasurer of said county, which shall be paid in by him to the state treasurer.

**SEC. 6. Clock pedlars.** Every person who shall deal in the selling, exchanging, bartering, leasing, hiring, or lending clocks, or who shall dispose of the same by any kind of artifice, device, or contrivance whatsoever, by travelling from place to place, shall be deemed a clock pedlar.

**SEC. 7. Clock pedlar's license.** Any person may obtain a license as a clock pedlar in the same manner, and by the same means, as above provided, in the case of pedlars of merchandise. There shall be levied and paid on every clock pedlar's license, twenty-five dollars for every period of six months, as a state tax.

[30] **SEC. 8. Refusing to produce license.** If any pedlar or travelling merchant shall, upon the demand of any person of lawful age, to whom he shall offer to sell any wares, merchandise, or clock, refuse to produce his license and allow the same to be read by the person making the demand, such refusal shall be taken as *prima facie* evidence that he has no license.

**SEC. 9. Fines.** Every person who shall be found dealing as a pedlar without a license, or contrary to the terms of his license, shall forfeit, if a foot pedlar, the sum of ten dollars; if on one or more beasts of burden, the sum of twenty dollars; if in a cart or other land carriage, fifty dollars.

**SEC. 10. Violations of this act.** Whenever an affidavit shall be filed with any justice of the peace, charging any person with a violation of this act, it shall be the duty of such justice to issue a warrant and cause the offender to be brought before him or some other justice of the peace of the proper county.

**SEC. 11. Duty of justices—costs.** When any person shall be brought before a justice of the peace, under the provisions of this act, it shall be the duty of the justice to hear, try, and determine, in a summary manner, the complaint alleged against the defendant; and trial in such cases shall be governed by the laws regulating trials in cases of breach of the peace, so far as the same is applicable; and if any pedlar who shall have refused to show his license, in accordance with the provisions of the eighth section of this act, shall offer such license in evidence thereafter, he shall be adjudged to pay all costs that may have accrued up to the time he shall so offer his license in evidence.

Approved, January 24, 1848.

## CHAPTER 29.

### PROSECUTING ATTORNEYS.

AN ACT to amend "an act to define the duties of prosecuting attorneys, and provide compensation for their services."

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

**SECTION 1. As to nol. prosequi.** That no prosecuting attorney shall hereafter receive any compensation for services rendered in any case in which he shall enter a *nolle prosequi*, unless the acting judge shall certify that in his opinion the said *nolle prosequi* was not entered merely to prevent the indictment from being quashed, but for good and sufficient cause, for which the prosecuting attorney was not responsible.

**SEC. 2. When to take effect.** This act to take effect and be in force from and after its publication.

Approved, January 24, 1848.