

and other things appertaining to said office, it shall thereupon be the duty of said sheriff or coroner, as the case may be, forthwith to deliver to said clerk elect said books, stationery and other things appertaining to said office; and if the clerk of the said district court of said territory of Iowa, or other persons having the possession or control of said books, etc., shall, upon demand by said sheriff or coroner, refuse or neglect to deliver immediate possession of the same, said officer shall break open any house or other place wherein said books, etc., may be, as under a writ of replevin, and deliver possession of said books, stationery, furniture, etc., to the clerk elect; and said officer shall return into the office of the clerk of said district court a copy of said certificate, (returning the original to the clerk elect,) with a return thereon, as in a writ of replevin, with the amount of his costs for executing the same; and the said court, at its next session, shall, upon motion, cause judgment to be entered up in favor of said officer and against said defendant, for the amount of the same, unless they be previously paid by said defendant; and the person withholding the same shall, furthermore, be liable to every person who may be injured in consequence of said withholding, before any court having jurisdiction of the same—said remedy to be sought in an action on the case.

**SEC. 4. Vacancies how filled—duty of clerk of commissioners—notice—places and manner of election.** And be it further enacted, that when a vacancy shall occur in either of the said offices of clerk or prosecuting attorney, from death, resignation, removal, or otherwise, it shall be the duty of the clerk of the board of county commissioners of the proper county, to order an election to fill said vacancy, by giving at least fifteen days notice of the same, by pasting up written notices of the same in two of the most public places in each township in said county; which said election shall be held at the usual places for holding elections in said county, and be conducted in all respects, so far as applicable, as other elections are conducted, and returns made in the same manner.

**SEC. 5. Clerks and attorneys to give bond, etc.** And be it further enacted, that all clerks and prosecuting attorneys hereafter elected, under and by virtue of the constitution and laws of this state, shall, before they enter upon the discharge of their respective duties, give bond and qualify, as specified in the first and second sections of this act.

[27] **SEC. 6. To take effect.** This act shall take effect from and after its publication in the weekly newspapers printed in Iowa City.

Approved, January 21st, 1847.

Published in the Reporter and Standard, January 27th, 1847.

## CHAPTER 10.

### TREASURER OF STATE.

AN ACT prescribing the general duties of treasurer of state.

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

**SECTION 1. To keep his office at seat of government—to have charge of public money, etc.** That the treasurer of state shall keep his office at the seat of government, shall have charge of, and safely keep, all public moneys which shall be paid into the treasury, and pay out the same as directed by law and perform all such other duties as now are, or shall hereafter be, required of him by the laws of this state.

**SEC. 2. To give bond—oath of office—bond and oath to be filed with secretary.** That previous to entering on the duties of his office, the treasurer shall give bond, with four or more securities, to the acceptance of the governor, in the sum of seventy-five thousand dollars, payable to the state of Iowa, conditioned for the faithful discharge of his duties as treasurer; and shall take and subscribe an oath or affirmation faithfully to discharge the duties of his office; which bond, and oath or affirmation, shall be deposited with the secretary of state, and an action may be maintained thereon by the state, at any time, for any breach of the condition or conditions thereof.

**SEC. 3. Additional security.** The legislature, and when not in session, the governor, may, at any time, during the continuance in office of the treasurer, require him to give such additional security as they shall deem necessary, for the complete indemnity of the state.

**SEC. 4. Treasurer to keep account.** That the treasurer shall keep an accurate account of the receipts and disbursements at the treasury, in books to be provided for that purpose at the expense of the state; in which he shall specify the names of the persons from whom received, or to whom paid, on what account the same is received or paid out, and the time of such receipt or payment.

**SEC. 5. Auditor's bill to be received in payment of public dues—or redeemed—bills to be endorsed and cancelled—bills redeemed to be entered.** That the treasurer shall receive in payment of public dues, the bills drawn by the auditor of state, in conformity with the laws of the state, or redeem the same, if there be money in the treasury appropriated for that purpose; and on redeeming such bill, or receiving the same in payment, he shall cause the person presenting such bill to endorse the same, and the treasurer shall write on the face of such bill, "redeemed;" and shall enter in his books, in separate columns, the number of such bill, its date, amount, the name of the person to whom payable, the date of the payment, and the amount of interest, if any, paid thereon.

**SEC. 6. Bills unredeemed to bear interest—treasurer to endorse bills presented—notice of funds—interest to cease—bills to be paid in the order in which they are presented.** That when any bill shall be presented at the treasury for redemption, and there shall be no funds therein appropriated for that purpose, the treasurer of state shall endorse thereon the date of its presentation, with his signature thereto; from which time such bill shall bear legal interest; and when there shall be funds in the treasury for the redemption of bills so presented and endorsed, the treasurer shall give notice of the fact, by three insertions in some newspaper printed at the seat of government, and at the expiration of thirty days after the date of the first publication of such notice, the interest on such bills shall cease; and it shall be the further duty of the treasurer, when there are funds on hand, to pay all bills in the order in which they are presented.

**SEC. 7. Bills redeemed to be deposited with auditor.** That the treasurer shall, on the first Monday of March, June, September, and November, annually, deposit in the office of the auditor of state, all bills by him redeemed or received in payment at the treasury, and take the auditor's receipt therefor.

**SEC. 8. Report to the governor.** That the treasurer shall report to the governor, the state of the public accounts and funds up to the first day of November, preceding the meeting of the legislative assembly, exhibiting the amount by him received, the amount paid out the preceding year or years, and the balance remaining in the treasury.

**SEC. 9. Books, funds, etc., to be submitted to legislature.** That the treasurer shall, as often as required, submit his books, accounts and vouchers, and

the funds in the treasury, to the inspection of the legislature, or any committee thereof appointed for that purpose.

**SEC. 10. Not to purchase any bill or account—no fee or reward for transacting business.** That the treasurer shall, in no case, purchase or receive any bill, redeemable at the treasury, or any audited account, at a less value than is expressed therein; nor shall he receive any fee or reward for transacting any business connected with the duties of his office, other than that allowed by law.

**SEC. 11. Expenses—to take effect.** That the necessary incidental expenses of the treasurer shall be at the expense of the state; and this act shall take effect and be in force from and after its publication in the weekly papers of this city.

**SEC. 12. Repealing section.** That all acts and parts of acts, coming in conflict with this act, be and the same are hereby repealed.

Approved, January 21st, 1847.

Published in the Standard Jan. 27, 1847, and in the Reporter Feb. 3, 1847.

## [29] CHAPTER 11.

### TOWNSHIP ORGANIZATIONS.

AN ACT to amend an act of the territorial legislature, entitled "An act for the organization of townships," approved 17th, February, 1842.

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

**SECTION 1. Counties to be divided into townships—name of townships—to be recorded.** That the board of commissioners of each county, which shall not be divided into townships when this act takes effect, and of each county to which any county or counties, not so divided, shall at that time be attached for election and judicial purposes, shall, at any regular or called session, as early as practicable, divide such attached county or counties, into townships of size and shape most convenient to the inhabitants; giving to each such name as the inhabitants thereof may prefer, and shall appoint a central and convenient place in each township, for holding the first township election; and the clerk of the board shall record the name of each township, with a particular description of its boundaries; and every county afterwards established, or organized, shall be divided into townships, in like manner, at any regular or called session of the board of commissioners thereof, or of the county to which the same may be attached.

**SEC. 2. Repealing section.** The first section of the act to which this is an amendment, is hereby repealed, saving the enacting clause.

Approved, January 21st, 1847.

## CHAPTER 12.

### FERRY AT MONTROSE.

AN ACT to authorize Isaac A. Lefevre, his heirs and assigns, to establish and keep a ferry across the Mississippi river, at Montrose in Lee county.

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

**SECTION 1. Isaac A. Lefevre authorized to establish a ferry at Montrose, for 12 years—to be subject to laws regulating ferries.** That Isaac A. Lefevre,