

## [41] CHAPTER 29.

## STATE ROAD.

AN ACT to locate and establish a state road from West Point, in Lee county, to Bonaparte, in Van Buren county.

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

**SECTION 1. Commissioners appointed.** That Jacob Henkle, sen., and Jacob Grewell, of the county of Lee, and Giles Wells, of the county of Van Buren, be and they are hereby appointed commissioners to lay out and establish a state road, beginning at a public road leading from West Point to Farmington, at or near Big Sugar creek, in Franklin township, Lee county; thence, raising the bluffs of said creek, at the best and most suitable place, so as to strike the section line north of sections fifteen and sixteen, township — north, and thence along said line as near as practicable to the town of Bonaparte, in Van Buren county.

**SEC. 2. Where to meet—duties.** Said commissioners, or a majority of them, shall meet at the house of Charles McVay, in Lee county, on the second Monday of April next, or within thirty days thereafter, and proceed to lay out and establish said road according to law.

**SEC. 3. Assistance—how paid.** Said commissioners shall take to their assistance a surveyor and necessary hands, who, together with the commissioners, shall receive such compensation, and in such manner, as is allowed by law.

Approved, February 4th, 1847.

## CHAPTER 30.

## PROSECUTING ATTORNEYS.

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. Duties of prosecuting attorney—exception.** That it shall be the duty of the prosecuting attorney in each county to prosecute all pleas, complaints, indictments and presentments, and prosecute all suits against delinquent sheriffs and collectors of the state and county revenue, and other persons who now are or may hereafter be indebted to the state, or any of their respective counties, where the state or county may be a party, except in cases where the complaint shall be made in the name of the state or county, for the benefit of some third person.

[42] **SEC. 2. Give advice—not to assist any person charged with crime—penalty.** The said prosecuting attorneys shall give their advice to the civil officers and officers of common schools of their respective counties touching any matter in which the public have an interest; and any prosecuting attorney who shall in any way assist any person or persons charged with having committed any crime or misdemeanor in their respective counties shall, upon conviction thereof, be forever disqualified from holding any office of profit or trust under the laws of this state.

**SEC. 3. Take an oath—duty of clerk of dist. court.** The said prosecuting attorneys, before entering upon the duties of their office, shall take an oath to faithfully discharge the duties of their office; which oath it shall be the duty of the clerk of the district court of the county in which they reside, to administer and endorse upon the back of their certificate of election, which certificate shall be preserved by the said clerk with the papers in his office.

**SEC. 4. Compensation of attorneys—proviso.** And as compensation for their services, the said prosecuting attorneys shall receive the following:

For attending the grand jury, per day.....	\$3.00
For drawing each indictment .....	2.50
For prosecuting each criminal case.....	10.00
For prosecuting each misdemeanor .....	5.00
For prosecuting or defending each civil suit in the district court, when the state or county is a party.....	10.00

Provided, however, that when any indictment shall be quashed, the said attorneys shall receive no compensation for drawing the indictment or arguing the case before the court.

**SEC. 5. Duty of county commissioners—proviso.** That whenever the said prosecuting attorney shall present to the board of county commissioners of their proper county their bill for services rendered, duly certified by the clerk of the district court of their county, that the services mentioned in said bill have been rendered, and that said bill is correct, it shall be the duty of said county commissioners to allow the same, and order that amount to be paid by the treasurer of said county: provided, that in no case shall the clerk certify to any services rendered in any case then pending in court.

**SEC. 6. Vacancy in the office of prosecutor to be filled by judge.** That whenever a vacancy shall occur by death, resignation or removal from office of the prosecuting attorney, it shall be the duty of the judge of the district court for said county in which the said attorney resided to fill the vacancy, by appointing some member of the bar to act until a successor is elected and qualified.

**SEC. 7. Take effect.** This act to take effect and be in force from and after the first Monday in August next.

Approved, February 4th, 1847.

[43] CHAPTER 31.

THE MINERS' BANK.

AN ACT to provide for the payment of the debt due the Miners' Bank, of Dubuque.

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

**SECTION 1. Auditor required to audit the debt due the bank—to apply the proceeds of the sale of lots—proviso—publication and effect.** That the auditor of state be, and he is hereby authorized and required to issue his warrant on the treasurer, to the "President, directors and company of the Miners' Bank of Dubuque," or to their assigns, for any amount of balance of debt and interest which may be found to be due to the said company by the late territory of Iowa, after applying the proceeds of the sale of lots under the provisions of "An act to provide for the payment of the debt due the Miners' Bank of Dubuque," approved May 10th, 1845: provided, that the said president, direc-