

**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-

tors and company, or their assignee, shall first surrender to the auditor the evidences of debt executed to them by the territorial agent, under the act of the 15th of January, 1841.

This act shall take effect from and after its publication in the weekly newspapers of Iowa City.

Approved, February 8th, 1847.

Published in the Reporter and Standard February 17th, 1847.

## CHAPTER 32.

### GOVERNOR.

AN ACT prescribing the general duties of the governor.

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

**SECTION 1. To transact all necessary business.** That the governor shall carefully and promptly transact all necessary business with the officers of the state, both civil and military, and discharge all the duties which may be required of him by law.

**SEC. 2. To deposit acts, etc., in secretary's office.** He shall cause all acts and joint resolutions of the general assembly which have become laws or taken effect by his approval thereof, or otherwise, to be deposited in the office of the secretary, without delay.

**SEC. 3. Duty in cases of certain suits.** Whenever he shall receive notice of the commencement of any suit or proceedings between other parties, by which the rights, interests and property of the state shall be liable in any wise to be [44] affected, he shall, if the public interest require it, employ such additional counsel, attorneys or other persons, to act in conjunction with the attorney general, as he may judge proper to protect the rights and interests, and make every legal and equitable defence on behalf of the state against such suit or proceedings.

**SEC. 4. Expenses to be paid by the state.** All expenses incurred under the last preceding section in taking care that the laws are faithfully executed, and in recapturing fugitives from justice of this state to other states and territories, if the governor shall allow the same, shall be paid out of the moneys appropriated by the general assembly for such purposes.

**SEC. 5. Treasurer, secretary and auditor to report.** The treasurer and the secretary of state, and the auditor of public accounts, shall respectively report to the governor all defalcations, and all neglect of duty of any disbursing or collecting officer or agent of the state, who is required to file his bond with either the said treasurer, secretary and auditor; and, also, all failures to perform any undertaking made by any person with this state, whose bond, contract or obligation is filed either with such secretary, treasurer or auditor.

**SEC. 6. Duty of governor upon reports.** Upon such report being made to the governor, he shall direct suit to be brought for any such default, neglect, failure or non-performance thereof, and cause all other necessary and proper matters and things to be done for the due prosecution of such suit.

**SEC. 7. Incidental expenses to be paid by state.** All necessary incidental expenses of the governor, connected with the duties of his office, shall be paid by the state.