

that no person shall have authority to enter or interfere with the buildings or other property of said college, under this act, without the leave of the trustees or other persons having charge thereof.

**SEC. 4. Buildings not to be erected—not to be sold or leased.** That the trustees of said college, or other persons having the direction, control or management thereof, shall erect no building or buildings for dwelling houses or other purposes, except for college buildings, upon, or dispose of by sale or lease any portion of said public square, or the building or buildings thereupon.

**SEC. 5. Take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 17th, 1847.

---

## CHAPTER 56.

### STATE ROAD.

AN ACT to locate and establish a state road from Fairview, in Jones county, to Pioneer Grove, in Cedar county.

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

**SECTION 1. Commissioners—duties.** That Gideon H. Ford and Hiram Joslin, of the county of Jones, and Enoch Meeker, of the county of Cedar, be, and they are hereby appointed commissioners to locate and establish a state road, beginning at the town of Fairview, in Jones county, at a point where the military road crosses the northern and southern line which divides the east half of section twenty, township eighty-four north, of range four west of the fifth principal meridian; thence running south on said line two and a half miles; thence on the nearest and best ground, to the northeast corner of section two, township eighty-two north, of the range four west of the fifth principal meridian; and thence to intersect the territorial road leading from Davenport, in Scott county, to Marion, in Linn county, at or near the school house in Pioneer Grove, in Cedar county.

**SEC. 2. When to meet.** That said commissioners, or a majority of them, shall meet at the town of Fairview, in Jones county, on the first Monday of May, or within thirty days thereafter, and proceed to lay out and establish said road, agreeably to the laws now in force on that subject.

**SEC. 3. Assistance—compensation.** 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 provided by law.

Approved, February 18th, 1847.

---

## [71] CHAPTER 57.

### AUDITOR OF STATE.

AN ACT prescribing the general duties of the auditor of state.

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

**SECTION 1. To give bond.** That the auditor of state, before entering upon the duties of his office, shall give bond with such sureties as shall be approved

by the governor, in the penal sum of five thousand dollars, conditioned for the true and faithful performance of the duties enjoined and required by law to be performed by such auditor, and for the delivery to his successor in office all books, papers, documents, maps, vouchers or other effects belonging or appertaining to the said office of auditor.

**SEC. 2. Place of office and duty.** That the auditor shall keep his office at the seat of government, and do and perform all the duties appertaining thereto which are or may be required by law or resolution of either house of the general assembly.

**SEC. 3. Accounts.** It shall be the duty of the said auditor to keep and state all accounts between the state of Iowa and the United States, or any state or territory, or any individual, or any public officer of this state indebted to the state, or entrusted with the collection, disbursement or management of any moneys, funds or interest arising therefrom, belonging to the state, of every character and description whatever, where the same are derivable from, or payable into, the state treasury.

**SEC. 4. Treasurers and collectors.** To examine and audit the accounts of all treasurers and other collectors and receivers of all state revenues, taxes, tolls and incomes levied or collected by any act of the general assembly, and payable into the state treasury, and certify the amount or balance to the treasurer of state.

**SEC. 5. Revenues and funds.** To keep fair, clear, distinct and separate accounts of all the revenues, funds and incomes of the state; and also, all expenditures, disbursements and investments thereof, showing the particulars of every expenditure, disbursement and investment.

**SEC. 6. Debtors.** To examine, adjust and settle the accounts of public debtors for debts due to the state or territorial treasury; and require all such persons, or their legal representatives, who may be indebted to the state or territory for moneys received or otherwise, and who shall not have accounted therefor, to settle their accounts.

**SEC. 7. Claims.** To examine and audit the claims of all persons against the state or territory, in cases where provision for the payment thereof [72] shall not have been made by law; and where no such provision, or an insufficient one has been made; to examine the claim, and report the facts with his opinion thereon to the legislature; and no allowance shall be made to refund moneys from the treasury, without his statement for or against the justice of the claim.

**SEC. 8. To draw warrants.** To draw warrants on the treasurer for all moneys directed by law to be paid out of the treasury to public officers, or for any other object whatsoever, as the same may become due and payable; but no warrant shall be drawn unless authorized by law, and every warrant shall be properly numbered, and refer to the law under which it is drawn.

**SEC. 9. To divide amounts.** That when the amount due from the state to any person shall exceed twenty dollars, the auditor shall, if required, divide the sum due into parcels of not less than ten dollars, and shall issue warrants for the several parcels into which the amount shall be so divided.

**SEC. 10. Faith of the state pledged.** That for the redemption of all warrants issued in conformity with the provisions of this act, the faith of the state is hereby pledged.

**SEC. 11. Information to the governor.** To furnish the governor, on his requisition, information in writing upon any subject relating to the duties of his office.

**SEC. 12. Fiscal concerns—forms.** To superintend the fiscal concerns of the state, and secure their management in the manner required by law; and furnish

proper forms to the assessors, treasurers, collectors and auditors of counties, as the same may be found expedient or necessary.

**SEC. 13. To keep books.** To keep and preserve all public books, records, papers, documents, vouchers, and all conveyances, leases, mortgages, bonds, securities for debts, moneys or property; and all accounts and property of every description, belonging or appertaining to his office, and also to the state of Iowa, where no other provision is made by law for the custody, control or safe keeping of the same, and suggest plans for the improvement and management of the public revenues, funds and incomes.

**SEC. 14. To draw warrants.** Whenever any person is entitled to draw or receive any money from the state treasury, the auditor shall draw a warrant in his favor on the treasurer of state, and deliver the same to the party entitled thereto.

**SEC. 15. As to warrants.** The auditor shall enter in a proper book provided for that purpose every warrant he draws on the treasury, in the order he issued the same, in such manner as [to] the date thereof; in whose favor drawn; the nature of the claim upon which it is founded, with reference to the law under which it is drawn; and shall carry such [73] entries into a book of general accounts, under separate and distinct heads.

**SEC. 16. Report.** To report and exhibit to the general assembly, at its regular and called sessions, a complete statement of the revenues, taxable funds, resources, incomes and property of the state known to his office; and of the public revenues and expenditures of the preceding fiscal year or years, with a detailed estimate of the expenditures [there] of to be defrayed from the treasury for the ensuing year or years—specifying therein each object of expenditure, and between such as are provided for by permanent or temporary appropriations, and such as are required to be provided for by law; and showing also, the sources and means from which all such expenditures are to be defrayed, and the probable deficiencies, if any, of the same.

**SEC. 17. To require statements.** That said auditor shall, from time to time, require all persons receiving moneys or securities, or having the disposition, management, or disbursement of any property, money, security, or funds of the state, of which an account is kept in his office, to render statements thereof to him; and all such officers or persons shall render such statements at such time and in such form as shall be required.

**SEC. 18. Persons failing to account.** Whenever any officer or other person has received moneys belonging to the state, or has been entrusted with the collection, management, or disbursement of any moneys, funds or interest accruing therefrom, belonging in like manner to, or held in trust by, the state, and shall fail to render an account thereof to, and make settlement with the auditor within the time prescribed by law; or, where no particular time is prescribed, shall fail to render such an account, and make settlement, upon being so required to do by the auditor, within ten days after such requisition, it shall be the duty of said auditor to state an account against such officer or person, charging ten per cent. damages, and interest at the rate of ten per cent. per annum from the time of failing to render an account and settle as aforesaid.

**SEC. 19. Persons failing to make payment.** That whenever any officer or other person shall render an account to, and make settlement with the auditor, and shall fail to pay over to the treasurer of state the amount or balance to be paid by such officer or person unto the state treasurer, or such person as shall be entitled by law to receive the same, within the time prescribed by law; or if no time is prescribed by law, then within the time specified by such auditor; said auditor, upon being notified by said treasurer, or otherwise, of such failure,

shall cause suit to be instituted for the recovery of the amount thus due and unpaid.

**SEC. 20. Account to be evidence.** A copy of the account in such cases, made out and certified by the said auditor, shall be sufficient evidence to support an ac-[74]-tion in any court of competent jurisdiction, for the amount or balance stated therein to be due, without proof of the signature or official character of such auditor, subject however, to the right of the defendant to plead and give in evidence, as in other actions, all such matters as shall be legal and proper for his defence or discharge.

**SEC. 21. Other remedies.** Nothing contained in the provisions of this act, shall be so construed as to impair or affect any legal or equitable remedy which might be used if such provisions were not in force, for the recovery of any debt due or to become due to the state of Iowa, or for the establishment of any right, interest, or claim, to any moneys, funds, or interest arising therefrom or securities therefor.

**SEC. 22. Incidental expenses.** The purchase of all books, stationery, fuel, or other articles necessary for the use of his office, together with all necessary incidental expenses shall be at the expense of the state.

**SEC. 23. Books, etc. open to inspection.** All the books, papers, files, letters, and transactions pertaining to the office of said auditor, shall be open to the inspection of a committee of the general assembly, or either branch thereof, and also to the governor.

**SEC. 24. Repealing section.** All acts and parts of acts coming in conflict with this act are hereby repealed.

**SEC. 25. Take effect.** That this act to take effect and be in force from and after its publication in the weekly newspapers of Iowa City.

Approved, February 18th, 1847.

Published in the Reporter and Standard February 24th, 1847.

## CHAPTER 58.

### DISTRICT COURTS.

AN ACT fixing the time of holding the district courts in this state.

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

**SECTION 1.** That the times of holding district courts in this state shall be as follows:

**First district.** In the first judicial district—In Louisa county, on the fourth Mondays in April and August; in Washington county, on the first Mondays in May and September; in Henry county, on the second Mondays in May and September; in Lee county, on the third Monday in May, the fourth Monday in September and the third Monday in February; in Des Moines county, on the second Monday in June and third Monday in October.

**Second district.** In the second judicial district—In Muscatine county, on the first [75] Mondays in February, June and November; in Scott county, on the first Mondays of March and September; in Clinton county, on the second Mondays in March and September; in Cedar county, on the third Mondays in March and September; in Jones county, on the fourth Mondays in March and September; in Jackson county, on the first Mondays after the fourth Monday