

the first section of this act, shall not be a resident of the district in which either of the commissioners whose term of office does not expire at the time of said first election, shall reside; and alternately thereafter, there shall be elected from each district one county commissioner annually, in accordance with the provisions of an act organizing a board of commissioners in each county, approved February 15th, 1843, in like manner as though the county had been divided under the provisions of said act.

SEC. 3. To take effect. This act shall take effect and be in force from and after its publication in the weekly newspapers published in Iowa City.

Approved, February 22d, 1847.

Published in the Reporter March 7th, 1847, and Standard, March 18th, 1847.

[88] CHAPTER 73.

DAVENPORT.

AN ACT to repeal the charter of the town of Davenport.

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

SECTION 1. Charter repealed. That an act entitled "An act to incorporate the town of Davenport," approved February 11th, 1842, be, and the same is, hereby repealed, from and after the first day of April next: provided, a majority of the votes polled at the election hereinafter authorized shall be in favor of such repeal.

SEC. 2. Election. Previous to the third Monday in March next the mayor of said town shall appoint three persons to act as judges of election, and shall cause a notice to be served upon such persons so appointed; and on the said third Monday in March a poll shall be opened at the LeClaire House, in said town, for the purpose of determining whether the charter of said town shall be repealed. The said election shall be opened at one o'clock, p. m., and continue open until four o'clock, p. m. The electors shall vote by ballot a ticket with the word "Repeal," or "No repeal," written or printed thereon. At the close of said election the judges shall certify the number of votes polled for and against a repeal of said charter, and shall deliver the same to the clerk of the board of commissioners of Scott county, who shall file the same in his office and enter upon the books of said board the number of votes polled for and against the repeal of said charter.

SEC. 3. Voters. Every person who is a qualified elector for mayor and aldermen of said town, and every white male person above the age of twenty-one years who shall, on the said third Monday in March next, be the legal owner of any real estate within the limits of said town, shall be allowed to vote at said election.

SEC. 4. Effect of repeal. The repeal of said act shall not extinguish the debts due to or from said corporation, nor shall the lands and tenements of said corporation revert to the grantor and his heirs, or the goods and chattels thereof be vested in the state thereby; but the mayor, aldermen and other officers who shall be in office under the law creating said corporation on the said first day of April next, shall continue to hold and exercise their said offices respectively for the term of one year thereafter, for the purpose of collecting all debts, taxes and assessments due or owing to said corporation, and for the

purpose of selling and conveying the real and personal estates belonging thereto, and paying the debts due from said corporation—but for no other purpose whatever.

[89] **SEC. 5. Take effect.** This act shall be published in the Davenport Gazette, and shall take effect from and after its publication.

Approved, February 22d, 1847.

CHAPTER 74.

JUSTICES OF THE PEACE.

AN ACT concerning justices of the peace.

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

SECTION 1. Jurisdiction of justices. That justices of the peace shall have jurisdiction in all civil cases, (except cases in chancery, and cases where the question of title to any real estate may arise,) when the amount in controversy does not exceed one hundred dollars, and by consent of parties, justices of the peace shall, furthermore, have jurisdiction in all civil cases (with the exception aforesaid), when the amount in controversy does not exceed five hundred dollars.

SEC. 2. Acts amended. So much of the act of the ninth of February, 1843, and of all other acts and parts of acts concerning the duties and proceedings of justices of the peace, passed by the authorities of the territory of Iowa, as do not conflict with the constitution of this state, or the provisions of this act, shall have the same effect as if passed by the general assembly of this state, and are hereby so amended in matters of form as to be made applicable to proceedings of justices of peace under the state organization.

SEC. 3. Terms of justices. All justices of the peace now in office are hereby authorized to hold their respective offices during the term for which they were respectively elected, and until their successors are elected and qualified.

SEC. 4. Oath of office. The form of the oath to be taken and subscribed by justices of the peace hereafter shall be as follows: "I, A. B., do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States, and the constitution and laws of the state of Iowa, that I will administer justice without respect to persons, and faithfully and impartially discharge and perform all the duties incumbent upon me as a justice of the peace, according to the best of my understanding."

SEC. 5. When to be taken. Every justice of the peace now in office, is hereby required to take and subscribe the oath prescribed in the foregoing section within sixty days from and after the taking effect of this act.

SEC. 6. How actions brought—proviso. Every action cognizable before a justice of the peace instituted by summons, shall be brought before some justice of the township [90] wherein the defendant resides, but in all cases in which any person may contract in writing to make payment at any particular place, suit may be brought in the township in which payment was to be made, in which case the process may be served in any part of the county, the justice indorsing on said process that payment was to be made in the township in which suit is brought: provided, that in no case shall any civil action (other than by attachment) against any defendant who is a householder in this state, be commenced in any county other than the one in which such defendant resides.