

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.

**SEC. 7. Style of process.** All process issued by a justice of the peace shall run, "In the name of the state of Iowa," and be directed to any constable of the proper county, except when it is otherwise specially provided; and all process issued by justices of the peace, in the name of the state of Iowa, since the adoption of the constitution of the state of Iowa by the people, is hereby declared to be legal and valid.

**SEC. 8. Attachment.** The first section of the eleventh article of the act of the ninth of February, 1843, prescribing the powers and duties of justices of the peace, is hereby so amended as to extend the sum for which a creditor may sue his debtor by attachment, before a justice of the peace, to one hundred dollars.

**SEC. 9. Acts repealed.** The first and second clauses of the thirteenth section of the first article of the said act of the ninth of February, 1843, as well as all after the enacting clause of the first section, and also the third and fourth sections of the act amendatory thereto, approved 14th February, 1844, together with so much of said acts and all other acts as come in conflict with the provisions of this act, are hereby repealed.

**SEC. 10. Take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 22d, 1847.

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

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## CHAPTER 75.

### STATE AND COUNTY OFFICERS.

AN ACT in relation to the duty of state and county officers in certain cases.

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

**SECTION 1. To complete certain acts.** That in all cases under the laws of the territory of Iowa, wherein any deed or deeds are to be executed by any sheriff, coroner, collector, or other officer of any county, or of the territory of Iowa, or any other [91] duty is to be done or performed by any such officer, under and by virtue of the laws of said territory, or to complete any such duty already commenced, it shall be legal, and it is hereby made the duty of any such officer to go on, execute and complete the same, under and by virtue of, and in the name of the state of Iowa, and the same, when complete, shall be as effectual and valid in all respects as if no change of government had taken place.

**SEC. 2. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 22d, 1847.

Published in the Reporter, Feb. 24th, 1847, and in the Standard March 3d, 1847.

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## CHAPTER 76.

### BURLINGTON.

AN ACT to amend the charter of the city of Burlington.

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

**SECTION 1. Amount of tax.** That the amount of tax to be levied upon real and personal estate by the mayor and aldermen of the city of Burlington, after