

SEC. 17. That the coroner, as soon as the verdict of the jury shall have been rendered, shall take immediate measures to have the body buried, the expense attending the burial to be paid out of the deceased person's estate, if sufficient there be, if not by the county: *Provided, however,* That if the friends of the deceased shall request to have the body to bury at their own expense, the coroner shall deliver it to them.

Body to be buried.

SEC. 18. It shall not be lawful for any person to bury or cause to be buried the body of any person whatsoever that may have come to its death by unlawful violence or other suspicious cause without first giving notice to the coroner of his county of such death, or in case the coroner is absent or cannot be had, to some justice of the peace. Every person so offending shall be liable to the sum of fifty dollars, to be recovered before any proper tribunal, one half to the use of the county, and the other half to the use of any person who will sue for the same.

Bodies not to be buried without notice.

Approved December 23, 1839.

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[Chap. 11.]

AN ACT to provide for the appointment of Notaries Public, and to prescribe their duties.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the governor of this territory by and with the advice and consent of the Council, may appoint and commission one or more notaries public in each organized county, who shall hold their office three years, unless sooner removed.

Appointment.

SEC. 2. Each notary public, so soon as he receives his commission, shall repair to the office of the clerk of the district court of his proper county and give bond to the governor in the sum of five hundred dollars, with sufficient security to be approved of by such clerk, conditioned for the due and faithful performance of his duty as notary public, which bond shall be filed in the office of the clerk, and, if forfeited, be sued for in the name of the territory and for its use.

Bond.

SEC. 3. It shall be the duty of each notary public whenever any bill of exchange, promissory note, or other written instrument shall be by him protested for non-acceptance or non-payment, to give notice

Notice of protest to maker, &c.

thereof in writing to the maker and endorsers of any bill of exchange, and to the maker, and each security or indorser of any promissory note or written instrument immediately after such protest shall have been made.

To keep record.

SEC. 4. It shall be the duty of each notary public to keep a correct record of all such notices, and of the time and manner in which the same shall have been served, and of the names of all the parties to whom the same were directed, and the description and amount of the instrument protested, which record shall, at all times, be competent evidence to prove such notice in any trial before any court in this territory; and to all the attestations, protestations and other instruments of publication of the said notaries public, due faith shall be given.

Service of notice.

SEC. 5. It shall be the duty of the notary public, personally, to serve the notice upon the person protested against, provided said person reside within two miles of the office of such notary public; but if said person reside more than two miles from such office, then the said notice may be forwarded by the first mail or other safe conveyance.

Seal.

SEC. 6. Each notary public shall procure a seal which shall be called the "notarial seal," and he shall have full power and authority to administer oaths and take acknowledgments or proofs of deeds, mortgages, powers of attorney, and other instruments of writing, with or without the release and assignment of dower.

Powers.

In case of death, &c.

SEC. 7. On the death, resignation or removal from office of any notary public, his records, together with all his official papers, shall be deposited in the office of the clerk of the district court for the same county in which said notary public resided.

Penalty for neglect.

SEC. 8. If any notary public, on his resignation or removal from office, shall, for the space of three months, neglect to deposit his records and official papers in the clerk's office, he shall forfeit a sum not exceeding five hundred dollars.

Same.

SEC. 9. If the executor or administrator of any deceased notary public, shall, for the space of three months after his acceptance of such appointment, neglect to deposit in the clerk's office the records and official papers of such deceased notary, which shall come into his hands, he shall forfeit a sum not exceeding five hundred dollars.

SEC. 10. The several clerks of the district court shall receive and safely keep all the records and official papers of any notary public which are in this act directed to be deposited in the office of said clerks. District clerks to receive records.

SEC. 11. Said clerks shall make and certify copies of any records and official papers of any notary public deposited with them, for which copies they shall be paid the same fees that such notary public would have been entitled to; and all copies certified by the said clerk shall have the same effect in law as if they had been certified by such notary public. And make copies.

SEC. 12. If any person shall knowingly destroy, deface, or conceal any records or official papers of any notary public, he shall forfeit a sum not exceeding one thousand dollars, and moreover be liable in damages to any party injured. Penalty for destroying records.

SEC. 13. When any forfeiture is incurred by this act, it may be recovered by action of debt in the name of the territory and for its use. Forfeitures, how recovered.

Approved December 24, 1839.

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[Chap. 12.]

AN ACT to provide for the election of county treasurers and to define their duties.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That there shall be elected at the general election annually, in each county in this territory, a treasurer, who shall immediately on the receipt of a certificate notifying him of his election, take an oath faithfully to perform his trust and give bond, with security to the satisfaction of the board of county commissioners, payable to said board in their corporate name, conditioned for the faithful discharge of the duties of his office, that he will account for all moneys that may come into his hands as treasurer, that he will deliver unto his successor in office all books, papers, documents and other things which he may hold by virtue of his office, and that he will pay him the balance of all moneys due the county. And said treasurer shall hold his office for the term of one year and until his successor shall be elected and qualified. County treasurers to be elected. Oath and bond.

SEC. 2. It shall be the duty of the treasurer to receive all moneys due and accruing to the county, to pay and disburse the same on orders drawn by Duty.