

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.

[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.

the board of county commissioners of the proper county attested by the clerk, and not otherwise. The said treasurer shall keep a true and just account of all moneys received and disbursed, and hold and keep the same at all times ready for the inspection of the board, and shall at every regular term of said board furnish them with a statement thereof balanced to the first day of said term, showing all the moneys received and disbursed by him since his last settlement and the balance remaining in his hands, together with the arrearages of taxes in the hands of the collectors. He shall, moreover, once in every year, settle his accounts with the said board, and produce his vouchers, which being allowed, shall be cancelled by them, by writing the word "cancelled" on the face of such order, which shall be retained and filed by the clerk of said board.

Same.

SEC. 3. It shall moreover be the duty of said treasurer, as soon as he shall have received from the clerk of said board a statement of the amount of taxes put into the hands of the sheriff or collector of his county or any of his predecessors, and which shall not have been accounted for, forthwith to proceed to collect, in the name of the county commissioners, from said delinquent, his sureties, heirs, executors or administrators, the sum or sums in arrear and due from him or them to the county, and in like manner when such treasurer shall be furnished by the clerk with a statement of jury fees, fines and forfeitures received by any officer, he shall forthwith proceed to collect the same, and place the same when collected to the credit of the county.

County orders to be received.

SEC. 4. County orders, when properly attested, shall be entitled to preference as to payment according to the order of time in which they may be presented, and upon the receipt of money into the treasury, it shall be the duty of the treasurer to appropriate and set apart the same for the discharge of such county orders so presented: *Provided, however,* That the county treasurer is hereby required to receive of any collector all county orders which such collector may have received in payment of county tax, without regard to the priority of number of any such order or orders: *And provided,* That when two or more orders are presented at the same time, preference shall be given to the order of the oldest date.

SEC. 5. That the county treasurer shall have for ^{Pay.} his services one and a half per centum for all moneys received, and one and a half per centum for all moneys paid out for the county, excepting moneys arising from the sale of town lots at the county seats, in which case he shall receive no more than two per cent for both receiving and paying out the same.

SEC. 6. In case the treasurer chosen shall decline ^{County commissioners to fill vacancy.} accepting the office, or after accepting, shall die, or resign, or remove out of the county within the year, or shall from any cause become incapable of discharging the duties of his office, the board of county commissioners shall appoint a suitable person, being a resident of the same county, to fill such vacancy; and the person appointed, being sworn to the faithful discharge of the trust and giving bond as before directed, shall be treasurer of said county for the remainder of the year, and until another shall be chosen and qualified in his stead.

SEC. 7. That hereafter it shall be the duty of any ^{License of public shows.} person or persons who may intend to exhibit to public view or show any animal or animals, wax work or other figures, rope or wire dancers, feats of circus riding, or slight of hand for gain, to apply to the treasurer of the county where such exhibition is to be made, and pay the said treasurer not less than ten nor more than fifty dollars, at the discretion of the said treasurer, who shall receipt for the same, which receipt shall be forthwith filed with the clerk of the board of commissioners of the proper county, who is hereby required to make out his permit under the seal of the said county, for which said clerk shall be entitled to receive, as a fee, one dollar, to be paid by such applicant, and the said permit shall be a sufficient authority for such applicant to show or exhibit such animals, wax work, or other things during his stay in said county, provided that such stay shall not exceed one month, and further provided, that nothing in this act contained shall prevent any board of trustees of any incorporated town from taxing such exhibition agreeably to their corporate laws and ordinances passed in pursuance thereof.

SEC. 8. All county taxes arising from tavern ^{Tavern licenses.} licenses or otherwise, shall be paid in to the county treasury.

Violations to
be prosecuted.

SEC. 9. All sheriffs, coroners, constables, clerks, county treasurers, collectors, assessors, justices of the peace and county commissioners, shall be required and it is hereby made their duty to cause to be prosecuted any person or persons who shall violate any of the provisions of this act.

Same.

SEC. 10. Any person who shall violate the provisions of the seventh section of this act, shall be prosecuted before any justice of the peace, and fined in any sum not less than twenty-five nor more than fifty dollars.

Treasurers to
prosecute
bonds.

SEC. 11. The treasurers of the several counties may, in their own names and official capacity, prosecute to final judgment and execution any suits upon bonds, notes, and other securities given to their predecessors in office, and any suits commenced by their predecessors in office, and pending at their removal therefrom; and they may also prosecute for any injuries done to the lands, buildings, or other property of their counties.

May appoint
deputy.

SEC. 12. The treasurer in each county may appoint a deputy, for whose acts he shall be responsible, and who shall take an oath for the faithful performance of the duties of his office.

Approved December 24, 1839.

[Chap. 13.]

AN ACT to make valid in law the acts of John C. Mather, done and performed by him as county surveyor of the county of Henry, and Territory of Iowa.

Acts made
valid.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That all and every official act of John C. Mather, done and performed by him in accordance with the law constituting the office of county surveyor, and defining his duties, by virtue of his appointment as county surveyor in and for the county of Henry aforesaid, during the time he has held the same and performed the duties thereof, be and the same are hereby declared to be good and valid in law, as if the said appointment had been properly the right of said county commissioners according to law: *Provided, however*, That nothing in this act shall be so construed as to permit said John C. Mather to hold said office longer than until his successor shall be elected and qualified according to law in such cases made and provided.

Approved December 30, 1839.