

day and Saturday afternoons, for four hours each. The hours to be selected and notice thereof posted on the outside of the door of the library room by the librarian.

Librarian to report.

SEC. 13. The librarian shall, at the commencement of every session of the legislative assembly, report a list of books or other property missing, if any, of the library, and an account of fines imposed and paid, and such other information in relation to the library as he may deem expedient.

Expenses to be paid.

SEC. 14. He shall, previous to the close of every session, report to the legislative assembly, a true account of all expenses incurred during the session, and since the adjournment of the next preceding session; for rent of room, fuel, candles, stationery, and other necessary incidental expenses, which shall be paid out of any moneys appropriated by congress to defray the expenses of the legislative assembly.

Pay.

SEC. 15. The librarian shall annually receive for his services, the sum of two hundred and ten dollars, payable quarterly, by the secretary of the territory, out of the fund appropriated by congress for the expenses of the legislative assembly.

Rules to be made.

SEC. 16. Such other rules, not inconsistent with this act, as may be necessary for the safe keeping and good management of the library, may be adopted by the governor and librarian, and kept, together with a catalogue of the books in the library for the inspection of those concerned.

Suits.

SEC. 17. The librarian shall carry this act into execution, and sue for all penalties, and for all injuries done to the library under this act, in the name of the territory, for the use of the library.

SEC. 18. This act to be in force from and after its passage.

Approved January 4, 1840.

[Chap. 24.]

AN ACT to provide for the support of Illegitimate Children.

Warrant to bring accused before justice.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That on complaint made to any justice of the peace in this territory, by any woman resident therein, who shall hereafter be delivered of a bastard child, or being pregnant with a child, which, if born alive, may be a bastard, accusing any person of being the father of such a child, the justice shall take such accusation in

writing, and thereupon issue his warrant, directed to the sheriff or one of the constables of his county, commanding him forthwith to bring such accused person before such justice to answer to such complaint, and on return of such warrant, the justice, in presence of such accused person, shall proceed to examine the complainant on oath respecting her cause of complaint. And such accused person shall be allowed to ask by himself or his counsel, such complainant, under her oath or affirmation, any reasonable questions necessary to his justification, and such questions and answers, with every other part of the examination, shall be reduced to writing by the justice. And if, on such examination, such accused person shall satisfactorily appear to be the father of the child, he shall pay or cause to be paid to the woman so complaining, such sum or sums of money or other property as she may agree to receive in full satisfaction, and shall further enter into a bond with the board of county commissioners of the county in which such woman shall reside, and their successors in office, conditioned to save such county free from all charges towards the maintenance of said child. And in case such person shall so comply with the requisitions of this act, then the justice shall discharge such person, on his paying the costs of prosecution.

To make satisfaction.

And give bond.

SEC. 2. When any woman has a bastard, and neglects to bring suit for the maintenance of such child, or commences a suit and fails to prosecute to final judgment, the county commissioners interested in the support of such child, when sufficient security is not offered for the support of such child to save the county from expense, shall bring a suit, in behalf of such county, against him who is accused of being the father of such child, or may take up and prosecute a suit begun by the mother of the child.

Woman neglecting, county commissioners may bring suit.

SEC. 3. In case such accused person does not comply with the provisions contained in the first section of this act, the justice to whom such complaint was made shall bind such person in a recognizance to the next district court, with sufficient security, in a sum not less than one hundred dollars nor more than five hundred dollars, to answer such accusation and to abide the judgment of court therein; and on neglect or refusal to find such security, the justice shall cause him to be committed to the jail of the county, there to be held to answer such complaint.

Persons not complying to recognize.

Or be committed.

Jury.

Mother a witness.

Order for maintenance.

To give security.

Or be committed.

Recognizance to be renewed.

Accused not appearing, scire facias to issue.

SEC. 4. When such accused person shall plead not guilty to such charge before the court to which he is recognized, the court shall order the issue to be tried by a jury, and at the trial of such issue, the examination of such accused person before the justice shall be given in evidence, and the mother of such child shall be admitted as a competent witness and her credibility left with the jury: *Provided*, On the trial of the issue the jury shall, in behalf of the man accused take into consideration any want of credibility in the mother of the child, also any variation in her testimony before the justice and that before the jury, and also any other confession of her at any time, which does not agree with her testimony on any other plea or process made in behalf of such accused person.

SEC. 5. In case the jury find the defendant guilty, or such accused person, before the trial, shall confess in court that the accusation is true, he shall stand charged with the maintenance of such child, in such sum or sums as the court may order and direct, with judgment of costs of prosecution, and moreover be liable to the suit of the complainant for damages, and the court shall require such person to give security to perform the aforesaid order. And in case the reputed father shall refuse or neglect to give security as aforesaid, and pay the costs of prosecution, he shall be committed to the jail of the proper county, there to remain until he shall comply with the order of the court, or until such court shall, on sufficient cause shown, direct him to be discharged.

SEC. 6. If it shall happen, at the time of holding such court, that the woman be unable to attend, the court shall order the renewal of the bonds of recognizance that the accused person shall be forthcoming at the next court, at which the mother of the said child shall be able to attend, and the continuance of said bonds shall be entered by order of said court, unless the security shall object thereto, and shall have the same force and effect as a recognizance taken in court for that purpose.

SEC. 7. Whenever any recognizance which shall have been entered into by any person charged with being the father of an illegitimate child, as provided for by this act, shall be forfeited, by reason of the person not appearing to answer to said charge, it shall be the duty of the court to order a scire facias to

issue against the sureties in said recognizance, commanding them to show cause at the next term of the court why judgment shall not go against them for the amount of said recognizance.

SEC. 8. If, upon the return of said scire facias served, or two returns if not found, the said sureties shall fail to show cause why the same shall not be done, the court shall enter judgment against said securities, in the same way and manner as they would have done against the principal had he appeared and confessed himself to be the father of said child: *Provided*, That they shall in no case be made liable to pay more for the support of the said child than the amount of the penalty of said recognizance.

When judgment against sureties.

SEC. 9. In all cases where the defendant shall be adjudged to be the father of the child, the order for its maintenance shall be entered, in the nature of judgment, upon the record, the different instalments becoming due at the time the court may direct. And whenever any of the instalments shall become due, and shall not be immediately paid, the same shall be collected by execution against the principal and securities as in other cases.

Order to be recorded.

Execution.

Approved January 4, 1840.

[Chap. 25.]

AN ACT regulating marriages.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That male persons of the age of eighteen years, female persons of the age of fourteen years, not nearer of kin than first cousins, and not having a husband or wife living, may be joined in marriage: *Provided always*, That male persons under twenty-one years, female persons under the age of eighteen years, shall first obtain the consent of their fathers respectively, or in case of the death or incapacity of their fathers, then of their mothers or guardians.

Who may be joined.

SEC. 2. That it shall be lawful for any ordained minister of the gospel of any religious society or congregation within this territory, who has or may hereafter obtain a license for that purpose as hereinafter provided, or for any justice of the peace in his county, or for the several religious societies agreeably to the rules and regulations of their respective churches, to join together all persons as husband and wife not prohibited by this act.

By whom.