

SEC. 9. One dollar shall be paid in on each share at the time of subscribing.

Officers.

SEC. 10. Said company shall, on the first day of June annually, choose a president, secretary, and treasurer, and such other officers as the company may think proper.

By-laws.

SEC. 11. The company shall have power to make all proper and needful by-laws, and cause their treasurer to enter into bonds upon such conditions and in such manner as the company by their by-laws shall direct. And said company shall have power to transact their business by any agent who shall enter into bonds upon similar conditions.

Approved January 13, 1840.

[Chap. 44.]

AN ACT for the relief of Van Buren county.

Arrest of
sheriff of
Clark county
to be paid by
territory.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That the county commissioners of Van Buren county shall have the power to draw from the territorial treasury any sum of money sufficient to defray all lawful expense that has accrued in taking the sheriff of Clark county, Missouri, and conveying him to the town of Bloomington, Muscatine county, in this territory, and said sum shall be paid by the treasurer of this territory, out of any money in the territorial treasury not otherwise appropriated, as soon as the accounts of such expenses shall be audited by the auditor of public accounts: *Provided, however*, That such sum of money shall not exceed an amount that is usual for services of like character.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved January 13, 1840.

[Chap. 45.]

AN ACT to amend the "Act providing for the appointment of justices of the peace, &c., approved January 21, 1839.

Two justices
to be elected
in each town
ship.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That hereafter in every township organized by law in any county in this territory, there shall be elected two justices of the peace at the first township election in like manner as township officers.

SEC. 2. The one having the highest number of votes shall hold his office two years, and the one having the next highest number shall hold his office one year. If the two highest have an equal number of votes the elder one shall have the priority.

Term of office.

SEC. 3. At every annual township election after said first election, there shall be elected in each of said townships one justice of the peace, who shall hold his office two years, and until his successor is elected and qualified.

At each subsequent election one justice to be chosen.

SEC. 4. That hereafter in every county which is not divided into organized townships, there shall be elected in each election precinct at the next general election, two justices of the peace, to be voted for only by the qualified voters residing in the precinct, one to hold his office two years, the other one year, the priority to be determined as in section second: *Provided*, That four may be elected in the Burlington precinct, and in Du Buque precinct, and three in the Farmington precinct, and four in the Fort Madison precinct, and three in the West Point precinct, and three in the Keosauqua precinct and three in the Bloomington precinct, and three in the Iowa city precinct.

Two justices in each precinct.

Exceptions.

SEC. 5. At every annual general election after the election mentioned in section four, one justice of the peace shall be elected in each election precinct, who shall hold his office two years, and until his successor is elected and qualified.

At subsequent elections one.

SEC. 6. That returns of election of such justices in such election precincts, shall be made to the clerk of the board of county commissioners, and certificates of election issued, as in other cases.

Returns.

SEC. 7. That in such counties as are mentioned in section four, where the boundaries of the election precincts are not already established or known, the board of county commissioners are hereby required (in order to carry out the purposes of this act) to establish and make known such boundaries in such manner as they shall deem proper, at a regular or special session of their board prior to the next general election.

County commissioners to define election precincts.

SEC. 8. That when any one of the last mentioned counties is divided into organized townships and justices elected as provided in section first, the justices therein who may have been previously elected under section four, shall hold their offices

When county is divided.

only till the expiration of the two years for which they were elected.

Commissions
to expire.

SEC. 9. That at the end of thirty days next succeeding the day of election of justices of the peace in any township or precinct in any county under the provisions of this act, the offices of justices of the peace in such township or precinct held by virtue of a commission from the governor, shall be deemed expired and at an end.

Unfinished
business of
deceased
justice.

SEC. 10. That every justice of the peace who shall lawfully receive the record and documents of a neighboring justice by reason of the death, resignation or removal of such justice, shall proceed to close up any unfinished business so placed in his hands in like manner as the person from whom such papers and records were received, was required by law to do.

On death of
justice papers
to go.

SEC. 11. In case of the death of any justice of the peace, his legal representatives within twenty days after the issuing of letters testamentary or of administration, shall hand over the records and all papers relating thereto of his testator or intestate to some neighboring justice of the peace of the township or precinct where the deceased lived and executed his office.

Penalty.

SEC. 12. Every person whose duty it is to comply with the requisition of the next preceding section or the twelfth section of the first article of the act to which this act is amendatory, shall forfeit and pay to the county treasurer, for every three months' neglect to comply, fifteen dollars to be recovered with costs of suit.

Certiorari.

SEC. 13. That the party, or any one of a party, aggrieved in any case of trial or judgment before a justice of the peace either by jury or otherwise, may take the same to the district court of the proper county by writ of certiorari, to be issued from said court by the clerk thereof upon the applicant giving bond with sureties approved by said clerk, within thirty days after such trial or judgment, conditioned to prosecute the same to judgment without delay, and that the party obtaining said writ will pay the debt and costs of both courts, if the judgment of the justice be affirmed or judgment be against him on trial de novo, and in all such cases the court shall examine, hear, try, and determine the same anew without regarding any error, defect or other imperfection in the proceedings of the

justice. And whenever the judgment shall be affirmed or shall be rendered on trial de novo against the plaintiff in error the judgment shall be rendered as well against the sureties as principal plaintiffs in error.

SEC. 14. That jurors in trials before justices of the peace, shall each receive fifty cents per day, or twenty-five cents for half a day, to be charged in the bill of costs. Pay of jurors.

SEC. 15. That a stay of execution of two months, may be had on all judgments before justices of twenty-five dollars, as in other cases. Stay of execution.

SEC. 16. That the twenty-fourth section of the eleventh article of the act to which this is amendatory, is hereby repealed, and the following enacted as a substitute, to wit: "In default of such bond, the same proceedings shall be had thereon as in cases of debt where bonds have been given to stay executions according to law, in such cases made and provided." Repeal.

SEC. 17. That any person having obtained a judgment, before any court of record or justice of the peace within this territory, against any defendant, the plaintiff upon filing an affidavit setting forth that the deponent verily believes that the defendant has not in his possession, within the knowledge of such affiant, any visible property or effects sufficient to satisfy said judgment and costs, and that the said affiant believes that the defendant in the judgment has property debts, rights or credits, (as the case may be stating the particulars of the case) in the hands of A. B. (naming him,) an execution upon any such judgment may issue, containing an attachment clause, which shall be served upon any such garnishee, requiring him to appear at the return of such execution and answer to interrogatories, touching his indebtedness to the said defendant in execution at or subsequent to the time of the service of such attachment. Execution with attachment served on garnishee.

SEC. 18. That if any such garnishee shall be found to be indebted to the defendant in any such execution, a judgment shall be rendered against any such garnishee for the amount for which he admits himself to be indebted in his said answers, or so much thereof as will satisfy any such execution, with costs of suit and of the attachment, and any such judgment against the garnishee shall bind all such property, effects, rights and credits in the hands of such Judgment against garnishee.

garnishee and the payment of the amount of the judgment by such garnishee, shall operate as a conclusive bar to the right of any such defendant in execution to recover the amount paid under this process against any such garnishee.

Approved January 14, 1840.

[Chap. 46.]

AN ACT for the relief of certain territorial officers.

Acts made
valid.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That the acts of any county officer of any county within this territory, except the counties of Du Buque and Henry, who shall not have taken the oath of office according to the letter of the law as prescribed by the statute of this territory, to be taken by such officer previous to entering upon the duties of his office; but who, after his election or appointment, as the case may be, shall, (acting in the good faith) have taken an oath before the proper officer, and in all other respects complied with the requisitions of the law in such case provided, shall be considered valid in any court of law or equity within this territory, in the same manner as if such officer had taken the oath according to the strict letter of the law in such case made and provided, and any such officer is hereby declared a legal officer, entitled and required to fulfil and perform all the duties of his office.

To be valid
when.

SEC. 2. That any county officer who shall, acting in good faith and owing to the absence of necessary information on the subject have filed his bond or affidavit with an officer not authorized by law to receive the same, shall be considered and he is hereby declared a legal officer so soon as he shall have filed his bond or affidavit with the officer authorized by law to receive the same, and his past acts in such office are hereby declared as valid and legal as if such bond or affidavit had been filed before the officer authorized by law to receive the same.

Approved January 14, 1840.

[Chap. 47.]

AN ACT to establish a seminary of learning at or near Antwerp, in Cedar county.

Incorporation.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That there