

of service thereof, as a necessary part of the service and return thereto.

Repeal.

SEC. 5. The fiftieth section of the act to which this is amendatory is hereby repealed.

Jury fee.

SEC. 6. In each cause tried by a jury in the district court there shall be taxed in the bill of costs in such cause, three dollars, as a jury fee, which, when collected, shall be paid by the clerk of said court into the county treasury.

By whom cause discharged.

SEC. 7. That in all suits, actions, prosecutions or judicial proceedings now pending or hereafter to be instituted in courts of this territory, the attorney of record only and no other person, shall be competent or able in law or equity to discharge such judicial proceedings or the cause of action on which the same is or shall be founded, except such release or discharge be allowed and presented by the court in open court on notice to such attorney, counsellor, or solicitor, or his legal representatives.

Approved January 17, 1840.

[Chap. 78.]

AN ACT to punish for trespass on school and other lands.

Trustees.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the several boards of county commissioners are hereby made the trustees of the school lands in their respective counties, and they shall execute the duties of trustees of the school lands so far as relates to the sixteenth section according to law, and the best of their understanding.

Trespasses—penalty.

SEC. 2. That if any person shall hereafter trespass upon the school lands or sixteenth section or other lands selected in lieu thereof, by cutting down, destroying, or hauling from off the same any timber, stone-coal, or minerals of any description, every person so offending shall forfeit and pay double the value of such timber, stone, or stone coal, or minerals of any description, to be recovered in the name of the trustees before any justice of the peace or before any court having competent jurisdiction thereof, or by indictment by the grand jury of the district court of the county, and to be appropriated to the use of the townships for school purposes.

On non-payment to be imprisoned.

SEC. 3. Hereafter when any person shall be found guilty of trespassing on the sixteenth section or other school lands in this territory, and neglects

or refuses to pay damages and costs, it shall be the duty of the court before whom such judgment was rendered to imprison the defendant not less than ten days nor more than two months.

SEC. 4. That hereafter if any person knowingly enter on the lands belonging to another person, fall, box, bore, or carry away any timber, stone, or stone-coal, or minerals of any description, the person so offending shall forfeit and pay double the value of such timber, stone, stone-coal, or minerals, to be recovered, together with costs of suit by the person injured, before any justice of the peace or any court having jurisdiction thereof. <sup>On other lands, penalty</sup>

SEC. 5. That all persons heretofore and now living and who have made improvements on the sixteenth section or school lands, shall be entitled to the use of such timber as is necessary to keep up fences, repair buildings, fire-wood, &c: *Provided however* They shall not be allowed by the trustees to make use of timber in any other way than for repairing their improvements on the sixteenth section. A departure from the above provision by any occupant on the sixteenth section, shall subject him or her to the same penalties as other trespassers on the sixteenth section or school lands. <sup>Occupants to have firewood</sup>

SEC. 6. That if any person or persons shall, without proper authority, cut down, injure or destroy any living ornamental tree or trees either planted or preserved, standing or growing on any commons or public ground, or any street, alley, sidewalk, avenue, or promenade, every such person or persons so offending, shall, on conviction thereof, be fined in any sum not exceeding two hundred dollars, and shall moreover be liable to the action of the party injured in double damages. <sup>Trespass on public grounds, penalty.</sup>

SEC. 7. This act to take effect and be in force from and after its passage.

Approved January 17, 1840.

[Chap. 79.]

AN ACT to authorize the keeping of certain Ferries therein mentioned.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That the persons herein named and their heirs and assigns respectively, be and they are hereby authorized to keep ferries at the places hereinafter designated for