

Iowa Collections

ACTS, RESOLUTIONS AND MEMORIALS

PASSED AT THE

REGULAR SESSION

OF THE

FIFTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

**WHICH CONVENED AT IOWA CITY, ON THE FOURTH DAY OF
DECEMBER, ANNO DOMINI 1854.**

JAMES W. GRIMES, Gov.	ANDREW J STEVENS, Auditor.
G. W. McCLEARY, Secretary.	M. L. MORRIS, Treasurer.
MATURIN L. FISHER, President of the Senate,	
REUBEN NOBLE, Speaker of the House of Representatives.	

PUBLISHED BY AUTHORITY.

IOWA CITY,
D. A. MAHONY & J. B. DORR STATE PRINTERS.

.....
1855.

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LAWS OF IOWA.

CHAPTER 1.

RECORDS OF APPANOOSE.

AN ACT to authorize the County Judge of Appanoose County, to transcribe a portion of the Records of said County, and to legalize the same.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Judge of Appanoose county is hereby authorized and required to transcribe and index all the Records of said county of Appanoose, that yet remain in unbound books. Transcribe and Index. All Records.

§ 2. That all the Records heretofore transcribed by order of the County Judge of said County, are hereby made lawful. Made legal.

§ 3. That said County Judge be authorized to receive for said work, ten cents for every hundred words, in addition to his present salary. Compensation.

§ 4. This Act to take effect and be in force from and after its passage. Take effect.

REUBEN NOBLE,

Speaker of the House of Representatives.

MATURIN L. FISHER,

President of the Senate.

APPROVED January 9th, 1855.

JAMES W. GRIMES.

LAWS OF IOWA.

CHAPTER 2.

I. KISTER.

JOINT RESOLUTION allowing compensation to Israel Kister for services as Agent in the selection of Saline Lands.

Pay for servi- SEC. 1. *Be it enacted by the General Assembly of the State*
ces. *of Iowa*, That the sum of one hundred and forty-one dollars
State Agent. be and the same is hereby allowed to Israel Kister for
services rendered the State, as Agent in the selection of
Saline Lands.

APPROVED January 25, 1855.

CHAPTER 3.

COUNTY SEAT OF RINGGOLD.

AN ACT to appoint Commissioners to locate the County Seat of Ringgold County.

Commission- SEC. 1. *Be it enacted by the General Assembly of the State*
ers. *of Iowa*, That George W. Jones of Mahaska county, A.
Hawley of Decatur county, and Robert Stafford of Page
county, be and they are hereby appointed Commissioners
to locate and name the Seat of Justice of Ringgold county.
Meeting. Said Commissioners, or a majority of them, shall meet at or
near the center of said county, on the first Monday in April,
1855, or within ninety days thereafter, and proceed to locate
Location. said Seat of Justice, as near the geographical center of
said county as may be practicable, having due reference to
a proper site, and the general interest of said county.

Qualification. § 2. That said Commissioners, before entering upon their
duties under this act, shall take an oath or affirmation be-
fore some person authorized to administer the same, to faith-
Return. fully perform said duties, and shall make a written return

of the same, together with their proceedings under this act, to the county Judge of said county, or if there should be no county Judge in said county, to the county Judge of Decatur county, to be filed and entered upon the records thereof.

§ 3. In the event of said Commissioners making their returns to the county Judge of Decatur county, he shall transmit a copy thereof to the county Judge of Ringgold county, so soon as that officer shall be elected, who shall place thereupon the records of said county. ^{Judge of Decatur.}

§ 4. Said Commissioners shall receive as their compensation the sum of two dollars per diem, for each day necessarily employed in locating said Seat of Justice, and two dollars for every twenty miles travel going to and returning from the same; to be paid out of the proceeds of the first sale of lots in said town. ^{Compensation}

§ 5. This Act to take effect from and after its publication in the "Iowa Republican" and the "Albia Independent Press." ^{Take effect.}

APPROVED January 5th, 1855.

The above Act was published in the Iowa Republican on the 21st of January, and Albia Independent Press, February 21, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 4.

COUNCIL BLUFFS CITY.

AN ACT to amend an Act entitled "An Act to incorporate the City of Council Bluffs."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the next annual election for officers shall be on the first Monday of February, A. D. 1855, and annually on the same day thereafter. ^{Election.}

§ 2. All acts of officers under the Act to which this is amendatory, so far as relates to the public, are hereby made valid. ^{Legalized.}

LAWS OF IOWA.

Repeal. § 3. All that part of the Act, requiring the publication of said Act in the Frontier Guardian and Sentinel, is hereby repealed.

Take effect. § 4. This Act shall take effect and be in force from and after its publication in the Council Bluffs Bugle and Iowa Capital Reporter.

APPROVED January 9th, 1855.

Published in the Iowa Capital Reporter January 17th, and the Council Bluffs Bugle 1855.

G. W. McCLEARY, Secretary of State.

CHAPTER 5.

STONE COAL.

AN ACT defining a standard weight per bushel for stone coal.

Bushel. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That eighty pounds avoirdupois weight shall constitute and establish a bushel of stone coal.*

Take effect. § 2. This Act to take effect and be in force from and after its publication.

APPROVED 9th January, 1855.

Published in the Iowa Capital Reporter and Iowa Republic on the 7th and 14th of February, 1855, under the direction of the Governor, to cause all laws of a general nature to be published in said papers.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 6.

ADDITIONAL TERM IN SCOTT COUNTY.

AN ACT to authorize an additional term of Court in Scott county.

Add. term. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That an additional term of the District Court*

for the County of Scott, be held on the second Monday in March, 1855, and on the first Monday in February in each year thereafter.

§ 2. All pleas, process, proceedings, notices, suits, bills in ^{Returns.} equity, indictments, recognizances and criminal prosecutions now pending, or returnable to any term of said Court, shall be returnable to and tried at said March term of said Court, unless the notice of said trials in civil cases shall not be given ten days before said second Monday in March, or in case of publication, unless publication shall not have been made four weeks preceding. No discontinuance or dismissal of any civil action or criminal proceedings shall be had in consequence of this Act, but all the business of said Court, shall be disposed of in its regular order, as if the same was a regular term of said Court.

§ 3. It shall be the duty of the proper officers to summon ^{Officers' duty.} a grand and petit jury to attend additional term, and if from any cause, at any regular adjournment or special term of the District Court in said county, a grand or petit jury shall fail to appear, the Judge of the District Court of said county shall have power to cause either a grand or petit jury or both, to attend at said term.

§ 4. This Act shall take effect and be in force from and ^{Take effect.} after its publication in the Gazette newspaper, printed in the City of Davenport, and the Iowa Republican, of Iowa City, at the expense of Scott County.

APPROVED 11th January, 1855.

SECRETARY'S OFFICE, Iowa City, January 14, 1855.

I certify the foregoing to be a true copy, from the original roll on file in my office.
GEO. W. McLEARY, Secretary of State.

I certify that the above Act was published in the Iowa Republican, Jan. 24th, and Davenport Gazette on the 8th of February, 1855.

GEO. W. McLEARY, Secretary of State.

CHAPTER 7.

SCHOOL LANDS.

AN ACT to authorize the Governor of the State to adjust and close the selections by the State of Iowa, of the 500,000 acre grant of land.

Preamble.

Whereas, It appears from a communication from the General Land Office to his Excellency, Governor Hempstead, dated November 4th, 1854, that the State, through its selecting Agents, has selected upwards of 20,000 acres more than it was entitled to, under the Act of 4th September, 1841, which renders it necessary that the excess be deducted from the lists, that the grant may be closed and certified to the State.

Act.

Now, therefore, *Be it enacted by the General Assembly of the State of Iowa*, That his Excellency Governor Grimes, be and he is hereby authorized to adjust said grant with the Commissioner of the General Land Office, by deducting from said lists the amount necessary to close it.

Clerical assistance.

Sec. 2. *Be it further enacted*, that if in the examination and adjustment of the list of selections made by the selecting Agents, clerical assistance is necessary, the Governor is hereby authorized to procure the same, and to pay for the same by his order on the State Treasurer.

APPROVED 11th January, 1855.

Published by direction of the Governor in the Iowa City newspapers, Feb. 23, 1855.
GEO. W. McCLEARY, Sec'y of State.

CHAPTER 8.

CARROLL COUNTY.

AN ACT to attach the county of Carroll to the county of Guthrie, for judicial, election and revenue purposes.

Attached.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the County of Carroll be and the same

is hereby attached to the county of Guthrie, for judicial, election and revenue purposes.

§ 2. This Act shall be in force from and after its passage ^{Take effect.} and publication in the Iowa Capital Reporter and Iowa Republican, published at Iowa City.

§ 3. All laws and parts of laws contravening the provis- ^{Repeal.} ions of this Act, be and the same are hereby repealed.

APPROVED 13th January, 1855.

Published on the 14th day of February, 1855, in the Iowa Capital Reporter and Iowa Republican. GEO. W. McCLEARY, Sec'y of State.

CHAPTER 9.

POOR FARM.

AN ACT to authorize the county Judge of Lee county, Iowa, to sell or otherwise dispose of the County or Poor Farm in said county.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Judge may} *State of Iowa,* That the county Judge of Lee county, ^{sell.} is hereby authorized to sell, or otherwise dispose of the lands belonging to said county, and now used for the purpose of a poor farm, containing one hundred and thirty acres, more or less; make a title to the purchaser or purchasers thereof, ^{Deed.} and hand over the proceeds to the Treasurer of said county. ^{Proceeds.}

§ 2. That said county Judge is also hereby authorized, ^{Purchase an} after having made a sale or disposition of the lands ^{other.} described in the foregoing section, to purchase, in the name of said county, other lands in said county, for the purpose of a poor ^{Erect build-} farm, and proceed to erect and establish buildings ^{ings.} thereon.

§ 3. This Act to take effect from and after its passage.

APPROVED January 12th, 1855.

CHAPTER 10.

STATE ROAD.

AN ACT to locate a State Road from Dallas county to Council Bluffs, and from PANORA to Bear Grove.

- Com'rs.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Samuel M. Ballard of Audubon county, William Garner of Pottawattamie county, and Thomas Seely of Guthrie county, be and they are hereby appointed
- Locate.** Commissioners to locate and establish a state road as follows: begining at the west line of Dallas county and at
- Points.** the terminus of the State road laid out and established in 1849, thence by the most practicable route, via Bear Grove, Ballard's Bridge on the East Nishnabotany river, and by a point at or near the forks of the West Nishnabotany river, in township 77, north of range 39 west, thence on the most direct and practicable route to Council Bluffs City.
- Branch.** Also beginning at Panora, Guthrie county, thence by the most practicable route to a point on the above described line, at or near Bear Grove.
- Meet.** § 2. The said Commissioners shall meet at the house of Thomas E. Harbor, in Guthrie county, on the first Monday in February next, or within six months thereafter.
- Take effect.** § 3. This Act shall take effect from and after its publication in the Iowa Capital Reporter and Iowa Republican, published in Iowa City; the expenses of such publication to be paid by the counties through which the road is to run.
- APPROVED January 13th, 1855.

Published in the Iowa Reporter and Republican, Jan. 17th, 1855.

G. W. Mc'LEARY, Sec'y of State.

CHAPTER 11.

BLOOMFIELD.

AN ACT to incorporate the town of Bloomfield, Iowa.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of section twenty-five, in township sixty-nine, north of range fourteen west, as is comprised in the plat of the town of Bloomfield, be and the same is hereby made and constituted a body corporate, under the name and style of the town of Bloomfield, and that said corporation shall have all the rights, powers and duties of corporations, and may sue and be sued, contract and be contracted with in the name of the town of Bloomfield, and have perpetual succession. ^{Incorporation & boundaries.}

§ 2. Said town shall have biennially elected, on the first Monday in February of every two years, one Mayor, five Councilmen, one Recorder, and one Marshal, who shall hold their offices for two years, and until their successors shall be elected and qualified according to law. ^{Election.}

The first election herein contemplated, to take place at any time, after ten days from the publication of this Act; provided five days' notice thereof be given by any legal voter of said corporation, through the "Western Gazette." ^{Notice of first election.}

§ 3. The Mayor of said town shall have exclusive jurisdiction over all crimes committed in the corporate limits of said town, which have heretofore been punishable before Justices of the Peace, provided nothing herein shall preclude the right of appeal or trial by jury, as authorized by law. He shall preside at all meetings of the council, and defend all civil suits brought by or against said corporation, and shall subscribe all ordinances passed by the council. ^{Mayor's jurisdiction.}

§ 4. The Marshal of said town shall be the ministerial officer of the Mayor, and a conservator of the peace, and may exercise the duties of Constable in Bloomfield township. ^{Marshal.}

§ 5. The Recorder shall record the doings and acts of

the board of Councilmen, and attest and publish all ordinances passed by the same, and preside in the absence or inability of the Mayor at any meeting of said board.

Council.

Powers.

§ 6. The board of Councilmen of said town shall have power to pass all laws necessary for the government of said town, and prohibit any evil not expressly allowed by the statute regulations of this State, and to make such other municipal regulations as may be necessary for the improvement and benefit of said town, and to levy a tax, not to exceed one per cent., on the taxable property of said town, provided the same be adopted by a majority of the votes thereof, at an election held for such purpose, under such regulations as the board of Councilmen may adopt.

Ordinances.

§ 7. The board of Councilmen, in order to prevent any business injurious to the health of said town, or any business disturbing the peace or quiet of said town, may enact ordinances making the house or ground where such business is carried on, responsible for the same, and they may proceed against the same to satisfy any judgment obtained for carrying on such prohibited business, or against the owner thereof, whether occupant or lessor.

Vacancy.

§ 8. In case of a vacancy in any of the offices herein contemplated, the same may be filled by appointment by the board of Councilmen, or by election by the legal voters, conducted by such regulations as the board may adopt.

§ 9. In order to carry out the regulations and enforce the ordinances of said town, the Councilmen may appoint a Prosecutor for the town, or employ one at their own discretion.

Prosecutor.

§ 10. The first election in contemplation may be conducted by any persons appointed for that purpose by the County Judge of Davis county, Iowa, and subsequently by the Mayor and Recorder, and any three of the Council, or by persons appointed by the Mayor for that purpose.

Officers.

§ 11. The board of Councilmen may create such officers as they may deem necessary, from time to time, to carry out the intent of any ordinance passed by said town.

Repeal.

§ 12. All former charters or articles of incorporation coming in opposition to this Act, are hereby repealed.

§ 13. This Act shall take effect from and after its publication in the Bloomfield, Iowa, "Western Gazette," of Bloomfield, Iowa. To take effect

APPROVED January 13th, 1855.

I certify that the foregoing Act was published in the Bloomfield, Iowa, Western Gazette, of Bloomfield, Iowa, on the 3d day of February, A. D. 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 12.

HANNAH EVERALL.

AN ACT for the relief of Hannah Everall.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the title which Henry Coats, now deceased, had at the time of his death, so far as the same is liable to escheat to the State, in and to the south-west quarter of the north-west quarter of section two, in township seventy, north, range four west, containing forty acres, and in and to lots 755 and 851, and the undivided half of lot 185, in the city of Burlington, all situated in Des Moines county, be and the same is hereby relinquished to and vested in Hannah Everall, wife of Joseph Everall, and lately the widow of said Henry Coats, and to her and her heirs and assigns forever, for her own separate use, free from the control of her husband. Escheat relinquished.

§ 2. This Act to take effect from and after its publication in the Iowa State Gazette and Iowa Capital Reporter, at the expense of Mrs. Everall. Take effect. Be it further enacted, That this Act, or the right herein vested, shall not affect or interfere with the rights of third persons, legal or equitable, which may have vested or arisen under the laws, judgments or contracts heretofore in force. Rights of others.

APPROVED January 13th, 1855.

Published in the Capital Reporter on the 24th, and in the State Gazette on the 23rd of February, 1855. GEO. W. McCLEARY, Sec'y of State.

CHAPTER 13.

HAWKINS TAYLOR.

AN ACT for the relief of Hawkins Taylor.

Authorized to
sell real es-
tate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Hawkins Taylor, of Lee county, be and is hereby authorized and empowered to sell and convey any and all interest or title he may now have, or hereafter acquire, to any lands and tenements, in this State, without uniting with his wife in said conveyance, and the purchaser shall take the same, discharged from any dower interest which the wife of said Hawkins may have in said lands and tenements at the time of the conveyance; Provided, that the wife of said Hawkins, shall be, if she survive him, entitled to dower, to the extent of one-half of any and all lands, and tenements which the said Hawkins may own, or to which he may be entitled in law or in equity, at the time of his death.

Without dow-
ry.

Dower of wife.

Take effect.

§ 2. This Act shall be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican; Provided, the same be published at the expense of said Hawkins Taylor, otherwise the same shall be in force, from and after its publication among the general laws of this State.

Expense paid
by Taylor.

APPROVED January 18th, 1855.

The above Act was published in the Iowa Capital Reporter and Iowa Republican, on the 14th of February, 1855.

GEORGE W. McCLEARY, Sec'y of State.

CHAPTER 14.

SCHOOL DISTRICT.

AN ACT to erect School District No. 3, Cedar township, Monroe county.

SECTION 1. *Be it enacted by the General Assembly of the* **Boundaries.**
State of Iowa, That the following described territory, situated in Cedar township, Monroe county, Iowa, viz:—commencing on the west line of said township, at the south-west corner of the north-west quarter of section nineteen, and running due east two miles and eighty rods; thence north one mile and a half to the north line of section sixteen, and thence east, along said section line, eighty rods, and thence north one mile to the north line of section nine, and thence west eighty rods along said section line, and thence north eighty rods to the center of the south-west quarter of section four, and thence west one mile and eighty rods, to the west line of section five, and thence south three-fourths of a mile to the south-west corner of the north-west quarter of section eight, and thence west eighty rods, and thence south eighty rods to the center of the south-east quarter of section seven, and thence west three-fourths of a mile to the township line, and thence south one and three-fourth miles along said township line to the place of beginning, shall be and is hereby erected into a School District, to be known as School **Constitute**
 District No. 3, Cedar township, Monroe county. **School Dist.**
N. 3.

§ 2. This Act to take effect from and after its publication **Take effect.**
 in the Iowa Capital Reporter and Albia Independent Press.

APPROVEN January 13th, 1855.

The above Act was published in the Iowa Capital Reporter, Jan. 24th, and Albia Independent Press, Feb 21, 1855.

GEORGE W. McCLEARY, Sec'y of State.

CHAPTER 15.

GRAVE YARD.

AN ACT authorizing the county Judge of Clark county to vacate the lots formerly used as a burying ground in the town of Oceola.

Vacate. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county Judge of Clark county is hereby authorized to vacate the lot in the town of Oceola, formerly used as a burying ground.

Notice to remove remains. § 2. The said county Judge shall give notice to those having deceased friends buried in said burying ground, to remove their remains, and in case of their neglect or refusal to do so, he shall be authorized to have them removed to the lot appropriated to that purpose.

Convey. § 3. The said county Judge shall have power to convey said lot in the same manner as other lots are conveyed, belonging to the county.

Take effect. § 4. This Act to take effect from and after its passage.
APPROVED January 13th, 1855.

CHAPTER 16.

LEON.

AN ACT to change the name of South Independence, in Decatur county.

Name chang'd SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the name of the town of South Independence, in the county of Decatur, is hereby changed to Leon.

Take effect. § 2. This Act to take effect and be in force from and after its publication.

APPROVED January 13th, 1855.

CHAPTER 17.

DUBUQUE.

AN ACT to amend An Act to incorporate and establish the city of Dubuque, approved February 24th, 1847.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That to enable the islands in front of the city of Dubuque to be improved and the streets and alleys in said city to be extended to the navigable waters of the main channel of the Mississippi river. The city council of the city of Dubuque shall have power and authority, whenever it may be necessary for the extension of any street or streets in said city, to bridge any slough or sloughs, or branch of the Mississippi river, within the corporate limits of said city, to construct or cause to be constructed any such bridge or bridges, and so many as they shall deem it to be necessary for the purposes aforesaid, upon and across any slough or sloughs or branches of the Mississippi river, within the corporate limits of said city.

Improvements

Power of council.

Bridge, slough

§ 2. That the city of Dubuque shall constitute one permanent school district, not subject to alteration, by the School Fund Commissioner, and shall be subject to control of the city council of said city, who shall provide for the adequate support and maintenance of common schools in said district; and so much of the Code of Iowa as requires regular meetings of each school district on the first Monday in May and October in each year, and so much thereof as requires the election of trustees in each school district, is hereby declared inapplicable to said district. The city council of said city shall by ordinance provide for the appointment or election, as they may consider most proper, of a board of education in said district, and may invest in such board the necessary power for the proper care and management of the common schools in said district, the employment of teachers, and the supervision of schools, and to provide for the taking and returning to the proper

School district

Schools.

Board of education.

Powers, duties.

Returns. officer as required by law, of the number of persons in said district, between the ages of five and twenty-one years, and the performance of such other duties as may seem necessary for the proper discharge of the duty hereby imposed upon said council.

School houses. § 3. That the city council of said city shall furnish the necessary school houses for the support of common schools, in the said district, and for that purpose shall levy and collect in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one fourth of one per centum on the assessment of such year, and the city council are authorized and directed when necessary to borrow in anticipation of such tax, the amount necessary for the purchase of school lots, and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

Tax. § 3. That the city council of said city shall furnish the necessary school houses for the support of common schools, in the said district, and for that purpose shall levy and collect in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one fourth of one per centum on the assessment of such year, and the city council are authorized and directed when necessary to borrow in anticipation of such tax, the amount necessary for the purchase of school lots, and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

Limited. § 3. That the city council of said city shall furnish the necessary school houses for the support of common schools, in the said district, and for that purpose shall levy and collect in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one fourth of one per centum on the assessment of such year, and the city council are authorized and directed when necessary to borrow in anticipation of such tax, the amount necessary for the purchase of school lots, and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

Borrow money. § 3. That the city council of said city shall furnish the necessary school houses for the support of common schools, in the said district, and for that purpose shall levy and collect in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one fourth of one per centum on the assessment of such year, and the city council are authorized and directed when necessary to borrow in anticipation of such tax, the amount necessary for the purchase of school lots, and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

Limit. § 3. That the city council of said city shall furnish the necessary school houses for the support of common schools, in the said district, and for that purpose shall levy and collect in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one fourth of one per centum on the assessment of such year, and the city council are authorized and directed when necessary to borrow in anticipation of such tax, the amount necessary for the purchase of school lots, and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

School funds. § 4. That the city council shall have power, by their order on the School Fund Commissioner of the county of Dubuque, to receive from him for the use of said district all moneys apportioned to said district from the school fund, and in addition thereto shall in each year, levy and collect in the same manner as other moneys for current expenses, such further sum, but not to exceed in any one year the rate of two mills on each dollar of the assessment of such year, as may be necessary, with the sum received from the school fund, adequately to provide for the payment of necessary teachers' wages and incidental expenses in maintaining common schools in said city, during the current year.

Tax for support of teachers. § 4. That the city council shall have power, by their order on the School Fund Commissioner of the county of Dubuque, to receive from him for the use of said district all moneys apportioned to said district from the school fund, and in addition thereto shall in each year, levy and collect in the same manner as other moneys for current expenses, such further sum, but not to exceed in any one year the rate of two mills on each dollar of the assessment of such year, as may be necessary, with the sum received from the school fund, adequately to provide for the payment of necessary teachers' wages and incidental expenses in maintaining common schools in said city, during the current year.

Limit. § 4. That the city council shall have power, by their order on the School Fund Commissioner of the county of Dubuque, to receive from him for the use of said district all moneys apportioned to said district from the school fund, and in addition thereto shall in each year, levy and collect in the same manner as other moneys for current expenses, such further sum, but not to exceed in any one year the rate of two mills on each dollar of the assessment of such year, as may be necessary, with the sum received from the school fund, adequately to provide for the payment of necessary teachers' wages and incidental expenses in maintaining common schools in said city, during the current year.

Disbursement of school funds. § 5. That all moneys received by the city council from the School Fund Commissioner, or collected in pursuance of any tax by this Act authorized, shall be paid into the city treasury, and a separate account thereof shall be kept by the Treasurer and Recorder; and no moneys shall be drawn therefrom only to be appropriated to the special purpose for which the same was received or collected; and shall only be

paid on order in which said purpose is stated; and the city council shall provide for the publication, at least once in each year, for the information of all persons, of a full statement of all receipts and expenditures for school purposes during the current year, and which shall show the number of schools kept, the number of teachers employed, the wages paid, the whole number of persons in attendance, and the time such schools have been held during the current year. ^{Publication statement}

§ 6. That the city council of said city shall have power, whenever they deem such improvement necessary, to levy and collect a special tax on the lot or lots, or the owner or owners thereof, on any alley, street, or highway, or any part of any street, alley, or highway within the city of Dubuque, for the purpose of curbing, paving, or grading the side-walk in front of such lot or lots respectively; and also for the purpose of repairing the same, or for the purpose of lighting such street, alley, or highway, or for the purpose of paving or McAdamizing the street, alley, or highway in front of such lot; and so much of the Act hereby amended as requires the consent or petition of two-thirds of the owners, for any such improvement, is hereby repealed: Provided, that in case any special tax is so levied on any lot or lots, or the owners thereof, for the purposes aforesaid, such lot or lots, or the owner or owners thereof in respect thereto, shall not be liable to any other tax, general or special, for making any improvement of the same kind, on any other street, alley, or highway, or any part thereof, in said city. ^{Special tax.} ^{Paving and grading.} ^{Lighting.} ^{Repeal.} ^{Provide.}

§ 7. That whenever any damage shall be assessed to any person by reason of the opening, extending, widening, or altering of any street, alley, or highway in said city, the jury who shall assess the same shall also apportion and assess such damages upon the lands and real estate of the persons benefited, adjoining or in the immediate vicinity of such street, alley, or highway, in proportion as nearly as may be to the benefits resulting to each, all of which they shall return, under their hands, to the city council; and the apportionment and assessment so made, shall be collected and paid over to the person or persons whose property has been taken for the purposes aforesaid, and so much of the ^{To be paid by those benefited.} ^{ed.}

Repeal. act incorporating said city, or of any act amendatory thereto as requires such damages to be paid out of the city treasury, is hereby repealed: Provided, that any person or persons, feeling himself or themselves aggrieved by any assessment for opening, extending, widening or altering any street, alley, or highway in said city, or by any such apportionment, may, at any time within twenty days after the return thereof to the city council, appeal therefrom to the district court of Dubuque county, by giving notice thereof to the Mayor, and giving bond, with surety, to the satisfaction of the Mayor, conditional for the payment of all costs which may be adjudged against the appellant thereon, and the recorder shall thereupon return to the clerk of said court, all papers connected with said appeal, on or before the first day of the next term thereof; and the said court shall hear and determine said appeal as other appeals are heard and determined in said court, and shall certify its decision to the city council, who shall carry the same into effect.

Payment. § 8. That it shall be the duty of all persons on whom, and the owners of all lands on which any special tax shall be levied, or any apportionment or assessment for damages, in pursuance of the two last preceding sections, shall be made to pay the same, within thirty days after notice thereof by the marshal of said city, except in cases where appeal is taken, and in such cases within thirty days after such appeal is determined; and such special tax apportionment or assessment is hereby declared a lien upon the land from the

Lien. time of the levy apportionment or assessment aforesaid; and in case of any neglect to pay the same within the time so limited, the city council shall deliver to the city collector a certified copy of such special tax, apportionment, or assessment, who shall, thereupon, forthwith proceed to collect the same by distress and sale of personal property, and in

Collection. default thereof, by levy and sale of the land and real estate on which the said special tax, apportionment or assessment is made; in the same manner as for the nonpayment of taxes for current expenses; and on such sale shall give deeds therefor to the purchaser or purchasers on receiving the consideration of sale, and which sale and deeds shall have the

Sell personal and real estate.

Deeds.

same force and effect as sales and deeds for nonpayment of taxes for current expenses in said city.

§ 9. That the city council of the city of Dubuque, shall have power to sell and convey any real estate, or land belonging to said city, without the previous consent of a majority of the electors of said city; and so much of the act hereby amended as makes such consent necessary, is hereby repealed. And the said city council shall have power and authority to erect, purchase, hold and regulate, hospitals, jails, work-houses, markets, and other public buildings, and to provide for supplying said city with water, by the construction of aqueducts, reservoirs, and other necessary conveniences for the same, and to hold and acquire the lands necessary, or any necessary privileges therefor, and for that purpose, may take, and enter upon private property, or any necessary privilege thereon, and may hold the same, making compensation to the owners of any private property so taken, which, unless the same can be agreed upon with the parties interested, shall be ascertained as follows: An application shall be made to the District Court of Dubuque county by petition, duly filed with the clerk thereof, addressed to said court, and setting forth the facts of the case, and praying for judgment, that the damages may be ascertained, and that the lands or privileges therein mentioned, may be condemned and vested in said city for the purposes mentioned, and the said court shall have power to make all necessary rules and orders, to bring all proper persons and parties before said court, as in cases at law, in order to make a final decree and judgment in and concerning the premises; and the said court shall proceed by the examination of witnesses in open court in the cause to make a final decree and judgment, or, on the application of said city, or any party, may cause the amount or right to any damages, to be assessed by a jury in said court without formal pleadings, and shall render a decree or judgment accordingly; and the damages so decreed or adjudged, shall be levied and paid by said city to the person or persons thereto entitled.

Council may sell and convey.

Without consent.

Hospitals, Jails, &c.

Water Reservoirs, &c.

Private property.

Damages. Petition Dist. Court.

Consideration

Decree.

Payment.

Repeal.

§ 10. That all portions of the Act to which this is amendatory, or of any act amendatory thereto, inconsistent with the provisions of this Act, are hereby repealed.

Take effect § 11. This act shall be in force and take effect, from and after its publication in the Dubuque Tribune.

APPROVED, January 13th, 1855.

CHAPTER 18.

CHARTER OF THE CITY OF LE CLAIRE.

AN ACT to incorporate the city of Le Claire.

Incorporation. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the inhabitants of the Town of Le Claire, in the county of Scott, and State of Iowa, be, and they are hereby constituted a body politic and corporate, by the name and style of the City of Le Claire, and by that name shall have perpetual succession, and may have and use a common seal which they may change at pleasure.

Boundaries. § 2. All that District of country embraced within the following limits, and such additions as hereinafter provided, shall be the limits of the boundaries of said city; to-wit: beginning at a point in the middle of the main channel of the Mississippi river, where a line drawn due east from the southeast corner of the Le Claire reserve would intersect the middle of said main channel, running then due west until that line intersects the western boundary line of the present Town of Le Claire, thence due north, by and along said western boundary line, until the same extended intersects the extended east and western boundary line, between the Rich estate and the original town of Parkhurst, thence due east on said east and west boundary line, to the middle of said main channel of the Mississippi river, and thence down and along the middle of said main channel to the place of beginning; are hereby declared to be within the boundaries of said city of Le Claire.

Additions. § 3. All tracts of land laid off in town lots, and duly recorded as required by law for the recording of town plats, adjoining said city of Le Claire, or whenever any tract of

land adjoining said city and shall have been laid off, or shall hereafter be laid off into town lots, and duly recorded as required by law, the same shall be annexed to, and form a part of said city of Le Claire.

§ 4. The inhabitants of said city, by the name and style ^{Powers} aforesaid, shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, in all matters whatsoever, of purchasing, using, occupying, enjoying and conveying real personal and mixed estates, in said city; of purchasing, receiving and holding property, real, personal and mixed, beyond the city for burial grounds, or for other purposes for the use of the inhabitants of said city, and shall be competent to have, exercise, and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation, and for the better ordering and governing said city. The exercise ^{City Council} of the corporate powers of the same hereby and herein granted, and administration of its fiscal, prudential and municipal concerns, with the direction conduct and government thereof, shall be vested in a Mayor and board of Aldermen, consisting of at least six members, two from each ward, to be denominated the City Council, together with such other officers as are hereinafter mentioned and provided for.

§ 5. It shall be the duty of the present board of officers ^{Wards} of the town of Le Claire, at least one month previous to the first Saturday in March, A. D. 1855, to divide the said city hereinbefore bounded and described, into three equal wards, or as nearly equal as practicable; provided, that the said city council of the said city, as hereinbefore provided for, upon being duly elected and qualified, may confirm the boundaries of said wards, or may change, unite or divide them, or any of them, whenever they shall think it necessary or proper.

§ 6. That the said City of Le Claire shall be, and hereby ^{City property.} is invested as the lawful owner and proprietor, with all the real, personal and mixed estate, all the rights and privileges thereof, together with all the property, funds and revenue,

and money, debts, accounts and demands, due and owing, or in anywise belonging to said city, or which by or under any former act or acts have been acquired, vested in, or is or may be owing belonging to the City of Le Claire, together with all rights, interests, claims and demands, in favor or against said city, may be continued, presented, defended, and collected in the same manner as though this Act had never been passed.

Election.

§ 7. That the qualified electors of said city shall, on the first Saturday in March, A. D. 1855, and annually on the same day thereafter, elect a Mayor who shall have resided in said city one year, and the qualified electors of said city in each ward, shall at the same time elect six Aldermen, (two from each ward,) who shall have resided in said city one year; and the Mayor and Aldermen so elected, when assembled together and duly organized, shall constitute the City Council, a majority of whom shall be necessary to constitute a quorum for the transaction of business; they shall be the judges of the election returns, and qualifications of their own members, and shall continue in office for the term of one year, and until their successors shall be chosen and qualified: they shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection and examination of every citizen, and may compel the attendance of absent members in such manner and under such penalties as they may prescribe; and they shall meet at some convenient place in said city on the second Saturday in March, A. D. 1855, and after taking the oath of office before some officer qualified to administer oaths, shall elect from their own body a president pro tem.

Council.

Quorum.

Journal.

Meetings.

Recorder.

§ 8. That the qualified electors of said city shall, at the time specified in the preceding section, and annually thereafter, elect a Recorder, who shall attend all meetings of the said council, and keep a record of all their proceedings, shall keep the corporate seal, and perform such other duties as the said council shall ordain and prescribe, and the qualified electors of said city shall also at the time and times aforesaid, elect an Assessor, Marshall, Collector and Treasurer of said city, and all other subordinate officers. The council shall define the duties of the several officers elected, subject to the provi-

City officers.

sions of this Act, shall fix the nature and amount of compensation for their services, and shall require such security as they shall deem proper for the faithful discharge of the duties of their several offices.

§ 9. That in all elections for city offices, it shall be the duty of the Mayor to issue a proclamation to the qualified electors of said city, setting forth the time of such elections, the place or places where the same shall be holden, the officer and officers to be chosen, and cause such proclamation to be posted up in three of the most public places in said city, at least ten days previous to such election. And every such election shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon, and shall in all things be conducted agreeable to the laws regulating township elections for the time being, and it shall be the duty of the judges of said election, within two days thereafter, to make and direct the return thereof to the Mayor of said city at his office, in the same manner that election returns are required to be made by the township trustees for the time being; provided, that in all elections for Mayor the returns shall be made and directed to the President pro tempore of the city council, and the Mayor or President pro tempore of the city council, as the case may be, shall within five days after any such election, open the returns which shall have been made as aforesaid, and shall make an abstract of all the votes, and file the same with the City Recorder, who shall make a record thereof in a book to be kept by him for that purpose, and the person or persons having the highest number of votes shall be declared duly elected; but if from any cause the qualified voters of said city or any of the wards, as the case may be, should fail to effect any election at the time and in the manner herein provided, the Mayor shall forthwith issue his proclamation for a second or other election, which in all things shall be notified, conducted, regulated, and the returns thereof made, as in and by this act is prescribed, and the person or persons who shall be chosen at any such second or other election, shall hold their office until the next ensuing annual election, and until their successor or successors in

office shall be elected and qualified, and it shall be the duty of the Mayor or President pro tempore of the city council, immediately to notify such person or persons who may be elected as aforesaid, of his or their election, by causing a written notice thereof to be served upon him or them by the City Marshal, and every person so chosen or elected as aforesaid shall within ten days after his election, cause himself to be qualified to enter upon the duties of his office, and in default thereof, the office to which he shall have been elected shall be deemed and considered in law to be vacated, and it shall be the duty of the city council to prescribe the time and manner, and to provide the place or places of holding all elections in said city for city officers, and of making the returns thereof not herein otherwise directed and prescribed, and the said city council shall appoint judges and clerks for all city elections.

Qualification
of voters.

§ 10. That each and every white male citizen above the age of twenty-one years, who shall have been a resident in said city six months immediately preceding any election for city officers, shall be deemed a qualified voter of said city, and shall be entitled to a vote in said city, or in the ward where he may belong or reside, for Mayor, Alderman, and all the other officers of said city, or of their respective wards therein, and when any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the requisite qualifications of an elector, or if his vote shall be challenged by any elector who has previously given his vote in such election shall tender to such person on oath or affirmation in the following form, to-wit: I do solemnly swear (or affirm) that I am a citizens of the United States, and that I have been a resident of this city six months immediately preceding this election, and a resident of this ward, and to the best of my knowledge and belief have attained the age of twenty-one years, and that I have not voted at this election.

Challenge.

Oath.

Eligible.

§ 11. That no member of the city council shall be eligible to any office within the gift of the city council, during the year for which he may have been elected, nor shall any member of the city council be interested directly, or indi-

rectly, in the profit of any contract or job for work or services to be performed for the city.

§ 12. That the Mayor shall sign all by-laws and ordinances adopted and passed by the city council, and cause the same to be published six days before they go into effect, he shall preside when present at the city council when in session, and be denominated President of the same, and when there is a tie shall give the casting vote, he shall do and perform such other duties as the city council may prescribe, and determine, not inconsistent with the provisions of this act. Mayor's duty.

§ 13. That the Recorder, Assessor, Marshall, Collector, Treasurer, and all other subordinate officers of said city, shall before entering upon the duties of their respective offices take an oath or affirmation, faithfully and impartially to perform the several duties of their offices, to which they have been elected, and when required shall give such bond to the city with good and sufficient security, in such sum or sums and with such conditions thereto, as the city council may from time to time direct; and in all cases not herein provided for, shall respectively be allowed and receive such fees and compensation, for their services and be liable to such fines, penalties and forfeitures, for negligence, carelessness, misconduct in office, and positive violation of duty, as the said city council shall order and determine. Qualification of officers.

And it shall be the duty of the said Recorder to keep the seal of said city, and all the records, papers, and official documents thereunto belonging, he shall keep fair books wherein shall be kept the accounts of the city, attest all orders issued by the city council for the payment of money, and enter the same in numerical order in a book kept for that purpose, and shall perform such other duties as shall be required of him by ordinance. Fees.

Maintenance.

Recorder.

§ 14. That the city council shall provide for the times and places of holding their meetings not herein otherwise provided for, which shall at all times be open to the public; they shall provide by ordinance for the election by the qualified voters of said city, of such other city officers whose election is not herein otherwise provided for, as shall be neces- Duty of council.

sary for the good government of said city, and the due exercise of its corporate powers, and which shall have been provided for by ordinance; and all city officers whose term of service is not prescribed, and whose powers and duties are not defined in and by this act, shall perform such duties, exercise such powers, and continue in office for a term of time, not exceeding one year, as shall be prescribed by ordinance.

Vacancy.

§ 15. That whenever the office of Mayor, Councilman, Treasurer, Recorder, or any other officer in and by this act specified and provided for, shall become vacant by death, resignation, removal from the city, or otherwise, it shall be the duty of the presiding officer of the council as soon as may be, to issue a proclamation to the qualified electors, setting forth the vacancy and the manner of its occurrence and the place or places where a special election will be holden, and the time thereof, for the purpose of choosing an officer to fill such vacancy, and the person so chosen when duly qualified shall enter upon the duties of such office, and continue therein during the remainder of the term for which his predecessor was elected, and in case of sickness or temporary absence of the Mayor, the duties of his office during such sickness or temporary absence, shall be discharged by the President pro tempore, who shall be obeyed and respected accordingly.

Ordinances.

Injuries

§ 16. That the said city council shall have power, and it is hereby made their duty, to make and publish from time to time, all such ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fire, thieves, robbers, burglars and all other persons violating the public peace; for the suppression of riots and gambling, and indecent and disorderly conduct; for the punishment of all lewd and lascivious behavior in the streets and other public places in said city; they shall have power from time to time to make and publish all such laws and ordinances as to them shall seem necessary, to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of said city and

Health and morals.

its inhabitants, to impose fines, forfeitures and penalties, on all persons offending against the laws and ordinances of said city, and provide for the prosecution, recovery and collection thereof; and shall have power to regulate by ordinance the keeping and sale of gunpowder within the city.

§ 17. That the city council shall have power to establish ^{Fire companies.} and organize all fire companies, and provide them with proper engines and such other instruments as shall be necessary to extinguish fire, and preserve the property of the inhabitants of said city from conflagration, and they shall have power to establish and constitute landing places, ^{Landings.} wharves, docks and basins, in said city, at or on any of the city property, and fix the rates of landing, wharfage and dockage of all steamboats, boats, rafts, and other water crafts, and of all goods, wares, merchandise, produce and other articles that may be moved at, landed on, or taken from any landing, wharf, dock or basin belonging to said city.

§ 18. That for the purpose of more effectually securing ^{Prohibit the erection of wooden buildings.} said city from the destructive ravages of fire, the said council shall have power and authority on the application of three-fourths of the whole number of owners and proprietors of any square or fractional square in said city, to prohibit in the most effectual manner, the erection of any building or the addition to any building before erected, more than ten feet high in any square or fractional square, except the outer wall thereof shall be composed entirely of brick or stone and mortar, and to provide for the most prompt removal of any building or addition to any building, which may be erected contrary to the true intent and meaning of this section.

§ 19. That the city council shall have power and it is ^{Ordinances.} hereby made their duty, to regulate by good and wholesome laws and ordinances, all houses of public entertainment in said city, all theatrical exhibitions, and public shows, and all ^{Exhibitions.} exhibitions of whatever name or nature to which admission is obtained on payment of money or any other reward, to license and establish ferries across the Mississippi river from ^{Ferries.} said city to the opposite shore, to fix the rates of the same, and to impose reasonable fines and penalties for the viola-

Licenses.

tion of any such laws and ordinances. And the city council shall have full and exclusive power to grant or refuse license to all houses of public entertainment, showmen, keepers and managers of theatrical exhibitions, and other exhibitions for money or other reward, auctioneers for the sale of goods, wares, merchandise, horses and other animals, at public auction, keepers of billiard tables, ball and ten-pin alleys; keepers of ferries from said city across the Mississippi river to the opposite shore; and in granting any such license it shall be lawful for said city council to exact, demand and receive such sum or sums of money as they shall think reasonable and expedient, to annex thereto such terms and conditions in regard to time and place and other circumstances under which such license shall be acted upon, as in their opinion the peace, quiet and good order of society as said city may require. And for the violation of said terms and considerations as aforesaid, the city council shall have power to revoke or suspend any such license, whenever the good order and welfare of said city may require it, in such manner as shall be provided by ordinance.

Violations.**Nuisances.**

§ 20. That the city council shall have power, and they are hereby authorized to require and compel the abatement and removal of all nuisances within the limits of said city under such regulations as shall be prescribed by ordinance, to cause the ground therein, where the water shall at any time become stagnant to be raised, filled up or drained, and to cause all putrid substances of either animal or vegetable to be removed; and to effect their objects, the said city council may from time to time give orders to the proprietor or proprietors, or to his her or their agent or agents, and to the non-resident proprietors who have no agents therein, notice by publication in one or more of the newspapers printed in said city, or in the county in which said city is located, for the period of two weeks of all or any ground subject at any time to be covered with stagnant water, to fill up, raise or drain such ground at their own expense and the said city council shall designate how high such grounds shall be filled up and raised or in what manner they shall be drained, and fix some reasonable time for filling up, raising

or draining the same, and if such proprietor or proprietors or agents shall neglect or refuse to fill up, raise or drain such grounds in such manner and within such time as the said city council shall have designated and fixed, they shall cause the same to be done at the expense of the city, and assess the amount of the expense thereof, on the lot or lots of ground so filled up, raised or drained, as aforesaid, and place the assessment so made as aforesaid, in the hands of the city collector, who shall proceed to collect the same by the sale of such lot or lots if not otherwise paid, in such manner, and under such restrictions and regulations, as may be prescribed by ordinance; provided, the proprietor or proprietors shall have the privilege and right to redeem such lot or lots, within one year after such sale, by paying to the purchaser or purchasers the amount by them paid together with ten per cent. interest thereon.

§ 21. That one or more street commissioners, as may be deemed necessary by said council, shall be elected annually by the qualified voters within the said city on the first Saturday of March in each year, whose compensation shall be regulated, and whose duties defined by said city council; the said city council shall have power whenever the public convenience or safety shall require it, to prohibit hogs, cattle, horses and all other animals from running at large in the streets, lanes, alleys, commons and other public places in said city; they shall have power to license and regulate all carts, wagons and drays, and every description of two and four wheeled carriages, which may be kept in said city for hire, and all livery stables, brokers and loan offices.

§ 22. That said city council shall have power, whenever they deem it expedient, to provide for the establishment and support of public schools within said city, and to pass all ordinances necessary and proper for the good government of the same.

§ 23. That all money raised, recovered, received or collected, by means of any tax, license, penalty, fine, forfeiture or otherwise made under the authority of this act, or which may belong to said city, shall be paid into the city treasury and shall not be drawn therefrom, except by order, or under the authority of the city council, and it shall be the duty of

- Account.** the city council to liquidate and settle all claims and demands against said city, and to require all officers; agents or other persons entrusted with the disbursements or expenditures of the public money, to account to them therefor, at such time and in such manner as they may direct, and they shall annually publish for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys belonging to said city, and also of all debts due and owing to and from the same. And the city council shall have power to pass all such laws and ordinances as may be necessary and proper to carry into effect the powers herein and by this act granted.
- Powers.**
- Publication of ordinances.** § 24. That every law or ordinance of said city before it shall be of any force or validity, or in any manner binding on the inhabitants thereof or others, shall be signed by the Mayor, and published in one or more newspapers in said city at least six days, or written or printed copies of said law or ordinance posted in three of the most public places in said city for the aforesaid mentioned time of six days.
- Grades.** § 25. The city council shall have exclusive power to establish and regulate the grades of wharves, streets and banks, along the Mississippi river within the corporate limits of said city.
- Process.** § 26. And the Mayor within said city shall have full power and authority, and it is hereby made his duty, at such times as complaint and application shall be duly made before him, to issue all needful process for the apprehension of offenders against any of the by-laws, ordinances or regulations of said city, and to hold a court for the trial of all offenders within said city, and the same to fine, imprison or discharge, as the by-laws, ordinances and regulations of said city, and the facts of the case may require, and for the purpose he is authorized and required to cause to come before him when necessary, a jury of six citizens of said city, who shall be qualified voters of said city, and all such offenders on conviction, shall be liable for the costs of prosecution, and judgment shall go accordingly; and in case of acquittal the same shall be paid by the corporation, having first been allowed by the city council, and shall be executed
- Fry, fine and imprisonment.**
- Jury.**

and returned by the marshal within said city council, and until other provisions shall be made by the city authorities, it shall be lawful to commit all offenders against said by-laws, ordinances and regulations, on conviction, to the jail ^{Jail.} in Scott county; and in case where a portion or all the punishment shall be imprisonment, the keeper of said jail is hereby required to receive such person or persons on the proper warrant of the mayor into his custody, in the same manner, as in ordinary cases, and all expenses of such imprisonment in case where the same cannot be collected from the person or persons convicted and imprisoned, shall be paid out of the City Treasury. The fees of the Mayor, ^{Fees.} Marshal, or Jurors, in such cases, shall be the same as are allowed by statute in similar cases, for the State of Iowa. The said Mayor is also hereby authorized to issue all needful process, to arrest any offender against the criminal laws of the State, and shall proceed to try said person or persons by the same rules that govern Justices of the Peace.

§ 27. The city Marshal shall within the city in matters ^{Marshal,} of a criminal nature arising under any law of the State, possess the same powers, perform the same duties, and receive the same compensation, as either Constable in Le Claire township; he shall execute and return all process issued by the Mayor under this Act or any ordinance of the city. ^{Powers & duty.}

§ 28. That all trials for the violation of the by-laws, ^{Trials,} ordinances and regulations, shall be in a summary manner and that no person shall for any offence be deprived of his or her liberty, or be fined in any sum not less than one nor more than fifty dollars, unless convicted by a Jury of six citizens of said city qualified to vote as aforesaid.

§ 29. That the said city council shall have the custody, ^{Care of property.} care and management of all personal, real or mixed estate, and other corporate property of said city, and all the real, personal and mixed estate, money, funds and resources, which from time to time may be owned by or of right belonging to said city, with full power to purchase, hold, ^{Purchase.} possess, use and occupy and to sell and convey the same, for the use and benefit of the said city, and the inhabitants ^{Sell.}

thereof; provided, that the city council shall not have power to sell any real estate belonging to the said city of Le Claire, unless the qualified voters thereof, in pursuance of ten days previous notice given by order of the city council and published in one or more of the newspapers printed in said city, or posted in three of the most public places of said city, setting forth the time, place and purpose of voting, and there shall be a majority of written or printed ballots given expressing their assent thereto.

Limit.

Tax.

§ 30. The city council shall have power to levy an annual tax upon all property, real and personal, within the limits of said city subject to taxation for county revenue, to carry into effect the provisions of this Act; provided that no such tax shall, in any one year, exceed one-half of one per cent., upon the assessed value of the property upon which the same is levied.

Duplicate.

§ 31. The city council shall make out a duplicate of taxes in proportion to the valuation of each individual in said city, on or before the first day of May in each year, to be signed by the Mayor and countersigned by the Recorder, which duplicate shall be delivered to the Collector of said city, whose duty it shall be to proceed to collect the same, within such time and in such manner as the by laws or ordinances of the said city shall require; and to pay over the amount of such tax so collected, upon an order of the city council, signed and countersigned in the same manner as is provided for such duplicate; provided, that the said council shall have power, on the complaint of any person aggrieved, to correct or amend any illegal or erroneous assessment, before making out or delivering such duplicate to the Collector.

Collection.

Correction.

Sale.

§ 32. The Collector shall have power to sell personal property, and for want thereof to sell real estate for the non-payment of taxes within said city, giving the purchaser a certificate of such sale, setting forth a brief description of the property so sold, and at what time he will be entitled to a deed, which certificate shall be assignable by endorsement thereon, but no real estate shall be sold for the non-payment of such taxes, unless the assessment of such tax or taxes shall have been duly notified by publication for at least six

consecutive weeks before the day when the said taxes are payable in some newspaper published in said city, or by notice posted for the same length of time in some public place in each ward thereof, nor unless the intended sale of such real estate shall have been notified in the same manner and for the same length of time prior to such sale.

§ 33. All real estate sold under or by virtue of section Redemption. thirty-two, may be redeemed by the owner thereof, by paying the amount of the taxes for which the same was sold, at any time within two years from the date of the sale thereof, together with the costs of advertising and sale, and fifty per cent interest per annum, upon the whole amount of such taxes and costs; but if any real estate so sold remain unredeemed at the expiration of two years from the date of the sale thereof, the Collector of said city, shall, upon the payment of a fee of two dollars to him by the purchaser of such real estate at such sale, his assignee or legal representative, make, execute and deliver a deed of such real estate, to the said purchaser or his assignee or representative. Deed.

§ 34. The said city council whenever they think it expedient, shall have power by ordinance to borrow money on the credit of the city; provided it shall not exceed \$20,000, and also, to appropriate money, and to provide for the payment of all debts and expenses of the city. Borrow money.

§ 35. That the present president and trustees of the town Town officers of LeClaire, shall have all the power and authority granted in this charter to the Mayor and Aldermen, and said Mayor and Aldermen are hereby authorized to perform all the duties prescribed in this charter from and after its passage, until their successors in office shall be elected by the citizens of LeClaire and qualified to fill such offices.

§ 36. That this Act shall be taken and received in all Public act. courts, and by all judges, magistrates and other public officers, as a public act, and all printed copies of the same which shall be printed by and under the authority of the Senate and House of Representatives, shall be admitted as good authority thereof without any other proof whatever.

§ 37. That all acts and parts of acts heretofore passed Repeal. relative to the incorporation of said city of LeClaire, and

coming within the purview of this Act, be and the same are hereby repealed.

Take effect. § 38. This Act shall take effect and be in force from and after its publication in the Democratic Banner, published in Davenport, Iowa.

APPROVED January 13, 1855.

I certify the foregoing to be a true copy from the original roll on file in my office.
GEO. W. McCLEARY, Sec. of State.

I certify that the foregoing Act was published in the "Democratic Banner" on the 2nd day of February, 1855.

GEO. W. McCLEARY, Sec. of State.

CHAPTER 19.

STATE ROAD.

AN ACT to establish a State road from Winterset to Jefferson.

Commissioners; Winterset to Jefferson meet.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That John Young, of Madison county, Thomas Moore, of Dallas county, and Benjamin Mitchel, of Guthrie county, be, and they are hereby appointed Commissioners to locate and establish a State road, beginning at Winterset, thence via Wiscotia and Panora, to Jefferson, in Green county.

§ 2. Said commissioners shall meet at the court house in Winterset, on the third Monday in February; or within six months thereafter.

Take effect.

§ 3. This act shall take effect from and after its publication in the Fort Des Moines Star; but said publication shall not be at the expense of the State.

APPROVED January 15th, 1855.

Published in the Fort Des Moines Star March 1st, 1855,

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 20.

STATE ROAD.

AN ACT to locate a State Road from the town of Primrose, to the city of Keokuk, in Lee county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That C. C. Bauber, M. D. Elgin, and Horace Washburn, of the county of Lee, be, and the same are hereby appointed Commissioners to lay out and establish a State road leading from Primrose on the nearest and best way to Warren post office, thence on the most practicable route to the bridge on Sugar Creek, where the St. Francisville and Keokuk road crosses the same; thence the nearest and most practicable route to the city of Keokuk, in Lee county.

§ 2. That said commissioners, or a majority of them, shall meet at Primrose on the first day of April next, or three months thereafter, and proceed to locate and establish said road according to law.

§ 3. And that said Commissioners shall take to their assistance a competent surveyor and other necessary hands, who, together with the Commissioners, having been duly sworn, shall proceed to locate said road.

§ 4. The Commissioners, surveyor and others necessarily employed, not otherwise provided for, shall be paid, as provided by law, out of the county treasury of Lee county.

§ 5. This act shall be in full force after its publication.

APPROVED 15th January, 1855.

Published by legal authority, in the Capital Reporter, Feb. 7, and Iowa Republican Feb. 16, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 21.

DEPUTY SURVEYORS.

AN ACT to amend Chapter 21st of the Code of Iowa in relation to County Surveyors.

Surveyors ap-
point deputy

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, As follows: That every Surveyor is hereby authorized to appoint a deputy; and such deputy, after being duly sworn, may perform any of the duties pertaining to the office of County Surveyor, and all the doings of such deputy may be recorded in the same manner, and shall have the same effect and validity as if made by the County Surveyor himself.

APPROVED January 15th, 1855.

Published by the direction of the Governor, in the Reporter, Feb. 7, Republican Feb. 14, 1855.
GEO. W. McCLEARY, Sec'y of State.

CHAPTER 22.

ADDITIONAL JUSTICES OF THE PEACE IN DUBUQUE.

AN ACT requiring the Township Trustees of Julien township, Dubuque county, to order the election of two additional Justices of the Peace.

Two Justices
of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it is hereby made the duty of the Trustees of Julien township in Dubuque county, to order an election of two Justices of the Peace at the April election in 1855, in addition to the two Justices now holding office in that township; and that thenceforth there shall be four Justices of the Peace in said township, elected in accordance with existing laws.

§ 2. This act shall take effect from, and be in force from ^{Take effect.} and after its publication in the Iowa Capital Reporter and Dubuque Express and Herald.

APPROVED 15th January, 1855.

This act was published in the Iowa Capital Reporter 14th Feb. and in the Express and Herald Feb. 15th.

GEO. W. W. McCLEARY, Sec'y of State.

CHAPTER 23.

GOSPORT.

AN ACT to change the name of Newton, in Marion county, to Gosport.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the name of Newton, in Marion ^{Name changed} county, be, and the same is hereby changed to Gosport.

§ 2. That this act shall take effect from and after its ^{Take effect.} publication according to law, and a copy of the same being recorded in the office of the Recorder of Deeds of Marion ^{Record} County, Iowa.

APPROVED 15th January, 1855.

CHAPTER 24.

JUSTICE IN KNOXVILLE.

AN ACT to provide for the election of an additional Justice of the Peace in Knoxville, Marion County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Justice of the Peace and Constable.} *State of Iowa,* That at the August election in 1855, and at ^{Election of.} the April election in 1857, and every two years thereafter, there shall be elected one additional Justice of the Peace, and one Constable, in the township of Knoxville, Marion County, Iowa.

Conducting. § 2. That said election shall be conducted, and the returns made, pursuant to the law regulating the election of Justices of the Peace.

Take effect. § 3. That this act shall take effect and be in force from and after its publication as required by law.

APPROVED January 15th, 1855.

CHAPTER 25.

COUNTY SEAT OF ADAIR.

AN ACT to locate the county seat of Adair County.

Commission'rs. **SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That George B. Hitchcock, of Cass County, Elias Stratford, of Madison County, and John Buckingham, of Page County, be, and they are hereby appointed commissioners to locate the seat of justice of Adair County; that said commissioners, or any two of them, shall meet at Adair Post Office, in said county, on the first Monday in March next, or within sixty days thereafter, and after being duly sworn or affirmed before some person duly authorized to administer oaths, faithfully and impartially to discharge their duty according to the provisions of this act, shall proceed to locate and name said seat of justice, taking into consideration the present and future welfare of said county.

Meeting.

Adair P. O.

Oath.

Location.

Report. § 2. That said commissioners shall make out a report in writing of their doings in the premises, particularly describing the tract of land selected, and file the same with the county judge of said county; or, in case the said county of Adair shall not then be organized, said report shall be filed with the county judge of Madison county, who shall transmit the same to the judge of said county of Adair whenever the same shall have been organized; and it shall be the duty of said judge to record the same in his office.

Filed.

Record.

Fees. § 3. That said commissioners shall be allowed the sum of two dollars per day each for the time necessarily employed

in making said location, and five cents per mile in going to or returning from said county, to be paid out of the proceeds of the first sale of lots in said county seat.

§ 4. That this Act shall take effect and be in force from ^{Take effect} and after its publication in the Iowa City Republican.

APPROVED 15th January, 1855.

I certify that the foregoing Act was published in the Iowa City Republican on the 24th January, 1855. GEO. W. McCLEARY, Sec'y of State.

CHAPTER 26.

INSPECTION OF LUMBER,

AN ACT to regulate the inspection of shingles and lumber.

§ 1. *Be it enacted by the General Assembly of the State of Iowa,* That it shall be the duty of the county Judge of each county in this state at their first, or any subsequent term of said court, (when it may be necessary,) to appoint one in- ^{Inspector.} spector of lumber and shingles, who shall each have the power to appoint one or more deputies to act under them. ^{Deputies.} For the conduct of the deputies, the principal shall be liable.

§ 2. That before any inspector, or deputy inspector shall enter upon the duties of his office, he shall take an oath or ^{Qualification.} affirmation, that he will faithfully and impartially execute the duties required of him by law, and each inspector shall moreover, enter into a bond with sufficient security to be approved by the judge in such sum as the judge may require, made payable to the State of Iowa, which bond shall be deposited with the Treasurer of the county, conditioned for the faithful and impartial performance of his duties, as required by law.

§ 3. Any person who may think himself aggrieved, by ^{Sue on bond.} the incapacity, neglect, or misconduct of such inspector, or his deputy, may institute a suit on a copy of the bond certified by the Treasurer, for the use of the person suing: **Provided,** that the Treasurer shall not be liable for costs. And

Judgment. in case the person suing shall obtain judgment, he may have execution as in other cases: Provided further, that suit
Limitation. be commenced within one year from the cause of action.

Duties of Inspectors. § 4. It shall be the duty of the inspector or their deputies within their respective counties, to inspect all lumber, boards, and shingles on application made to him or them, for that purpose; and when inspected stamp on the lumber, boards and shingles, with branding irons made for that purpose, the name of the state and county where inspected; Also, the kind and quality of the articles inspected, which branding iron shall be made and lettered as may be directed by the county judges respectfully, and every inspector shall make in a book provided by him for that purpose, fair and distinct entries of articles inspected by him, or his deputies with the names of the persons for whom said articles were inspected.

Removed. § 5. The county Judges in their respective counties, shall have full power, and authority on complaints and sufficient cause shown, to remove from office, any inspector appointed under this act, or to fill any vacancy that may occur by death, removal, or otherwise.

Counterfeit brands. § 6. That if any person shall counterfeit the aforesaid brands, or marks, or either of them, upon conviction thereof, shall be deemed guilty of forgery, and shall be punished accordingly.

Size of shingles. § 7. That a lawful shingle shall be sixteen inches in length, four inches wide, a half an inch thick at the butt end, and all lumber shall be divided into four qualities, and shall be designated clear, first common and second common and refused. And shingles shall be clear of sap, and designated as first and second quality. The shingles to be branded on each bundle with the quality and the name of the inspector.

Qualities of lumber.
Shingles.
Fees. § 8. The fees for inspecting and measuring shall be fifteen cents per thousand feet board measure, and fifteen cents per thousand for shingles.

Take effect. § 9. This act to take effect from and after its publication and distribution.

APPROVED, January 15th, 1855.

I certify that the foregoing act, was published by direction of the Governor in the Iowa Capital Reporter and Iowa Republican, on the 14th day of February, 1855.
 GEO. W. McCLEARY, Sec'y of State.

CHAPTER 27.

RECORDS.

AN ACT to authorise the county Judge of Tama county to have certain portions of the Records of Benton county copied for the use of Tama county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the County Judge of Tama is hereby authorized to procure well bound books in which he shall cause to be copied into, all deeds, bonds, mortgages, bills of sale, contracts, and other instruments of writing, recorded in the Recorder's Office, of Benton county, whereby the title to lands or real property, mixed or personal, being or situate in said county of Tama, shall in any manner or form be affected. Records to be copied.

§ 2. That the Recorder of Benton county shall, and he is hereby required to furnish the books and records of his office not to be taken therefrom, at all reasonable hours, for the purposes in the first section of this act mentioned, provided, nothing herein contained shall be construed to deprive any citizen, or any other person of Benton from examining the records as provided for now by law. Recorder of Benton county to furnish the Books.

§ 3. That when the copy of the record shall be procured as above provided for, and certified to, as in the next section required, the same shall have the same binding efficacy, and all the liens and rights shall attach as if the same had been originally recorded in said Tama county; and copies of said record, procured as in the first section provided, shall have the same effect, authority, and be used as is now or hereafter may be determined by law, for copies of any record in any office of record in this State. Record valid.

§ 4. That the county Judge of Tama county, at the expense of said county, shall employ Thomas J. Staley to perform the services required in the first section of this Act, who shall receive eight cents for each one hundred words so transcribed: and in case of neglect, refusal, death or inability on the part of the said Thomas J. Staley to perform said ser- T. J. Staley to perform the duties. Pay.

vice, then it shall be proper for said county Judge of said Tama county to procure some other suitable person to perform the service herein required to be done by said Thos. J. Staley. That the said person employed to do the work, as in the said first section mentioned, shall attach a certificate at the end or conclusion of said record under oath taken before the county Judge of Tama county, stating that he verily and in truth believes that the copies so taken by him are literal and true; said certificate shall be made in each book, if more than one shall be used for the purposes aforesaid; said book or books, when taken and certified as aforesaid, shall be deposited and kept in the Recorder's office of Tama county, and indexed as other records of said office, are for the use of those concerned, and shall ever remain prima-facie evidence of the matters and things therein contained.

APPROVED January 18th, 1855.

DEPARTMENT OF STATE, Iowa City, February 5, 1855.

I hereby certify the foregoing to be a true copy from the original rolls on file in my office.
GEO. W. MCGLEARY, Sec'y of State.

CHAPTER 28.

BLACK HAWK COUNTY.

AN ACT to authorize the qualified electors of the county of Black Hawk, to vote on the removal of the county seat of said county.

Election. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be a poll opened at the usual place of voting in the several organized townships in Black Hawk county, on the first Monday in April next; for the purpose of allowing the qualified electors of said county, to vote for and against the removal of the county seat of said county.

Removal. § 2. The election authorized in the foregoing section shall be conducted as other elections for county officers, except that the ballots of the electors shall have written or printed

Manner of conducting.

thereon the word "Cedar Falls," or "Waterloo," and that place having the greatest number of the votes cast therefor, shall be, thereafter, the county seat of said county; Provided, That in the event that Waterloo shall receive the greatest number of votes; the county seat of said county shall, be and remain at Cedar Falls, until the 4th day of July next, and thereafter at the town of Waterloo. County Seat.

§ 3. It shall be the duty of the county Judge of said county, to publish the result of said vote by proclamation, under the seal of said county, within twenty days after the said election, in which proclamation he shall state the number of votes cast for each point; and if a majority of said votes shall be for Waterloo said proclamation shall contain a notice of the time when the seat of justice shall cease at Cedar Falls, and that from and after the said 4th day of July the several county offices, now required to be held at the county seat shall be held at Waterloo, and it shall be the duty of the said county Judge, to provide suitable temporary rooms for their accommodation and for the holding of the District and County courts. Publish. Votes.

§ 4. It shall be the duty of the county Judge of said county, (provided said county seat be removed,) to refund the purchase money, to such persons as have purchased lots in the town of Cedar Falls from said county, with interest thereon from the day of purchase, provided, said purchasers shall quit claim their respective titles therein to the said county of Black Hawk. Refund.

§ 5. This Act to take effect and be in force, from and after the publication in the Iowa Republican and Iowa Capital Reporter. Take effect.

APPROVED January 19, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican on the 24th day of January, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 29.

JUSTICE OF PEACE IN ADEL.

AN ACT for an additional Justice of the Peace in Panonch township Dallas county.

Election, **SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the electors in Panonch township, Dallas county, be authorized to elect, on the first Monday in April next, an additional Justice of the Peace, who shall hold his office in the town of Adel.

In town,

Take effect.

§ 2. This act to take effect after its publication in the Fort Des Moines Star; provided; that there shall be no expense to the State for said publication.

APPROVED January 19th, 1855.

Published in the Fort Des Moines Star 1st of March, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 30.

ADDITIONAL JUSTICE.

AN ACT providing for the election of an additional Justice of the Peace in Liberty township, Jefferson county.

Elect an additional Justice of the Peace.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the qualified electors of Liberty township, in Jefferson county, be and they are hereby authorized to elect one additional Justice of the peace in said township.

Election.

§ 2. That it shall be the duty of the officers conducting the election on the first Monday in April, 1855, to open a poll at said election for the purpose aforesaid.

Qualify.

§ 3. The person elected at said election shall proceed to qualify and give bond in the manner now provided by law, and shall hold his office until the regular term for electing

Term.

Justices of the Peace in said township, at which time, and regularly thereafter, there shall be elected three Justices of the Peace, of which one, at least, shall reside and keep his office in the town of Libertyville in said township. Three Justices of the Peace. One in town.

§ 4. This act shall take effect and be in full force from and after its passage.

APPROVED January 19th, 1855.

CHAPTER 31.

GUTTENBURGH.

AN ACT to amend An Act entitled "an Act to incorporate the town of Cuttenburgh."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section seven of the act to which this is amendatory, be amended as follows; between the words "warehouse" and "purposes" in said section, the words "saw mill" or "flouring mill" are hereby inserted. Amendment. Insert "mills" between "warehouse" and "purposes."

This act to take effect and be in force from and after its publication in the Dubuque Tribune and Clayton county Herald, without expense to the State. Take effect.

APPROVED January 19th, 1855.

CHAPTER 32.

GENERAL APPROPRIATION BILL.

AN ACT making appropriations for the support of the State Government for the fiscal years of 1855 and 1856, and for the pay of mileage and per diem of the members and officers of the fifth General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the following sums of money be and the same are hereby appropriated to defray the expenses of the Appropriation.

State Government for the fiscal years of 1855 and 1856, and for the pay and mileage of the members of the General Assembly and officers thereof, to be paid out of any money in the treasury not otherwise appropriated.

- Governor.** § 2. For the salary of Governor, two thousand dollars, and for contingent expenses of Governor's office, one thousand dollars.
- Secretary.** § 3. For salary of Secretary of State, one thousand dollars, and for contingent expenses of the Secretary's office, one thousand dollars.
- Auditor.** § 4. For salary of Auditor of State, twelve hundred dollars, and for contingent expenses of the Auditor's office, eight hundred dollars.
- Treasurer.** § 5. For salary of Treasurer of State, eight hundred dollars, and for contingent expenses of the Treasurer's office, six hundred dollars.
- Superintendent of Public Instruction.** § 6. For salary of Superintendent of Public Instruction, twenty-four hundred dollars, and for contingent expenses of the Superintendent of Public Instruction's office, six hundred dollars.
- Chief Justice and associates.** § 7. For salary of Chief Justice and associate Justices of the Supreme Court, six thousand dollars, and for contingent expenses of the Supreme Court, one thousand dollars.
- District Judges.** § 8. For salary of each District Judge, two thousand dollars.
- Librarian.** § 9. For salary of State Librarian, three hundred dollars, for contingent expenses of the State Library, two hundred dollars.
- General contingent fund. Senate.** § 10. For a general contingent fund, two thousand dollars.
§ 11. For per diem and mileage of the members of the Senate, three thousand nine hundred and fifty dollars.
- House of Representatives.** § 12. For mileage and per diem of members of the House of Representatives, eight thousand five hundred dollars.
- Officers.** § 13. For pay of pro tem. and permanent officers of the General Assembly to which they may be entitled by their certificates, or so much thereof as may be necessary, two thousand dollars.
- Penitentiary officers.** § 14. For pay of the officers of the Penitentiary. Salary of the Warden, one thousand dollars; salary of the

Clerk, seven hundred and twenty dollars; Deputy Warden, six hundred dollars; Inspector, three hundred and sixty dollars.

§ 15. This act shall take effect from and after its passage. Take effect.
 Approved January 19th, 1855.

DEPARTMENT OF STATE, Iowa City, February 5th, 1855.

I certify the foregoing to be a true copy from the original rolls on file in my office.
 GEO. W. McCLEARY, Sec'y of State.

CHAPTER 33.

SUNDAY.

AN ACT for the observance of the Sabbath.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That if any person be found on the first day of the week, commonly called Sabbath, engaged in any riot, fighting, or offering to fight, or hunting, shooting, carrying fire arms, fishing, horse racing, dancing, or in any manner disturbing any worshipping assembly, a private family, or in buying or selling property of any kind, or in any labor, (the works of necessity and charity only excepted,) every person so offending, shall on conviction be fined in a sum not more Breach. Fine. than five dollars, nor less than one dollar, to be recovered before any Justice of the Peace in the county where such offence is committed, provided, nothing herein contained shall be construed to extend to those who conscientiously observe the seventh day of the week as the Sabbath, or to Seventh day. prevent persons traveling, or families emigrating from pursuing their journey, or keepers of toll bridges, toll gates, and Travelers. ferrymen from attending the same.

§ 2. For all offences, and assessments under the provisions Omitted. of this Act, the offenders shall be committed to the jail of said county until the said fines, together with costs of prosecution shall be paid.

Take effect. § 3. This Act shall take effect, and be in force from and after its publication.

APPROVED January 19th, 1855.

I certify that the foregoing Act was published by direction of the Governor in the Iowa Capital Reporter on the 7th February, and in the Iowa Republican on the 14th February, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 34.

BUSHEL OF SWEET POTATOES.

AN ACT defining the weight of a bushel of sweet potatoes.

Weight. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the weight of a bushel of sweet potatoes shall after the passage of this Act be forty-six pounds.

Take effect. § 2. This Act to take effect from and after its publication.
APPROVED 19th January, 1855.

This Act was published in the Reporter on the 7th of February, and Republican on the 14th of February, 1855, by the direction of the Governor.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 35.

JUSTICE OF THE PEACE IN BRIDGEPORT.

AN ACT to authorize the election of an additional Justice of the Peace for Pleasant township, Monroe County, Iowa.

Election. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the qualified electors of Pleasant township, Monroe county, be and they are hereby authorized to elect one additional Justice of the Peace in said township.

Polls. § 2. That it shall be the duty of the officers conducting the election in said township on the first Monday of April,

1855, to open a poll at said election for the purpose aforesaid.

§ 3. The person elected at said election shall proceed to ^{Qualify.} qualify and give bond in the manner now provided by law, and shall hold his office for the term of two years, at which ^{Term.} time, and regularly thereafter, there shall be elected in said township three Justices of the Peace, of which one at least shall reside and keep his office in the town of Bridgeport in ^{In Bridgeport} said township.

§ 4. This Act shall take effect from and after its publica- ^{Take effect.} tion in the Eddyville Free Press, and the Albia Independent Press.

APPROVED 18th January, 1855.

Published in the Albia Independent Press February 21, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 36.

CHURCH RESERVE.

AN ACT donating to the First Presbyterian Church of Iowa City, a certain lot of ground therein named.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Donated.} *State of Iowa,* That there be donated unto the First Presbyterian Church of Iowa City, the church reserve in block number 13 (thirteen) in Iowa City, as designated on the plat of said city.

§ 2. That the Secretary of State be and he is hereby ^{Deed.} directed on application to execute to and deliver a deed for the above parcel of ground so donated to the Presbyterian Church of Iowa City, and their successors in office, conveying the said piece of ground to them for the use of the said Presbyterian Church, *Provided,* the said deed shall be executed in all respects, and in the same manner and shall have the same legal effect as other deeds for lots in Iowa City to purchasers as are now directed by law.

§ 3. That the said President and Board of Trustees or ^{Sell.} their successors in office of the said Presbyterian Church,

are hereby authorized at any time after the passage of this Act, to sell and dispose of all, or a part of said piece of ground, so donated by this Act, to any person or persons, and to execute a deed or deeds to the purchaser or purchasers for the same, and the said President and Board of Trustees are hereby directed and required to insert the proceeds thereof in the payment of the indebtedness of said church, and the balance if any to be applied in the improvement and completion of said church.

Take effect.

§ 4. This Act to be in force from and after its publication according to law.

APPROVED January 18th, 1855.

DEPARTMENT OF STATE, Iowa City, February 5th, 1855.

I certify the foregoing to be a true copy from the original rolls on file in my office.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 37.

RINGGOLD COUNTY.

AN ACT to organize the County of Ringgold.

Organization,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county of Ringgold be, and it is organized, after the first day of March next, and the inhabitants thereof shall be entitled to all the rights and privileges to which, by law, the inhabitants of other counties of this State are entitled.

Election.

§ 2. That there shall be a special election held in said county at such place as the organizing sheriff may direct in his notice of said election, on the first Monday in April, 1855 which notice shall be posted at three of the most public places in such civil townships, ten days previous to said election.

First Monday in April.

Judges of election.

§ 3. That when the electors shall have assembled at the polls pursuant to notice heretofore mentioned, they shall proceed to choose from their number three persons who shall act

as judges of election. Also two persons who shall act as Clerk's clerks of election. Said judges and clerks shall, before entering upon their duties, take the oath prescribed by law. Oath.

§ 4. That the county and township officers elected under Officers, the provisions of this Act, shall continue in office until their Term, successors are elected and qualified by law.

§ 5. That Wm. McAfee, of Taylor county, be, and is Wm McAfee, hereby appointed Sheriff of said county, and shall continue Sheriff in office until his successor is elected and qualified, and shall grant certificates of election, administer the oath of office, and in all respects discharge the duties required by law to be performed by county clerks in relation to elections, until a Clerk may be elected and qualified in said county; provided that he is not required to take to his assistance two Justices of the Peace in canvassing the election returns of said county.

§ 6. The organizing Sheriff of said county before enter- Oath, ing upon the duties of his station, shall take an oath for the faithful performance thereof.

§ 7. The organizing Sheriff shall be entitled to the same Fees, fees as other Sheriffs now receive for like services.

§ 8. This Act shall be in force from and after its publi- Take effect, cation in the Iowa Capital Reporter and Iowa City Republican.

APPROVED JANUARY 18th, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican on the 31st day of January, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 38.

RECORD OF DEEDS.

AN ACT to require Recorders of counties to keep the Records of conveyances of Town Lots separate from other Real Estate.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That it shall henceforth be the duty of the* Deeds for town lots,

Recorders of the different counties in this State, to record all deeds, mortgages, and other conveyances of Town Lots, in all cities and villages, in their respective counties, the plats whereof are recorded in separate record books, from those in which other conveyances of Real Estate are recorded.

Recorded separate,

Books.

§ 2. It shall be the duty of the respective county Judges to provide suitable record books, for carrying into effect the provisions of this act.

Repeal,

§ 3. All acts and parts of acts concerning records of deeds, in conflict with this Act, are hereby repealed.

APPROVED January 18th, 1855.

The foregoing Act was published in the Iowa Capital Reporter Feb. 7th, and Iowa Republican Feb. 14, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 39.

ESCHEAT.

AN ACT granting an escheat.

Preamble.

Whereas certain estate, the property of John Ross, deceased, late of Van Buren county, is likely to escheat to the State of Iowa, and be lost to his relatives and to Catherine Sherine, his sister of the half blood, by the mother side, therefore :

Relinquishment of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all the claim, right and interest, of the State of Iowa, in and to said estate, and in, and to lots No. one and two, and the north east quarter of the south east quarter and of the north half of the north west quarter of section No. one in township No. 69, north of range ten west, in Van Buren county, be and the same is hereby released unto said Catherine Sherine and confirmed to her and her heirs forever.

Proviso.

§ 2. *Provided*, That nothing in this Act contained

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shall in any wise effect the rights or interests of the creditors or lawful heirs of said John Ross, if such there be.

APPROVED January 18th, 1855.

CHAPTER 40.

CORNWALL HEIRS.

AN ACT for the relief of the heirs of George Cornwall, late of Lee County, deceased.

SECTION 1. *Be it enacted*, That the escheat to which this State is entitled to the lands, within the bounds of this State, which belonged to George Cornwall in his life time, and at the time of his death, late of Lee county, deceased, because of the alienship of his nephew and heir, John Cornwall, he and the same is hereby relinquished to said John Cornwall, who is to inherit said lands in the same way and manner and to the same purport and effect, as though he had been a native born citizen of the United States at the time of the death of said George Cornwall, *Provided*, that nothing in this Act contained shall in any wise effect the rights or interests of the creditors of said George Cornwall.

APPROVED Jan^y 18th, 1855.

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CHAPTER 41.

AGRICULTURAL.

AN ACT to encourage Agriculture and the Mechanic Arts in Johnson county

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That on the first day of April, in each year, the county Judge of Johnson county shall draw an order upon the Treasurer of said county, in favor of the Johnson County Agricultural and Mechanical Society, for a sum equal to thirty-three and one third per centum, upon the

amount of the personal poll tax which may have been levied in said county for the preceding year, and it shall be the duty of said Treasurer, on presentation of such order, to pay the amount thereof in money to the financial officer of said society, to be expended by said society in the improvement of agriculture and the mechanic arts within said county.

Fair.

§ 2. That to secure a faithful application of said money to the objects herein before stated, the officers of said society shall annually hold a county Fair, and cause to be prepared and published a list of premiums to the farmers and citizens of said county, at least equal in amount to the payment from the county Treasury for the current year; a copy of which list shall be left with the county Judge and be preserved in his office.

Premiums.

Failure.

§ 3. That if from any cause, said society fails to hold their Fair, or to file such list with the county Judge, he shall withhold all subsequent orders until the requirements of the foregoing section have been complied with.

Take effect.

§ 4. This Act may take effect by publication in the Iowa Capital Reporter and Republican, *Provided*, said society shall pay the expense, if any, of such publication.

APPROVED January 20th, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Republican on the 31st day of Jan. 1855.

G. W. McCLEARY, Sec'y of State.

CHAPTER 42.

STATE ROAD.

AN ACT to locate a State Road from Charleston, Lee county, via Montrose to Keokuk.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That John Schooley, Simon Cole and W. H. Griswold, of the county of Lee, be, and they are hereby appointed commissioners, to locate and establish a State Road from Charleston, in Lee county, via Montrose to Keokuk.

§ 2. That the commissioners appointed to locate said Charleston to Keokuk. Meeting. or a majority of them, shall meet at Charleston on the second Monday of April, 1855, or within six months thereafter, and taking to their assistance a surveyor, the necessary chainmen and markers, and having been qualified, shall proceed to the discharge of their duties according to law.

§ 3. That the commissioners shall have two dollars per day each, and the surveyor, chainmen and markers, such Commissioner's sum as the county Judge may deem just. All expense to be paid by Lee county. Paid by Lee county.

§ 4. This act shall take effect from and after its publication in the Iowa City papers. Take effect

APPROVED 20th January, 1855.

I certify that the foregoing Act was published in the Iowa City Papers on the 31st day of January, 1855.

GEORGE W. McCLEARY, Sec'y of State.

CHAPTER 43.

UNION COUNTY.

AN ACT to provide for the location of the seat of Justice of Union county.

SECTION 1. *Be it enacted by the General Assembly of the* Commissioners State of Iowa, That S. S. Walker of Lucas county, Adrian Miles of Monroe county, and George A. Hawley of Decatur county, be and they are hereby appointed commissioners to locate and name the seat of Justice of Union county.

§ 2. That said commissioners, or any two of them, shall Meeting. meet at Peters' Mill, in said county of Union, on the first Monday in February next, or within ninety days thereafter, and, after being duly qualified to the faithful performance of Duties. their duties by some person having authority to administer oaths, shall proceed to locate the seat of Justice of said county as near the geographical center of said county as a suitable site may be found, having due regard to the present Site

Report. as well as future population of said county, and make a report to the county Judge of said county, describing the tract of land so selected, which report shall be placed by said Judge upon the records of said county.

Compensation. § 3. That said commissioners shall receive as compensation for their services, \$ 2 00 per day for the time necessarily employed in the discharge of their duties, to be paid out of the proceeds of the first sale of lots in said town.

Take effect. § 4. This act to take effect from and after its publication in the Iowa Capital Reporter and Iowa City Republican.

APPROVED January 20th, 1855.

I certify that the above Act was published in the Iowa Capital Reporter and Iowa Republican, on the 31st day of January, 1855

GEORGE W. McULEARY, Secy of State.

CHAPTER 44.

BURLINGTON.

AN ACT to amend the charter of the City of Burlington.

Charter amended. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the charter of the City of Burlington be, and the same is hereby so amended as to authorize and require the present Board of Aldermen of said city to classify, in order that one half of said Aldermen shall be elected each year, in the manner and at the time now provided by said charter and its amendments.

Aldermen to classify. **Election of.** **Time to classify.** **Manner.** **Limitation.** § 2. The classification shall take place at such time as may be agreed upon by the present city council, and in such manner as they may determine ; provided, that said classification shall take place before the first Monday in February, 1855.

Order. **First.** **Manner.** § 3. In classifying, they shall take the wards in numerical order, from No. 1, up: the Aldermen in the first ward shall first classify, in the following manner: the Recorder shall write on two slips of paper, on one the word one, and on the

other the word two, shall fold them and deposit them in a hat box, or other place, and the Aldermen from said ward shall then draw; the one drawing the paper with the word two ^{Drawing.} shall continue in office for two years from the time of his ^{Term.} election, and until his successor is elected and qualified; and they shall so proceed to classify until all the wards of ^{All wards.} said city shall be classified.

§ 4. When new wards shall be organized in said city, ^{New wards.} and Aldermen elected, they shall classify in the manner ^{Classify.} above provided.

§ 5. The Aldermen drawing the long term shall be, and ^{Extension of} they are hereby invested with all the power of Aldermen, ^{term.} as fully as though they were again elected and qualified.

§ 6. The Aldermen hereafter to be elected, shall be ^{Term of} elected for two years from their election, and until their ^{Aldermen.} successors are elected and qualified.

§ 7. A removal out of the ward by any Alderman shall ^{Removal.} vacate the seat of said Alderman, which shall be filled as now provided by the charter.

§ 8. The production of a printed copy of any ordinance ^{Authentica-} of said city, in newspaper, book or pamphlet form, in any ^{tion of} suit to which the city is a party, shall be prima facie evidence ^{ordinances.} that said ordinance has been legally passed and published. ^{Prima facie.}

§ 9. This Act shall take effect and be in force from its ^{Take effect.} publication in the Burlington Gazette, and to be paid for by said city; and all Acts, or parts of Acts, heretofore passed, ^{Publication} conflicting with the provisions of this Act, be and the same ^{paid by city.} are hereby repealed. ^{Repeal.}

APPROVED January, 17th 1855.

I certify that the foregoing Act was published in the Burlington Gazette on 23d January, 1855

GEO. W. McULEARY, Secretary of State.

CHAPTER 45.

LIQUOR LAW.

AN ACT for the suppression of intemperance.

Sale of intoxicating liquor prohibited.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, No person shall manufacture or sell by himself, his clerk, steward or agent, directly or indirectly, any intoxicating liquors, except as hereinafter provided. And the keeping of intoxicating liquor, with the intent, on the part of the owner thereof, or any person acting under his authority or by his permission, to sell the same within this State, contrary to the provisions of this act, is hereby prohibited, and the intoxicating liquors so kept, together with the vessels in which it is contained, is declared a nuisance, and shall be forfeited and dealt with as hereinafter provided; ale, porter, lager beer, cider, and all wines are included among intoxicating liquors within the meaning of this act: *Provided, however*, that nothing in this section or in this act shall be construed to forbid the making of cider from apples, or wine from grapes, currants or other fruits grown or gathered by the manufacturer, or the selling of such cider or wine, (if made in the State) by the maker thereof, *Provided, only*, that the quantity sold at any one time be not less than five gallons, and be sold and be all taken away at one time.

Declared a nuisance.

Exemption

Importer.

§ 2. Nothing in this act shall be construed to forbid the sale by the importer thereof, of foreign intoxicating liquor imported under the authority of the laws of the United States regarding the importation of such liquors, and in accordance with such laws; *Provided*, that the said liquor, at the time of said sale by said importer, remains in the original casks or packages in which it was by him imported, and in quantities not less than the quantities in which the laws of the United States require such liquors to be imported, and is sold by him in said original casks or packages, and in said quantities only; *Provided*, that nothing contained in this

Limitation.

Distilleries.

law shall prevent any person or persons from manufacturing in this State liquors for the purpose of being sold according to the provisions of this Act, to be used for mechanical or medicinal purposes.

§ 3. The county Judge of any county, on the first Monday of May annually, shall appoint some suitable person or persons, not more than two in number, residents of said county, but not both residents of the same township, to act as agent or agents of such county, for the purchase of intoxicating liquor, and for the sale thereof within such county, for medicinal, mechanical and sacramental purposes only. And the said county Judge may remove such agent at his pleasure and appoint another in his stead, at such time after such removal as shall be convenient. Every such agent shall hold his office one year unless sooner removed. He shall sell such liquor only in one place, to be designated in the written certificate, to be given him by the county Judge, and no two agents shall be allowed to sell such liquor in the same township. He shall, in the purchase and in the sale of such liquor, conform to such rules and regulations as shall be prescribed by said county Judge, not inconsistent with the provisions of this Act. He shall keep an accurate account of all his purchases and all his sales; specifying, in such account, the kind, and quantity, and price of the liquor bought by him, the date of each purchase made by him, and the name of the person of whom such purchase was made, the kind, quantity and price of liquor sold by him, the date of each sale made by him, the name of the purchaser at every such sale, and the use for which the liquor on every such sale was sold, as stated by the purchaser; which account shall be at all times open to the examination of the said county Judge, and the Grand Jurors and Prosecuting Attorney of such county. He shall, when required by said county Judge, account with him regarding all his dealings as such agent, and exhibit to him all receipts, bills, books and papers of every kind relating to such dealings, or to his accounts. He shall sell such liquor at such prices as shall be prescribed by the county Judge, not, however, to exceed twenty-five per cent upon the cost thereof, and shall, when required by the

County agents

May be removed.

Term.

Purchase and sale of liquor

Accounts, &c.

county Judge, pay over the proceeds of his sale to the county Treasurer, and he shall, at the termination of his agency on the first Monday in May, or, in case he should be sooner removed by the county Judge, he shall, as soon after such removal as may be, make a written report to the county Judge, verified by his oath or affirmation, of all his purchases and the cost thereof, and of all his sales and the proceeds thereof, specifying the number of his sales, the respective quantities and kinds sold for each of the purposes of medicinal, mechanical and sacramental uses, and the quantity, and kind, and cost of all liquor remaining on hand at the time of making such report, and said report shall be filed in the office of the County Judge. Such agent shall receive for his services a fixed and stipulated compensation, to be prescribed by the county judge; but the amount of such compensation shall not be increased by reason of any increase or diminution of the sales of such liquors by such agent, and he shall not in any way, except as one of the inhabitants of the county, be interested in said liquor, or in the purchase or sale thereof, or in the profits thereon. And if any person purchasing any intoxicating liquors of such agent shall intentionally make to such agent any false statement regarding the use to which such liquor is intended by the purchaser to be applied, such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit and pay a fine of ten dollars, together with the costs of prosecution, and shall stand committed until the same be paid.

Compensation.

Purchaser under false pretenses.

Fine.

Certificate.

§ 4. Every such agent shall receive from the said county Judge a certificate authorizing him, as agent of such county, to sell, at the place mentioned in such certificate, intoxicating liquor for medicinal, mechanical and sacramental purposes only; but he shall not receive such certificate or exercise his office until he shall have executed unto said county, for the use of said county, a bond, with two good and sufficient sureties, to be approved by the county Judge, in a sum not less than one thousand dollars, conditional that if, as such agent, he shall sell intoxicating liquor for medicinal, mechanical, and sacramental purposes only, and shall in all respects con-

Bond

form to the provisions of the law in relation to his agency and to the laws of this State relating to the sale of intoxicating liquors, the said bond to be void.

§ 5. Every person who shall manufacture any intoxicating liquor, as in this act prohibited, shall be deemed guilty of a misdemeanor, and shall pay, on his first conviction for said offence, a fine of one hundred dollars and the costs of prosecution, and shall stand committed thirty days, unless the fine be sooner paid; on his second conviction, he shall pay a fine of two hundred dollars, and the costs of prosecution, and shall stand committed sixty days unless the fine be sooner paid. And on the third and every subsequent conviction for said offence, he shall pay a fine of two hundred dollars and the costs of prosecution, and shall be imprisoned in the county jail ninety days.

§ 6. If any person by himself, his clerk, servant or agent, shall for himself, or any person else, directly or indirectly, or on any pretence, or by any device, sell, or in consideration of the purchase of any other property, give to any other person any intoxicating liquor, he shall be deemed guilty of a misdemeanor, and shall pay, on his first conviction for said offence, a fine of twenty dollars and the costs of prosecution, and shall stand committed ten days, unless the same be sooner paid; on the second conviction for said offence, he shall pay a fine of fifty dollars and the costs of prosecution, and shall stand committed thirty days, unless the same be sooner paid, and on the third and every subsequent conviction for said offence, he shall pay a fine of one hundred dollars and the costs of prosecution, and shall be imprisoned in the county jail not less than three nor more than six months. And in default of the payment of the fines and costs provided for the first and second convictions under this section the person so convicted shall not be entitled to the benefit of section 3268 of the Code until he shall have been imprisoned sixty days. All clerks, servants and agents, of whatever kind, engaged or employed in the manufacture, sale or keeping for sale, in violation of this act, of any intoxicating liquor, shall be charged and convicted in the same manner as principals may be, and shall be subject to the penalties here-

Any number of violations. in provided. Indictments and informations for violations under this section may allege any number of violations of its provisions by the same party, but the various allegations must be contained in separate counts, and the person so charged may be convicted and punished for each of the violations so alleged as on separate indictments or informations; but a separate judgment must be entered on each count on which a verdict of guilty is rendered. The second and third convictions, however, mentioned, in this section, shall be construed to mean convictions on separate indictments or informations.

Owning liquor.

§ 7. No person shall own or keep, or be in any way concerned, engaged or employed in owning or keeping any intoxicating liquor with intent to sell the same in this State, (or to permit the same to be sold therein) in violation of the provisions of this act; and any person who shall so own or keep, or be concerned or engaged or employed in owning or keeping such liquor with any such intent, shall be deemed guilty of a misdemeanor, and shall, on his first conviction for said offence, pay a fine of twenty dollars and the costs of prosecution, and stand committed until the same be paid.

Penalty

Second offence.

On his second conviction for said offence, he shall pay a fine of fifty dollars and the costs of prosecution, and shall stand committed until the same be paid, and on his third and every subsequent conviction for said offence, he shall pay a fine of one hundred dollars and the costs of prosecution, and shall be imprisoned in the county jail not less than three nor more than six months.

Third or subsequent.

And upon the trial of every indictment or information for violations of the provisions of this section, proof of the finding of the liquor named in the indictment, or information in the possession of the accused in any place except his private dwelling house, or its dependencies, (or in such dwelling house or dependencies if the same be a tavern, public eating house, grocery, or other place of public resort,) shall be received and acted upon by the court as presumptive evidence that such liquor was kept or held for sale contrary to the provisions of this act.

Building declared a nuisance.

§ 8. In case of violation of the provisions of either of the three preceding sections, the building or erection of whatever kind, or the ground itself in or upon which such

unlawful sale or manufacture, or keeping with intent to sell, of any intoxicating liquor is carried on, or continued, or exists, is hereby declared a nuisance, and may be abated as the law provides; and in addition to the penalties prescribed in said sections, whoever shall erect, or establish, or continue, or use any building, erection, or place for any of the purposes prohibited in said sections, shall be deemed guilty of a nuisance, and may be prosecuted and punished accordingly, in the manner provided by law. And proof of the manufacture, sale, or keeping with intent to sell, of any intoxicating liquor in violation of the provisions of this act in or upon the premises described by the party accused, or by any other person under the authority or by the permission of the party accused, shall be deemed sufficient as presumptive evidence of the offence provided for in this section.

§ 9. If any three persons, residents of any county, shall, **Information** before a justice of the peace for the same county, make written information, supported by their oath or affirmation, that they have reason to believe, and do believe, that any intoxicating liquor, described as particularly as may be, in said information, is in said county, in any place, described as particularly as may be in said information, owned or kept by any person named or described in said information as particularly as may be, and is intended by him to be sold in violation of the provisions of this act, said Justice shall, (upon finding probable cause for such information), issue his warrant of search, directed to any peace officer in **Search war-** said county, describing, as particularly as may be, the liquor **rant.** and the place described in said information, and the person named or described in said information as the owner or keeper of said liquor, and commanding the said officer to search thoroughly said place, and to seize the said liquor, **Seizure.** with the vessels containing it, and to keep the same securely until final action be had thereon; whereupon the said peace officer, to whom such warrant shall be delivered, shall forthwith obey and execute, so far as he shall be able, the commands of said warrant, and make return of his doings to said Justice, and shall securely keep all liquors so seized by

Proviso.

him, and the vessels containing it, until final action be had thereon: *Provided, however,* that if the place so to be searched be a dwelling house in which any family resides, and in which no tavern, eating-house, grocery, or other place of public resort is kept, such warrant shall not be issued unless one at least of said complainants shall, on oath or affirmation, declare before said Justice, that he has reason to believe, and does believe, that within one month next before the making of said information, intoxicating liquor has been, in violation of this act, sold in said house, or in some dependency thereof, by the person accused in said information, or by his consent or permission; nor unless from the facts and circumstances disclosed by such complaint to said Justice, the said Justice shall be of opinion that said complainant has adequate reason for such belief.

Summons.

§ 10. Whenever upon such warrant such liquors shall have been seized, the Justice who issued such warrant shall within forty-eight hours after such seizure, cause to be left at the place where said liquor was seized, if said place be a dwelling house, store or shop, posted in some conspicuous place on or about said buildings, and also to be left with or at the last known and usual place of residence of the person named, or described in said information, as the owner or keeper of said liquor if he be a resident of this State, a notice summoning such person, and all others whom it may concern, to appear before said Justice at a place and time named in said notice, (which time shall not be less than five nor more than fifteen days after the posting and leaving of said notices) and show cause if any they have, why said liquor, together with the vessels in which the same is contained, should not be forfeited; and said notice shall with reasonable certainty describe said liquor and vessels, and shall state where, when and why, the same were seized. At the time and place prescribed in said notice, the person named in said information, or any other person or persons claiming an interest in said liquor and vessels, or any part thereof, may appear and show cause why the same should not be forfeited. If any person shall then and there so appear, he shall become a party defendant in said case, and said

Time and place.

Justice shall make a record thereof, whether any person shall so appear or not, said Justice shall at the prescribed time, proceed to the trial of said case, and said complainants, Trial or either of them, may, and upon their default, the officer, having such liquor in custody shall, appear before said Justice, and prosecute said information, and show cause, why such liquor should be adjudged forfeited. The proceeding in the trial of such case may be the same substantially as in cases of misdemeanor, triable before justices of the peace, and if any person shall appear and be made a party defendant as herein provided, and shall make written plea, that said liquor or the part thereof, claimed by him, was not owned or kept with intent to be sold in violation of this act, such party defendant may, at his option, demand a jury to try the issue, and if upon the evidence then, and there presented, the said justice or jury as the case may be, shall find for verdict, that said liquor was, when seized, owned or kept by any person (whether said party defendant or not) for the purpose of being sold in violation of this act, the said justice shall render judgment that said liquor or said part thereof, with the vessels in which it is contained, is forfeited. If no person be made defendant in manner aforesaid, or if judgment be in favor of all the defendants, who appear and are made such, then the costs of the proceeding shall be paid as in ordinary criminal prosecutions where the prosecution fails. If the judgment shall be against only one party defendant appearing as aforesaid, he shall be adjudged to pay all the costs of the proceedings in the seizure and detention of the liquor claimed by him up to that time, and of said trial. But if such judgment shall be against more than one party defendant claiming distinct interests in said liquor, then the costs of said proceedings and trial shall be according to the discretion of said Justice equitably apportioned among said defendants, and execution shall be issued on such judgments against said defendants for the amount of the costs so adjudged against them. And any person appearing and becoming party defendant as aforesaid, may appeal from said judgment of forfeiture as to the whole, or any part of said liquor, and vessels claimed by

him; and so adjudged forfeited, to the next term of the district court in said county, if on the rendition of the judgment, he, or some person for him, shall make, or cause to be made, an affidavit stating the facts, showing the alledged errors in the proceedings or judgment complained of; and if also on said rendition of judgment, he shall file with the justice a written undertaking in a sum and with sureties to be approved by said justice that said defendant will prosecute the appeal without delay, and will pay whatever sum may be adjudged against him in the further progress of the action. On the allowing of such appeal, the Justice shall file in the office of the clerk of said district court, a certified copy of the entries on his docket together with all the undertakings and papers in the cause, in the same manner as is provided in cases of appeals in misdemeanors triable before a justice of the peace. And if the party so appealing shall fail to appear before said district court at the next term thereof, and on the first day of said term to prosecute his appeal, the said court shall, without further proceedings, affirm the judgement from which such appeal was taken. But if the party so appealing shall appear, and if on trial had upon the issue or otherwise, as the case may be, it be found that said liquor, in respect to which an appeal was taken, was, when seized, owned or kept by any person for the purpose of being sold in violation of this Act, then said liquor, and the vessels containing it, shall, by said court be adjudged forfeited, and the said court shall adjudge said defendant to pay the costs arising upon said appeal in addition to the costs adjudged against him by the justice of the peace.

Bond.

Transcript.

Affirm.

Guilt.

Forfeiture.

Liquor and vessels to be destroyed.

Restoration.

§ 11. Whenever it shall be finally decided that liquor seized as aforesaid is forfeited, the justice of the peace, or other court rendering final judgment of forfeiture, shall issue to the officer having said liquors in custody, or to some other peace officer, a written order, directing him forthwith to destroy said liquor and the vessels containing the same, and immediately thereafter to make return of said order to the court, whence issued, with his doings endorsed thereon, which return shall in all cases be sworn to. Whenever it shall be finally

decided that any liquor so seized is not liable to forfeiture, the court by whom such final decision shall be rendered, shall issue a written order to the officer having the same in custody, or to some other peace officer, to restore said liquor, with the vessel containing the same, to the place where it was seized, as nearly as may be, or to the person entitled to receive it, which order the officer, after obeying the commands thereof, shall return to the said court with his doings thereon endorsed, **Returns.** and the costs of the proceedings in such case attending the restoration, as also the costs attending the destruction of such liquor in case of forfeiture, shall be taxed and paid in the same manner as is provided in cases of ordinary criminal prosecution, where the prosecution fails.

§ 12. If any person shall be found in a state of intoxication, he shall be deemed guilty of a misdemeanor, and any peace officer may, without warrant, and it is hereby made his duty to take such person into custody, and to detain him in some suitable place, till an information can be made before a magistrate, and a warrant issued in due form, upon which he may be arrested and tried, and if found guilty, he shall pay a fine of ten dollars and the costs of prosecution, and shall be imprisoned in the county jail thirty days. **Arrested.** But the magistrate before whom such person is tried and convicted may remit any portion of such penalty, and order the prisoner to be discharged, whenever he shall become satisfied that the object of this law and the good of the public and of the prisoner will be advanced thereby. **Tried.** In cases arising under this section, appeals may be allowed as in cases of ordinary misdemeanor within the jurisdiction of Justices of the peace. **Time.**

§ 13. In any indictment or information arising under this Act, it shall not be necessary to set out exactly the kind or quantity of intoxicating liquors manufactured or sold, or kept for purposes of sale, nor the exact time of the manufacture, or sale, or keeping with intent to sell, but proof of the violation by the accused of any provision of this Act, the substance of which violation is briefly set forth within the time mentioned in said indictment or information, shall be sufficient to convict such person; nor shall it be necessary in any indictment or information to negative any exceptions contained **Unnecessary to set out kind, quantity or amount.** **Not negative.**

LAWS OF IOWA.

In the enacting clause or elsewhere which may be proper ground of defence; and in any prosecution for a second or subsequent offence, as provided in this Act, it shall not be requisite to set forth in the indictment or information the record of a former conviction, but it shall be sufficient briefly to allege such conviction, nor shall it be necessary in every case to prove payment in order to prove a sale within the true meaning and intent of this Act, and the person purchasing any intoxicating liquor sold in violation of this Act, shall, in all cases, be a competent witness to prove such sale.

Fees.

§ 14. A Justice of the Peace shall be entitled to receive for causing notices to be posted up and left pursuant to section ten, fifty cents, for issuing an order pursuant to section eleven, fifty cents, and the officer who shall make service of any warrant for the seizure of any intoxicating liquor shall be allowed for such service the sum of one dollar, for the removal and custody of such liquor his reasonable expenses, and one dollar for delivery or destruction of liquor under order of court, his reasonable expenses, and one dollar, and for posting and leaving notices pursuant to section ten, one dollar.

Payments for
Spurious liquor.

§ 15. All payments or compensation for intoxicating liquor hereafter sold in violation of this Act, whether such payments or compensation be in money, goods, land, labor, or any thing else whatsoever, shall be held to have been received in violation of law and against equity and good conscience, and to have been received upon a valid promise and agreement of the receiver in consideration of the receipt thereof, to pay on demand to the person furnishing such consideration the amount of said money or the just value of such goods, land, labor, or other things. All sales, transfers, conveyances, mortgages liens attachments, pledges and securities of every kind which either in whole or in part, shall have been made for or on account of intoxicating liquors sold in violation of this act, shall be utterly null and void against all persons in all cases, and no rights of any kind shall be acquired thereby, and no action of any kind shall be maintained in any court in this State for intoxicating liquors, or the value thereof, sold in any other State or country contrary to the law of said

Sales &c.

Void.

No action to
be maintained

State or country, or with intent to enable any person to violate any provision of this Act, nor shall any action be maintained for the recovery or possession of any intoxicating liquor, or the value thereof, except in cases where persons owning or possessing such liquor with lawful intent, may have been illegally deprived of the same. Nothing, however, in this section shall affect in any way negotiable paper in the hands of *bona fide* holders thereof for valuable consideration, without notice of any illegality in its inception or transfer, or the holder of land or other property who may have taken the same in good faith, without notice of any defect in the title of the person from whom the same was taken, growing out of a violation of the provisions of this Act, and all evidence given in actions brought by or against such *bona fide* holders, shall be in no way affected by the provisions of this section.

§ 16. The county Judge of any county may from time to time draw from the Treasury of said county such sums as in his judgment shall be necessary for the purchase of intoxicating liquor, by the agent or agents of such county, to be by them sold under the provisions of this Act, and no agent appointed under this Act shall have power on behalf of any county to contract any debt for intoxicating liquor, which shall be to any extent binding upon such county.

§ 17. The 55th Chapter of the Code of Iowa is hereby repealed, which repeal shall take effect at the time when this Act shall go into operation; *Provided*, however, that all prosecutions which shall have been commenced at the time when this Act shall take effect, may be carried on to final judgment and execution irrespective of this Act, and shall be in no way affected by said repeal.

§ 18. At the April election, to be held on the first Monday in April, A. D., 1855, the question of prohibiting the sale and manufacture of intoxicating liquor, shall be submitted to the legal voters of this State, and at said April election a poll shall be opened for that purpose at the place of election in each township of each county. The vote on said question shall be by ballot, and the voters in favor of such prohibition

Money to purchase.

No debt for liquor.

Repeal.

Saving Clause

To be submitted.

Balloting.

shall cast a ballot whereon shall be written or printed the words "For the Prohibitory Liquor Law" and the voters opposed to such prohibition shall cast a ballot whereon shall be written or printed the words "Against the Prohibitory Liquor Law." The said ballots shall be received and canvassed by the Judges of election in the same manner as ballots for the election of officers, and a return of the same shall be made to the county Judge in the same manner and at the same time as provided for in the election of officers at the April election. Said return shall be treated by the county canvassers in the same manner as returns for the election of officers, and an abstract of said vote made upon a separate sheet, shall be forwarded to the Secretary of State in the same manner and at the same time as provided for in the cases of abstracts of votes for Superintendent and District Court Judges, elected at any April election. The returns of said vote, so returned to the office of the Secretary of State, shall be opened and examined by the Board of State Canvassers, in the same manner and at the same time as in the case of returns of election of officers had at said April election. Immediately after such examination and canvass, the said Board of State Canvassers shall make and publish an official statement of said vote; and if it shall appear from such official statement that a majority of the votes cast as aforesaid upon said question of prohibition shall be for the prohibitory liquor law, then this act shall take effect on the first day of July, A. D., 1855: Provided, however, that those portions of this Act having relation to the election provided for in this section shall be in force from and after its publication in the Iowa Capital Reporter and the Iowa Republican.

APPROVED January 22d, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican on the 31st day of January, 1855.

GEORGE W. McLEARY, Sec'y of State.

CHAPTER 461

COUNTY SEAT.

AN ACT in relation to County Seats.

SECTION 1. *Be it enacted by the General Assembly of the Re-location.*
State of Iowa, That whenever the citizens of any organized
 county desire the re-location of their county seat, they may
 petition their county court respecting the same.

§ 2. Such petition shall designate the place at which the *Petition.*
 petitioners desire to have the county seat re-located, and
 shall be signed by none but legal voters of said county.

§ 3. Such petition shall be presented at any regular term *Presented.*
 of the county court, an affidavit shall be made before the
 Judge of said court by at least one credible witness that the
 signers are, as the affiant verily believes, legal voters of said
 county.

§ 4. Upon petitions being presented at any term of the *Vote.*
 county court, signed by at least one-half of all the voters in
 the county, as shown by the last preceding census, asking
 for a re-location of a county seat at any one place therein
 named, said court shall order that at the next April election
 holden thereafter, a vote shall be taken between said design-
 ated place and the existing county seat, and shall require a
 constable in each township of the county, to post notices of *Notice.*
 such order in three public places in such township at least
 ten days before such election, and shall also publish a notice
 of such election in some newspaper, if there be one published
 in the county, at least three weeks before said election.

§ 5. Twenty days notice of the presentation of any peti- *Presentation.*
 tion provided by this act, shall be made by one insertion in
 a weekly newspaper, if there be one printed in the county,
 if no paper be therein printed, by posting the same at four
 public places in the county, one of which shall be on the
 court house door in said county.

§ 6. The ballot shall designate that it was cast for the *Ballots.*
 county seat, and name the place voted for.

Conducting. § 7. Such election shall be conducted as elections for county officers.

Removal. § 8. If the point designated in the petition obtain a majority of all the votes cast, the county Judge shall make a record thereof and declare the same to be the county seat of the county, and remove the records and documents thereto as early as practical thereafter.

Remonstrance § 9. Nothing in this Act shall be so construed as to prevent the people of a county who are opposed to a re-location of the county seat remonstrating against it.

Take effect. § 10. This Act to take effect from and after its publication in the Iowa Capital Reporter and Iowa Republican.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican, on the 21st day of January, 1855.

G. W. McCLEARY, Secretary of State.

CHAPTER 47.

STATE ROADS.

AN ACT to locate certain State Roads therein named.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That C. L. Clauson, of Mitchell county, George P. Slayton, of Fayette county, and William C. Thompson, of Alamakee county, are hereby appointed commissioners to locate and establish a State road, commencing at Clear Lake, in Cerro Gordo county; thence to Shibboleth, in said county, thence to the south end of Rock Grove, and to St. Charles, in Floyd county; thence to Chickasaw, in Chickasaw county; thence to intersect the military road from Prairie Du Chien, Wisconsin, to Fort Atkinson, Iowa, at a point between Postville and Fort Atkinson, a few miles west of John C. Porter's, on said military road.

From Clear Lake to military road.

Commissioners.

§ 2. That Josiah Goddard, of Winneshiek county, John Blunt, of Floyd county, and Allen Mulliner, of Clayton county, are hereby appointed commissioners to locate and

establish a State road, commencing at the west line of section six, township 9 $\frac{1}{2}$ north, range 10 west; thence to section 36, Pointe township 98, north, range 14, west; thence to Osage, Mitchell, St. Ansgar, in Mitchell county, thence northwardly to the State line.

§ 3. That Palmer F. Newton, of Fayette county, T. E. Turner, of Buchanan county, are appointed commissioners to locate and establish a State road, commencing at Cedar Falls, in Black Hawk county, thence to Janesville and Waverly, in Bremer county, thence to St. Charles, in Floyd county, thence to Osage, in Mitchell county.

§ 4. That the commissioners appointed to locate and establish each respective road, or a majority of them, shall meet on the first Monday of April, 1855, or within six months thereafter, at the first named point on each proposed road, taking to their assistance a competent surveyor, and the necessary chainmen and markers, and after having qualified by oath, shall proceed to the discharge of their duties according to law.

§ 5. The commissioners shall receive two dollars per day, the surveyor three dollars per day, and the necessary attendants one dollar and fifty cents per day, for the time actually and necessarily employed in locating such roads.

§ 6. This Act shall take effect from and after its publication in the Iowa Republican and Iowa Capital Reporter, published at Iowa City.

§ 7. *And be it further enacted*, That the counties through which said roads run shall defray all expenses of the same, including the costs of publication of this Act.

APPROVED January 9th, 1855.

I certify that the above Act was published in the Iowa Republican and Iowa Capital Reporter on the 31st January, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 48.

HUGH LOYNACHAN.

AN ACT for the relief of Hugh Loynachan.

Refund. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Commissioner and Register of the Des Moines River Improvement be, and hereby are required to refund to Hugh Loynachan, twenty dollars, monies collected from him for a certain forty acres of land lying in Marion county, which land was sold to him at the rate of three dollars per acre:

Arbitrate. *Provided,* That the officers in charge of the Des Moines River Improvement shall submit said claim to arbitration; said officers choosing one arbitrator and the claimant another. Said arbitrators, in case of a disagreement, to choose a third; and said arbitrators shall determine said claim according to justice and equity, and shall be governed by the provisions of the Code regulating arbitrators and their proceedings; provided said officers refuse to pay said claim without said arbitration.

Take effect. § 2. This Act to take effect and be in force from and after its publication in Oskaloosa Herald.

Hugh to pay expense. § 3. The expenses of publishing shall be paid by Hugh Loynachan.

APPROVED 9th January, 1855.

CHAPTER 49.

FOREIGN DEEDS.

AN ACT concerning acknowledgments of deeds in foreign countries; and also, to amend section 1218 of the Code, relating to acknowledgments of deeds executed out of the State.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa,* That any deed or other conveyance of lands within this State, which is executed without the United States, may be acknowledged or proven before any State, Republic, Kingdom or Province having a seal, or before any officer authorized by the laws of such foreign country to take acknowledgments of conveyances of real estate, if he have any official seal, the certificate of acknowledgment to be attested by the official seal of such court or officer, and in case said acknowledgment is taken before other than a court of record, or mayor, or other officer of a town having such seal, proof under the official seal of the proper authority, that such officer taking such acknowledgment was duly authorized by the laws of such country to do so, and that his signature thereto is genuine, shall accompany such certificate of such acknowledgment. Acknowledgment out of U. S.
Authentic-
tion.

§ 2. *And be it further enacted,* That section 1218 of the Code be amended so as to read as follows: Any deed conveyance or other instrument in writing, by which real estate in this State shall be conveyed or encumbered, when made or acknowledged out of the State, but within the United States, shall be acknowledged before some court of record or officer holding the seal thereof; or before some commissioner to take the acknowledgment of deeds, appointed by the Governor of this State, or before some Notary Public, or Justice of the Peace; and when made by a Justice of the Peace, a certificate under the official seal of the proper authority of the official character of said Justice, and of his authority to take such acknowledgments, and of the genuineness of his signature, shall accompany said certificate of acknowledgment. In the U. S.
Acknowledg-
ment.

Deeds recorded.

§ 3. *And be it further enacted*, That all deeds, mortgages and other instruments of writing, whereby real estate situated in this State, have been or may hereafter be conveyed, or otherwise encumbered, which have been or may hereafter be recorded in the Recorder's office in the proper county, shall be deemed hence forth notice to all persons interested of what they purport to be.

Notice.

Take effect.

§ 4. This Act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

APPROVED January 22d, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican, on the 21st day of Jan. 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 50.

MUSCATINE.

AN ACT amendatory to the Act incorporating the City of Muscatine.

Council to have power.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the city council of the city of Muscatine, shall have power whenever they deem it expedient for the public interest of said city, to alter the width, course or grade of any of the streets or alleys of said city.

To alter streets and alleys.

Injuries.

§ 2. That if any property holder in said city shall be injured by any such alteration, such person may make application to the board of Commissioners for the assessment of damages, (to be appointed as hereinafter provided) who, upon such application, shall give ten days notice in the newspapers published in said city, in case the claimant be a resident of said city, or twenty days in case the claimant be a non-resident, stating the time and place of meeting and object of the same, and at the time specified in said notice, said Commissioners shall proceed to view and assess the damages done by reason of such alteration, taking into consideration the advantages and disadvantages

Apply to board

Notice.

Meeting.

Com'rs to view and assess.

of such alteration and improvement, and shall, within five days thereafter, make an award and return the same to the county Judge of Muscatine county, who shall enter judgement thereon, (if approved) and said judgement shall be final.

§ 3. That the said city council, or person interested may, whenever they may deem it necessary, make application to the county Judge of said county, who shall appoint three disinterested property holders, resident in said city, who are hereby constituted a board of Commissioners for the assessment of damages, which board, or any number thereof, may, for good cause shown, be removed, and the vacancy occasioned thereby filled by said county Judge.

§ 4. That in any case where, by reason of such alteration, any claim for damages may arise, and the city council may neglect to apply to said Commissioners, the city council may make such application, and the proceedings thereon shall in all respects be the same as specified in the second section of this Act.

§ 5. This Act shall take effect and be in force from and after its publication in the Muscatine Journal and Democratic Enquirer, the expense of which shall be paid by said city.

APPROVED January 24th, 1855.

CHAPTER 51.

ASHTON.

AN ACT to change the name of Bloomfield to Ashton.

§ 1. Be it enacted by the General Assembly of the State of Iowa, That the name of Bloomfield, of the County of Monona, be, and is hereby changed to Ashton.

APPROVED January 22, 1855.

CHAPTER 52.

ROAD CERTIFICATES.

AN ACT making road certificates receivable for county taxes.

Receivable for tax. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That road certificates of either class, general or special, issued in pursuance of section 595 to 612 inclusive, of title seven, chapter 38 of the Code of Iowa, be and are hereby made receivable in payment of county taxes, the same as county warrants, issued in pursuance of section 106, title 3, chapter 15 of said Code.

To take effect. § 2. This Act to take effect and be in force from and after its passage.

APPROVED January 22d, 1855.

I certify that the above Act was published by direction of the Governor, in the Iowa Capital Reporter and Iowa Republican, on the 7th day of Feb, 1855
GEO. W. McCLEARY, Secy of State.

CHAPTER 53.

TERMS OF COURT.

AN ACT changing the time of holding the courts in the first Judicial District.

Terms. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the regular terms of holding the District courts of the first Judicial district of this State, shall be held as follows:

Lee county, Keokuk. In Lee county, at Keokuk on the second Monday of February, and the first Monday of September.

Ft. Madison. At Fort Madison, on the first Tuesday after the first Monday in April, and the fourth Monday in October.

Des Moines. In Des Moines, on the fourth Monday in April and the second Monday in November.

Louisa. In Louisa, on the second Monday in March, and the first Monday in October.

In Henry on the 3d Monday in March, and the second ~~Henry~~ Monday in October.

§ 2. This Act to take effect from and after its publica- Take effect. tion.

§ 3. All laws in contravention of this Act, be and the ~~Repeal~~ same are hereby repealed.

APPROVED January 22d, 1855.

I certify that the foregoing was published by direction of the Governor, in the Iowa Capital Reporter and Iowa Republican, on the 7 day of Feb 1855.

GEO. W. McCLARY, Secy of State.

CHAPTER 54.

SEAT OF JUSTICE.

~~AN ACT~~ to appoint commissioners to locate the seat of justice for the county of Mitchell.

SECTION 1. *Be it enacted by the General Assembly of the* ~~Commissioner's~~ *State of Iowa, That John Harlow, of Howard county, Joseph B. Dolley, of Floyd county, and John Banack, of Bremer county, be, and the same are appointed commissioners to locate the seat of justice for the county of Mitchell.*

§ 2. The said commissioners, or a majority of them, shall meet at the house of C. L. Clanser, in said county, on the ~~Time and~~ first day of March next, or within sixty days thereafter, and ~~Place of~~ proceed to the performance of said duty, and the point ~~meeting.~~ selected by a majority of said commissioners shall be the county ~~Site.~~ seat of said county.

§ 3. As soon as said commissioners have performed said ~~Report.~~ duty, they shall report their proceedings to the county judge of said county.

§ 4. The said commissioners shall receive two dollars a ~~Fees.~~ day as compensation for their services while engaged in locating said county seat, to be paid out of the proceeds of the first sale of lots at the place selected as such county seat.

APPROVED January 22nd, 1855.

CHAPTER 55.

MEDICAL COLLEGE.

AN ACT to increase the power of the Trustees of the State University of Iowa.

Medical Department
State University.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the College of Physicians and Surgeons, located in the City of Keokuk, Lee county, Iowa, being the medical department of the State University of Iowa, shall be under the supervision of the Board of Trustees of said University.

Professors
of the

§ 2. The Faculty of said Medical department of the State University shall have power to appoint the Professors of the different branches taught in said Institution, which appointments shall be subject to the approval of the Trustees of the State University.

Rights not to
be affected.

§ 3. Nothing herein contained shall be construed so as to affect the property rights of the College of Physicians and Surgeons of the Upper Mississippi, organized by recorded articles of association, under the general incorporation law of this State.

Take effect.

§ 4. This Act to take effect and be in force from and after its passage.

APPROVED January 22nd, 1855.

This Act was published by direction of the Governor in the Iowa City newspapers, on the 28th February, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 56.

BLIND.

AN ACT to amend an Act entitled "An Act to establish an Asylum for the Blind." Approved Jan. 18, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of an Act entitled "An Act to establish an Asylum for the Blind," approved January 18th, 1853, as conflicts with the provisions of this Act, is hereby repealed.

§ 2. Said Institution shall be under the supervision of a Trustees Board consisting of seven persons, of whom the Governor, Superintendent of Public Instruction and Secretary of State shall be ex-officio members, and who shall be called the Board of Trustees. The other members of the Board shall be appointed by the Governor and be approved by the Senate, and shall hold their offices for one, two, three and four years respectively, in the order in which they are recommended, and at the expiration of their respective terms of office, one Trustee shall be appointed by the Governor, with the consent of the Senate, for the term of four years.

§ 3. The Trustees shall have the general supervision of the Institution, adopt rules for the government thereof, provide teachers, servants, and necessaries for the Institution, and perform all other acts necessary to render the Institution efficient, and to carry out the purpose of its establishment.

§ 4. Three of said Trustees shall constitute a quorum for the transaction of business.

§ 5. All blind persons resident of this State, of suitable age and capacity, shall be entitled to an education in this Institution at the expense of the State.

§ 6. Persons not residents of the State shall be entitled to the benefits of this Institution on paying to the Treasurer thereof the said sum of thirty-five dollars a quarter in advance.

§ 7. The Board of Trustees shall make a biennial report to the General Assembly, of the condition of the Institution,

the number, name, residence, age, sex, place of their nativity, and also the cause of blindness of each pupil; they shall also make report of the studies pursued and the trades taught in the Institution, and the receipts and disbursements of money, made on account thereof.

President and Treasurer. § 8. The Board of Trustees shall elect one of their number President, and another Treasurer of the Institution, and the

Bond. Treasurer shall enter into bonds with security in such sum as the Board shall direct, conditioned for the faithful paying over of all money belonging to the Institution upon the order of the Board, which bond shall be filed with the Secretary of State.

Board not to exceed. § 9. The Board of Trustees shall not create any indebtedness against the Institution exceeding the amount appropriated by the General Assembly for the support thereof.

Appropriation. § 10. To meet the ordinary expenses of the Institution for the next two years, there is hereby appropriated from the State Treasury the sum of thirty-five dollars per quarter, for

Extra expense each pupil therein, and for extraordinary expenses, including additional books, maps, globes, musical instruments, addi-

Additional. tional household furniture, and for rent of additional premises, the further sum of four thousand dollars for the ensuing year, and two thousand dollars for the year succeeding; said latter appropriation to be expended or not, at the discretion of the Trustees, who are also authorized to audit and settle any claim which Mr. Bacon may have against said Institution.

Settle with Mr. Bacon. **No pay.** § 11. No remuneration shall be made to the Trustees for their services.

Exhibitions. § 12. The Trustees shall have power to allow pupils of the Institution to travel under proper care, for the purpose of exhibiting to the people of the State, by public meetings and otherwise, the progress made by them, and to extend a knowledge of the Institution.

Repeal. § 13. All acts and parts of acts in relation to the Institution for the Blind, which conflict with this act, are hereby repealed.

Take effect. § 14. This Act to be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

APPROVED 22nd January, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican on the 31st day of January, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 57.

AMENDMENT TO THE CITY CHARTER.

AN ACT to amend an Act entitled "An Act to incorporate the city of Davenport."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all that district of country embraced within the following boundaries, be and the same hereby is declared to be within the limits of the said city of Davenport, to wit: Beginning in the middle of the main channel of the Mississippi river, at a point due south of the east line of the lands reserved by the Government of the United States, and donated to Antonio LeClaire, and known as LeClaire's Reserve, in township number seventy-eight north, of range three, east; thence north along the eastern boundary of said reserve, due north to the east and west central or half section line of section number twenty-four; thence west on said central or half section line to the north west corner of the south west quarter of section number twenty-three in said township; thence south on the section line lying between sections twenty-two and twenty-three, and sections twenty-six and twenty-seven, to the county road known as the Telegraph road; thence along the north side of said road to the north and south central line of section number twenty-seven; thence due south to the middle of the main channel of the Mississippi river, and thence up the middle of said channel of said river to the place of beginning.

§ 2. In platting and laying off lots within the limits aforesaid, the proprietors thereof shall make the streets at least eighty feet wide, and the alleys at least twenty feet wide, and every individual or company owning within the above described limits forty acres, or more, in any one body,

Public square. shall, in laying it out into blocks or lots, lay off at least one public square, to contain not less than two and three-fourths acres of land; said public squares to be enclosed and ornamented similar to other public squares in said city, by the city authorities, within three years after the laying out and recording the same.

Wards. § 3. The city council shall, prior to the next annual election for officers of said city, divide said city into such number of wards as to said council may seem proper; at the first election for Aldermen, it shall not be necessary that the person or persons elected shall have been a resident of said city three months prior to the election; at the first annual election held after the passage of this act, all persons residing within the district which, by this act, is annexed to the city of Davenport, who are entitled by law to vote for State officers, shall be entitled to vote for city officers.

Voters.

Road District. § 4. Said city of Davenport is hereby constituted one road district, to be under the control and superintendence of one or more street Commissioners, to be appointed by said city Council, who shall hold their office during the pleasure of the city Council, and not less than one half of all taxes levied by the city authorities, and the road tax levied by the county authorities for road purposes against the several districts which are annexed to the city of Davenport by this Act, or that may hereafter be annexed by extending the limits of said city, shall be expended on the streets and roads of said annexed districts, and all taxes levied by the county of Scott for road purposes, upon the property within the said city, shall be collected by said street commissioner or commissioners in each, whose receipt shall discharge the property or person on the county books, from so much as he shall pay to the extent of the road tax so levied upon such property or against such person.

Street commissioners.

Disbursement.

Road taxes.

Collection.

Judge to furnish list of road tax. § 5. The county Judge of said county of Scott, or such other officer as shall have charge of the books of said county, shall each year furnish to said city council a list of the road tax levied against the property or persons within said city, for which he shall be allowed a reasonable compensation by the city council; and it shall be the duty of the

officers collecting county taxes in Scott county, to pay over to the Treasurer of said city all the moneys collected on such list so to be furnished as aforesaid, which shall be expended on the roads and streets of said city, and within one and a half miles of the city limits; but this provision shall not extend to the road tax on the property of residents of the city which is not within the city limits.

§ 6. The city council shall have the power to appoint a street commissioner or commissioners, a city assessor and such subordinate officers as they may deem proper, to hold their offices during the pleasure of the city council, or they may provide by ordinance for their election. The city clerk, marshal, or treasurer, may be removed by the city council when, in their opinion, they are incompetent or neglect to discharge their duties, and in case of such removal, they may appoint a successor until the next annual election.

§ 7. The debts heretofore created and bonds issued by the said city of Davenport, amounting to the sum of one hundred and twenty-five thousand dollars, are hereby declared legal and binding upon the said city, and the said city council shall have the right to borrow money and issue bonds, which shall be binding upon the city; provided, that no debt shall be created, the yearly interest upon which, together with the yearly interest upon any debt before created, shall exceed three-fourths of the ordinary yearly revenue, unless the contracting of said debt shall be approved by a majority of the voters of said city, who may vote upon the question to be submitted by the city council, in such manner as said city council may direct.

§ 8. Whenever there is a deficiency in the ordinary revenue of the city, after the payment of the ordinary city expenses, to pay the semi-annual interest on the debt already created, the city council shall levy a specific tax upon the assessment roll of the current year, to pay said interest.

§ 9. All the powers provided in the code for the organization of cities, are hereby conferred on the city of Davenport.

§ 10. The said city council shall have power and authority to levy a specific tax on the property of the fourth ward

of said city, as organized prior to the passage of this act, for the purpose of raising means to pay off the indebtedness of said ward as a separate road district, and to collect the same as other taxes are collected in said city.

Repeal.

§ 11. All Acts and parts of Acts inconsistent with the provisions of this Act, be and the same are hereby repealed.

§ 12. This act shall take effect and be in force from and after its publication in the "Gazette," "Banner," and "Commercial," newspapers printed in the city of Davenport, at the expense of said city.

APPROVED January 22d, 1855.

Published in the "Banner" January 26th.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 58.

HARRIET O'REILLY.

AN ACT for the relief of Harriet O'Reilly.

Rights granted.

Sell and convey real estate

Philip O'Reilly.

Take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Harriet O'Reilly, of Fort Madison in the county of Lee, be and she is hereby empowered to take hold, sell and convey any real estate she now owns, or may hereafter obtain, and make deeds of the same, in her own name, as will convey the same, in as full and ample a manner as though she had never intermarried with Philip O'Reilly, her present husband

§ 2. This Act to take effect and be in force from and after its passage.

APPROVED January 32d, 1855.

CHAPTER 59.

TAXES IN HARRISON CO.

AN ACT for the relief of certain tax payers in Harrison county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all persons who have paid their taxes in Harrison county for the year 1853, shall have the same refunded by the county court upon complying with the provisions of this Act. Money paid.
Refund.

§ 2. That any person who shall produce to the county Judge of Harrison county, a tax receipt for any tax he or she may have paid in said county, for the year 1853, signed by the Treasurer of said county, or shall prove to said county Judge, by other competent testimony, that he or she have paid his or her tax in said county, for the year 1853, the county Judge shall draw a warrant on the Treasurer in favor of such person, for the amount of tax thus paid. Receipts.
Taxes 1853.
Warrant on Treasurer.

§ 3. This Act shall take effect from and after its publication in the Council Bluffs Bugle. Take effect.

APPROVED January 23d, 1855.

CHAPTER 60.

TRANSFERS IN CLAYTON.

AN ACT in reference to registering the transfers of lands in Clayton Co.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county Judge of Clayton county, be and is hereby required to procure books suitable for registering the transfer of lands in said county, as hereinafter provided. Books.

§ 2. Such books shall contain a description of every congressional sub-division of all the lands in said county, in the regular order, the name of the patentee and the date Contain.
Name of patentee.

- Grantees.** of the entry of all such sub-divisions; also the name of every subsequent grantee of such sub-division, or any part thereof, and the date of their titles, together with such other reference as the said Judge may deem important. The entry of the names of the grantees as aforesaid, whose deeds have been recorded, or filed for record, prior to the time this Act takes effect, shall be procured by said county Judge.
- Old deed.**
- Recorders du. ty.** § 3. The Recorder of deeds for said county is hereby required to make the entrance of the names of grantees and the references prescribed by the county Judge aforesaid, where the deed is filed for record subsequent to the time this Act takes effect, and shall charge as fees for the same, the sum of five cents, for each of the first two tracts or parcels of land described, fifteen cents for all the lands in any one deed when more than two tracts are described, which said fees shall be added to the recorder's salary.
- Fees.**
- Town lots.** § 4. Nothing herein contained shall be construed as referring to town lots, but may apply to such if the Judge shall deem advisable.
- Take effect.** § 5. This Act shall take effect from and after its publication in the Clayton County Herald and also the Dubuque Tribune.

APPROVED January 23d, 1855.

CHAPTER 61.

CODE.

AN ACT to annex a provision to Section 1898 of the Code of Iowa.

- Proviso.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the following provision be annexed to section 1898 of the Code, viz: "Provided, the team mentioned in this section shall not consist of more than two horses or mules, nor more than two yoke of oxen; provided, further, that the exemption contemplated in this Act and the

section of the Code to which this is amendatory, shall not apply to a single man who is not the head of a family.

APPROVED January 22d, 1855.

The above Act was published by direction of the Governor, on the 14th day of February 1855, in the Iowa Capital Reporter and Iowa Republican.
GEO. W. McCLEARY, Sec'y of State.

CHAPTER 62.

RECORD.

AN ACT to authorize the County Judge of Jackson county to have properly transcribed the records of said County.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the County Judge of Jackson county, at the proper cost and expense of said County, be and he is hereby authorized to procure suitable books for that purpose, wherein he may have transcribed, in a fair and legible hand, the records of the Recorder's office of said county, or such portions thereof as he may think the interest of said county and those interested in the records of said office may require.

§ 2. That after a transcript of the previous records of said office, provided for in the first section of this Act, has been made, and certified to, as being a true transcript thereof, by the person so transcribing the same, with an affidavit attached or annexed to the end of said transcript, that he verily believes the same to be a full and true copy, the same or any part of such transcript, shall have the same binding effect as the original, and said transcript or a certified copy shall be *prima facie* evidence of the matters and things therein contained.

§ 3. The County Judge, after the transcribing of said records as is provided aforesaid, and the proper indexing thereof, according to the law now in force, shall annex his

signature, and official seal thereto approving the act, and shall draw a warrant for the expense incurred for the service rendered aforesaid.

Warrant. Take effect. § 4. This Act to take effect from and after its publication according to law.

APPROVED January 23, 1855.

CHAPTER 63.

BURRELL'S ADDITION TO TOOLSBORO.

AN ACT to annex so much of fractional lot No. six, in Section No. eleven, township No. seventy-three north, of range No. 2 west, in the State of Iowa, as is surveyed into town lots, to the town of Toolsboro, in Louisa county.

Burrells addition annexed. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That so much of fractional lot No. 6, in section No. eleven, in township No. 73 north, of range No. two west, in the State of Iowa, as is surveyed into town lots, be and the same is hereby annexed to, and made a part of the town of Toolsborough, in Louisa county, under the name of Burrell's Addition to Toolsborough.

Take effect. No expense to State. § 2. This Act shall take effect from and after its publication in the Wapello Intelligencer, a newspaper published at Wapello, Louisa county; *Provided*, no expense shall accrue to the State for said publication.

APPROVED January 23d, 1855.

CHAPTER 64.

STATE PRINTER.

AN ACT relating to State Printing.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the compensation for State Printing shall be as follows: For composition upon the laws, journals, reports, circulars and all other printed matter, except blanks, seventy cents a thousand ems for composition, and double price for rule and figure work. Price. Laws. &c.

§ 2. For printing blanks, there shall be allowed for the first quire, one dollar and fifty cents; when the number exceeds one quire and does not exceed a ream, fifty cents shall be allowed for each additional quire; when the number exceeds one ream, thirty-seven and a half cents a quire shall be allowed for the excess over one ream; *Provided*, that twenty-four blanks shall constitute a quire, except when it may be necessary to make two impressions upon the same sheet or part of a sheet to print a blank, when, in that case, twelve sheets or twelve parts of sheets, as may be required by the amount of matter in a blank, shall constitute a quire. Printing blanks, Proviso.

§ 3. For press work, the compensation shall be seventy cents for one eight page form or less; *Provided*, that 240 impressions shall constitute a token, except when the work ordered shall not amount to that many impressions, when any less quantity shall be counted as a token. Press work & Composition.

§ 4. For binding the laws, journals, and other large pamphlets in paper covers, seven and a half cents per copy shall be allowed; and for folding, stitching, and trimming reports, messages, and other documents, not exceeding one sheet in size, one cent per copy shall be allowed, and for each additional sheet, or part of a sheet, that a report, message, or other document may contain, an additional quarter of a cent shall be allowed. Binding, &c.

Mahony & Dorr allowed the same.

§ 5. The present State Printers shall be allowed the compensation provided in this Act for all the blanks done by them and for all other work done since the commencement of the present session of the General Assembly.

Take effect.

§ 6. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

APPROVED, January 23d, 1855.

I certify that the foregoing act was published in the Iowa Republican, the 31st January, and Iowa Capital Reporter on the 7th February, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 65.

STATE ROAD.

AN ACT to establish a State Road from Toledo, in Tama county, via Marshall, in Marshall county, to Nevada, in Story county.

Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Wesley A. Daniel, of Tama county, Nathan F. Yoeman, of Marshall county, Samuel McDaniel, of Story county, be, and they are hereby appointed commissioners to locate and establish a State Road from the town of Toledo, in Tama county, via Marshall, in Marshall county, to Nevada, in Story county.

Toledo to Nevada.

Time and place of meeting.

§ 2. The commissioners above appointed, or a majority of them, shall meet on the first Monday in April, 1855, or within six months thereafter, at Toledo, or some other point, if by them agreed upon, and taking to their assistance a surveyor and the necessary chainmen and markers, and after having been sworn to the faithful discharge of their respective duties, shall proceed to locate said road according to law.

Payment.

§ 3. Said commissioners, surveyor and hands, shall be paid as provided by law; but the State shall in no case be liable to pay any part of the expenses incurred in locating said road.

§ 4. This act to be in force after its publication. Take effect.
 APPROVED, January 23d, 1855.

I certify that the foregoing act was published in the Iowa Capital Reporter the 7th February, and Iowa Republican the 14th February, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 66.

STATE ROAD.

AN ACT to establish certain State Roads therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Stephen K. Scoville of the county of Dallas, ^{Commissioners.} and Thomas Moffit and Abner Shanks, of the county of Guthrie, be, and they are hereby appointed, Commissioners to locate a State road from the town of Panora, in Guthrie ^{Panora to Magnolia.} county, via Shelbyville, on the nearest and best route to the town of Magnolia, in Harrison county.

§ 2. That Aaron Mozier, of Polk county, John T. Keigly, ^{Commissioners.} of Story county, and Jonathan Edgington, of Harden county, be, and they are hereby appointed, Commissioners to locate a State road from Fort Des Moines, via Nevada, in Story ^{Fort Des Moines to Cedar Falls.} county, and Eldora, in Harden county, to Cedar Falls, in Blackhawk county.

§ 3. That James Allman and Samuel Davidson, of Mar- ^{Commissioners.} shall county, and James Grinnell, of Powesheik county, be, and they are hereby appointed, Commissioners to locate a State road from the town of Grinnell, in Powesheik county, ^{Grinnell to Le Grand.} to the town of Le Grand, in Marshall county.

§ 4. That Evan C. Evans, and T. J. Adamson of the ^{Commissioners.} county of Story, and William T. Woolsey, of the county of Webster, be, and they are hereby appointed, Commissioners to locate a State road from the town of Newton, in Jasper ^{Newton to Homer.} county, via Nevada and Smithville, in Story county, to the town of Homer, in Webster county.

Commission- § 5. That William P. Berry, Landa Hurst, and John
ers. Moore, senior, of the county of Boone, be and they are here-
by appointed Commissioners to locate a State road from
Rapids to Pa- Rapids, in Boone county, via Moor's Grove, to Panora, in
nora. Guthrie county.

Time and § 6. That the Commissioners appointed to locate and
place of meet- establish each respective road, or a majority of them, shall
ing. meet on the first Monday in April, 1855, or within eight
months thereafter, at the first point named in each proposed
road, or at some other point, if by the said Commissioners
agreed upon, and taking to their assistance a surveyor, the
necessary chainmen and markers, and after having been
sworn to the faithful discharge of their respective duties,
shall proceed to discharge the same according to law.

Expenses. § 7. That the payment of the Commissioners aforesaid,
and all other expenses growing out of the establishment of
said roads, shall be paid according to the law in such cases
made and provided; but the State shall in no case be liable
State not to pay any part of the expenses incurred in their establish-
pay. ment.

Take effect. § 8. This Act to take effect, and be in force from and
after its publication.

APPROVED January 23, 1855.

I certify that the above Act was published in the Iowa Capital Reporter,
7th Feb., and Iowa Republican, Feb. 14, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 67.

DAM CEDAR RIVER.

AN ACT to Amend an Act entitled an Act to authorize Nicholas B. Brown,
and his associates to construct a Dam across Cedar River.

Vested rights. Term. SEC. 1. *Be it enacted by the General Assembly of the State
of Iowa,* That the right to construct and maintain a Dam
across Cedar River, at Cedar Rapids, and the full and ex-

clusive right and use of the water power created by such Dam, be vested in Nicholas B. Brown, John F. Ely, Horatio G. Angel, Josiah A. Dewey, and Edward H. Dobbs, and their heirs and assigns, for the term of thirty years from the first day of March, A. D. 1855.

§ 2. That the said Nicholas B. Brown, and his associates ^{Interests.} as aforesaid, have the same proportional interest under this Act, as they may have had up to the period of the passage hereof, under the Act of which this is an amendment.

§ 3. That the said Nicholas B. Brown, and his associates as aforesaid, shall, within one year from the first day of January, A. D. 1855, construct and build a Lock in said Dam, ^{Lock.} at least forty feet wide, and one hundred and thirty-five ^{Dimensions.} feet in length.

§ 4. That the said Lock, when completed, shall be ^{Attention and} tended, and kept in repair in the manner prescribed in the ^{repair of lock.} third section of the Act of which this is an amendment

§ 5. That the fourth section of the Act of which this is ^{Repeal.} an amendment, and all parts of said Act conflicting with the provisions of this Act, be and the same are hereby repealed.

APPROVED January 23, 1855.

CHAPTER 68.

STATE ROAD.

AN ACT to establish a State road from Panora, in Guthrie county, to Sargeant Bluffs, in Woodbury county.

SECTION 1. *Be it enacted by the General Assembly of the* ^{Com'rs.} *State of Iowa,* That John Martin and Orland Moffit, of Guthrie county, and Henry Copley, of Carroll county, be, and they are hereby appointed, commissioners to locate and establish a State road, commencing at Panora, in Guthrie ^{Points.} county, running thence to Moffit's Grove, in Guthrie county

thence to Coplen's Grove, in Carroll county, thence to Mason's Grove in Crawford county, thence to Sargeant's Bluffs in Woodbury county.

Meet: § 2. Said Commissioners, or a majority of them, shall meet at Panora, in Guthrie county on the first Monday in February, 1855, or within six months thereafter, and shall proceed to locate and establish said road, after having taken an oath faithfully to discharge the duties of their office.

Take effect. § 3. This Act shall take effect from and after its publication in the Fort Des Moines Star, a newspaper published at Fort Des Moines, Iowa, provided, that the State of Iowa shall incur no expense for said publication.

APPROVED January 23d, 1855.

Published in the Fort Des Moines Star, March 1st. 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 69.

STATE ROAD.

AN ACT to relocate a certain State Road.

Relocation. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That that part of the Camanche and Anamosa road lying between Centre Grove and Bloomfield, be, and is hereby re-established upon the original line of said road.

Take effect. § 2. This Act to take effect and be in force from and after its passage.

APPROVED January 24th, 1855.

I certify that this Act was published in the Iowa Capital Reporter, Feb. 7, and Iowa Republican Feb. 14, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 70.

DOCUMENTARY EVIDENCE.

AN ACT admitting copies of maps, and other documents in the Surveyor General's Office to be used in evidence.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That copies of all maps, official letters, and other documents in the office of the Surveyor General of this State, when certified to by that officer according to law, shall be received by the courts of this State, as *prima facie* evidence of the existence of the originals, and that said copies are copies of the original, notwithstanding such maps, official letters may themselves be copied. Copies of maps etc.
Sur. Gen. of-
fice.
Evidence.

APPROVED January 24th 1855.

I certify the foregoing act was published in the Iowa Capital Reporter Feb. 7, and Republican Feb. 14, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 71.

KNOXVILLE CITY.

AN ACT to incorporate the City of Knoxville, Marion county, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the northwest fractional quarter of section No. seven, in township No. seventy-five, north of range No. 19 west of the 5th principal meridian, is hereby incorporated into a City, by the name of "Knoxville." Boundaries.
Incorporated.

§ 2. The said city is made a body corporate, and invested with all the powers and attributes of a municipal corporation. Attributes.

§ 3. The legislative authority of the city is vested in a city council, consisting of a Mayor and board of Aldermen, composed of two from each ward of the city. Council.

Wards. § 4. The said city shall be divided into three wards, as follows, to wit: The first ward, that portion lying south of First Ward. Robinson street; the second ward, that portion lying between Second Ward. Robinson and Main streets; the third ward, that portion lying north of Main street: Provided the said city Council may alter. council may change, unite or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

Qualification of voters. § 5. Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of the city six months, and in the ward in which he offers his vote, ten days preceding a city election, is declared a citizen of the said city, and is entitled to vote at all the elections thereof,

Conducted as township elections. § 6. The election of the city, (for officers) shall be conducted in a similar manner to that in which the elections are conducted in the townships, as the nature of the case permits.

Challenge. Oath. § 7. A person offering to vote may be challenged, as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

Eligible. § 8. No person shall be eligible to any elective office mentioned in this Act, unless he be a legal voter of the city, One year's residence. and has been a resident thereof for one year next preceding his election.

Time of election. § 9. That the qualified electors of said city shall, on the first Monday of April, A. D. 1855, and annually on the same day thereafter, elect a Mayor, and at the same time six Aldermen, a Recorder, Assessor, a Treasurer, and Marshal; and Officers to be elected. the Mayor and Aldermen so elected, when assembled together, and duly organized, shall constitute the city council; a majority of whom shall be necessary to constitute a quorum, City Council. Quorum. for the transaction of business. They shall be elected for the Term. term of one year, and until their successors are elected and qualified. The Mayor, Recorder, Assessor, Treasurer and Marshal shall be elected by the legal voters of said city.

No. of Aldermen. § 10. Two Aldermen shall be elected in each ward by the legal voters thereof.

Duty of Mayor § 11. It shall be the duty of the Mayor to see that the

laws and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of the mayor of a city, and such as may be granted or imposed by the ordinances of the city consistent with law.

§ 12. He shall be a conservator of the peace within the city and *ex officio* a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of the State, committed within the city, and with civil jurisdiction limited to the city in the same manner as that of justices is or may be limited to their township. He shall not be disqualified from acting in such judicial capacity, by any proceeding, being in the name of, or behalf of the city: *Provided*, that case of the inability of the Mayor of Knoxville to act as a justice or conservator of the peace, or to perform the judicial duties of his office, whether said inability arise from sickness, absence from home or any other cause, any justice of the peace of Knoxville township, may take cognizance and jurisdiction of cases arising under any of the ordinances of said city, such inability being entered of record of the justice acting in such cases.

Conservator.
Ex. offices, J.
P.
Jurisdiction.

Criminal
Civil.

Not disqualified.

Inability to act.

J. P. to act.

§ 13. Appeals to the district court in the same county shall be allowed from the judgments and decisions of the Mayor, in the same cases, time and manner, as may at any time be allowed by law from those of other justices, and they shall be tried as in other cases, he will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace, he shall be the presiding officer of the city council, when present, and shall give the casting vote when there is a tie, and in his absence, the council may appoint a president for the time being, from their own body.

Appeals.

Fees.

Preside.

Pro-tem.

§ 14. The council shall be the judge of the qualifications and elections of its own members; it may determine

Council to be the judge of

- Rules.** the rules of its own proceedings and shall keep a record thereof, which shall be open to the inspection of every citizen and may compel the attendance of its members in such manner, and by such penakies as it may adopt.
- Record.**
- Marshal.** § 15. The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all proceess directed to him by the mayor, and in cases for the violation of city ordinances, criminal laws of the State, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has within his county; and may in the same case, and under the same penalties require the aid of the citizens, and perform all duties imposed by the council, he may with the approval of the council, appoint one or more deputies, and discharge them, and he shall be responsible for their doings, when acting officially. For the service of legal process, he shall be entitled to the same fees as a constable, and for services required by the council, such compensation as it may allow.
- Duty of**
- Fees.**
- Deputies.**
- Fees.**
- Bonds.** § 16. The Treasurer, Recorder, Assessor and Marshal, shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinance not inconsistant with law.
- Duties and powers.**
- Proclamation for elections.** § 17. In all elections for city officers, the mayor shall issue a proclamation to the voters of the city, or to the several wards, ar the case may require, naming the time and place or places for election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days previous to the day of election. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till four o'clock in the afternoon. Within two days after the election, the judges of the election shall make their returns to the President of the city council, who shall examine them at their next meeting and cause an abstract of the votes to be recorded in a book to be kept for that purpose.
- Polls.**
- Returns.**
- Abstract.**
- Members of council included.** § 18. No member of the city council shall be eligible to any office within the gift of the council during the time

for which he is elected; nor shall he be interested directly or indirectly in the profit of any contract or job of work or **Contracts,** services to be performed by the city.

§ 19. Ordinances passed by the city council, shall be **Ordinances,** signed by the mayor, attested by the recorder, and before **Signed and published.** they take effect be published in or more newspapers published in the city, at least ten days, and if there be no such newspaper, they shall be posted up in each ward the same length of time, they shall also be recorded in a book to be **Recorded.** kept for that purpose and signed by the mayor and attested by the recorder.

§ 20. It is the duty of the city recorder to keep a true **Recorders duty,** record of all the official proceedings of the city council, and by such record shall at all times be open to the inspection of any citizen.

§ 21. The Mayor, Aldermen, Marshal, Treasurer, Re-**Oath.** corder and Assessor, shall take an oath to support the Constitution of the United States and of the State of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall **Qualify.** qualify in such manner as may be prescribed by the council. The oath of office may be administered by the Mayor or **Administered** Recorder when he is qualified, and in the transaction of the **by** business of the corporation, those officers and the President **President, &c.** for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

§ 22. The Recorder, Marshal and Assessor shall receive **Fees.** such fees as the city council shall deem right, not exceeding the amount allowed county or township officers for such services.

§ 23. The council may hold its meetings as it sees fit, **Meetings.** having fixed stated times, or provided the manner of calling them by ordinance, and its meetings shall be public.

§ 24. The council may appoint in such manner as it determines, and during its pleasure, street commissioners, a **Public:** clerk of the market, city surveyor, health officers, and such **Street commissioners.** other officers as it deems advisable, and prescribe their duties, **Clerk of market.** powers and qualifications, and may prescribe for the election **Surveyor.** of any such officers by the citizens. **Health officer &c.** **Prescribe duties and election:**

Vacancy. § 25. When a vacancy occurs in any of the elective city offices, the council may fill the vacancy by appointment of record until the next election, and the qualification of the successor.

Power of the council.
Make ordinances vs offences.
Safety and prosperity.
Health, morals and comfort.
Fine.
Limit.
Recovered.

§ 26. The city council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, gambling and drunkenness, or indecent or disorderly conduct, to punish lewd behavior in public places, and generally to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the Mayor as in criminal proceedings before a Justice of the Peace, and the laws of the State relating to the carrying into effect a judgment of a Justice of the Peace imposing a fine, shall be applied to judgments in the case; but the charges thereof must be born by the city.

Fire companies.
Engines.

§ 27. The council is authorized to establish and organize fire companies, and to provide them with fire engines and other apparatus.

Powder.

§ 28. The council may regulate the keeping and sale of gunpowder within the city.

Licenses.
Exhibitions and gambling.
Exemption.
Prohibit the sale of liquor.

§ 29. The council have exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character, and prohibit the retail of intoxicating liquors, unless such prohibition would be inconsistent with the laws of the State, at the time existing; and the said council is authorized to revoke or suspend any of the above licenses when it deems the good order and the welfare of the city require it.

Revoke licenses.
Cleanliness and health.
Stagnant water.

§ 30. The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots on which water becomes stagnant, to drain or fill up the same, and in default thereof, after rea-

sonable notice. may cause the same to be done at the expense ^{Assess on lots} of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the collector of the city as in ^{Sale.} the case of taxes, and the owner may redeem from such sale ^{Redeem.} as in case of a sale for tax.

§ 31. It may regulate the system of cartage and drayage ^{License drays.} within the city, and may issue license therefor; and may prohibit hogs from running at large within the city, and may ^{Hogs.} prohibit other animals from running at large from the first ^{Other animals.} day of November to the first day of April.

§ 32. The council shall provide, by ordinance, for the ^{City money.} keeping of the public money of the city, and the manner of disbursing the same, and shall audit all claims against the ^{Disbursement.} city, and all officers of the city are accountable to the council ^{Audit.} in such manner as it directs. It shall publish annually a ^{Publish state.} particular statement of the receipts and expenditures of the ^{ment.} city, and of all debts owing to and from the same.

§ 33. It has the exclusive authority to establish the ^{Establish and} grades of wharves, streets and alleys of the city, and may ^{change grades} change the same upon the petition of two-thirds the value ^{of wharves,} of the real property on both sides of the street where it is ^{&c.} desired to change.

§ 34. Imprisonment for the violation of any ordinance ^{Imprisonment} shall not exceed fifteen days, and the county jail shall be the ^{not exceed 15} place of imprisonment, but at the expense of the city. ^{days.}

§ 35. The city council is authorized to levy and collect ^{Taxes.} taxes, not exceeding one-half of one per cent. on all the property within the city which is liable for State and county taxes, including improvements on such property; and it may exempt such improvements when it is so determined by ^{Exempt im-} a vote of a majority of all the voters of the city; but when ^{provements} such an exemption takes place, the rate of tax on all personal ^{vote.} property shall not exceed that above named, and the rate on ^{Rate.} realty shall not exceed one and one-half of one per cent. ^{on} the valuation. The council may also levy a tax on dogs, or may ^{Tax dogs or} prohibit their running at large in the city; provided, that ^{confine them.} the tax thus levied and collected, when improvements are included, shall not exceed one-fourth of one per cent.; and ^{Not exceed} when improvements are exempt, as above named, one-fourth

of one per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified electors of the city at an annual election, or a special election held for that purpose; provided, that all property, both real and personal, owned, or which may be hereafter acquired by said city in its corporate capacity, shall be exempt from taxation for State, county or other purposes.

Annulled.

Exempt.

Collector.

§ 36. The Marshal, or in case of his absence or disability, such person as the council may appoint in his stead, shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days notice of the assessment and levy of the tax, and the rate thereof, in general terms, without the names or description of property, in a newspaper printed in the city, if there be one, and if not, then by three months notice in the most public places in each ward.

Notice of collection.

Appeal to council.

§ 37. During the thirty days, any person aggrieved by this assessment or taxation, may appear before the council, which may correct the same if found erroneous.

Correction.

Property may be distrained and sold.

§ 38. The Marshal may distrain upon personal property liable to taxation, and sell the same for the payment, if not paid in reasonable time after demand, as constables may sell personal property on execution.

Lien on real estate may be sold.

§ 39. Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for six months after posting the notice of the tax.

Auction.

Notice. No Highest bidder.

§ 40. Such sale must be at auction, and there must be thirty days notice previous to the sale given as above provided for, notifying the assessment and tax. In such sale he who bids to pay the amount due for the least quantity of land, will be the highest bidder, and the manner of ascertaining the portion bid for shall be as in the State revenue law.

Deeds.

§ 41. The Marshall shall execute and deliver to the purchaser a deed, running in the name of the State, which shall have the same force and effect as the deed of the Treasurer of the county in like circumstances, on sales for county and State taxes.

Control.

§ 42. The council have the control of the streets, and alleys, and public grounds of Knoxville, and may cause side-

walks to be paved in the same, and to this end it may re-Pavements.
 quire the owners of lots to pave or repair the same, contigu-
 ous to their respective lots, and in case of neglect after
 reasonable time named in the order, the same may be
 done by the city, and the expenses of the same assessed on Expense.
 the contiguous lots, which shall have the effect of a tax levied Assessed on
 thereon; and the same may be sold therefor as for a tax, May be sold.
 subject to the right of redemption. All road tax which may Road tax.
 hereafter be paid upon any property in Knoxville in lieu of
 labor, shall be paid to the property authorities of said city,
 for the improvement of the streets thereof. Any person be-
 ing a resident of said city, subject by the law of this State
 to do work upon roads and highways, shall be required to do Working on
 and perform, or cause the same to be done, under direction of roads.
 the proper authorities, upon the streets of said city or public Streets.
 roads and highways leading thereto, as said authorities may
 direct. The city council shall supercede the road supervisors Supervising.
 in all jurisdiction within the corporate limits, and perform
 all their duties, and shall be required to perform labor on, Roads and
 and keep in repair, all the public roads and highways lead-highways.
 ing thereto, within one mile of said city.

§ 43. This act shall take effect from and after its passage. Take effect.

APPROVED January 24th, 1855.

CHAPTER 72.

SEAT OF GOVERNMENT.

AN ACT to re-locate the seat of Government.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That five commissioners, a majority of whom Commissioners
 are hereby empowered to act, shall be appointed by the
 Governor to re-locate the Seat of Government of this State;
Provided, that the site selected by them shall be within two Site.
 miles of the junction of the Des Moines and Racoon rivers
 in Polk county; and provided further, that the Governor, be-

- Governor approve. fore issuing his proclamation, as hereinafter provided, shall approve of the site selected, and of the proceedings of the commissioners, or a majority of them.
- Meeting. § 2. The said commissioners shall meet on the first Monday in April next, or within thirty days thereafter, at Iowa City, or such other place as a majority of them may agree upon.
- Oath: § 3. Before entering upon the discharge of their duties, they shall severally take and subscribe an oath, for the faithful and impartial discharge of their duties; and that in making said re-location, they will have strict regard to the interest of the entire State; which said oath shall be filed in the office of the Secretary of State.
- Filed.
- Grants of land § 4. It shall be their duty in making said re-location, to obtain at least as much land as is necessary for the Capital buildings, and may be practicable to obtain without charge to the State; and also, any and all grants and donations of land and town lots, within their power to the State; and for that purpose they are hereby authorized and empowered to take proper conveyances therefor.
- Deeds.
- Lay out town. § 5. If such selection is not made at a point where some town, village, or city is already located, the said commissioners shall proceed to lay off the lands so selected, into suitable blocks, lots and squares, and for that purpose have a right to take to their aid a competent surveyor and assistants.
- Plat. § 6. When the said survey is completed, they shall make a plat thereof, and return the same certified, as required by law, with a report of their doing in the premises, to the Secretary of State, who shall file the same in his office; after which the place so selected, shall be, and remain the seat of Government of this State.
- Report.
- Seat of Gov't.
- Per Diem. § 7. For their services in full, the said commissioners shall each receive the sum of three dollars per day for the time they are actually employed: the surveyor (if any.) shall be paid the sum of three dollars per day, and the assistants strictly necessary the sum of two dollars per day; which sums shall be paid from the State Treasury, unless the same shall be paid by the proprietor or proprietors, or citizens of the place so selected.
- How paid.

§ 8. Should a vacancy or vacancies occur in the said com-^{Vacancies.}missioners, the Governor shall fill the same by appointment.

§ 9. Until otherwise ordered, as provided in the next section, the General Assembly shall meet, and the officers of State shall keep their offices at the present seat of Government. ^{Temporary Capital.}

§ 10. When buildings are prepared for the accommoda-^{Suitable build-}tion of the General Assembly and the officers of State, which ^{ings.}in the opinion of the Governor, are suitable therefor, he shall issue his proclamation to that effect, and from that time the ^{Proclamation.}General Assembly shall meet, and the officers of State keep ^{Removal.}their offices at such new Seat of Government; *Provided,* ^{State pays no-}that said buildings shall be erected without expense to ^{thing.}the State, and no money shall be paid out of the Treasury of the State for the erection of said buildings.

§ 11. This Act to take effect and be in force from and af-^{Take effect}ter its passage.

APPROVED 25th January, 1855.

I hereby certify that the above Act was published by direction of the Governor in the Iowa Capital Reporter, on the 28th day of February, and in the Iowa Republican on the 6th day of March, 1855

GEORGE W. McCLEARY, Sec'y of State.

CHAPTER 73.

STATE ROAD.

AN ACT to locate a State Road from Centerville to Ottumwa

SEC. 1. *Be it enacted by the General Assembly of the State* ^{Commission-}*of Iowa,* That John Whisler, senior, and Joab G. Brown, ^{ers.}of Appanoose county, and Benjamin Baum, of Wapello county, be appointed Commissioners to locate a State Road, from Centerville, in Appanoose county, via Abraham Pey-^{Centerville to}rie's Mill, on Chariton river, and Unionville, in said county, ^{Ottumwa.}to Ottumwa, in Wapello county.

§ 2. Said Commissioners shall have two dollars per day, ^{Per diem.}

and the Surveyor that may be employed by said Commissioners to survey and plat the said road, provided for in the foregoing bill, shall be allowed three dollars per day, and all other necessary assistants, one dollar and fifty cents per day, to be paid out of the treasuries of the counties in which said road shall be located, in proportion to the time required in each for said location; said location to be completed by the first day of November, 1855.

How paid,

Take effect,

§ 3. This act to be in force from and after its publication.
Approved January 24th, 1855.

I certify that the above Act was published in the "Iowa Capital Reporter," Feb. 7, and "Iowa Republican," Feb. 14th, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 74.

STATE ROAD.

AN ACT to locate a certain State Road.

Commissioners.

Streeks' to Bethlehem.

Time and place of meeting.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa*, That Joseph B. Teas, William Evans, sr., of Monroe county, and Greenwood Wright of Wayne county, be, and they are hereby, appointed Commissioners to locate a State road, commencing at Samuel Streeks, in Appanoose county, thence on the nearest and best route to the bridge on Chariton, in the north-east corner of Wayne county, thence on the nearest and best route to Bethlehem, in Wayne county.

§ 2. That the Commissioners herein appointed to locate and establish said road, or a majority of them, shall meet on the first Monday in April, 1855, or within nine months thereafter, at the first point named on said road, or at some other point, if agreed upon, and taking to their assistance a Surveyor, the necessary chainmen, and markers, and after having been qualified, shall proceed to the discharge of

their duties according to law: *Provided*, That in case any of said Commissioners should act as surveyor in laying out said road, they shall be entitled to receive for their services such per diem as is allowed by law to county surveyors, and nothing more.

§ 3. The Commissioners to be paid according to law: Expenses. *Provided*, That the State shall in no case be responsible for any expense created or growing out of the establishment of the foregoing road.

§ 4. This Act shall take effect from and after its publication. Take effect.

APPROVED January 24, 1855.

I certify that the above act was published in the Iowa Capital Reporter Feb. 7, and Iowa Republican Feb. 21, 1855, by authority of law.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 75.

STATE BINDER.

AN ACT, to create the office of State Binder, to provide for his election, to define his duties, and to establish the prices of public binding.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby established an office, to be called the "Office of State Binder." Office created.

§ 2. That a State Binder shall be elected at the present session of the General Assembly, by a joint vote of the two Houses thereof, who shall hold his office for the term of two years, and until his successor shall be elected and qualified. Election. Term.

§ 3. That the President of the Senate, and the Speaker of the House of Representatives, shall, without delay, furnish to the person elected to the office of State Binder, a certificate of his election, and within ten days after receiving the same, he shall give bond and security, and take the oath of office, and enter upon the discharge of his duties, at such times as is hereinafter provided for, and if he fails so to do, his office shall become vacant. Certificate. Bond & Oath. Failure.

Penalty and condition of Bond. § 4. That the bond of the State Binder shall be given to the State of Iowa, signed by at least three good securities, in the penalty of two thousand dollars, conditioned for the faithful and punctual performance of all the duties of his office, approved by the Governor, and filed in the office of the Secretary of State, to be by him recorded.

Approval.

Commence. § 5. That the State Binder, to be elected at the present session of the General Assembly, shall enter upon the duties of his office on the first day of May next, and thereafter elected, shall hold office for the term of two years, and until their successors shall be elected and qualified.

Term.

Vacancy. § 6. That if the office of State Binder shall become vacant from death, resignation, or otherwise, the Governor shall appoint a public Binder, who shall give a bond, and qualify, and hold the office for the same time that the person in whose stead he shall be appointed, would have held.

Office to be held at the Capital. § 7. That the State Binder shall hold his office at the seat of Government, and bind the Laws, the Journals, and incidental binding of the two houses of the General Assembly, and the incidental binding that may be required for the offices of Governor, Secretary of State, Auditor and Treasurer, Superintendent of Public Instruction, and other officers of the State.

Duties.

Performance. § 8. That all the State binding shall be done in a neat, substantial, and workmanlike manner, and promptly performed, and delivered, so that the public business shall not be delayed, nor the public interest permitted to suffer from any failure to have the work done in a reasonable and proper time.

Prices. § 9. That the State Binder shall receive for his services the following prices, to wit:—For stitching, folding, and binding the Laws and Journals of the General Assembly, in strong paper covers, seven cents per copy; for folding and trimming Messages and documents, not exceeding one sheet, thirty cents a hundred copies; for folding and stitching, and trimming Messages and documents, not exceeding one sheet, \$1.25 per hundred copies, and for every additional sheet 25 cents per hundred; for binding books, the size of the Code, full bound sheep, in a substantial manner, sixty-five cents;

Laws & Journals.

Messages, &c.

Books.

and for every other binding, the usual prices paid for such Miscellaneous work.

§ 10. It shall be the duty of the Secretary of State, upon Duty of Sec'y. the binding and completion of the Laws and Journals, as aforesaid, to examine whether they have been executed according to the provisions of this act; and should they be thus executed, he shall give his receipt therefor, stating the name, together with the amount to which the binder is entitled for said work, and if not so well executed, he may, nevertheless, receive the same, and give his receipt therefor noting said deficiency in said receipt.

§ 11. That the Auditor of State, on the production of the Auditor. aforesaid receipt of the Secretary of State, shall issue his warrant on the State Treasury for the amount therein stated and should there be a deficiency noted in said receipt, he is hereby required to order suit commenced immediately Suit. against the binder, and his securities, on the bond hereinafter provided for, and report the proceedings therein in his next report, to the General Assembly.

§ 12. That the State Printer shall furnish to the State State Printer . Binder the sheets of all work that requires binding, as soon as the same are printed, and ready for folding, and the State Binder shall bind all work that comes into his hands, within a reasonable time, and when the same is bound, deliver the said work to the Secretary of State.

§ 13. That all other accounts for work done for the State, Other ac- by the State Binder, in pursuance of this law, the payment counts, of which is not hereinbefore provided for, shall be presented and allowed in the same manner as is provided for in the tenth and eleventh sections of this Act.

§ 14. That at any time during the progress of the bind- Advance on ing of the Laws or Journals of the General Assembly, the work, Secretary of State may issue his certificate for one half of the value of the work done, and performed, according to the requisitions of this Act, to be ascertained by said Secretary, and the amount so certified shall be audited and allowed, as is provided in the eleventh section of this Act.

§ 15. That all acts and parts of acts contravening the pro- Repeal. visions of this Act, be, and the same are hereby repealed.

Take effect.

§ 16. This Act shall take effect and be in force from and after its publication in any two papers in this State, by order of the Secretary of State.

APPROVED January 24, 1855.

I certify that the foregoing Act was published by my order, in the Iowa Capital Reporter, Feb. 14, and in the Iowa Republican Feb. 21st, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 76.

DIVORCE.

repealed

AN ACT to amend the law in relation to divorce and alimony.

A vinculo.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter no divorce otherwise than from bed and board shall be granted, except for the following causes in the next section mentioned.

Causes for.

Adultery.

§ 2. Where either party since the marriage shall commit adultery.

Felony.

§ 2. Where either party since marriage shall be convicted of a felony.

Impotency.

§ 3. Where either party, at the time of marriage, was impotent.

Desertion.

§ 4. Where either party willfully deserts the other and absents themselves without reasonable cause, for the space of three years.

Divorced.

§ 3. In either of the above cases the innocent or injured party may be divorced absolutely, and restored to all the rights and privileges of an unmarried person; but the inability to marry shall not be removed from the guilty party.

Remain married.

A mensa et thoro.

§ 4. In all other enumerated causes heretofore deemed sufficient for a divorce, no divorce otherwise than a divorce from bed and board shall be granted; but in all divorces from bed and board, both parties shall be restored to all the rights and privileges of unmarried persons, except, that the

bonds of matrimony shall not be so far dissolved as to permit either of said parties again to marry.

§ 5. Upon the granting of any divorce, as above mentioned, the court may make any disposition of the children or property, as to said court shall, from the evidence adduced before it, seem proper. Children and property.

§ 6. So much of all previous acts as conflicts with this Repeal act, is hereby repealed.

APPROVED January 24, 1855.

I certify that Chapter 76 was published in the Iowa Capital Reporter Feb. 14, and in the Iowa Republican Feb. 21st, 1855, by direction of the Governor.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 77.

JUDGMENTS.

AN ACT to authorize junior Judgment creditors, to redeem from senior Judgments.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa,* That when two or more persons have a judgment or judgments against the same party, which judgments are a lien upon real estate of the judgment debtor, the party having the junior judgment and younger lien, may redeem from the senior judgment creditor, by complying with this act. Redemption

§ 2. That when any person having the junior judgment, wishes to redeem from a senior judgment under this Act, he shall pay to the party owning the senior judgment, or to the clerk of the court where the judgment is rendered, or in case execution has issued to the sheriff, the full amount due, including interest and costs; if paid to the party or sheriff, they shall execute to the party redeeming, a receipt for the amount paid, specifying that it was for the redemption of Judgment creditor may redeem.

the judgment, (describing the judgment,) which receipt shall be filed in the office of the clerk of the proper county, thereupon the clerk shall make an entry of such redemption on the judgment docket, and if paid to the clerk, he shall make such entry without receipt.

Redeeming
creditor.

§ 3. That said redemption shall transfer, and vest in the redeeming creditor a full title to the judgment so redeemed, and said redeeming creditor, shall have full power to collect and receive the proceeds paid and collected thereon, and to all intents be the owner of said judgment.

APPROVED January 24, 1855.

I certify that the above Act was published in the Iowa Capital Reporter and Iowa Republican, on the 4th day of February, 1855.

GEO. W. McCLEARY, Secretary of State

CHAPTER 78.

CONSTITUTION.

AN ACT providing for the revision or amendment of the Constitution of this State.

Election.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That at the next general election in this State, to be holden on the first Monday of August, A. D. 1856, there shall be a poll opened in each township and election precinct, for the purpose of taking a vote of the people, for or against a convention to revise or amend the present constitution of this State.*

Vote.

For or vs. con.

§ 2. Voters desiring such a convention, shall have written or printed on their ballots, the words "*For a Convention,*" and those opposed, shall have written or printed on their ballots the words "*Against a Convention.*"

Conducting
the election.

§ 3. The election shall be conducted in the same manner as the general elections of the State, and the poll books shall be returned and canvassed, as provided in the 25th chapter

of the Code, and abstracts shall be forwarded to the Secretary of State, which abstracts shall be canvassed in the manner provided for the canvass of state officers.

§ 4. On or before the first day of October, A. D. 1856 the Governor shall issue his proclamation, declaring the result of said election and if a majority of the votes cast at said election, shall be in favor of a convention as aforesaid, then an election of delegates to said convention shall be held on the Tuesday after the first Monday in November, in said year, and the election shall be conducted, and the returns made, according to the provisions of the Code, regulating general elections.

Gov. to issue Proclamation.

Delegates to be elected.

§ 5. The number of delegates shall correspond to the number of Senators in the General Assembly, according to the apportionment at the time of the election of said delegates, and each senatorial district shall constitute a district for the election of delegate.

No. of and district

§ 6. Said delegates shall possess the qualification of Senators in the General Assembly, and shall meet in Convention at the then Capital of the State, on the third Monday in January, A. D. 1857, for the purpose of revising or amending the constitution of the State.

Qualifications Meeting.

§ 7. Should a vacancy or vacancies at any time occur by death, resignation or otherwise, the Governor shall issue writs of election to fill the same, in the manner prescribed for filling vacancies of members of the General Assembly.

Vacancy.

§ 8. Each delegate shall receive three dollars per day, from the State Treasury for each day's attendance in said convention, and three dollars for every twenty miles travel, in going to, and returning from said convention; the mileage to be computed by the usually traveled route.

Per diem, &c

Mileage

§ 9. The Convention shall have power to appoint its own officers, and to fix their compensation; and shall also have power to provide the necessary printing for said convention; it shall also keep a journal of its proceedings, containing all amendments, revisions, or alterations, agreed upon, which journal shall be filed in the office of the Secretary of State, to be kept as other official papers of this State.

Powers,

Journal.

Filed.

§ 10 Said revised or amended constitution, when agreed upon by the convention, shall be submitted to a vote of the

New Constitution to be submitted.

people, for their adoption or rejection, and if a majority of the legally qualified electors shall approve the same, it shall then become the constitution and the supreme law of the land.

Time & manner.

§ 11. The convention shall fix the time, and prescribe the manner of submitting the question to the people; it shall also provide for the publication of the proposed amendments a journal of its proceedings, and for the manner of canvassing the votes given for and against said amended constitution; it shall also have full power to make all necessary regulations, for the taking effect of said amended, or revised constitution: *Provided*, That all elections contemplated in this Act, shall be conducted, as nearly as practicable, in the same manner as is provided by law for the regulation of general elections in this State,

Secretary's duty.

§ 12. The Secretary of State is hereby required to furnish a suitable room for the meeting of said delegates, and also to furnish stationery for the use of the convention which shall be paid for out of the State Treasury.

APPROVED January 24th, 1855.

I certify that the foregoing Act was published by direction of the Governor in the Iowa Capital Reporter on the 14th of February, and Iowa Republican on the 21st day of February, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 79.

IOWA COUNTY

AN ACT to re-locate the seat of Justice of Iowa county.

Vote on.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That at the next April election the qualified voters of Iowa county, shall vote upon the question of re-locating the seat of Justice of said county, subject to the

Re-location.

condition hereinafter provided, notice of which shall be given by the county Judge as in special elections.

§ 2. That legal and qualified voters of said county shall, ^{Election.} at said election, vote by ballot, having either written or printed upon said ballots, "For the removal," or "Against the removal," and if a majority of the votes cast at said ^{Voting.} election are in favor of said removal, the county Judge shall immediately notify the commissioners hereby appointed to select the site for said re-location of said decision, ^{Re-location.} who, after being duly qualified, shall immediately proceed to select a site for said re-location, and give the same some suitable name, and shall each be allowed three dollars per ^{Per diem.} day while necessarily employed in the discharge of their duty.

§ 3. That Horace H. Wilson, of Washington county, ^{Names of commissioners.} John Cassidy, of Poweshiek county, and John Porter of Johnson county, be, and they are hereby appointed, commissioners to select said site for said re-location, and shall make report of their doings to the county Judge of Iowa county ^{Report.} by the twentieth day of June, 1855.

§ 4. That the legal and qualified voters of said county ^{Vote on new site.} shall, at the next August election, vote by ballot upon the question of the adoption of the site selected by said commissioners, at which election the ballot shall have either ^{Manner of voting.} written or printed upon them "For———" (giving the name by which the site chosen by the commissioners is designated) or "For Marengo," and the point receiving a majority ^{Majority.} of the votes cast, shall be and remain the seat of justice of said county.

§ 5. That if said question is decided in favor of the ^{Tax to be levied.} site selected by said commissioners, the county Judge shall proceed to levy a tax upon the taxable property within said county, sufficient to erect suitable buildings to accommodate ^{New buildings} the public business of the county, and as soon as the necessary buildings are provided the public officers of said county shall remove to said location with the books, papers, etc., ^{Removal.} belonging to said county, and the county of Iowa shall pay ^{County foot the bill.} all the expense that may accrue in making said re-location.

§ 6. This Act shall take effect and be in force from and ^{Take effect.}

after its publication in the Iowa Capital Reporter and Republican, of Iowa City.

APPROVED January 23d, 1855.

I certify that this Act was published in the Iowa Capital Reporter and Iowa Republican on the 31st day of Jan. 1855.

G. W. McCLEARY, Sec'y of State.

CHAPTER 80.

EXECUTORS.

AN ACT making further provision in relation to Executors of Estates.

Judgments. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where judgments have been rendered against Executors of estates, on debts contracted by the deceased persons, before an execution can or shall be levied on the goods and chattles, lands and tenements, held by such executors in their own right, a *scire facias* shall issue against such executors, compelling them to show cause why such executions should not issue.

Ex. not to issue. Fl. fa.

§ 2. That it shall be a sufficient answer to said *scire facias*, and a complete defence, that at the time of the rendition of the original judgment, and ever afterwards, the said executor or executors had no means or property of the deceased in his hands, subject to administration.

Defence.

APPROVED January 22d, 1855.

The above Act was published in the Iowa Republican and Iowa Capital Reporter, on the 7th of February, 1855, by order of the Governor:

GEO. W. McCLEARY, Sec'y of State

CHAPTER 81.

STATE ROAD.

AN ACT establishing a State Road from Farmington, in Van Buren county, to Bloomfield, in Davis county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Lawrence Scott and Levi Tompkins, of Farmington township, in Van Buren county, and Jefferson Easley, of Davis county, be, and they are hereby appointed, commissioners to locate and establish a State Road from Farmington, in Van Buren county, on the most practicable and direct route to Bloomfield, in Davis county. Commissioners.
Farmington & Bloomfield.

§ 2. That the commissioners appointed to locate and establish said road, or a majority of them, shall meet on the first Monday in February, 1855, or within nine months thereafter, at the point first named, or at some other point if agreed upon, and taking to their assistance a surveyor, the necessary chainmen and markers, and after having been qualified, shall proceed to the discharge of their duties, and be paid according to law: *Provided*, that the State shall not be responsible for any expenses created or growing out of the establishment of said road. Time and place of meeting.
State don't pay.

§ 3. This Act shall take effect from and after its publication in the Iowa City papers, (the Republican and Reporter.) Take effect.

APPROVED January 23rd, 1855.

I certify that the above Act was published in the Iowa City papers as follows: Republican, Jan 24th—Reporter, Jan 31st, 1855.

GEORGE W. McCLEARY, Secy of State.

CHAPTER 82.

LAWS.

AN ACT to provide for the publication and distribution of the Acts, Resolutions, and Memorials of the present session of the General Assembly.

- Pub. lica-tion. **SEC. 1.** *Be it enacted by the General Assembly of the State of Iowa,* That six thousand copies of the Acts, Resolutions, and Memorials, passed at the present session of the General Assembly, be published under the superintendence of the Secretary of State.
- Laws of 1853. § 2. The Secretary is also directed to print and distribute, of the Laws and Resolutions of the last session, four thousand copies.
- Distribution. § 3. The Secretary shall divide four thousand copies among the several organized counties in proportion to their population, but giving no county less than fifty copies, and as soon as practicable after receiving the same from the printer, transmit to the county clerk of each county the number of copies to which his county is entitled, and to each member of the General Assembly, three copies of said laws.
- Clerk to furnish officers. § 4. The county clerk shall furnish each county and township officer with a copy of such Acts, &c., and he shall sell the remainder at fifty cents per copy, paying over the money to the county treasurer, who shall pay the same into the State Treasury.
- Sell. § 5. For superintending the printing, indexing, and distributing the laws, etc., as herein provided, the Secretary of State shall be entitled to receive the sum of four hundred dollars, out of any money in the treasury not otherwise appropriated.

APPROVED January 23, 1855.

CHAPTER 83.

GEOLOGICAL SURVEY.

AN ACT providing for the Geological Survey of the State.

SECTION 1. *Be it enacted by the General Assembly of the* Governor to
State of Iowa, That the Governor may appoint, by and with ^{appoint State}
 the advice and consent of the Senate, a State Geologist, who ^{Geologist.}
 shall be a person of competent scientific and practical know-
 ledge of the science of geology and mineralogy, who shall
 hold his office for the term of two years, unless sooner re-^{Term.}
 moved by the Governor.

§ 2. The said State Geologist shall, by and with the con-^{Assistant.}
 sent of the Governor, appoint one suitable person to assist
 him in the discharge of his duties, who shall be a skillful
 analytical and experimental chemist.

§ 3. It shall be the duty of said geologist and his assist-^{State survey.}
 ant, as soon as may be practicable after the appointment,
 to commence and carry on, with as much expedition as pos-
 sible, a thorough geological and mineralogical survey of the
 State, as also of the character and quality of the soil for ^{Soil.}
 agricultural purposes.

§ 4. It shall be the duty of the assistant to make full ^{Assays.}
 and complete examinations and assays of all rocks, ores,
 soils or other substances which may be submitted to him by
 the State Geologist for that purpose, and to furnish him with
 a detailed and complete account of results so obtained.

§ 5. It shall be the duty of the State Geologist, on or be-^{Report.}
 fore the first Monday of December in each year during the
 time not necessarily occupied by said survey, to make report of
 said survey and the progress thereof, accompanied with such
 maps, drawings and specifications as may be necessary and ^{Maps and}
 proper to exemplify the same to the Governor, who shall lay ^{drawings.}
 a copy of the reports before the General Assembly.

§ 6. It shall also be the duty of such Geologist to for-^{Specimens.}
 ward to the Governor, from time to time, during the progress
 of said survey, such specimens of the rocks, ores, coals, soils

- fossils, and other mineral substances discovered and examined, properly labeled, as may be proper and necessary to form a complete cabinet of collections of specimens of geology and mineralogy of the State. And the Governor shall cause the same to be preserved for the benefit of the State
- Cabinet.** for public inspection. Said geologist shall cause to be represented on the map of the State, by colors and other appropriate means, the various areas occupied by the different geological formations in the State, and mark thereon the localities of the respective beds of deposits of the various mineral substances discovered, and the character of the soil; and on the completion of the survey, to compile a memoir of the geology and mineralogy of the State, comprising complete accounts of the leading subjects and discoveries which have been embraced in the survey.
- Public inspection.**
- Geological map.**
- Memoir.**
- Appropriation.** § 7. For the purpose of carrying into effect the provisions of this act, the sum of two thousand five hundred dollars is hereby annually appropriated for the said term of two years, to be expended under the direction of the Governor. The salaries of the geologist and assistant shall be fixed by the census board of the State. The salaries of the geologist and assistant, however, shall not commence until they have respectively entered upon the discharge of their duties. And upon the completion of said survey and the duties connected therewith, the same shall cease and determine.
- Salaries.**
- Cease.**
- Take effect.** § 8. This Act shall take effect and be in force from and after its publication in the Iowa Republican and Iowa Capital Reporter.

APPROVED January 23rd, 1855.

I certify that the above Act was published in the Iowa Republican and Iowa Capital Reporter on the 31st January, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 84.

ATTACHED,

AN ACT to attach the county of Cerro Gordo to the county of Floyd, for certain purposes.

SECTION 1. *Be it enacted by the General Assembly of the Cerro Gordo State of Iowa*, That the county Cerro Gordo is hereby attached to the county of Floyd, for election, revenue and Judicial purposes. attached to Floyd county.

§ 2. All acts and parts of acts, in conflict with this Act Repealed are hereby repealed.

§ 8. This Act to be in force from and after its publication in the Iowa City Reporter and Republican. Take effect.

APPROVED January 23d, 1855.

The above Act was published in the Iowa City Reporter and Republican on the 28th day of Feb. 1855.

GEO. W. McLEARY, Sec'y of State.

CHAPTER 85.

OSKALOOSA CITY.

AN ACT to incorporate Oskaloosa.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa* City limits., That the corporate limits of the city of Oskaloosa, be, and are hereby established, as follows: commencing at Boundaries. the north-east corner of the south-east quarter of section 13, in township 75 north, range 16 west; thence east to the north-west corner of the north-east quarter, of the south-west quarter of section 18, in township 75 north, range 15 west; thence south to the south-east corner of Houts' ad-

dition to Oskaloosa ; thence west along the south side of the additions of Houts' and Montgomery, to the south-west corner of said Montgomery's addition ; thence north to the south-west corner of the original town plat ; thence west 40 rods ; thence north to High street ; thence west 40 rods ; thence north to Liberty street ; thence west to the south-west corner of Loughridge and Cassiday's addition ; thence north to the north-west corner of said addition ; thence east to the north-west corner of the original town plat ; thence north 40 rods ; thence east 160 rods, and thence south to the place of beginning, and situate in the county of Mahaska, and State of Iowa, with the inhabitants thereof, be, and the same hereby is constituted a city and body politic and corporate, with perpetual succession, by the name of "Oskaloosa," and by that name shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, acquire, possess, hold and enjoy, whatever real, personal or mixed property may be necessary, proper, and convenient, to carry out the objects of the corporation, sell and convey the same, and shall otherwise possess and enjoy all the powers and attributes, and be subject to all the liabilities of a municipal corporation.

Mahaska co.

Incorporated.

Powers.

Legislative authority.

Voters.

Who eligible to offices.

Elections.

Time of elections.

Officers to be elected.

§ 2. The legislative authority of said city shall be vested in a city council, to be composed of a mayor, and two councilmen from each ward.

§ 3. The electors of said city shall be voters in the county of Mahaska, and residents of Oskaloosa, ten days prior to the elections.

§ 4. The officers of said city, shall be legal voters therein at the time of their election, and shall reside in the city during their term of office.

§ 5. The manner of conducting elections, shall be similar to that of township elections, by councilmen acting in the place of trustees, and the recorder in the place of township clerk, until otherwise regulated by the city council.

§ 6. The elections of said city shall be annual, on the first Monday of June, at which time there shall be elected by the electors of said city, one mayor, two councilmen from each ward, one marshal, one recorder, and one treas-

urer, and such other officers as the council may from time to time direct, who shall hold the irrelative offices one year, Term. and until their successors are elected and qualified. There shall also be elected one justice of the peace each year, J. P. who shall hold his office for the term of two years. Term.

§ 7. Each of the officers of the city shall take and sub- Qualification. scribe an oath, faithfully to discharge the duties of his office, and shall also give such bond and security as shall be re- Bond. quired by the council, conditioned faithfully to discharge the duties of his office.

§ 8. Until otherwise provided, the said city shall be Wards. divided into four wards, as follows: all that part lying north 1st Ward. of a line extending west through High street to the west side of said city, and west of a line extending north through Market street to the north side of said city, shall constitute the first ward; that portion lying south of the first ward, 2d Ward. and west of a line extending through Market street to the south side of said city, shall constitute the second ward; all 3d Ward. that part lying east of the second ward, and south of High street, and extending to the east side of said city, shall constitute the third ward; and all that portion lying north of 4th Ward. the third ward and east of the first ward, shall constitute the fourth ward.

§ 9. The mayor of said city is a conservator of the Mayor. peace, and a magistrate within the city, and shall hold a A J. P. court to be styled the mayor's court; and he is hereby in- Mayor's court. vested with full jurisdiction in all cases of breaches of the Jurisdiction. peace co-extensive with a justice of the peace, and shall have exclusive jurisdiction in all violations of the by-laws and ordinances of said city, and appeals may be taken in Appeals. all cases from the orders, judgments and decisions of the mayor, in the same manner, and within the same time, as from a justice of the peace: *Provided*, that in all cases of sick- Disability. ness, absence or inability of the mayor to act, any justice J. P. to act. of the peace within said city, shall have jurisdiction co-extensive in all cases with the mayor.

§ 10. The mayor shall be president of the city council, Preside. but shall not vote, except in cases of a tie vote; he shall Duties. sign all ordinances, deeds, contracts, orders for the payment

of money, commissions, and permits granted, or authorized by the city council, and see that the laws and ordinances are faithfully executed.

Council. § 11. The city council shall be the judge of the elections
Powers. and qualifications of its members, and all other city officers;
Pro tem. it shall elect a president pro tem., and may determine rules
Rules. for its own proceedings, and compel the attendance of its
Vacancy. members; it may fill any vacancy in any of the offices
 herein named: *Provided*, that in case of vacancy of the
Mayor. office of mayor, the president pro tem. shall succeed to that
Appointment. office; the council may also constitute and appoint such
 subordinate officer and officers, as may from time to time
 be necessary and proper: *Provided*, that all such offices shall
 become vacant at the second regular meeting after the an-
 nual election.

By-laws and § 12. The city council shall have power to establish
Ordinances. such by-laws, and ordinances, as may be necessary and
 proper, for the good, regulation, health, and safety of the
Fire and mis- citizens, and cleanliness of the city; to provide against fire,
demeanors. gambling, breaches of the peace, and disorderly and in-
License. decent conduct and houses; to license, regulate or prohibit
 shows and exhibitions; to establish grades and regulate and
Streets. improve the streets, side-walks, and alleys; and provide for
 drains, sewers, and public wells; to provide for the manner
Elections. of calling and conducting elections; and may make any
Police regula- other ordinary, suitable and proper police regulation; and
tions. impose fines and penalties for the violation of any such
Violations. regulations, by-laws, and ordinances, not inconsistent with
 the laws of this State; the council shall also have further
Taxes. power to levy and collect taxes for city purposes, upon all
 property within the limits of the corporation, which is not,
 by the laws of the State, exempt from taxation: *Provided*,
Limit. that said tax shall not exceed four mills on the dollar in any
 one year, on the assessed value of said property; and the
 council shall, by ordinance, prescribe the manner of levying
Collecting. and collecting the same, by measures not more stringent
 and summary than those used for collecting State and coun-
 ty revenue.

Pavements. § 13. The city council is authorized to require the pro-

erty holders of any street, or part of street, to pave the side walks thereof, each in front of his own property. whenever the owners of two thirds of the lots on such street, or part of a street, petition therefor; and upon the neglect of any such owner, after a reasonable time and notice, to pave his portion of the side walk, in the manner prescribed by the council, the council may cause the same to be paved and collect the expense thereof from the owner of the lot or part of lot, by action, in the name of the city, and until paid it shall be a lien on the lot, or part of lot, in front of which the same is paved: *Provided*, That not less than one block in length shall be construed to be a part of a street: *And provided further*, That in all cases the curbstones shall be put in at the expense of the city: *And provided further*, That after the city council shall have caused the curbstone to be set in front of any block, at the expense of the city, it shall then have full power to direct the property holders of said block to construct a brick pavement, each in front of his own property, and on neglect or refusal so to do, the council may proceed as above provided.

§ 14. The council may regulate its own meetings, but shall meet at least once each month, on a time to be fixed by ordinance; and may adjourn from time to time; the mayor or any five councilmen, may call a special meeting of the council, giving the members notice, in writing, of the time and object of the meeting; but no business shall be transacted at such meeting, except what is expressed in the notice; all meetings shall be public, and a majority shall constitute a quorum for business.

§ 15. Every ordinance shall fix the time for its taking effect; but it shall not be in force until it has been published in some newspaper published in said city, or written copies posted up in three public places in said city.

§ 16. All contracts shall be made, or approved and ratified by the council before the same shall be legally binding; and all deeds and contracts shall, by direction of the council, be signed by the mayor, and countersigned and sealed by the recorder.

- Debt's** § 17. The city council shall never have power to contract a debt, beyond the amount of the city revenue, for the current
- Borrow money** year, or borrow money on the credit of the city, unless the question of borrowing money or indebtedness, shall first have
- Submitted. Election. Majority.** been submitted to the legal voters, at a regular or special election, and approved by a majority vote, of the votes cast ; and in no case whatever shall it have power to create an indebtedness in the aggregate beyond ten thousand dollars.
- Limitation.**
- Present laws remain.** § 18. The by-laws, ordinances, and regulations of the present city of Oskaloosa, are hereby declared to be in force and full effect in Oskaloosa from and after the taking effect of this charter, till the same are altered, amended or repealed ;
- Contracts and liabilities** and all contracts with, and liabilities to the present city of Oskaloosa, shall be liabilities against, and discharged by, Oskaloosa ; and the officers of the present city of Oskaloosa, shall
- Officers of present city.** hold their offices till the annual election herein provided for, and until their successors are elected and qualified.
- Recorder's duty.** § 19. It shall be the duty of the Recorder, to keep a true record of all the official proceedings of the city council ; he shall record all the by-laws and ordinances in a book, to
- Record. Minute Book.** be called the ordinance book ; he shall also keep a minute book, in which he shall insert the number, date and amount
- Attend meetings.** of each order drawn on the Treasurer, and shall attend all meetings of the council, and act as clerk thereof, and keep a
- Record of proceedings, &c.** full record of all the proceedings, in a book, to be called the journal ; and shall perform such other duties as the council may require.
- Treasurer Duty of. Money.** § 20. It shall be the duty of the Treasurer to receive and safely keep, without using or lending, any and all money which may legally come to his possession by virtue of his
- Pay out.** office ; and shall pay none out, except by order of the council, signed by the Mayor, and countersigned by the Recorder ;
- Account** he shall keep a book in which he shall keep a correct account of all money by him received, and from whom paid ; and on the payment of money, the order shall be delivered up to the Treasurer to be cancelled, and shall be his voucher, on settlement: He shall make settlement with the council, whenever required so to do by the council.
- Settlement**

§ 21. The Marshal is the ministerial officer of the city, Marshal. and a conservator of the peace; he shall execute all orders Duti s. and process directed to him by the Mayor, and in all cases of violation of the city ordinances, may execute the same in any part of the county, and in violation of criminal laws, he shall have such powers as are now, or may be given by statute: *Provided*, That in any case of his inability to act, any constable of said city may act in his place; the Marshal Constable. is also the tax collector of the city, and is empowered and Collector, required to collect all taxes for the city, and shall pay the same over to the Treasurer; he shall receive such fees for Fees. service of process, as are, by law, allowed to constables, and such as the council shall prescribe for collecting taxes, not exceeding four per cent. on the whole taxes assessed, and shall be liable for all taxes assessed, unless released therefrom by the city council; he shall also attend all meetings of the Attend meet. council, and perform such duties as the council may direct, ings. and shall receive such reasonable fees therefor, and for extra services as the council shall, from time to time, allow.

§ 22. Oskaloosa is hereby constituted a road district, un Road District der the entire control of the city council; and the road reve Road Tax, nue of said city, including labor, shall be expended within the limits of said city, or upon the roads and highways within one mile thereof, under the supervision and control of the city council; and the council is hereby invested with full Road Fund. authority to receive from the County Treasurer all road revenue belonging to said city, and receipt for the same, which receipt shall be the Treasurer's voucher.

§ 23. Each and all the officers of said city, shall receive Salarie, such salaries, fees, and compensation, as the council may Fees, &c. deem proper, which may be changed as circumstances require.

§ 24. The city council may propose amendments to this Amendments, charter, which shall be submitted to the legal voters at the Submitted, annual election; and if a majority of the votes cast for and B- come part against the amendment be for it, the amendment shall there Pub'lished. upon become a part of this chapter: *Provided*, That such amendment shall be published as herein provided for publish- Pub'lished. ing ordinances, before it is submitted for approval.

- Present charter, § 25. The present charter for the city of Oskaloosa shall become void, and be superceded by the taking effect of this charter.
- Charter submitted. § 26. Within three months after the passage of this Act, the present authorities of the city of Oskaloosa shall order an election for a vote on the acceptance or rejection of this charter, which election shall be called and conducted in the manner in which elections of said city are now called and conducted: *Provided*, that all the legal voters included in the district contemplated in this Act shall be permitted to vote at said election; said vote shall be "for the charter," or "against the charter," and shall be by ballot, and if the vote be in favor of its acceptance, such result shall be declared, and be entered on the record of the present city, after which said city authorities shall cause this act to be published in some newspaper published within said corporation; after which the same shall be the charter of said Oskaloosa.
- Election called and conducted. "Outsiders."
- "For" or "vs."
- Result.
- Publication.
- Take effect § 27. This Act to take effect from and after its passage.
- APPROVED January 24, 1855.

CHAPTER 86.

WALLS IN COMMON.

AN ACT entitled an Act respecting Walls in common.

- Walls. SEC. *Be it enacted by the General Assembly of the State of Iowa*, That in cities, towns, and other places, surveyed into building lots, the plats whereof are recorded, he who is about to build contiguous to the land of his neighbor, may, if no wall be on the line between, rest one-half of his wall on his neighbor's land: *Provided*, he build of brick or stone, at least as high as the first story: *And provided*, the whole thickness of such wall, above the cellar wall, do not exceed eighteen inches, not including the plastering, which, for the purposes of this act, is not to be considered as part of the
- On line.
- Brick or stone
- size of walls.

wall: *And provided also*, that his neighbor shall not be compelled to contribute to the expense of said wall.

§ 2. If his neighbor be willing, and does contribute one-half of the expense of building such wall, then it is a wall in common between them; and if he even refuses to contribute to the building of such wall, he shall yet retain the right of making it a wall in common, by paying to the person who built it, one-half of the appraised value of said wall, at the time of using it.

§ 3. Every wall being a separation between buildings, shall, as high as the upper part of the first story, be presumed to be a wall in common, if there be no titles, proof, or mark to the contrary.

§ 4. The repairs, and rebuilding of walls in common, are to be made at the expense of all who have a right to the same, and in proportion to the interest of each therein: nevertheless, every co-proprietor of a wall in common, may be exonerated from contributing to the repairs or building, by giving up his right in common: *Provided*, no building belonging to him be actually supported by the wall thus held in common.

§ 5. Every co-proprietor may build against a wall held in common, and cause beams or joists to be placed therein, and any person building such a wall, shall, on being requested by his co-proprietor, make the necessary flues, and leave the necessary bearings for the joists or beams, at such height, and distance apart, as shall be specified by his co-proprietor.

§ 6. Every co-proprietor is at liberty to increase the height of the wall held in common; but he alone is to be at the expense of raising it, and of repairing, and keeping in repair, that part of the wall, above the part so held in common.

§ 7. If the wall so held in common, cannot support the wall to be raised upon it, he who wishes to have it made higher, is bound to re-build it anew entirely, and at his own expense, and the additional thickness of the wall must be placed entirely on his own land.

§ 8. The person who did not contribute to the heightening of the wall held in common, may cause the raised part to become common, by paying one-half of the appraised value of

Partnership.

Refusal.

Presumption.

Repairs, &c.

Co-proprietors.
Mode of building.

Height.

Re-build.

Person paying half.

Wall in common.

such raising, and half of the value of the grounds occupied by the additional thickness of the wall, if any ground was so occupied.

Same.

§ 9. Every proprietor joining a wall, has, in like manner, the right of making it a wall in common, in whole or in part, by repaying to the owner of the wall one-half of its value, or the one-half of the part which he wishes to hold in common, and one-half of the value of the ground on which it is built, if the person who has built the wall, has laid the foundation entirely upon his own ground.

No cavities.

§ 10. Neither of two neighbors can make any cavity within the body of the wall held by them in common; nor can either affix to it any work, without the consent of the other, or without having, on his refusal, caused the necessary precautions to be used, so that the new work be not an injury to the rights of the other, to be ascertained by persons skilled in building,

No delay.

§ 11. No dispute between neighbors, as to the amount to be paid by one or the other, by reason of any of the matters treated of in this act, shall delay the execution of the provisions of the same: *Provided*, that the party on whom the claim is made, shall enter into bonds, with security, to the satisfaction of the Clerk of the District Court of the proper county, conditioned that he shall pay to the claimant whatsoever may be found to be his due, on the settlement of the matter between them, either in a court of justice, or elsewhere; and the said Clerk of the District Court is hereby required to endorse his approval on said bond, when the same is approved by him, and retain the same in his custody, until demanded by the opposite party.

Bond.

Agreements.

§ 12. This act is not to prevent adjoining proprietors from entering into special agreement about walls on the lines between them; but no evidence of such agreement shall be competent, unless it be in writing, signed by the parties thereto, or their lawfully authorized agents, and whenever such proprietor is a minor, the guardian of his estate shall have full authority to act for, and bind him, in all matters relating to walls in common.

APPROVED January 24th, 1855.

I certify that this Act was published, by direction of the Governor, in the Iowa Capital Reporter and Iowa Republican, Feb. 14, 1855.

GEO. W. McCLEARY, Sec'y of State

CHAPTER 87.

DEAF AND DUMB.

AN ACT to establish a State Institution for the deaf and dumb.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be established at the Capital of the State, an institution to be called an institution for the deaf and dumb. Established at the capital

§ 2. Every deaf and dumb citizen of the State, of suitable age and capacity, shall be entitled to receive an education in said institution at the expense of this State. All deaf and dumb. Educated expense of State

§ 3. Said institution shall be under the supervision of a board consisting of seven persons, of whom the Governor, the Secretary of State, and the Superintendent of Public Instructions, shall be *ex-officio* members, and who shall be called the Board of Trustees, and the other members of said board shall be appointed by the Governor and approved by the Senate, and shall hold their offices for one, two, three and four years respectively, in the order which they are recommended, and at the expiration of their respective terms of office, one Trustee shall be appointed by the Governor with the consent of the Senate for four years. Trustees. Appointed. Terms.

§ 4. The Trustees shall have the general supervision of the institution, adopt rules for the government thereof, provide teachers, servants, and necessaries for the institution, and perform all other acts necessary to render it efficient and to carry out the purpose of its establishment. Supervision.

§ 5. Three of said Trustees shall constitute a quorum for the transaction of business, and their proceeding at each meeting shall be recorded in a minute book, which shall be signed by those present, and form a record of their proceedings. Quorum. Record.

Non residents § 6. Persons not residents of the State, of suitable age and capacity, shall be entitled to an education in said institution, on paying to the Trustees thereof the sum of thirty-five dollars a quarter in advance.

Report. § 7. The board of Trustees shall make a biennial report to the General Assembly of the condition of the institution, the number, name, residence, age, sex and place of nativity of each pupil; they shall also make a report of the studies pursued, of the trades taught in the institution, and of the receipts and disbursements made on account thereof.

Treasurer. § 8. The board of Trustees shall select one of their number as Treasurer of the institution, and he shall enter into bonds, with security, in such sum as the board shall direct, conditioned for the faithfully paying over of all money belonging to the institution, upon the order of the board, which bond shall be filed with the Secretary of State.

Limitation. § 9. The board shall not create any indebtedness against the institution exceeding the amount appropriated by the General Assembly for the use thereof.

Appropriation § 10. To meet the ordinary and contingent expenses of the institution, including rent, provisions, school apparatus, salaries, and clothing of pupils, when necessary, there is hereby appropriated the sum of five thousand dollars per annum, for the next two years, from and after the first day of January, 1855, said appropriations to be paid by the State Treasurer out of any monies in the treasury not otherwise appropriated; said appropriations to be expended or not, at the discretion of the Trustees.

Accounts of present Inst. § 11. The Trustees are hereby authorized to audit and settle the accounts now subsisting between the State and principal of the existing institution, in regard to the advances already made to him by the State for said institution, and his expenditures thereof.

Exhibitions. § 12. The Trustees are hereby authorized to allow the pupils of the institution to travel in the State, under proper care, for the purpose of exhibiting to the citizens thereof, by public meetings and otherwise, the progress made by them, and to extend a knowledge of the institution.

§ 13. No remuneration shall be made to the Trustees for their services. Trustees to get no pay.

§ 14. Chapter seventy-three of the Code, is hereby repealed. Repeal.

§ 15. This act to be in force from and after its publication in the Iowa Capital Reporter and Republican. Take effect

APPROVED January 24th, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican, on the 31st Jan. 1855.

GEO. W. McCLEARY, Sec'y of State!

CHAPTER 88.

STATE ROAD.

AN ACT to locate and establish a certain State Road therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Simon Archer, of Linn county, James Buchanan and Cyrus Sanders, of Johnson county, be, and they are hereby appointed Commissioners, to locate and establish a State Road from Lisbon, in Linn county, to Iowa City, in Johnson county. Commissioners.

§ 2. The Commissioners hereby appointed shall meet at Iowa City, on the first Tuesday in April next, or within thirty days thereafter, who, after being sworn to the faithful discharge of their duties, shall take to their aid necessary assistance, and proceed to locate and establish such road: *Provided,* the expense of locating said road shall be paid by the counties of Linn and Johnson. Time & place of meeting.

§ 3. This act to be in force from and after its publication in the Iowa City newspapers. Take effect.

APPROVED January 24th, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican on the 31st day of January, 1855.

GEORGE W. McCLEARY, Sec'y of State.

CHAPTER 89.

MOUNT PLEASANT.

AN ACT to incorporate the town of Mount Pleasant, in Henry county.

- SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That the tract of land lying in township seventy-one, north, range six, west, in the county of Henry, which is comprised in the original town plat of Mount Pleasant, together with all additions that have been regularly recorded, or that may hereafter be made and recorded, according to law, be, and the same is hereby constituted, a town corporation, and shall be known by the name and title of the town of Mount Pleasant.
- § 2.** That the qualified voters for members of the General Assembly, who have resided within the limits of said corporation for twenty days immediately preceding any such election, shall meet at some suitable place within said corporation, on the first Monday in April next, and annually thereafter, and then and there proceed to elect by ballot a mayor, four councilmen, and a recorder, who shall be citizens of said town, who shall hold their offices for one year, and until their successors shall be elected and qualified. The mayor and any two of the councilmen shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided,* that in case of the death or absence of the mayor, the councilmen may choose a mayor pro tem. from their own body: *And provided further,* that when the mayor, or any councilmen, recorder, or any other officer created by ordinance, or otherwise, in pursuance to this act, shall remove out of the corporation limits of the town of Mount Pleasant, in Henry county, such office shall become vacant; and in case of such vacancy, if it be that of mayor, a councilman, or recorder, a special election shall be held to fill the same; ten days notice, at least, shall be given of said special election; notice to be given in the same manner as in case of annual election of said town.
- Boundaries.**
- Incorporation.**
- Election.**
- Voters.**
- Time.**
- Officers.**
- Term.**
- Board.**
- Pro. tem.**
- Removal.**
- Vacancy.**
- Special elec-
tion.**

§ 3. At the first election to be held under this Act, there shall be chosen by the electors present, three judges and a clerk of said election, who shall each take an oath or affirmation, faithfully to discharge the duties required of them by this Act; and at all subsequent elections the councilmen, or any two of them, shall be judges, and the recorder clerk of election. At all elections holden under this Act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and close at five in the afternoon of the same day; and at the close of the polls, the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall give notice to the persons elected of their election; and it shall be the duty of the recorder, at each annual election, to give at least five days notice thereof, by posting up notices at three of the most public places in said town, or causing the same to be published in some weekly newspaper printed in said county.

§ 4. The regular meetings of said mayor and councilmen shall be held on the first Monday in each month, (except the April meeting, which shall be held on the second Monday in April), and the board may provide by ordinances for calling special meetings: at all meetings, the mayor, if present, shall preside, and in his absence, the mayor pro tem. The recorder shall keep a correct record of all the proceedings of the board, and may, under his hand and seal, appoint a deputy, for whose acts he shall be responsible.

§ 5. The mayor, councilmen, and inhabitants of said town, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the town of "Mount Pleasant," and shall be capable in law, in their corporate name, to acquire property, real and personal, for the use of said town, and sell and convey the same; may have a common seal, which they may alter at pleasure; may sue and be sued, defend and be defended, in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons, which shall be served by an attested copy, to be left with the recorder.

§ 6. The officers elected under this Act shall each take an Oath.

oath, or affirmation, to support the constitution of the United States, and the constitution of the State of Iowa, and faithfully to discharge the duties of their respective offices.

- Ordinances. § 7 The mayor and councilmen shall have power to make and establish ordinances, for the government of said town, and to alter, repeal, or re-enact the same; to provide for the election of a treasurer, assessor, marshal, and other subordinate officers, necessary for the good government and well being of the town, to prescribe their duties, and declare their qualifications and period of service; fix their fees and compensation, and require them to take an oath, or affirmation, faithfully to discharge the duties of their respective offices, and may require of them security for the performance of their official duties. Said mayor and councilmen shall also have power to affix such reasonable fines, penalties and forfeitures, as they may deem proper, for violations of the ordinances, and to provide for the disposition of the same: *Provided*, also, that no ordinance of said corporation shall have any effect until the same shall have been published in some weekly newspaper, published in said county: *And provided further*, that nothing done under the provision of this section, shall be incompatible with the laws of this State.
- Subordinate officers. Receipts and disbursements. § 8. The mayor and councilmen shall, at the expiration of each six months, cause to be made out and published a correct statement of the receipts and expenditures of the preceding six months.
- Duties. Taking effect. § 9. That the mayor of the town of Mount Pleasant, who shall be elected by the provisions of this act, shall be, and is hereby invested, with all the powers now granted by law to justices of the peace, within said State, for the purpose of hearing, trying, and determining all offenses committed against the ordinances of said town; and shall have jurisdiction, within said corporation, over all subjects, civil and criminal, as is now, or hereafter may be conferred by law upon justices of the peace within this State, and the same right of appeal from the judgment of the said mayor in civil cases, shall be allowed, as is now, or may be hereafter authorized by law, from the judgment of justices of the peace, within this State; and said mayor shall also be a conservator.
- Fines. Mayor to have judicial powers.
- Qualification. Jurisdiction.
- Appeal.
- Conservator.

of the peace within the limits of said town; that the said mayor shall as near as may be, conform to, and be governed by, the several acts in relation to justices of the peace, now in force, and which have heretofore been passed by the Council and House of Representatives of the Territory, and General Assembly of the State of Iowa; that the said mayor shall be allowed such fees for his services, as justices of the peace are now, or that hereafter may be allowed by law, to justices of the peace for like services.

§ 10. The mayor and councilmen shall have power to levy, by ordinance, a tax on all real and personal estate, within the limits of said corporation, not exceeding one-half of one per centum in any one year, but such ordinance shall have no force or effect until the same be submitted to the voters of said town, at an election specified and called for that purpose by the same ordinance, of which two weeks notice shall be given by publication of the ordinance, as provided in section 7, and receive a majority of the votes cast at said election.

§ 11. The election provided for in the preceding section shall be conducted, so far as practicable, in the same manner as the regular elections, and the vote shall be taken "for the tax," or "against the tax."

§ 12. The mayor and councilmen shall have power, by ordinance, to regulate and improve the streets and alleys, and determine the width of side walks: *Provided*, that no property shall be taken from any individual, until such individual shall be paid therefor the value thereof, to be ascertained by six disinterested freeholders, to be summoned by the marshal for that purpose, and duly sworn, previous notice thereof being given to the owner; they shall also have power to remove all nuisances and obstructions from the streets and commons, and all other places within said town, and to provide for the removal of the same.

§ 13. The streets and alleys of said town shall constitute one road district, the overseer of which shall be appointed by the mayor and councilmen, and shall hold his office for one year, unless sooner removed by the said mayor and councilmen; said overseer shall perform the same duties as

- are, or may be, imposed by the laws of this State upon the overseer or supervisor of roads and highways, but shall make his report to the mayor and councilmen; and the road tax and labor of said district shall be laid out and expended within said district, under the direction of the mayor and councilmen.
- Report.**
Road funds.
- Fees.**
No pay.
- § 14. The fees of the officers shall be fixed by ordinance, but the mayor, in his capacity as president of the council, and councilmen, shall receive no compensation, unless the same shall be voted by the electors of the corporation.
- Duplicate**
- § 15. It shall be the duty of the mayor and councilmen to cause to be made out in each year, within twenty days after the county list of taxes shall be made out, a duplicate of taxes, charging each individual therein, the amount of tax in proportion to the real and personal estate of such individual within said town, which duplicate shall be signed by the mayor and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time and such manner as the ordinances shall direct.
- Taxes.**
Collection.
- Sell Property.**
- § 16. The marshal shall have power to sell personal property, and for want thereof, to sell real estate, for non-payment of taxes within said corporation, giving the purchaser of such real estate a certificate of such sale, setting forth a brief description of property so sold, the time of sale, and the amount of the purchase money, which certificate shall be assignable by endorsement thereon; but no real estate shall be sold for non-payment of taxes, unless the assessment of such tax, or taxes, and the time of such sale, shall have been duly notified by publication, for at least four consecutive weeks, in the manner provided for publication of ordinances in section 7. Said taxes shall be deemed to be due on the first day of September, in each year; any real estate sold under this section, may be redeemed at any time within two years from the date of the sale thereof, by paying the amount for which the same was sold, with twenty-five per cent. per annum interest upon the same, which payment may be made to the recorder as the agent for the purchaser, or the legal holder of the certificate of sale. If any real estate so sold remain unredeemed at the expiration of two
- Certificate.**
Proviso:
Notified.
Redemption.
Decd.

years from the date of sale, the marshal shall, upon the payment of his legal fees, make, execute, and deliver to the purchaser, his assignee, or legal representatives, a deed for such real estate; the mayor and councilmen may, with- Abatement. in thirty days after the assessment of taxes, make such change therein as may be applied for by any one who may deem the valuation of his property unjust.

§ 17. This Act to take effect from and after its publi- Take effect. cation, (but not at the expense of the State), in the Iowa No expense to the State. Observer and Iowa True Democrat.

APPROVED January 24th, 1855.

CHAPTER 90.

AN ACT requiring the State Printer to keep his office at the capital of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That from and after the term of office of the present State printer, the State printer shall, at all times during the term of his office, keep an office at the capital of the State, with sufficient material, type, presses and workmen, to do and perform all the incidental printing of the State, and all printing for the State officers; and a failure to keep such office at all times at the capital during his said term of office, ready to do all work that may be required of him, promptly and in a workmanlike manner, shall be deemed a resignation of the office, and the Governor shall, in such case, have power to appoint his successor.

§ 2. That this Act shall take effect and be in force from and after its publication in the Iowa City newspapers.

APPROVED January 24th, 1855.

I certify that the foregoing Act was published in the Iowa City papers on the 6th March, 1855.

GEO. W. McCLEARY Sec'y of State.

CHAPTER 91.

LYONS CITY.

AN ACT to incorporate the City of Lyons.

Boundaries. SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa,* That all that portion of the State of Iowa included within the following limits, to wit: The east three-fourths of sections thirty and thirty-one, and so much of sections twenty-nine and thirty-two as are in the State of Iowa, all being in township eighty-two north, range seven, east of the fifth principal meridian, according to the United States survey, be, and the same is hereby, declared a city; and the inhabitants thereof are created a body corporate and politic, by the name and style of "Lyons City," and by that name shall have perpetual succession, and shall have and use a common seal, which they may alter and change at pleasure.

Incorporation.

Wards.

§ 2. The said city is hereby divided into three wards, as follows: That part of the city which lies south of the middle of Exchange street, is the first ward; that part lying between the middle of Exchange street and the middle of Pearl street, is the second ward; and that part lying north of the middle of Pearl street, is the third ward: *Provided,* that the city council may change, unite or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

Charter to be submitted.

Fine.

§ 3. On the passage of this Act, the county Judge shall order an election for the purpose of submitting this charter to the citizens of said city; which election shall take place on the first Monday in March, A. D. 1855, and shall be conducted, in all respects, as now provided by law; the township trustees conducting said election, as in other cases. The returns of said election shall be made to the county Judge, and in the event that a majority of all the votes polled are in favor of said charter, then it shall be the duty of the said Judge to order and provide for an election in each ward in said city, to be held at such places as he may think proper

for the election of the officers, as provided in sections seven and eight; which election shall be held on the first Monday in April, A. D., 1855, and shall be conducted, in all respects, as now provided by law, and returns made to the county Judge, whose duty it shall be to notify the persons elected to the respective offices named in the seventh section of this charter, who shall enter upon their duties as prescribed by this Act.

§ 4. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city three months, and of the ward in which he offers to vote, ten days, next preceding a city election, is declared a citizen of the said city, and is entitled to vote at all elections thereof.

§ 5. A person offering to vote may be challenged, as in the elections in the townships, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed.

§ 6. No person shall be eligible to the office of Mayor unless he be a citizen of the city as above defined, and have been a resident thereof one year next preceding his election. Nor shall any person be eligible to any other office mentioned in this Act, unless he be a citizen of the city, as above defined, and have been a resident thereof three months next preceding his election.

§ 7. The officers of the city shall be a Mayor, two Aldermen from each ward, a Marshal, Recorder, Treasurer, Assessor and Wharf master, for the choice of whom an election shall be holden annually on the first Monday in April, and each of whom will hold his office for the term of one year, (except in the case of Aldermen, as hereinafter provided,) and until their successors are elected and qualified.

§ 8. Two Aldermen shall be elected in each ward, and such one of the two as receives, at the first election, the highest number of votes, shall hold his office for the term of two years, and the other, one year, and thereafter one shall be elected each year, in each ward, to hold for the term of two years. If there be a tie in the above case, the matter to be determined by lot.

Duty of Mayor § 9. It is the duty of the Mayor to see that the laws and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of the subordinate officers; to keep the seal of the city, and to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties, and exercise such powers, as pertain to the office of Mayor of a city; and such as may be granted by the ordinances of the city, consistent with law.

Mayor Ex. off. J. P. § 10. He is, by virtue of his office, a Justice of the Peace, and is invested with exclusive original jurisdiction of cases arising under ordinances of the city, with criminal jurisdiction of offences against the laws of the State, committed within the city, and with civil jurisdiction limited to the city, in the same manner as that of Justices is, or may be limited to their townships, and he will not be disqualified to act in such judicial capacity, by any proceeding being in the name, or in behalf of the city. He will be entitled to demand and receive, in civil actions, and in actions for the breach of the laws of the State, such fees as are, at the time, allowed by law to Justices of the Peace.

Fees. § 11. Appeals to the District Court in the same county, shall be allowed from the judgement and decisions of the Mayor, in the same cases, time and manner, as they are at the time allowed by law, from those of other Justices, and they shall be tried in the same manner.

Appeals. § 12. He shall be the presiding officer of the city council, when present, and shall give the casting vote when there is a tie. In his absence, the council may appoint a President for the time being, who shall have authority to sign ordinances and orders on the Treasurer, and to administer oaths, and to do all other things pertaining to the office of Mayor, (except as a Justice of the Peace,) stating, in connection with his signature, the absence or inability of the Mayor.

Preside. § 13. In case of the absence of the Mayor from the city, or in case of his inability to act as a Justice, any Justice of the Peace in the township of Lyons, may take cognisance of cases arising under ordinances of the city, such absence or inability being made to appear upon the docket of the Justice.

Pro tem.

Absence &c., J. P. to act

§ 14. The Recorder is required to keep a true record of all the official proceedings of the council, and such record shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council. Recorder's duty.

§ 15. The Marshal is made a conservator of the peace, he is the executive officer of the Mayor's court, and shall execute and return all process directed to him by the Mayor, and in cases for the violation of the criminal laws of the State and of the ordinances of the city, may execute such process in any part of the county. He is invested with the same authority within the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the Sheriff has within his county. He shall perform such other duties as the council prescribe, and, with its approval, may appoint one or more deputies, for whose official acts he will be responsible, and whom he may discharge. For the service of legal process he will be entitled to the same fees as a Constable, and for service required by the council, such compensation as it may allow. Marshal, duty and authority.

§ 16. The legislative authority of the city is vested in a city council, consisting of the Mayor and a board of Aldermen, composed of two from each ward of the city. Legislative authority.

§ 17. The council may hold meetings as it sees fit, having stated times fixed, or having provided by ordinances, for the manner of calling them. Its meetings shall be public. Meetings of council.

§ 18. A majority of the council will be necessary to constitute a quorum. It is the judge of the election and qualification of its own members; it may determine the rules of its own proceedings; it may compel the attendance of its members at its meetings, in such manner, and by such penalties as it may adopt; and it shall cause a record of its proceedings to be kept. Quorum. Rules. Record.

§ 19. The council is invested with the following powers: Powers of council. Ordinances.
FIRST. To make ordinances to secure the inhabitants against fire, against violations of the law and public peace, to suppress riots, drunkenness, gambling and indecent and disorderly conduct, and generally to provide for the safety,

good order and prosperity of the city, and the health, morals and convenience of the inhabitants.

Penalties.

SECOND. To impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action, in the name of the city, or by complaint before the Mayor, as in the case of complaint before a Justice of the Peace, and the laws of the State in relation to carrying into effect a judgment of a Justice of the Peace, under a complaint, shall be applied to judgment in the above cases; but the charges thereof must be born by the city.

Fire companies.

THIRD. To establish and organize fire companies, and to provide them with engines and other fire apparatus.

Powder.

FOURTH. To regulate the keeping of gunpowder within the city, and to provide that no building of wood shall be erected within such parts of the city as may be designated, and to declare such buildings a nuisance, and cause their removal.

Buildings.

Landing:

Wharves.

FIFTH. To remove obstructions from, and have entire control of, the landing of the Mississippi river, and to build wharves and regulate the landing, wharfage and dockage of boats and all other water crafts, goods, lumber, and other things landed at, or taken from, the same: *Provided*, nothing in this section shall be so construed as to affect the rights of the State or counties, or to prevent the county of Clinton from granting ferry charters in said county.

Ferries.

Licenses.

SIXTH. To exercise, exclusively, the power to provide for the license, regulation, or prohibition of exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys, and places where any games of skill or chance are played; but this power extends to no exhibition of a properly literary, scientific, or artistical character, and when the laws of the State permit license for the sale of intoxicating liquor, that subject shall be within the exclusive authority of the council, and it may, at all times, prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the law of the State, at the time existing; and it may revoke or suspend any of the licenses above mentioned, when

Liquor.

May revoke.

it considers that the good order and welfare of the city require it.

SEVENTH. To make all requisite ordinances in relation to ^{Health.} the cleanliness and health of the city, and to require the owners of lots on which water becomes stagnant, to drain or ^{Stagnant wa-} fill up the same, and in default thereof, after reasonable ^{ter.} notice, to cause the same to be done at the expense of the city, and assess the cost on the specific lots, and cause them to be sold by the city collector, as in the case of unpaid taxes, but the owner may redeem the same, as in that case.

EIGHTH. To regulate cartage and drayage within the city, ^{License drays} and may license therefor, and may also make a prohibition ^{&c.} of animals running at large within the city. ^{Animals.}

NINTH. To provide for the establishment and support of ^{Schools.} public schools in the city, when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same.

TENTH. To audit all claims against the city; to provide ^{Audit claims.} for the keeping of the public money of the city, and the manner of drawing the same from the treasury; and all off- ^{Disburse-} cers of the city are accountable to the council in such ^{ments.} manner as it directs; and it is the duty of the council to publish, annually, a particular statement of the receipts and expen- ^{Receipts and} ditures of the city, and of all debts owing to and from the ^{expenditures.} same.

ELEVENTH. To establish the grade of the streets, alleys ^{Grades.} and wharves, and to change that of the wharves at pleasure, and that of a street or alley, upon the petition of two-thirds the value of the real property on both sides the street where the change is desired.

TWELFTH. To prescribe the manner of calling the meet- ^{Calling meet-} ings of the citizens, except for the election of officers. ^{ings.}

THIRTEENTH. To appoint, in such manner as it determines, ^{Street com-} and during pleasure, one or more street commissioners, a ^{missioners.} clerk of the market, city surveyor, health officers, and such ^{Other officers.} other officers as it deems advisable, and may prescribe their duties, powers and qualifications, and may provide for any of those officers by the citizens.

FOURTEENTH. To cause the streets and alleys of the city ^{Payments.}

to be paved, and the pavement to be repaired, and in that end, it may require the owners of lots adjacent to which it is to be done, to pave and repair one half in width of the street contiguous to their respective lots, and in case of neglect, after a reasonable time named in the order, the same may be done by the city, and the expense may be assessed on such lots, which shall have the effect of a tax levied thereon, and they may be sold therefor as for a tax, subject to the same right of redemption.

Borrow money.
Vote. FIFTEENTH. To borrow money for any object in its discretion, if at a regular notified meeting, under a notice stating, distinctly, the nature and object of the loan, and the amount thereof, as nearly as practicable, the citizens determine in favor of the loan by a majority of two-thirds of the votes given at the election.

Vacancies SIXTEENTH. To fill vacancies occurring in any of the city offices, by appointment of record, to hold, in the case of elective officers, until the next regular election, and the qualification of the successor.

Streets and alleys. SEVENTEENTH. To establish and locate streets and alleys, and to vacate the same upon the petition of two-thirds the value of the real property on both sides the street or alley where the change is desired.

Attestation of ordinances of § 20. Ordinances passed by the city council shall be signed by the Mayor, and attested by the Recorder, and before they take effect, be published in one or more newspapers printed in the city, at least ten days, or be posted in each ward for fifteen days. They shall be recorded in a book kept for that purpose, and signed by the Mayor and attested by the Recorder. An affidavit made by the Recorder, Marshal or Mayor, or by the printer or publisher of a newspaper in which an ordinance may be published, stating the time and manner of the publication of an ordinance, and sworn to before the Mayor or any Justice of the Peace in the county of Clinton, and filed in the Recorder's office, made and signed on the face of the record of ordinances, shall be *prima facie* evidence of the publication therein stated.

§ 21. The elections of the officers shall be conducted in a

manner as similar to that in which the elections are conducted in the township, as the nature of the case permits. Elections, how conducted.

§ 22. A person offering to vote, may be challenged, as in the election in the township, and an oath may be administered to him under like circumstances, naming the qualification herein prescribed. Challenge.

§ 23. No member of the city council shall be eligible to any office in the gift of the council, during the term for which he is elected, nor shall he be interested, directly or indirectly, in the profits of any contract or job for work, or service to be performed for the city. Disqualification.

§ 24. For all elections for city officers, the Mayor is directed to issue a proclamation to the voters of the city, or of the several wards, as the case may be, naming the time and place, or places, of the election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days before the election, or instead thereof, he may cause a copy to be published in a newspaper printed in the city, the same length of time. Proclamation.

§ 25. The polls shall be opened (the council having appointed judges and clerks,) between the hours of eight and ten in the forenoon, and continue open till four o'clock in the afternoon. Within two days after the election, the judges of the election shall make their returns to the city council, which shall examine them, and cause an abstract of the votes to be recorded in a book to be kept for that purpose. Polls opened Returns. Record.

§ 26. The Mayor, Aldermen, Marshal, Treasurer, Recorder and Assessor, shall take an oath to support the Constitution of the United States and the State of Iowa, and faithfully and impartially to perform their duty to the best of their ability. The oath of office may be administered by the Mayor or Recorder, when he is qualified, and in the transaction of the business of the corporation, those officers, and the President for the time being, may administer oaths which shall be of the same effect as if administered by other officers authorized thereto. Qualification.

§ 27. Such of the officers as the council determine, shall give bond in such penal sum, and with such condition as may be prescribed, and to be approved as required. Bonds.

- Duties of officers.** § 28. The duties of all the officers (in addition to the duties herein prescribed) shall be such as are provided by ordinance, and they will be entitled to such compensation for their services, and subject to such penalties and forfeitures for violation of duty, (except as herein provided,) as the ordinances may prescribe.
- Compensation.**
- Taxes.** § 29. The city council is further authorized to levy and collect taxes, not exceeding one-half of one per cent. on the value of all property within the city which is liable for State and county taxes, including improvements on real property. The council may also levy a tax on dogs, or prohibit their being kept in the city.
- Assessment roll.** § 30. The latest assessment rolls shall form the basis of assessment, but the city assessor may add thereto any property omitted, assessing the same himself.
- Collector.** § 31. The Marshal, or such person as, in case of his absence or disability, the council may appoint of record, shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days notice of the assessment and levy of the tax, and the rate thereof, in general terms, without names or the description of the property, in a newspaper printed in the city, if there be one, and if none, then by two written notices posted in public places in each ward.
- Collection.**
- Notice.**
- Aggrieved.** § 32. During the thirty days, any person aggrieved by his assessment or taxation, may appear before the council, which may correct the same if found erroneous.
- Correct.**
- Warrant.** § 33. The Mayor shall affix his warrant to the tax list in general terms, requiring the collector to collect the taxes therein according to law; and such warrant and list shall be a justification to the collector.
- Sale of property.** § 34. When any person's tax is not paid within a reasonable time after demand, the collector may distrain upon personal property liable to taxation, and sell the same as the county collector may sell in like cases.
- Lien.** § 35. Taxes on real property shall be a lien thereon, and it may be sold therefor, (if no personal property be found) when the taxes remain unpaid for four months after the publication of the notice of the tax; but demand of the tax must be
- May be sold.**

made a reasonable time before sale, if the supposed owner be found in the city.

§ 36. Such sales must be at public auction, and there must be thirty day's notice prior thereto, given as above provided for, notifying the assessment and tax, and in such sale, he who bids to pay the amount due for the least quantity of the land, will be the highest bidder; and the manner of ascertaining the portion purchased, shall be as directed in the State revenue law, now or hereafter existing.

§ 37. The collector shall execute and deliver to the purchaser a deed, running in the name of the State, which shall have the same force and effect of the deed of the Treasurer of the county on sale for county and State taxes, under the law existing at the time. The lands may be redeemed within one year from the day of sale, by the payment of the purchase money and ten per cent. thereof, with any other taxes paid by the purchaser, which payment may be made to the purchaser, his agent, or the Treasurer of the city.

§ 38. This act may be taken and may be pleaded as a public act.

§ 39. This act shall take effect from and after its publication in the Iowa Republican and Clinton Mirror.

APPROVED January 24th, 1855.

I certify that the foregoing Act was published in the Iowa Republican Feb. 7th, and Clinton Mirror Feb. 14th, 1855.

G. W. McCLEARY, Sec'y of State.

CHAPTER 92.

MILL DAMS.

AN ACT authorizing Mill Dams.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person owning lands on one, or both sides, of a stream or water course, and being desirous of building a mill, or erecting other machinery, to be propelled by water power, on said stream, and of erecting a

May have a dam thereon, may have a writ, *ad quod damnum*, to be issued by the District Court of the proper county, to be proceeded on as hereafter provided.

Petition.

§ 2. An applicant for said writ shall file his petition in the office of the Clerk of the District Court of the proper county, which petition shall set forth the locality with sufficient certainty, and also the names of the owners of lands to be affected by said dam, and he shall give ten days' notice of his said petition, by serving a copy thereof on each of said persons, or on his or their agents, if to be found, and make proof of such service by affidavit, to be filed with his said petition.

Notice.

Jury.

§ 3. The Clerk of said Court shall thereupon issue said writ, directed to the Sheriff of said county, in which the lands proposed to be affected may lie, commanding him to summon twelve good and lawful men of his county, to meet on a day certain upon the lands in said writ named, and ten days' notice shall be given by the Sheriff to the owners or agents as aforesaid, of the execution of said writ.

Empaneled and sworn.

§ 4. The jury so summoned shall be sworn by the Sheriff impartially, and to the best of their skill and judgment, to view the lands in said writ described, and the lands both above and below said proposed dam, and ascertain and appraise the damages, as by said writ directed, to each of the proprietors of said land proposed to be affected by said dam, and also to ascertain whether the dwelling house, out house, orchard, or garden, of such proprietor shall be overflowed, or otherwise injuriously affected, which inquisition shall be signed by the jurors aforesaid, and returned with the writ aforesaid, to the court whence it issued.

Inquisition.

Sl. Fa.

§ 5. When said inquest shall have been filed, the clerk of the court issuing said writ shall issue a *scire facias* to the parties in said inquisition mentioned, to appear at the next term of the District Court, and show cause, if any they have, why leave should not be granted to build said dam, which notice shall be served and proved as before directed.

District Court.

License.

§ 6. If on such inquest it shall appear to said District Court that neither the dwelling house, out house, garden or orchard, of any proprietor, will be overflowed, or injuriously

affected, and if said court shall judge it reasonable, and for the public benefit, license shall be granted to erect the same, on the applicants paying to the proper parties the damages **Damages** decreed by said court, from the inquisition aforesaid; and if the applicant shall not within one year thereafter begin to build said dam, and finish and have in operation said mill or machinery within three years thereafter, and afterwards keep it in good repair, for the accommodation of the public, or in case said dam or mill or machinery be destroyed, he shall not begin to repair or rebuild it in one year, and finish **Forfeiture.** it in three years, then the said license shall be forfeited.

§ 7. *Provided*, that if the writ shall not be executed by **Continuance.** the Sheriff on the day therein mentioned, said Sheriff may, from time to time, appoint a day, at least ten days' notice thereof being given to the parties interested, as hereinafter provided; and if the inquest cannot be completed in one day, the Sheriff shall adjourn the jury, from day to day, until its completion; and if a portion of the lands to be affected be in another county, the Sheriff may act notwithstanding; **Another co.** and if the owner of any of the lands to be affected by these proceedings be a minor, service on the guardian of his estate **Minors.** shall bind him.

§ 8. *Provided*, also, that no inquest under this act, nor **Not to bar action.** any judgment thereon, shall bar any action which could have been maintained if this act had not been enacted, unless the prosecution or action was actually foreseen, and estimated upon the inquest.

§ 9. Any owner of land affected by any proceedings un- **Person interested:** der this act, who may not have been made party thereto, by reason of want of notice, or from any cause, may be made party thereto by *scire facias*, at any time thereafter.

§ 10. The fees of the Sheriff, jurors and witnesses, un- **Fees.** der this act, shall be the same as in other cases in the District Court, and shall in all cases be paid by the applicant.

§ 11. This act shall apply as well to dams already in **Apply to dams now existing.** existence, and to the heightening of the same, as to those hereafter to be erected.

§ 12. Where the water is backed up by any mill dam **Back water.** belonging to any mill or machinery, is about to break

Repairs. through or over the banks of the stream, or to wash a channel, so as to turn the water of such stream, or any part thereof, out of its ordinary channel, whereby such mill or machinery will be injured or affected, the owner or occupier of such mill or machinery, if he do not own such banks, or the lands lying contiguous thereto, may, if necessary, enter thereon, and erect and keep in repair such embankments and other works as shall be necessary to prevent such water from breaking through or over the bank or banks of such stream, or washing a channel, as aforesaid, such owner or occupier committing thereon no unnecessary waste or damage.

Damages may be recovered. § 13. Nothing contained in the last section shall be so construed as to bar the owner of such bank or banks, or land lying contiguous thereto, from recovering the amount of any injury which he may actually sustain by the erection or repair of such embankments or other works.

Injuring. § 14. If any person shall injure, destroy or remove any such embankment, fortification or other works, the owner or occupier of such mill or machinery may recover of such person all damages he may sustain by reason of such injury, destruction or removal.

Penalty. § 15. This act to take effect from and after its publication and distribution.

Take effect. APPROVED January 24th, 1855.

Published in the Reporter February 7th, and Republican February 14th, 1855, by order of the Governor.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 93.

LODGES.

AN ACT to amend Chapter 44 of the Code.

Lodges. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That chapter 44, of the Code, is hereby amended,

and the provisions thereof so extended, that Lodges of Odd Fellows, Masonic Lodges, and other institutions of a benevolent or charitable character, within this State, may become incorporated in the manner in said chapter provided.

Incorporation

Powers and privileges.

§ 2. By complying with the provisions of said chapter, said lodges, or associations, shall become vested with all the powers and privileges, and subject to all the liabilities therein conferred upon, and incurred by, the other incorporation, in said chapter mentioned.

§ 3. This act to be in force from and after its passage.

Take effect.

APPROVED, January 24, 1855.

I certify that the above act was published by order of the Governor, in the Iowa Capital Reporter and Iowa Republican, February 7th. 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 94.

RECORDER'S FEES

AN ACT to amend section 2534 of the Code, regulating the fees of Recorder.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Recorder of Deeds must charge for recording each deed and mortgage, containing not more than four hundred words, fifty cents; and for each additional hundred words, or fraction thereof, in either case, ten cents.

Fees.

§ 2. That so much of section 2534 of the Code, as conflicts with the provisions of this act, be, and the same are hereby, repealed.

Repeal.

§ 3. This Act to take effect from and after its publication according to law.

Take effect.

APPROVED January 24th, 1855.

I certify that this Act was published, by order of the Governor, in the Iowa Capital Reporter, Feb 7, and Iowa Republican, Feb 14, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 95.

TERMS OF COURT FOURTH DISTRICT.

AN ACT, fixing the time of holding the District Court in the Fourth Judicial District.

Terms. **SECTION 1.** *Be it enacted by the General Assembly of the State of Iowa,* That terms of Court shall be held in the Fourth Judicial District, as follows: In the county of Johnson, on the first Monday in February and June, and second Monday in October: *Provided,* that the next term of said Court shall be held as now fixed by law; in the county of Linn, Benton, Linn, on the first Monday in April and September; in the county of Benton, on the third Monday in April and September; in the county of Washington, on the fourth Monday in April and September; in the county of Iowa, on the first Monday in May and the fourth Monday in October; in the county of Poweshiek, on the third Monday in May; in the county of Tama, on the first Tuesday after the third Monday in May.

Suits, &c not to be quashed. § 2. That no suits, pleas, indictments, process or proceedings shall be quashed or discontinued in consequence of the change of the time of holding court in any county in said Judicial District.

Repeal. § 3. That all acts, or parts of acts, conflicting with this act, be, and the same are hereby, repealed.

Take effect. § 4. That this act shall take effect, and be in force, from and after its publication, for four consecutive weeks, in the Iowa Capital Reporter, and the Iowa Republican.

APPROVED January 25th, 1855.

I certify, that the foregoing Act was published for four consecutive weeks in the Iowa Capital Reporter, and the Iowa Republican, and that the date of the last publication was February 28th, 1855.

CHAPTER 96.

PENITENTIARY.

AN ACT to Amend Chapter 187, of the Code of Iowa, relating to the Penitentiary of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Clerk of the Penitentiary shall hereafter be appointed by the Warden, subject to the approval of the Inspectors similar to other subordinate officers of the prison. ^{Warden to appoint Clerk.}

§ 2. The Inspectors shall be allowed one hundred dollars per annum, each, and three dollars for every twenty miles, to wit: going and returning to attend the sessions of the Board of Inspectors, be paid out of the State Treasury, semi-annually: *Provided*, that the Inspectors shall meet quarterly in each year, and at such other times as shall be ordered by the President of the Board of Inspectors: *And provided further*, that if any Inspector fails to meet at any regular or appointed meeting of the Board, such Inspector so failing to appear, shall forfeit one quarter of his salary for every such failure. ^{Pay of the Inspectors.} ^{Meetings.} ^{Failure.}

§ 3. Deputy Warden shall receive the sum of four hundred dollars per annum for his services, to be paid semi-annually out of the State Treasury. ^{Dep. Warden's salary.}

§ 4. All appropriations hereafter made for the support of the Penitentiary, including the claims of officers, (except Inspectors,) shall be drawn semi-annually by the Warden, viz: on the first day of April, and the first day of October, in each year: *Provided*, that appropriations for the building and repairs of the prison may be drawn by the Warden upon the order of the Inspectors, at any time the same may be needed; and all disbursements of money so drawn shall be made by the Warden. ^{Time to draw money.} ^{How drawn.}

§ 5. It shall be the duty of the Inspectors and Warden of the Penitentiary to appoint a chaplain to the same, whose duty it shall be to give them religious instructions, such as may be found compatible with their condition and circumstances. ^{Religious instructions.}

Salary. stances; the chaplain shall receive the sum of one hundred dollars per annum for his services, to be paid by the Warden, out of the appropriation therefor.

Bond of Warden. § 6. The Warden of the Penitentiary shall hereafter be required to give bond in the penal sum of twenty-five thousand dollars.

Duty of Clerk. § 7. It shall hereafter be the duty of the Clerk of the prison, to open a separate account on the books of the prison, of each of the following items of expense, viz: provisions, clothing, and bedding, lights, and fuel, salaries, hospital buildings, repairs, and miscellanies.

Take effect. § 8. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

APPROVED January 24, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter Feb. 7th, and the Iowa Republican Jan. 31st.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 97.

BONDS OF STATE OFFICERS.

AN ACT in relation to the Bonds of State Officers,

Increase of penalty.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter, whenever the Executive of the State shall deem it advisable or necessary that the bonds of any State officer should be increased, and the security enlarged, or a new bond given, he shall notify said State officer of the fact, the amount of new or additional security to be given, and the time when the same shall be executed, which said new security shall be approved by said Executive, and filed as now provided by law.

Refusal.

§ 2. If the officer thus notified, shall neglect or refuse to

give such new security as required, said office shall be vacant, and said officer disqualified from acting as such officer, which vacancy shall be filled by appointment by said Executive until the succeeding April or August election, at which election said office shall again be filled, by election by the people.

§ 3. This Act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

APPROVED January 24, 1855.

The above act was published in the Iowa Capital Reporter and Iowa Republican Feb. 28, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 98.

STATE ROAD.

AN ACT for establishing a State Road from Snook's Grove, Poweshiek county, to Newton, Jasper county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Henry Lawrence, J. C. Tolbot, of Poweshiek county, M. Hyatt, of Jasper county, be, and they are hereby appointed commissioners to locate and establish a State Road, from a point near Robert Scott's, in Poweshiek county, on the most practicable and direct route by way of Grinnell, in the above county, and Rock Creek settlement, to Newton, in Jasper county.

§ 2. That the commissioners appointed to locate and establish said road, or a majority of them, shall meet on the first Monday in February, 1855, or within one month thereafter, at the first mentioned place, and taking to their assistance the necessary chainmen and markers, and after having been qualified, shall proceed to the discharge of their duties, and be paid according to law; *Provided*, that the State shall

No expense to State. not be responsible for any expenses created or growing out of the establishment of said road.

Take effect. § 3. This Act shall take effect from and after its publication in the Iowa City papers, (the Republican and Reporter.)

APPROVED January 24, 1855.

I certify that the above Act was published in the Iowa City papers, (Republican and Reporter.) on the 28th Feb 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 99.

BRIDGES

AN ACT granting the right of way for the construction of Bridges in Iowa.

Right of way. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby granted the right of way of sixty feet of road to any person or persons who are now building, or may hereafter build, any bridge or bridges across any of the streams in this State.

Extend to road. § 2. The right of way to extend to the nearest accessible point of the road for which the said bridge or bridges were built to accommodate.

Damages. § 3. The damage shall be assessed in a reasonable time after the notice is served, by either party requiring the same, but in the case when the land, so taken, belongs to minors, the notice shall be served by the person building the bridge.

Sec. 38 Code. § 4. The damages shall be assessed in accordance with section thirty-eight of the Code of Iowa: *Provided, always,* that the party building the bridge shall pay the costs of assessing the damage.

Agree. § 5. That nothing herein shall be so construed as to prevent the parties from settling the damage by agreement.

APPROVED 24th January, 1855.

I hereby certify that the above Act was published by direction of the Governor in the Iowa Capital Reporter, on the 7th day of February, and in the Republican on the 14th day of February, 1855

GEORGE W. McCLEARY, Sec'y of State.

CHAPTER 100.

STATE ROAD.

AN ACT to locate and establish a State Road from Cedar Falls, in Blackhawk county, by Fort Dodge, in Webster county, to near the mouth of the Big Sioux River, in Woodbury county.

SECTION 1. *Be it enacted by the General Assembly of the Commission-* State of Iowa, That William H. McClure, of Blackhawk ^{era.} county, Henry H. Griffith, of Polk county, and Thomas S. Griffin, of Woodbury county, be, and are hereby appointed, commissioners, to lay out and establish a State road, commencing at the village of Cedar Falls, in Blackhawk county, Cedar Falls to by Fort Dodge, in Webster county, to near the mouth of Big Sioux the Big Sioux River, in Woodbury county.

§ 2. The commissioners are hereby authorized to employ ^{Surveyor.} a competent surveyor, who shall receive two dollars per day for his services.

§ 3. The commissioners shall each receive two dollars per ^{Compensation} day for their services; but the State shall be liable for no- ^{State pays nothing.} thing in the premises.

§ 4. This act to be in force from and after its publication ^{Take effect} in the Iowa Capital Reporter, and the Cedar Falls Weekly Banner, published at Cedar Falls: *Provided*, the State incur no expense in said publication.

APPROVED 24th January, 1855.

The above act was published in the Iowa Capital Reporter and Iowa Reporter, Feb. 28, 1855.

J. W. McCLEARY, Sec'y of State.

CHAPTER 101.

TOWNS.

AN ACT to amend Section 638, Chapter 41, of the Code of Iowa.

Code amended SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section 638, Chapter 41, of the Code of Iowa, be amended by striking out the words "all the proprietors of the part to be attached, and of the people of the town to which it is to be attached," and insert a majority of all the proprietors of the part to be attached, and of the citizen voters of the town to which it is to be attached.

Take effect. § 2. This act amendatory shall take effect and be in force from and after its publication in the Capital Reporter and Iowa City Republican.

APPROVED January 25th, 1855.

I certify that the foregoing was published in the Iowa Capital Reporter and Iowa Republican, January 31st, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 102.

SALEM.

AN ACT to incorporate the town of Salem.

Boundaries. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all that part of land in township seventy, north of range seven, west of the fifth principal meridian, in the county of Henry, as is comprised within the original town plat of Salem, together with all additions that have been, or may hereafter be made, be, and the same is hereby constituted, and shall be known by the name of the town of Salem.

Incorporate.

§ 2. That the qualified voters for members of the General Election Assembly, who have resided within the limits of said corporation for twenty days, immediately preceding any such election, shall meet at some suitable place within said corporation, on the first Monday in April next, and annually thereafter, and then, and there, proceed to elect, by ballot, a mayor, four councilmen, and a recorder, who shall hold their offices for one year, and until their successors shall be elected and qualified. The mayor and two of the councilmen shall be a board for the transaction of business; but a less number may adjourn from day to day: *Provided*, that in case of the death or absence of the mayor, the councilmen may choose a mayor pro tem. from their own body.

Qualification.

1st Monday in April.

Officers.

Term.

Board.

Mayors pro tem.

§ 3. At the first election to be held under this act, there shall be chosen, by the electors present, three judges and a clerk of said election, who shall each take an oath or affirmation, faithfully to discharge the duties required of them by this act; and at all subsequent elections, the councilmen, or any two of them, shall be judges, and the recorder clerk of election. At all elections holden under this act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at five in the afternoon; and at the close of the polls, the vote shall be counted, and a true statement thereof proclaimed by one of the judges to the electors present; and the clerk shall give notice to the persons elected, of their election. And it shall be the duty of the recorder, at each annual election thereafter, to give at least five days' notice thereof; by posting up notices at three of the most public places in said town, or causing the same to be published in some weekly newspaper printed in the county.

1st election

Subsequent elections.

Polls opened

Proclamation

Notice.

§ 4. The regular meetings of said mayor and councilmen shall be held on the first Saturday in each month, and the board may provide, by ordinance, for calling special meetings. At all meetings, the mayor, if present, shall preside. The recorder shall keep a correct record of the proceedings of the board, and may, under his hand and seal, appoint a deputy, for whose acts he shall be responsible.

Meetings.

Special.

Preside.

Record.

Deputy

§ 5. The mayor, councilmen, and inhabitants of said town

- shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the town of "Salem," and shall be capable in law, in their corporate name, to acquire property, real and personal, for the use of said town, and sell and convey the same; may have a common seal, which they may alter at pleasure; may sue and be sued, defend and be defended, in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons, which shall be served by an attested copy, to be left with the recorder.
- Corporate.**
- Property.**
- Seal.**
- Process.**
- Oath.** § 6. The officers elected under this act, shall each take an oath or affirmation to support the constitution of the United States, and the constitution of the State of Iowa, and faithfully to discharge the duties of their respective offices.
- Powers.**
- Ordinances.** § 7. The mayor and councilmen are invested with authority to make ordinances, to secure the inhabitants against fire, against violation of the law, and the public peace; to suppress riots, gambling and drunkenness, and indecent or disorderly conduct; to punish lewd behavior in public places, and generally to provide for safety, and prosperity, and the good order of the town, and the health, morals, comfort and convenience of the inhabitants; and to impose penalties for the violations of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action, in the name of the town, or by complaint before the mayor, as in criminal proceedings before a justice of the peace; and the laws of the State relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the above cases; but the charges thereof must be borne by the town.
- Penalties.**
- Civil action.**
- Criminal.**
- Taxes.** § 8. The mayor and councilmen shall have power to levy, by ordinance, a tax on all real and personal estate within the limits of said incorporation, not exceeding one-half of one per centum in any one year; but such ordinance shall have no force or effect until the same be submitted to the legal voters of said town, at an election specified and called for that purpose, of which two weeks' notice shall be given by three written notices posted up in the most public places in said
- Veto.**

town, and receive a majority of the votes cast at said election; the election shall be conducted, so far as practicable, in the same manner as the regular elections, and the vote shall be taken "for the tax," or "against the tax."

Majority.
Manner of voting.

§ 9. The mayor and councilmen shall have power to make and establish ordinances for the government of said town, and to alter, repeal, or re-enact the same; also, to provide for the election of a treasurer, assessor, marshal, and other subordinate officers necessary for the government and well-being of the town; to prescribe their duties, declare their qualifications, and period of service; fix their fees and compensation, and require them to take an oath, or affirmation, faithfully to discharge their duties, and may require them to give security, if they deem it necessary.

Make and repeal ordinances.
Officers.
Duties.
Fees, &c.

§ 10. The mayor and councilmen shall have power, by ordinance, to regulate and improve the streets and alleys, and determine the width of side-walks: *Provided*, that no property shall be taken from any individual, until such individual shall be paid therefor the value thereof, to be ascertained by six disinterested freeholders, to be summoned by the marshal for such purpose, and duly sworn; previous notice thereof being given to the owner. They shall also have power to remove all nuisances and obstructions from the streets and commons, and all other places in said town, and to provide for the removal of the same.

Streets.
Nuisances.

§ 11. The streets, lanes and alleys of said town shall constitute one road district, the supervisor of which shall be appointed by the Mayor and Councilmen, and shall hold his office for one year; said Supervisor shall perform the same duties as are or may be imposed by the laws of this State upon the Supervisors of roads and highways; but shall make his report to the Mayor and Councilmen; and the road tax and labor of said district shall be laid out and expended within said district, under the direction of the Mayor and Councilmen.

Road district.
Supervisor.
Duties.
Funds.

§ 12. The fees of the officers shall be fixed by ordinance. but the Mayor and Councilmen shall receive no compensation, unless the same shall be voted by the electors of the corporation.

Fees.

§ 13. It shall be the duty of the Mayor and Councilmen,

Tax duplicate

on or before the first day of May in each year, to cause to be made out a duplicate of taxes, charging each individual therein the amount of taxes in proportion to the real and personal estate of such individual within said town, which duplicate shall be signed by the Mayor and Recorder, and delivered to the Marshal, whose duty it shall be to collect the same, in such manner as the ordinances shall direct.

Collection.

Sell-
Estate.

§ 14. The said Marshal shall have power to sell personal estate, and for want thereof, to sell real estate for the non-payment of taxes within said corporation, giving the purchaser of such real estate a certificate of such sale, setting forth a brief description of property so sold, the time of sale, and the amount of the purchase money, which certificate shall

Assign. &c.

be assignable by endorsement thereon; but no real estate shall be sold for the non payment of taxes unless the assessment of such tax or taxes, and the time of such sale shall have been duly notified by publication, for at least four weeks, in some newspaper in said county, or by posting up in three of the most public places in said town, a written notice four weeks before such sale. Said taxes shall be deemed to be due on the first day of September in each year. Any real estate sold under this section, may be redeemed at any time

Redeem.

within two years from date of the sale thereof, by paying the amount for which the same was sold, with twenty-five per cent. per annum interest on the same, which payment may be made to the Recorder as the agent for the purchaser. If any real estate so sold remains unredeemed at the expiration of two years from the date of the sale, the marshal shall, upon the payment of his legal fees, make, execute, and deliver to the purchaser, his assignee or legal representative, a deed for such real estate. The Mayor and Councilmen may, within thirty days after the assessment of taxes, make such changes therein as may be applied for by any one who may deem the valuation of his property unjust.

Deed.

Reduction.

Take effect.

15. This Act to take effect from and after its publication in the Iowa Weekly Observer, to be at the expense of said town.

APPROVED January, 24th 1855.

CHAPTER 103.

WING DAM.

AN ACT to authorize John M. May and his assigns to construct a Wing Dam across an arm or branch of the Cedar River.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That John M. May, and his heirs and assigns, be and are hereby authorized to construct and maintain a wing dam, from the west bank of Cedar River to an island near the middle of said river, in section twenty-eight, township eighty-three north, of range seven west, of the fifth principal meridian, in Linn county. ^{Site.}

§ 2. *And be it further enacted*, That said May, and his heirs and assigns, shall have the full and exclusive right and use of all the water power created by such wing dam. ^{Water Privileges.}

§ 3. The rights and privileges authorized by this act shall continue for the term of thirty years from the first day of January, A. D. eighteen hundred and fifty-five. ^{Term}

§ 4. This act shall take effect and be in force from and after its passage. ^{Take effect.}

APPROVED January 24th, 1855.

CHAPTER 104.

DAM.

AN ACT to authorize John M. May, and his associates, to construct a Dam across Cedar River, in Linn county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That John M. May, Oliver S. Powell and James C. May, and their heirs and assigns, be and they are hereby authorized to construct and maintain a dam across Cedar River, in Rapids township, in Linn county. ^{L. M. May & Company. Dam.}

- Exclusive rights.** § 2. *And be it further enacted,* That said May and his associates, as aforesaid, and their heirs and assigns, shall have the full and exclusive right to all the use of the water power created by the erection of such dam: *Provided,* said May and his associates aforesaid, shall, at the time of constructing such dam, also construct a lock, at least forty feet wide, and one hundred and thirty-five feet in length.
- All water privileges.**
- Lock:**
- Attend Lock.** § 3. Said lock shall be tended by good and skillful men, at all times during the day, when necessary for boats and rafts to pass through the same, at the expense of said May and his associates; and said lock shall be kept in good repair, so that boats and water crafts may pass through said lock at all times, without unnecessary delay and free from charge.
- Expense. Repair.**
- No delay. Free**
- Term.** § 4. All the rights and privileges authorized by this act shall continue for the term of thirty years, from the first day of January, A. D. eighteen hundred and fifty-five.
- Thirty years.**
- Take effect.** § 5. This act shall take effect, and be in force, from and after its passage.
- APPROVED January 24th, 1855.**

CHAPTER 105.

CODE.

AN ACT to amend Section 2383 of the Code of Iowa.

- Amendment.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 2383 of the Code, be amended as follows: all after the word "obligation" be stricken out, and the words, "and shall receive the same fees for his services as a regular constable," be substituted.
- Repeal.** § 2. So much of the Code of Iowa as conflicts with this amendment is hereby repealed.
- APPROVED January 24th 1855.**

CHAPTER 106.

TAKING EFFECT OF LAWS.

AN ACT in relation to the taking effect of general laws.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whenever the Governor of the State shall deem it necessary that any law or laws of a general nature should take effect at an earlier day than by their general publication and distribution, he may, in writing direct any such law to be published in any papers published in this State, and from such publication thus directed, such law shall be in full force and effect. Governor may direct any law to be published. Shall take effect.

§ 2. This Act shall take effect and be in force from and after its publication in the Iowa Republican and Iowa Capital Reporter. Take effect.

APPROVED January 24th, 1855.

The above Act was published in the Iowa Republican and Iowa Capital Reporter, on the 31st of January, 1855,

GEO. W. McCLEARY, Sec'y of State

CHAPTER 107.

FORT MADISON.

AN ACT to amend the charter of the town of Fort Madison.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the mayor and aldermen of the town of Fort Madison shall have power to levy and collect taxes on the real and personal property within said town, which shall be liable to taxation for State and county purposes, as the same shall be assessed, appraised and returned, upon the grand levy of the State: *Provided,* that such tax, so levied, Taxes.

shall not exceed in any one year, one and one-half cents on the dollar upon the assessed valuation of such property, returned as aforesaid, which said tax shall be levied and collected in the manner following, to wit: The said mayor and aldermen shall, on or before the second Monday in June in each year, determine the per centum to be levied upon the taxable property within said town, not exceeding the amount aforesaid, and cause the same to be certified to the clerk of the county court of Lee county; and the said clerk is hereby authorized and directed to place the same in additional columns upon the duplicate of taxes for said county, in the manner in which school taxes are now placed upon said duplicate, which corporation taxes shall be collected by the county treasurer of said county, or such other officer as may hereafter be authorized by law, to collect the county taxes of said county, and paid into the treasury of said corporation, in the same manner, with the same power, and under the same restrictions and regulations, in all respects, as to the sale of real or personal property therefor, as may be provided and required by law for the collection of State and county taxes; and the said county clerk shall be entitled to the sum of ten cents for every one hundred words, (counting two figures as one word), he being allowed only for the additional labor performed by placing such taxes on the county duplicate, and the county treasurer shall be allowed three per centum on all monies collected by him and paid into the treasury of said town.

Per centum.

Clerk of Lee county's duty.

County treasurer to collect

Fees

§ 2. That section seventeen, of an act to incorporate and establish the town of Fort Madison, approved January 25, 1848, be so amended, that the supervisor therein named shall be, in the discharge of his duties and settlement of his accounts, under the direction and control of the mayor and aldermen of said town.

Supervisor.

§ 3 That all the tax levied by the county court for road purposes, within the limits of said town and road district formed by the above named section seventeen, shall be expended under the supervision of said mayor and aldermen, and the treasurer of said county is hereby directed to pay

Road tax.

over such road tax collected by him, to the order of said mayor and aldermen.

§ 4. That the mayor and aldermen shall have power to enlarge the boundaries of said town of Fort Madison, to make new wards, and establish streets and alleys, within either the old or new limits of the same, and to make such order in regard to an assessment of damages, caused by the establishment of streets and alleys, on the application of the person injured, as may appear reasonable and just in the premises.

Enlarge the boundaries and make new wards.

§ 5. The election of mayor and aldermen for said town, shall hereafter be held on the first Monday in April next, and on the same day annually thereafter.

Election.

§ 6. That all laws, and parts of laws, so far as they relate to the city of Fort Madison, which are inconsistent with the provisions of this act, be, and they are hereby repealed.

Repeal

§ 7. This act shall take effect and be in force from and after its publication in the Fort Madison Plain Dealer, and Iowa Capital Reporter.

Take effect.

APPROVED January 22d, 1855.

I certify that the foregoing act was published in the Iowa Capital Reporter, Jan. 31st, and Plain Dealer, —, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 108.

HYDRAULIC COMPANY.

AN ACT conferring certain privileges and franchises on a water company in the City of Dubuque.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa*, That the privileges and franchises conferred by the city council of the city of Dubuque, by its ordinance passed on the 15th day of January, 1855, to M. Mobley, C. H. Booth, John W. Findley, and others of their associates, suc- Ordinance confirmed

cessors and assigns, to use the streets, lanes, alleys, &c., of the city of Dubuque, and to supply said city with water, under the conditions and restrictions of said ordinance, be and they are hereby, confirmed.

Take effect.

§ 2. This Act shall take effect and be in force from and after its publication in the Dubuque Express and Herald and Dubuque Tribune, at the expense of the city of Dubuque.

APPROVED January 25th, 1855.

I certify that the above Act was published in the Express and Herald February 3. and Tribune Feb. —, 1855.

GEO. W. McCLEARY, Sec. of State.

CHAPTER 109.

PEDDLERS.

AN ACT to amend an act entitled "An Act to amend Chapter Thirty-Seven of the Code in relation to Assessors." approved January 22d, 1853.

Peddling without license.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That if any peddler shall violate the seventeenth section of the Act, to which this is amendatory, by peddling, selling or disposing of any of his goods, wares or merchandize mentioned in said section, without a license, it shall be the duty of the county judge or sheriff of the county in which the offence was committed, to arrest such offender and prosecute him to final judgment before any justice of the peace of the township, or District Court of the county, in which the offence was committed.

Judge and Sheriff arrest.

Fine.

§ 2. Upon conviction of the offence as aforesaid, the offender shall forfeit and pay double the amount of license required in said section seventeen, for peddling the description

of goods which he may be convicted of so selling without a license.

APPROVED January 25, 1855.

I certify that the above Act was published in the Iowa Capital Reporter February 7th, and Iowa Republican the 14th day of February, 1855.

GEO. W. McOLEARY, Sec'y of State.

CHAPTER 110.

SWAMP LANDS.

AN ACT to amend an Act entitled "an Act to dispose of the swamp and overflowed lands within the State," approved January 13th, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no swamp or overflowed lands granted to the State, and situate in the present unorganized counties, shall be sold or disposed of till the title to said lands shall be perfected in the State, whereupon the titles to said lands shall be transferred to the said counties where they are situated: *Provided,* that said counties shall refund the expenses incurred in selecting said lands, under the provisions of an act of the General Assembly, authorizing the Governor to cause said lands to be surveyed and selected, with ten per cent. interest thereon. Each county to refund its proportional amount of said expenses. Unorganized counties. Transfer. Refund.

§ 2. *Be it further enacted,* That in all those counties which are now organized, when it may be impossible to claim said swamp land, said counties are hereby authorized to employ the proceeds of said lands, or any part thereof, in the erection of county buildings, or other work of improvement within their limits: *Provided,* that in such case, the county Judge shall first submit the proposed work of improvement, to the people of his county in the manner provided for in sections 114 and 115 of the Code. Organized counties. Expend proceeds. Submit to the people.

§ 3. In all cases contemplated in the foregoing sections, Proceeds.

it shall be the duty of the drainage commissioner to pay over the proceeds of the sales of said lands, to the county Treasurer.

Minimum,

§ 4. No swamp or overflowed lands shall hereafter be sold at less than one dollar and twenty-five cents per acre.

Repeal.

§ 5. Such provisions of the Act approved January 13th, 1858, in relation to swamp lands, and all other Acts or parts of Acts relating to the same, as conflict with the provisions of this Act, are hereby repealed.

APPROVED January 25th, 1855.

I certify that the foregoing Act was published by direction of the Governor in the Iowa Capital Reporter on the 7th February, and in the Iowa Republican on the 21st February, 1855.

GEO. W. McCLEARY, Sec'y of State

CHAPTER 111.

TENTH JUDICIAL DISTRICT.

AN ACT fixing the boundaries of the tenth Judicial District of the State of Iowa, and the times of holding Courts therein.

boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the counties of Clayton, Allamakee, Winneshiek, Fayette, Chickasaw, Floyd, Mitchell, Howard, Worth, and Cerro Gordo, shall constitute the tenth Judicial District

Election of Judge.

§ 2. There shall be elected a District Judge in said District, on the first Monday of April next, according to the provisions of the Act regulating the election of District Judges, approved 16th January, 1847, and the abstract of the votes of the said election in the counties composing said district, shall be returned to the county of Clayton, according to the provisions of said Act, and the Judge elected, shall be qualified to discharge the duties of Judge of said district, on receiving a certificate of election and taking the oath of office, as provided by the fourth section of the Act aforesaid.

Returns of writs, &c

§ 3. All writs, processes and proceedings in the counties

composing said district herein mentioned, shall be returned as now directed by law, until the Judge of said district is elected and qualified; and no writs, pleas, indictments, or proceedings shall be quashed or discontinued in consequence of the formation or alteration of the district herein mentioned, or of the change of time of holding courts in any county in said district.

§ 4. The time of holding said courts shall be as follows, ^{Time of holding courts} to wit: In the county of Clayton on the third Monday in May and October; in the county of Fayette on the first Monday after the third Monday in May and October; in the county of Chickasaw, on the second Monday after the third Monday in May and October; in the county of Floyd on the third Monday after the third Monday in May and October; in the county of Winneshiek on the fourth Monday after the third Monday in May and October, ^{Counties attached.} and in the county of Allamakee on the 5th Monday after the third Monday in May and October.

§ 5. The counties of Cerro Gordo, Mitchell, Worth, and Howard, shall be attached to Floyd county for judicial purposes. ^{Take effect}

§ 6. This Act to be in force from and after its publication in the Iowa City newspapers, Express and Herald, in Dubuque, and Clayton county Herald.

APPROVED January 24th, 1855.

I certify that this Act was published in the Express and Herald on the 8th day of Feb. 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 112.

DUBUQUE.

AN ACT to amend Section 3 of an Act to amend an Act to Incorporate the City of Dubuque, approved January 22d, 1853.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* ^{Charter amended.} That the following words of the third section of the act above described, namely: That all lands lying within the territory hereby brought into the city, and not laid out into out lots, or town lots, shall not be assessed or ^{Limited to.}

taxed otherwise thereby than by the acre, shall be amended so as to read as follows: That all lands lying within the territory hereby brought into the city shall not be assessed or taxed otherwise than by the acre, until laid out into town lots or out lots, &c.

Take effect

§ 2. This act to be in force from and after its publication in the Express and Herald, at the expense of the city of Dubuque.

APPROVED January 25th, 1855.

I certify that the foregoing act was published in the Express and Herald February 3d, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 113.

MITCHELL COUNTY.

AN ACT to legalize the organization of Mitchell County, and the election and official acts of Officers in said county, and for other purposes.

Election, &c.,
legalized.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the election and all necessary acts organizing the County of Mitchell, and the election and official acts of all officers elected under said organization, be and they are hereby declared legal.

Take effect.

§ 2. This act shall take effect from and after its publication in the Iowa Republican, a newspaper published at Iowa City, in the State of Iowa, and Reporter.

Tax lists.
Adams co

§ 3. That the tax lists of Adams county, for the years 1853 and 1854, are hereby declared legal.

APPROVED January 25th, 1855.

I certify that the above act was published in the Iowa Republican and Iowa Capital Reporter, January 31st 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 114.

TERMS OF COURT.

AN ACT fixing the time for holding Courts in the Ninth Judicial District.

SECTION 1. *Be it enacted by the General Assembly of the Terms. State of Iowa,* That the terms of court shall be held in the Ninth Judicial District, in the county of Lucas, on the second Monday in March and second Monday in September.

In the county of Warren on the third Monday of March and September.

In the county of Madison on the first Monday after the third Monday in March and September.

In the county of Clark on the second Monday after the third Monday in March and September.

In the county of Decatur on the third Monday after the third Monday in March and September.

In the county of Wayne on the fourth Monday after the third Monday in March and September.

In the county of Appanoose on the fifth Monday after the third Monday in March and September.

In the county of Monroe on the sixth Monday after the third Monday in March and September.

§ 2. That the first ensuing terms of court in each county in said district, shall be held at times now provided for by law, and at all future times in accordance with the provisions of this act. First Term.

§ 3. This act to be in force from and after its publication in the *Alba Independent Press and Fort Desmoines Star.* Take effect.

APPROVED January 25th, 1855.

CHAPTER 115.

SECOND JUDICIAL DISTRICT.

AN ACT to alter the boundaries of the Second Judicial District, and to fix the time of holding the Court therein.

Boundaries. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the counties of Dubuque, Delaware, Buchanan, Black Hawk and Bremer, shall constitute the Second Judicial District.

**Terms in Du-
buque co.** § 2. The terms of the court shall be held in the county of Dubuque on the first Monday of February, on the first Monday of May, on the first Monday of August, and on the first Monday of November, of each year.

Delaware. § 3. The terms of the court in the county of Delaware shall be on the third Monday of March and September in each year; and in the county of Buchanan on the first Thursday after said third Monday of March and September in each year; and in the county of Black Hawk on the first Monday after said third Monday in March and September of each year; and in the county of Bremer on the second Wednesday after said third Monday in March and September in each year.

Returns. § 4. All writs, process and proceedings, in the counties composing said Judicial Districts, shall be returned according to the provisions of this act; and no suits, pleas, process, indictments or proceedings, shall be quashed or discontinued in consequence of the formation of this Judicial District, or of the change of the time of holding courts therein.

Legal.
Take effect. § 5. This act to be in force from and after its publication in the Iowa City papers.

APPROVED January 25th, 1855.

I certify that the foregoing act was published in the Iowa Capital Reporter February 21st, and Iowa Republic on February 28th, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 116.

IOWA CITY,

AN AOT to amend an act entitled An Act to incorporate Iowa City,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in case of the inability of the mayor of Iowa City, to act as a Justice or conservator of the Peace, or to perform the Judicial duties of his office, whether said inability arises from sickness, absence from the city, or any other cause, the Justice of the Peace in the township of Iowa City, shall take cognizance of cases arising under any of the ordinances of said city, such inability being entered on record, on the docket of the Justice acting in such cases. Inability of Mayor.
J. P. may act,

§ 2. That each member of the city council of said city, shall receive a compensation as such, to be fixed by ordinance and paid from the city treasury; *Provided,* That the whole compensation for such members of said council, shall not exceed the sum of thirty dollars in any one year. Compensation to Aldermen.

§ 3. That all property, both real and personal, owned, or which may hereafter be acquired by said city in its corporate capacity, shall be exempt from taxation for State and county purposes. Exempting City property.

§ 4. The said city of Iowa City shall constitute a special road district and the city council shall have power, in addition to the taxes otherwise authorized, to levy road taxes, not exceeding the amount allowed by law to be levied by the county court, for like purposes, and they may provide for the payment and collection of the same in the same manner as that provided for the collection of county road taxes, or in the manner other city taxes are collected; they may also direct in what manner such taxes shall be expended on the streets and alleys of said city, and all persons and property rightfully taxed within said city, in accordance with this section shall City—a road District.
Road Tax.
Disbursement.
Exemption.

thereby be exempt from all taxes to that extent for roads to the county.

Extension of boundaries.

§ 5. That the boundaries of the said city shall be extended so as to include the following described premises to wit: beginning at the south-west corner of out lot No. twenty-five, as designated on the recorded plat of said city, running thence south along the east side of Gilbert street, as designated on the recorded plat of Lyons' first addition to Iowa City, to where said street intersects the Mississippi and Missouri Railroad depot, thence westwardly along the north side of said depot to Maiden lane, as designated on said plat of said Lyons' addition, thence north along the west side of said Maiden lane, to the south side of out lot No. twenty-four of Iowa city, thence east along the south side of said lot to the place of beginning; and the said described premises is hereby added to, and included within the corporate limits of Iowa City, and made subject to the jurisdiction of the city authorities thereof in like manner, and to all intents and purposes as though the same had been included within the corporate limits of said city, at the time of the incorporation thereof, the said addition to said city shall constitute a part of the first ward thereof until changed by the city council.

R. R. Depot.

Lyons' Addition.

Taxes.

Limited

Canine Tax,

Repeal

§ 6. That to defray the current expenses of said city, the city council shall have power to levy and collect in any one year, a tax of not more than one half of one per cent on all property within the city, taxable for State and county purposes and said city council, may also levy a tax on dogs to prevent them from running at large within the city, and section thirty-five of the act to which this is amendatory is hereby repealed.

Council may borrow money

Sinking Fund

§ 7. The said city council is hereby authorized to borrow money for any purpose or object in their discretion, and to pledge the faith of the city for the payment thereof; *Provided* the question of borrowing is first submitted to the legal and qualified voters of the city, and if a majority decide in favor of said loan, then the said council shall, by ordinance establish a sinking fund to provide the means to pay any indebtedness created by virtue of the authority granted in this section.

§ 8. That in addition to the powers heretofore granted in the act to which this is amendatory, the city council shall be vested with all the powers granted and enumerated in chapter 69 of the code of Iowa in relation to school districts.

§ 9. That upon the petition of the resident owners of two-thirds of the improvement on any block of lots the council may, prohibit the further erection of wooden buildings thereon. Prohibition of wooden buildings

§ 10. That this act shall take effect from and after its publication in the Iowa Capital Reporter and Iowa Republican, said publication to be at the expense of said city, and anything in the act to which this is amendatory, which is inconsistent herewith be, and the same is hereby repealed. Take effect.
Repeal.

APPROVED January 18th, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and the Iowa Republican the 31st day Jan. 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 117.

SETTLERS ON RIVER LANDS.

AN ACT for the relief of the settlers on certain river lands.

Whereas, a large number of persons have contracted with the proper school officers to purchase lands as school lands, being part of the 500,000 grant, and have paid part of the purchase money down, and have entered upon the said land and made valuable improvements upon the same, Preamble.

And, whereas, the State of Iowa have located part of the grant for the improvement of the Des Moines river upon said lands thus purchased and settled upon; and, whereas, doubts have arisen as to the legality of said location: Therefore, Preamble.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Commissioner and Register of the "Des Moines River Improvement" be required to represent the facts stated in the foregoing preamble, to the Des Moines Representation to D. R. Co.

Negotiation. Navigation and Railroad Company, and enter into negotiation with said company for the sale of said lands described in said preamble, to the persons who have contracted with the several school fund commissioners for the same, at one dollar and twenty-five cents per acre.

Contract. § 2. That whenever the Commissioner and Register of the Des Moines River Improvement have consummated the contract with the Des Moines Navigation and Railroad Company, provided for in section first of this act, they shall give notice that said lands will be open for private entry, on a day therein specified, by three publications in the Iowa Star, at Fort Des Moines, or some other newspaper, and by sending by mail three copies of said notice, to the county Judge of Webster county, one of which shall be filed by said county Judge, and the other two posted up in conspicuous places in said county.

Notice by publication.

Entry] § 3. That on the day fixed in the notice required by section second, or any time within six months thereafter, any person having made a contract with the respective school fund commissioners for the purchase of land claimed to be within the limits of the grant for the improvement of the Des Moines river, shall be permitted to enter the same at one dollar and twenty-five cents per acre.

Person holding contract. § 4. That whenever any person shall produce to the Register of the Des Moines River Improvement, a contract, or a certified copy of a contract, or establish the fact by his own affidavit or other competent testimony, that he or she once had such contract, but the same is lost or beyond his or her control, and shall prove by his or her affidavit, or other competent testimony, or by the certificate of the school fund commissioner, that he or she, as the case may be, is the person who holds the beneficial interest in such contract, he or she, as the case may be, shall be permitted to enter the land described in said contract, at one dollar and twenty-five cents per acre.

To enter.

Improvement. § 5. That any person who has entered into a contract with the proper school fund commissioner to purchase any land embraced within the lands described in section third, and entered upon and improved the same, upon proving those

facts, by his or her own affidavit, or other competent testimony, to the Register of the Des Moines River Improvement, shall be permitted to enter the same at one dollar and twenty five cents per acre.

§ 6. That any person who may have settled upon and improved any land which has been selected as school land and which is claimed to be within the limits of the grant for the improvement of the Des Moines river, upon proving that fact, by his or her affidavit, or other competent testimony, to the Register of the Des Moines River Improvement, shall be permitted to enter the same at one dollar and twenty-five cents per acre; *Provided*, no one person shall be permitted to enter more than one hundred and sixty acres under the provisions of this section of this act.

§ 7. That whenever any conflict of claim or right shall arise between individuals to enter any land under the provisions of this Act, the same shall be tried before the Commissioner and Register of the Des Moines River Improvement, under the ordinary rules of evidence, whose decision thereon shall be final.

§ 8. That all moneys received for land sold under the provisions of this Act, shall be paid over to the proper officer of the Des Moines Navigation and Railroad Company.

§ 9. This Act shall take effect after its publication according to law.

APPROVED January 25th, 1855.

I certify that the foregoing act was published in the Iowa Capital Reporter February, 14th and in the Iowa Republican March 6, 1855, by order of the Governor.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 118.

TERMS OF COURT.

AN ACT fixing the terms of the District Courts in the Third Judicial District.

Terms in the
Third Judicial
District.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the District Courts in the Third Judicial District, shall be held at the times following, to wit: In the county of Mahaska, on the first Monday in February and first Monday in September; in the county of Wapello, on the fourth Monday in February and fourth Monday in September; in the county of Davis, on the second Monday after the fourth Monday in February, and on the second Monday in October; in the county of Van Buren, on the fourth Monday after the fourth Monday in February, and on the fourth Monday of October; in the county of Jefferson, on the second Monday in April and November; in the county of Keokuk, on the fourth Monday in April and on third Monday in September.

Returns.

§ 2. That all matters pending in, or returnable to the terms heretofore fixed by law, shall be deemed pending and returnable to the terms hereby appointed.

First Terms.

§ 3. That the first ensuing terms of the District Courts in each county in said district, shall be held at the times now provided for by law, and at all future terms in accordance with the provisions of this act.

Take effect.

§ 4. This act to take effect and be in force from and after its publication.

APPROVED January 25th, 1855.

I certify that the above act was published in the Iowa Capital Reporter on the 7th February, and in the Iowa Republican on the 14th February, 1855, by order of the Governor.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 119.

CHAPTER 72 CODE.

AN ACT repealing certain portions of Chapter 72, of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of Chapter 72 of the Code entitled Normal Schools, as relates to a continued annual payment of five hundred dollars a year to said schools, be, and the same is hereby repealed. Normal Schools.
Payment.
Repealed.

§ 2. This act to be in force from and after its publication in the Iowa City Reporter and Republican. Take effect.

§ 3. Nothing in this Act shall be construed as interfering with, or withholding from, any of said Normal Schools heretofore erected, any appropriation heretofore due, or granted by the State at the present, or any future session, of the General Assembly. Now due.
Not affected.

APPROVED 25th January, 1855.

The above Act was published in the Iowa City Reporter and Republican, on the 28th day of February, A. D., 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 120.

CHANGE OF BOUNDARIES.

AN ACT to alter the boundaries of the counties Chickasaw, Howard, Mitchell and Floyd.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the north half of township 97, of ranges number 11, 12, 13, and 14, following the line of the United States subdivision thereof, shall be, and the same are hereby, Detached from
Chickasaw co.

Attached to detached from Chickasaw county, and attached to Howard
Howard co. county.

Floyd co. § 2. *And be it further enacted*, That the north half of
township No. 97, of ranges No. 15, 16, 17, and 18, bc, and
they are hereby, detached from Floyd county, and attached
Attached to to Mitchell county.

Repeal. § 3. All acts and parts of acts touching the boundaries of
the afore mentioned counties, which conflict with the pro-
visions of this Act, are hereby repealed.

APPROVED January 24th, 1855.

CHAPTER 121.

STATE ROAD.

AN ACT to alter a State Road in Tama County.

Alteration. SECTION 1. *Be it enacted by the General Assembly of the
State of Iowa*, That so much of the State road running from
A. D. Stephenson's, in Benton county, to the southeast
corner of Hardin county, be altered as follows: Commenc-
ing at the southwest corner of northeast quarter of the
northeast quarter of section four, in township eighty-three,
north of range fifteen west; thence north eighty rods;
thence on the township line between township eighty-three
and eighty-four, until it intersects the above State road near
the quarter section corner between section five and thirty-
two.

Vacation. § 2. *Be it further enacted*, That so much of said road as
is affected by this act, be and is hereby vacated.

APPROVED January 24th, 1855.

I certify that the above act was published in the Iowa Capital Reporter and
Iowa Republican, on the 14th day of February, 1855, by authority of law.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 122.

STATE ROAD.

AN ACT establishing a State Road from Indian Town, in Tama county, to Grinnell, in Poweshiek county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Col. Isaac Butler and Jacob Bruner, of Tama county, and L. C. Phelps, of Poweshiek county, be and are hereby appointed Commissioners to establish and locate a State road from Indian Town, in Tama county, to Grinnell Settlement, in Poweshiek county. ^{Commissioners.} ^{Indian Town to Grinnell.}

§ 2. That the Commissioners thus appointed, shall meet on the first Monday in April, A. D. 1855, or within nine months thereafter, at Indian Town, taking to their assistance a surveyor, the necessary chainmen, markers and teamsters, and after having been qualified, shall proceed to the discharge of their duties according to law. ^{Time and place of meeting.}

§ 3. The commissioners, surveyor and assistants, herein named, shall receive pay for their services in establishing said road in accordance with the provisions of law in such cases made and provided; but the State shall in no case be responsible for any expense growing out of the establishment of the foregoing road. ^{Pay.}

APPROVED January 24th, 1855.

I certify that this Act was published in the Iowa Capital Reporter and Iowa Republican, on the 14th day of February, 1855, by authority of law.

GEO. W. McCLEARY, Sec'y of State

CHAPTER 123.

STATE ROAD.

AN ACT to locate a State Road from Centerville to Marietta.

- Commission-
ers. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Ebenezer Taylor, of Appanoose county, Joseph B. Tease, of Monroe county, and C. B. Smith, of Mahaska county, be, and they are hereby appointed, commissioners to locate and establish a State Road, from Center-
ville, in Appanoose county, by the way of Albia, in Monroe
Centerville to
Marietta. county, Oskaloosa, in Mahaska county, Grinnell, in Pow-
eshiek county, to Marietta, in Marshall county: *Provided*,
that the State will incur no expense in the location of said
road.
- Meetings. § 2. That the commissioners herein appointed, or a ma-
jority of them, shall meet on the first Monday in July, 1855,
or within three months thereafter, at the first point named
on said road, or at some other point if agreed upon, and tak-
ing to their assistance a surveyor, the necessary chainmen
and markers, and after having been qualified, shall proceed
to the discharge of their duties according to law: *Provided*,
that in case any of said commissioners shall act as surveyor
in laying out said road, he shall be entitled to receive for
his services, such per diem as is allowed by law to county
surveyors, and nothing more.
- Duties § 3. The commissioners herein appointed shall be paid
as provided by law, and the State shall pay nothing therefor.
- Pay. § 4. This act shall be in force from and after its publi-
cation.
- State pays
nothing.
- Take effect.

APPROVED January 24th, 1855.

The above act was published in the Reporter and Republican of Iowa City,
on the 28th February, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 124.

CODE.

AN ACT to refund to Clerks of the District Court, of the several counties of this State, the money paid to Justices of the Peace for the return of the Codes of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the* Money refund
State of Iowa, That when any Clerk of the District Court, ^{ed.}
of any county in this State, shall have refunded to any justice of the peace, or other county officer, the amount paid by said justice or any other officer, for the Code of Iowa, the amount thus refunded may be paid to said Clerk, upon ^{Paid to the} the Auditor's warrant, after the following proof, filed by ^{clerk.} said claim, with the Auditor of State.

§ 2. Before any Clerk shall be refunded as above, he ^{File receipts.} shall file with the Auditor of State, the receipt, or receipts, of the justice, or other county officer, to whom said money was refunded, together with his own affidavit, stating that ^{Oath.} said receipts, are genuine, that the money or moneys, then received for, was paid by him to said recipient, under and by virtue of an act of the General Assembly of this State, approved January 22d, 1853, entitled, "An Act granting to certain officers therein named, a copy of the Code, and laws of Iowa," and that he has not been paid the amount thus refunded, and that a certain sum (naming it), is now justly due him.

§ 3. Upon filing of said receipts, and affidavit, if the Auditor of State is satisfied that the same is correct, he shall ^{Warrant.} allow the same, and draw his warrant on the Treasurer of State for the same.

§ 4. The Auditor of State shall file and preserve, among ^{File.} the papers and files in his office, said receipts and affidavits.

APPROVED January 24th, 1855.

CHAPTER 125.

ATTACHMENTS ON SABBATH.

AN ACT authorizing writs of attachment and actions against boats to be commenced on Sunday.

Attachments
may issue on
Sunday.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the writ of attachment as authorized by chapter 109 of the Code, and that actions against boats, as authorized by chapter 120 of the Code, may be issued on, Sunday: *Provided*, that the plaintiff, his agent or attorney shall make affidavit that it would be unsafe to delay proceedings until Monday.

Take effect,

§ 2. That this Act shall be in force from and after its publication.

This bill having remained with the Governor three days, (Sundays excepted) the General Assembly being in session, has become a law this 24th day of January, 1855.

I certify that the above Act was published in the Iowa Capital Reporter and Iowa Republican on the 7th February, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 126.

WEST CEDAR RAPIDS.

AN ACT to alter the name of a village plat in Linn county and vacate part of a street in said plat.

Kingston
changed to
West Cedar
Rapids.

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa*, That the village plat in Rapids township, in Linn county, known as Mary's and Cocell's addition to the village of Kingston, be, and the same is hereby, altered to the name of West Cedar Rapids.

§ 2. This Act shall be filed, ~~for~~ recording, in the Register's office in Linn county, within ninety days from its passage, and after being so filed, all conveyances of lots in said village, shall describe the lots so conveyed, as situated in West Cedar Rapids, Linn county, and such conveyances shall be as valid as though the original plat of said village had been called West Cedar Rapids, and had been so recorded in the Register's office in Linn county.

§ 3. Twenty feet of the east side of First street, in said Vacated. village plat, is hereby vacated, leaving said First street of the width of eighty feet.

§ 4. This act shall take effect and be in force from and Take effect. after its passage.

APPROVED January 25th, 1855.

CHAPTER 127

CHAPTER 71, CODE.

AN ACT to repeal chapter seventy-one of the Acts passed at the session of the third General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the Repeal. State of Iowa,* That Chapter seventy-one, of the Acts passed at the session of the third General Assembly, be, and the same are hereby, repealed.

APPROVED January 25th, 1855.

This Act was published by direction of the Governor in the Iowa City newspapers, on the 28th February, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 128.

BONDS.

AN ACT regulating the interest on city and county bonds.

Bonds R R
Co. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be competent and lawful for every Railway Company organized under the laws of this State, to issue its bonds to secure the payment of money borrowed for construction or equipment, at such rate of interest as it may deem expedient, and may sell the same at such discount as may be necessary; and such bonds shall be legal and binding.

Bonds city or
county. § 2. That whenever any company shall have received, or may hereafter receive, the bonds of any city or county upon subscription of stock by such city or county, such bonds may have interest at any rate not exceeding ten per cent., and may be sold by the company at such discount as may be deemed expedient.

Not app'y. § 3. The provisions of this act shall apply to any Railroad bonds which have been heretofore issued, as well as to those that may hereafter be issued.

APPROVED January 25th, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican on the 14th day of February, 1855, by order of the Governor.

GEORGE W. McCLEARY, Sec'y of State.

CHAPTER 129.

NORMAL SCHOOLS.

AN ACT, directing the payment of certain moneys to the Normal Schools of Oskaloosa and Andrew.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the board of Trustees of (the) State University of Iowa be, and they are hereby required, to give their order, from time to time, upon the Treasurer of State, for the quarterly payments due the Oskaloosa and Andrew Normal Schools from the University Fund, as the same becomes due, according to the law regulating Normal Schools in the State; and that they shall also draw upon said fund for all moneys now due said schools, and which have not heretofore been paid, and that, upon the presentation of such order or orders, the Treasurer of State shall pay over to the Trustees of said schools the amount named in said order or orders: *Provided*, said payments shall be made alone out of the University Fund. Trustees to give order.

§ 2. That all laws conflicting with the provisions of this act, be, and the same are hereby, repealed, so far as they relate to said schools. Repeal.

§ 3. This act to be in force from and after its publication in the Iowa City Republican and Oskaloosa Herald: *Provided*, the State shall not be at any expense therefor. Take effect.

APPROVED January 25th, 1855.

I certify that the above Act was published in the Iowa City Republican, on the 27th January, and in the Oskaloosa Herald on the 2d February, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 130.

UNIVERSITY.

AN ACT to allow the Trustees of the State University mileage.

Mileage.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Trustees of the State University shall be allowed mileage, at the rate of ten cents per mile, for the distance necessarily traveled over in going to and returning from the capital to attend two semi-annual meetings of the board of Trustees in each year.

APPROVED January 25, 1855.

Published by direction of the Governor in the Iowa City newspapers on the 28th of February, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 131.

STATE HOUSE.

AN ACT providing for the further completion of the State House.

Appropriation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there be, and is hereby appropriated for the further completion of the State House, the sum of four thousand dollars, (\$4000,) out of any moneys in the State Treasury not otherwise appropriated.

Superintendence.

§ 2. *And be it further enacted*, That this appropriation shall be drawn and expended under the superintendence of the State Treasurer, who shall be allowed the sum of two hundred (\$200) dollars as a compensation therefor, to be paid out of said appropriation.

State Treasurer.

His duty.

§ 3. It shall be the duty of the said superintendent to have the roof repaired to preserve the building, to have that part of the building above the second well hole, finished in a plain and substantial manner, and to have such other

repairs made as are absolutely necessary for the better preservation of the building; and the said building and grounds shall be under the charge of said superintendent. Charge of buildings.

§ 4. There shall be an account kept by the agent or disbursing officer of said fund, stating to whom, and for what purpose, each amount was expended; and for each amount so expended there shall be a voucher accompanying the same; and the disbursing officer shall not be credited for any such sum or services unless such voucher accompany the same. Accounts.
Take effect.

§ 5. This act shall take effect from and after its publication.

APPROVED January 25th, 1855.

I certify that this act was published in the Iowa Capital Reporter and Iowa Republican, on the 7th day of February, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 132.

DACEOTA

AN ACT to change the records of the village plat of Decota. in Dubuque county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That William Stratton is hereby permitted to cause the village plat of Decota, in Dubuque county, to be altered or amended so far as to correspond with the original survey. Records
Altered.
Take effect.

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

APPROVED January 24th, 1855.

CHAPTER 133.

TOLL BRIDGE.

AN ACT to incorporate the Cedar Toll Bridge Company.

Corporators
names.

Powers.

Locate.
Term.

Toll.

Injury.

Repairs:

Take effect.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That Alvin Kimball, A. O. Patterson, E. B. Wales, and J. Fred. Kimball, and such other persons as may associate with them, be, and they are hereby, authorized to erect a toll bridge across Cedar river, at some point between what is known as Overman's Ferry and Brown's Ferry, (in Muscatine county), on said river, or within two miles of either of said points, the location to be selected by survey, for the term of twenty-five years: Provided, said bridge is completed within two years from the taking effect of this act: Provided, the navigation of said river shall not thereby be materially obstructed.*

§ 2. That the rates of toll to be exacted shall be as follows: for each horse and rider, five cents; for each vehicle drawn by one horse, ten cents; for each vehicle drawn by two horses, fifteen cents; for each vehicle drawn by four horses, twenty cents; all foot passengers shall pass free; on all sheep and hogs, two cents each; on horses, and mules and neat cattle, four cents each.

§ 3. That in case of destruction or injury, by flood, fire, or other cause, said company shall be allowed reasonable time to make the necessary repairs, which, in no case shall exceed one year, without forfeiture of this charter.

§ 4. This act shall take effect and be in force from and after its passage.

APPROVED January 24th, 1855.

CHAPTER 134.

INSANE ASYLUM.

AN ACT to establish a State Insane Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Governor of the State, Edward Johnson, of Lee county, and Charles S. Clark, of Henry county, are hereby appointed a board of Commissioners, of whom the Governor shall be chairman, to locate and superintend the erection of a building, to be used as an asylum for the Insane of the State of Iowa, at or near Mount Pleasant, in Henry county.

§ 2. The board must not locate said Asylum on less than a quarter section of land.

§ 3. When they have fixed upon the site, and made a purchase of the land on which they locate said Institution, they shall take a deed of conveyance thereof, to the State of Iowa, and draw a warrant on the State Treasurer for the amount of the purchase money.

§ 4. The board are hereby authorized to visit the Illinois State Asylum, and any other which they deem it necessary to visit, before determining upon a plan of the building; they are further authorized to employ an Architect, to draft the plan on which they determine, and other plans afterwards, if they so determine, and to pay for the same by their draft on the State Treasurer.

§ 5. After deciding on a plan, and the location, the board are authorized to advertise for contracts for the erection of the edifice, which may be of brick, stone, or both, as the board may determine. And on their determining on the acceptance of any contract for the building, they shall bind the contractor in such manner as they deem necessary.

§ 6. The cost of the building contemplated by this act, shall not exceed fifty thousand dollars; but it is advised that the plan determined on by the board should be one that may admit of future enlargement.

§ 7. All warrants drawn on the Treasurer of State by the board hereby constituted, are to be paid by him out of any

fund specially set apart for this purpose; after the same is exhausted, out of the General Treasury of the State.

Means.

§ 8. *And be it further enacted*, That the board, in entering into a contract for a site for the location of said Asylum, and for the erection of the edifice, shall have reference to the means of payment therefor from the fund aforesaid, either already in the hands, or due to the Treasurer of State, from the lands aforesaid. But they are hereby authorized to make preliminary examinations, to examine neighboring institutions of similar character, and to procure architectural plans, without reference thereto, and to draw their warrant on the Treasury therefor.

Preliminary examination

Temporary relief.

§ 9. Until said Asylum is erected and finished, the board hereby constituted are authorized to make such temporary arrangements for the amelioration of the condition of the Insane of the State, as to them may seem necessary and prudent, and they may draw their warrant on the Treasurer for all necessary expenses of said arrangements; which warrant shall be audited by the Auditor of State, and paid by the treasurer of the State out of any moneys not otherwise appropriated. And said board are further authorized, in case the edifice hereby contemplated is finished before the next meeting of the Legislature, to make such arrangements for the admission of Patients therein, and for the government thereof, as to them may seem necessary.

Admission.

Compensation

§ 10. The board hereby constituted, shall receive their necessary expenses, and two dollars per day, while actually employed, for their services.

Report.

§ 11. It shall be the duty of said board to report their proceedings to the next session of the General Assembly.

APPROVED January 24, 1855.

The above Act was published by direction of the Governor, in the Iowa Capital Reporter the 6th of March. and Iowa Republican, 28th February. 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 135.

MALE ANIMALS.

AN ACT to prohibit certain male stock from running at large.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no stallion or jack, bull, boar, or ram, shall, hereafter, be allowed to run at large; and it shall be lawful for any person aggrieved thereby, forthwith to distrain such animal, and give immediate notice thereof to the owner, if known, for which said owner shall pay a reasonable compensation to the person so aggrieved, for his trouble and for keeping the same. Male animals must be confined. Distrain.

§ 2. If the owner of any such animal, after being notified as directed in the first section of this Act, shall refuse to keep up, or prevent such animal from running at large, shall be subject to a fine not exceeding five dollars for every such offence, to be recovered by action of debt, before any Justice of the Peace of the proper township, or forfeit his right in such animal. Notice. Owner refuse. Fine. Forfeit.

§ 3. That where the owner is not known, such animals shall be considered estrays, subject to be taken up at any time, and dealt with according to the laws concerning stray animals. Owner unknown.

§ 4. All laws now in force in this State contravening the provisions of this Act, be, and the same are hereby repealed. Repeal.

§ 5. This act to take effect and be in force from and after its publication. Take effect.

APPROVED, January 25th, 1855.

I hereby certify that the above Act was published by direction of the Governor in the Iowa Republican and Capital Reporter, on the 7th day of February, 1855.

GEORGE W. McCLEARY, Sec'y of State.

CHAPTER 136.

STATE UNIVERSITY AND STATE LANDS.

AN ACT to amend chapter 65 of the Code of Iowa, and to provide for the sale of Saline, School and University lands.

Public sale
only.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That from and after the taking effect of this Act, all the School, Saline, and University lands which then remain unsold, shall be sold only at public sale, except as hereinafter provided.

Notice.

§ 2. It shall be the duty of the person or persons having charge, by law, of the Saline, School and University lands, to offer the same at public sale, after having given notice of the same, as provided for in the law regulating the sale of the sixteenth section.

Again offered.

§ 3. All lands so offered, and which are not sold at said public sale, shall be offered for sale again at the expiration of six months, or as soon thereafter as the person or persons so having charge thereof may think best for the interest of said fund, and all lands so offered and remaining unsold at said second sale, shall be offered again at public sale at the expiration of six months, or as soon thereafter as the person or persons having charge thereof, may deem proper for the interest of said fund.

Third sale.

Manner of
selling.

§ 4. All sales made under and by authority of this Act, shall be conducted in the same manner, and the same notice of such sales shall be given, as is now required by law to be given for the sale of the sixteenth section.

Private entry.

§ 5. So much of said lands as shall have been offered for sale three times, as provided for in this Act, and remain unsold, shall be subject to be entered at private entry, at such time, and at such price, as the person or persons having charge thereof, may designate: *Provided, however*, that in no case, either in public sale or by private entry, shall the land be sold for less than the appraised value.

Minimum

§ 6. No pre-emption claim shall hereafter be granted or ^{Pre-emptions prohibited.} allowed to settlers on any of the Saline, School or University lands, except to such persons as are legally entitled to the same at the time of taking effect of this act.

§ 7. It is hereby made the duty of the Trustees of the ^{Trustees to elect a treasurer.} State University, to elect, on the first Monday of April, A. D. 1855, and every two years thereafter, a Treasurer, who shall hold his office for two years, and until his successor shall be elected and qualified.

§ 8. The Treasurer so elected, shall, before taking charge of his office, take and subscribe an oath before some person legally authorized to administer the same, to faithfully perform the duties of Treasurer, and to support the Constitution of the United States and of the State of Iowa, and shall give ^{Qualification.} bond and security which shall be approved by the Board of Trustees and also by the Governor of the State, which bond shall be filed in the office of Secretary of State.

§ 9. It shall be the duty of the State Treasurer, as soon ^{State treasurer fork over.} as he may be called upon by the Treasurer elected under and by authority of this Act, to deliver over to the same all moneys, books, notes, and all other papers that may be in his possession, and belonging to said University or Saline funds, and shall take a receipt therefor, which shall be his voucher in his settlement with the State.

§ 10. All that part of section 1018, in chapter 65 of the ^{Repeal.} Code, and all other Acts and parts of Acts which conflict with this Act, be, and the same are hereby repealed.

§ 3. This act to take effect and be in force from and after ^{Take effect} its publication in the Iowa City newspapers.

APPROVED January 25th, 1855.

I certify that the foregoing Act was published in the Iowa City papers on the 31st day of Jan., 1855. GEO. W. McCLEARY Sec'y of State.

CHAPTER 137.

TERMS OF COURT,

AN ACT to change the time of holdin Courts in the counties comprising the sixth and seventh Judicial Districts.

Terms in the
6th Judicial
District.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the terms of the court shall be held in the county of Fremont, the first Mondays in March and September. In the county of Page on the fourth Monday in March and September. In the county of Taylor on the Thursday after the fourth Monday of March and September. In the county of Adams on the first Mondays in April and October. In the county of Union on the Thursday after the first Monday in April and October. In the county of Guthrie on the second Monday in April and October. In the county of Cass on the Thursday after the second Monday in April and October. In the county of Mills on the second Monday in March and September. In the county of Pottawattamie on the first Monday in April and October. In the county of Harrison on the first Monday of May and November. In the county of Shelby on the Thursday after the first Monday in May and November. In the county of Woodbury on the first Monday in September, and in all other counties at such time and place as the Judge may appoint

Terms in the
7th Judicial
District.

Take effect.

§ 2. This Act to be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

APPROVED January 25, 1855.

I certify that the foregoing act was published in the Iowa Republican on the 31st Jan. and in the Iowa Capital Reporter, Feb 7. 1855-

GEO. W. McCLEARY, Secretary of State.

NOTE BY THE PRINTER.—The copy of Chapter 138, by some mistake not being furnished in time, will be inserted at the end of the volume,

CHAPTER 139.

APPORTIONMENT.

AN ACT to apportion the State and define the boundaries of Senatorial and Representative Districts therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county of Lee, shall constitute the 1st Senatorial district, and have two Senators. Districts. 1st. Lee, 2.

§ 2. The counties of Lee and Van Buren jointly, shall constitute the second district, and have one senator. 2d, Lee & Van Buren, 1.

§ 3. The county of Van Buren shall constitute the third district, and have one Senator. 3, V. Buren, 1

§ 4. The county of Des Moines shall constitute the fourth district, and have two Senators. 4, Des Moine 2

§ 5. The county of Davis shall constitute the fifth district, and have one Senator. 5, Davis- 1.

§ 6. The county of Jefferson shall constitute the sixth district, and have one Senator. 6, Jefferson, 1.

§ 7. The county of Henry shall constitute the seventh district, and have one Senator. 7. Henry, 1.

§ 8. The county of Wapello shall constitute the eighth district, and have one Senator. 8, Wapello, 1.

§ 9. The counties of Monroe, Lucas, and Clark, shall constitute the ninth district, and have one Senator. 9, Monroe ac 1

§ 10. The counties of Appanoose, Wayne, and Decatur, shall constitute the tenth district, and have one Senator. 10, Appanoose ac., 1.

§ 11. The counties of Fremont, Mills, Page, Taylor, Montgomery, Ringold, and Adams, shall constitute the eleventh district, and have one Senator. 11, Fremont, ac. 1.

§ 12. The counties of Pottawattamie, Harrison, Shelby, Woodbury, Monona, Audubon, Crawford, Carroll, Calhoun, 12, Pottawat. tamie, ac. 1.

Sac, Ida, Cherokee, Buena Vista, Pocahontas, Palo Alto, Emmett, Clay, Dickinson, Osceola, O'Brien, Plymouth, Sioux, and Buncombe, shall constitute the twelfth district, and have one Senator.

- 13, Louisa, 1. § 13. The county of Louisa shall constitute the thirteenth district, and have one Senator.
- 14, Washing- § 14. The county of Washington shall constitute the four-
ton, 1. teenth district, and have one Senator.
- 15, Keokuk, 1 § 15. The county of Keokuk shall constitute the fifteenth district, and have one Senator.
- 16, Mahaska, 1 § 16. The county of Mahaska shall constitute the sixteenth district, and have one Senator.
- 17, Marion, 1 § 17. The county of Marion shall constitute the seventeenth district, and have one Senator.
- 18, Warren, § 18. The counties of Warren, Madison, Adair and Cass,
ac., 1. shall constitute the eighteenth district, and have one Senator.
- 19, Musca- § 19. The county of Muscatine shall constitute the nine-
tine, 1 teenth district, and have one Senator.
- 20, Johnson & § 20. The counties of Johnson and Iowa shall constitute
Iowa, 1. the twentieth district, and have one Senator.
- 21, Scott, 1. § 21. The county of Scott shall constitute the twenty-first district, and have one Senator.
- 22, Cedar, 1. § 22. The county of Cedar shall constitute the twenty-second district, and have one Senator.
- 23, Clinton, 1. § 23. The county of Clinton shall constitute the twenty-third district, and have one Senator.
- 24, Linn, 1. § 24. The county of Linn shall constitute the twenty-fourth district, and have one Senator.
- 25, Linn, ac. 1 § 25. The counties of Linn, Benton, Black Hawk, and Buchanan, shall constitute the twenty-fifth district, and have one Senator.
- 26, Poweshiek § 26. The counties of Poweshiek, Jasper, Marshall and
ac. 1. Tama, shall constitute the twenty-sixth district, and have one Senator.
- 27, Polk, ac, 1 § 27. The counties of Polk, Dallas and Guthrie shall constitute the twenty-seventh district, and have one Senator.
- 28, Jackson, 1 § 28. The county of Jackson shall constitute the twenty-eighth district, and shall have one Senator.

§ 19. The counties of Jackson and Jones shall constitute the twenty-ninth district, and have one Senator. 29, Jackson & Jones, 1

§ 30. The county of Dubuque shall constitute the thirtieth district, and have one Senator. 30, Dubuque 1

§ 31. The counties of Dubuque and Delaware shall constitute the thirty-first district, and have one Senator. 31, Dubuque & Delaware, 1

§ 32. The county of Clayton shall constitute the thirty-second district, and have one Senator. 32, Clayton, 1

§ 33. The counties of Fayette; Bremer, Butler, Franklin, Grundy, Hardin, Wright, Webster, Boone, Story, Greene and Humboldt, shall constitute the thirty-third district, and have one Senator. 33, Fayette, &c., 1

§ 34. The counties of Alamakee, Winneshiek, Howard, Chickasaw, Mitchell, Floyd, Worth, Cerro Gordo, Hancock, Winnebago, Bancroft, and Kossuth, shall constitute the thirty-fourth district, and have one Senator. 34, Alamakee, 1.

§ 35. The county of Lee shall constitute the first Representative district, and shall have five Representatives. REP. DIST. 1. Lee, 5

§ 36. The county of Des Moines shall constitute the second district, and shall have three Representatives. 2. Des Moines 3.

§ 37. The county of Van Buren shall constitute the third district, and have three Representatives. 3. Van Buren 3

§ 38. The county of Davis shall constitute the fourth district, and have two Representatives. 4. Davis 2

§ 39. The county of Jefferson shall constitute the fifth district, and have three Representatives. 5. Jefferson 3

§ 40. The county of Henry shall constitute the sixth district, and have two Representatives. 6. Henry 2

§ 41. The county of Wapello shall constitute the seventh district, and have two Representatives. 7. Wapello 2

§ 42. The counties of Wapello and Keokuk shall constitute the eighth district, and have one Representative. 8. Wapello & Keokuk 1

§ 43. The county of Monroe shall constitute the ninth district, and have one Representative. 9. Monroe 1

§ 44. The counties of Lucas, Clark, and Union, shall constitute the tenth district, and have one Representative. 10. Lucas and Clark 1

§ 45. The county of Appanoose shall constitute the eleventh district, and have one Representative. 11. Appanoose 1

- 12 Wayne & Decatur 1 § 46 The counties of Wayne and Decatur shall constitute the twelfth district, and have one Representative.
13. Fremont 1 § 47. The county of Fremont shall constitute the thirteenth district, and have one Representative.
14. Mills &c. 1 § 48. The counties of Mills, Taylor, Page, Montgomery, Ringold and Adams shall constitute the fourteenth district, and have one Representative.
- 15 Pottawattomie 1 § 49. The county of Pottawattamie shall constitute the fifteenth district, and have one Representative.
16. Harrison, &c., 1 § 50. The counties of Harrison, Shelby, Woodbury, Monona, Audubon, Crawford, Carroll, Calhoun, Sac, Ida, Cherokee, Buena Vista, Pocahontas, Palo Alto, Emmett, Clay, Dickinson, Osceola, O'Brien, Plymouth, Sioux and Buncombe shall constitute the sixteenth district, and have one Representative.
- 17 Louisa 1 § 51. The county of Louisa shall constitute the seventeenth district, and shall have one Representative.
18. Washington I § 52. The county of Washington shall constitute the eighteenth district, and have one Representative.
19. Both 1 § 53. The counties of Louisa and Washington shall constitute the nineteenth district, and have one Representative.
20. Keokuk 1 § 54. The county of Keokuk shall constitute the twentieth district, and have one Representative.
21. Mahaska 2 § 55. The county of Mahaska shall constitute the twenty-first district, and have two Representatives.
22. Marion 2 § 56. The county of Marion shall constitute the twenty-second district, and have two Representatives.
23. Warren 1 § 57. The county of Warren shall constitute the twenty-third district, and have one Representative.
24. Madison &c., 1 § 58. The counties of Madison, Adair, and Cass, shall constitute the twenty-fourth district, and have one Representative.
25. Muscatine 2 § 59. The county of Muscatine shall constitute the twenty-fifth district, and have two Representatives.
26. Johnson 1 § 60. The county of Johnson shall constitute the twenty-sixth district, and have one Representative.
27. Johnson & Iowa 1 § 61. The counties of Johnson and Iowa shall constitute the twenty-seventh district, and have one Representative.

§ 62. The county of Scott shall constitute the twenty-^{28.} Scott 3 eighth district, and have three Representatives.

§ 63. The county of Cedar shall constitute the twenty-^{29.} Cedar 1 ninth district, and have one Representative.

§ 64. The county of Clinton shall constitute the thirtieth^{30.} Clinton 1 district, and have one Representative.

§ 65. The counties of Clinton and Cedar shall consti-^{31.} Both 1 tute the thirty-first district, and have one Represent-
ative.

§ 66. The county of Linn shall constitute the thirty-^{32.} Linn 2 . second district, and have two Representatiives.

§ 67. The counties of Poweshiek and Jasper shall consti-^{33.} Poweshiek tute the thirty-third district, and have one Representative. ^{and Jasper 1}

§ 68. The counties of Benton, Tama and Marshall, shall³⁴ Benton, constitute the thirty-fourth district, and shall have one Rep-^{&c, 1}
resentative.

§ 69. The county of Polk shall constitute the thirty-fifth³⁵ Polk. 1 district, and have one Representative.

§ 70. The counties of Polk, Dallas, and Guthrie, shall^{36.} Polk, Dal- constitute the thirty-sixth district, and have one Repre-^{las, &c. 1}
sentative.

§ 71. The county of Jackson shall constitute the thirty-^{37.} Jackson 2 seventh district, and have two Representatives.

§ 72. The county of Jones shall constitute the thirty-eighth^{38.} Jones 1 district and have one Representative.

§ 73. The counties of Jackson and Jones shall constitute^{39.} Jackson & the thirty-ninth district and have one Representative. ^{Jones 1}

§ 74. The county of Delaware shall constitute the forti-^{40.} Dela- eth disrict and have one Representative. ^{ware 1}

§ 75. The counties of Black Hawk and Buchanan shall^{41.} Black constitute the forty-first district and have one Representa-<sup>Hawk and Bu-
chanan 1</sup>
tive.

§ 76. The county of Dubuque shall constitute the forty-^{42.} Dubuque second district and have four Representatives. ⁴

§ 77. The county of Clayton shall constitute the forty-^{43.} Clayton 2 third district and have two Representatives.

§ 78. The counties of Boone, Webster, Story, Hardin^{44.} Boone&c 1 Green, Franklin, Wright and Humbolt, shall constitute the forty-fourth district and have one Representative.

45. Alamakee I § 79. The county of Allamakee shall constitute the forty-fifth district and have one Representative.
46. Winneshiek &c., § 80 The counties of Winneshiek, Howard, Mitchell, Worth, Winnebago and Bancroft, shall constitute the forty-sixth district and have one Representative.
47. Fayette 1 § 81. The county of Fayette shall constitute the forty-seventh district and have one Representative.
48. Bremer &c. 1 § 82. The counties of Bremer, Chickasaw, Butler, Floyd, Cerro Gordo, Hancock, Kossuth and Grundy, shall constitute the forty-eighth district and have one Representative.
- Elections how conducted. § 83. The elections in said districts shall be conducted in all respects as now provided for by law, except hereinafter provided.
- Canvass for Reps. § 83. The county Judge or Judges of the respective Senatorial and Representative districts, shall meet as provided for in the 296th section of the Code, on the third Monday after the election.
- Take effect. § 85. This Act shall be in force from and after its publication.

APPROVED January 25th, 1855.

I certify that the foregoing Act was published in the Iowa City newspapers, by direction of the Governor, on the 21st day of February, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 140.

COUNTY SEAT OF KEOKUK.

AN ACT to relocate the County Seat of Keokuk county.

- Removal. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That at the August election, to be held on August elec- the first Monday in August, 1855, there shall be, at the tion. several places of voting in Keokuk county, in the State of Iowa, a poll opened for the purpose of determining, by ballot, whether the county seat of said county shall be removed from its present location, in the town of Lancaster, in said county, to the town of Sigourney, in said county: those voting
- Poll opened.

for the county seat to remain at Lancaster, shall write "Lancaster" on their ballots; those voting for its removal to Sigourney, shall write "Sigourney" on their ballots; and whichever place shall receive the greatest number of votes cast at said election, shall be, and remain forever afterward, the county seat of said county.

Lancaster
vs.
Sigourney.
Manner of
voting.
Most votes.
County seat
forever.

§ 2. That all legal voters of said county shall be entitled to vote on said question of removal, subject to the same rules and penalties as in voting for county officers.

Voters.

§ 3. That the judges of election of the respective places of voting in said county, shall receive the ballots on the question of said removal, and enter the same on their election books, and make abstracts thereof, and returns to the County Judge of said county, in the same manner as in other elections, and the County Judge shall canvass said returns and enter the number of votes cast for each point upon his election book, under the same rules and restrictions as in other elections.

Election and
returns.
Canvass.
Record.

§ 4. That if there shall be a majority of the votes cast at said election in favor of removing the county seat of said Keokuk county to the town of Sigourney, in said county, the county officers of said Keokuk county shall remove their offices, and the books, papers, records, and other personal property of their respective offices, belonging to said county, to said town of Sigourney, so soon as the County Judge of said county can procure proper rooms for the temporary use of their respective offices: *provided*, said removal shall not take place until, by proper bonds and securities, said Keokuk county is secured in the sum of five thousand dollars, to be paid into the treasury of said county, one half on the first Monday in January, 1856, the other half on the first Monday in January, 1857, to be secured on or before the first day of October, 1855.

Removing offi-
ces, &c
Temporary
offices.
Proviso.
County to be
secured.

§ 5. That in case said county seat is removed to Sigourney, the lot holders in the town of Lancaster shall be indemnified, said indemnity to be assessed by three disinterested commissioners, viz: William P. Organ, of Washington county, James Bridges and Henry Blackburn, of Mahaska county, who shall first be sworn to the faithful dis-

Indemnity to
lot owners.
Commission-
ers:
Sworn.

Report. charge of their duties as such commissioners, and shall proceed to discharge the same, and make their return thereof to the County Judge of said county, on or before the first day of December, 1855, and said County Judge shall give each claimant an order on the treasury of said county for the amount assessed to him, as in other claims against said county.

Per diem. § 6. Said commissioners shall be allowed the sum of three dollars per day for the time they are necessarily employed in discharge of said commission, to be paid out of the treasury of said county.

Notice of election. § 7. The County Judge of Keokuk county shall cause notice of the aforesaid election to be given, either by publication in newspaper in said county, or by posting up notices at the several places of voting in said county, at least twenty days before said election.

Take effect § 8. This act to take effect, and be in force, from and after its passage.

APPROVED January 24th, 1855.

CHAPTER 141.

EXTENSION OF BOUNDARIES.

AN ACT to extend the boundaries of Kossuth county, and to locate the Seat of Justice thereof.

Kossuth. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That the counties of Kossuth, Bancroft and the north half of Humbolt county, be, and the same are united into one county, to be called Kossuth.*

County Seat. § 2. That the county seat of said county, is hereby located on the south west quarter of section two in township ninety-five north, range twenty-nine west; *And be it further enacted, That township No. 90, and 91, of ranges No. 27, 28, 29, and 30, which have heretofore been a part of Humbolt county shall be and are hereby attached to Webster.*

Part of Humbolt attached to Webster.

APPROVED January 24, 1855.

CHAPTER 142.

UNORGANIZED COUNTIES.

AN ACT in relation to certain unorganized counties therein named,

SEC. 1. *Be it enacted by the General Assembly of the State* Attached of Iowa, That for election Judicial and revenue purposes, the following named unorganized counties in this State, be, and they are hereby attached to organized counties, as follows, to wit: The counties of Calhoun and Sac, to the county of Green; the counties of Wright, Humbolt, Pocahontas, Palo Alto, Kossuth, Hancock, Winnebago, Bancroft and Emmett to the county of Webster, and the county of Franklin to the county of Hardin.

§ 2. That so much of all acts, or parts of acts now in ~~force~~ ^{Repeal.} conflicting with the provisions of this act, be, and the same is hereby repealed.

§ 3. This Act to be in force and take effect after its pas- ^{Take effect.} sage.

APPROVED January 24, 1855.

Published by direction of the Gov. in the Iowa City newspapers. February 28th, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 143.

MARINE HOSPITAL.

AN ACT ceding to the United States of America jurisdiction over certain lands and their appurtenances, situate in the city of Burlington, and for the purpose therein mentioned.

Whereas, The said United States have recently appropriated ^{Assembly} money for the purchase of a site in the city of Burlington

for the erection thereon of a Marine Hospital, *and whereas,* It is deemed by the General Assembly highly necessary to the interests of said city, that said building should be erected,

Therefore, It is enacted by the General Assembly of Iowa, as follows:

Lands ceded to the U. S.

SEC. 1. That jurisdiction of the lands and their appurtenances that have been, or may be purchased in the said city, or its vicinity, for the erection of the aforesaid building, be, and is hereby ceded to the United States of America; *Provided, however,* That all civil and criminal process issued under the authority of this State, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same manner and way as if jurisdiction had not been ceded as aforesaid.

Exempt from Tax.

§ 2. The lands above described, with their appurtenances, and all buildings that may be erected thereon, shall forever, hereafter be exempted from all State, and municipal taxation, so long as the same shall remain the property of the United States of America.

APPROVED JANUARY 25, 1855.

CHAPTER 144

TERMS OF COURT.

AN ACT fixing the time of holding Courts in the Fifth Judicial District.

Terms

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the District Courts, in the Fifth Judicial District, shall be held as follows, to wit:

Marion co.

In the county of Marion, on the second Monday in February, and fourth Monday in August.

Polk co.

In the county of Polk, on the third Monday in March, and second Monday in August.

Jasper co.

In the county of Jasper, on the second Monday in April and September.

In the county of Marshall, on the third Monday in April Marshall co. and September.

In the county of Hardin, on the fourth Monday in April. Hardin co.

In the county of Story, on the first Monday in May. Story co.

In the county of Boone, on the second Monday in May, Boone co. and the fourth Monday in September.

In the county of Webster, on the first Monday in October. Webster co.

In the county of Greene, on the third Monday in May. Greene co.

In the county of Dallas, on the fourth Monday in May, Dallas co. and second Monday in October.

§ 2. All matters pending in or returnable to the terms of Returns Court heretofore fixed by law shall be deemed pending and returnable to the terms hereby appointed.

§ 3. This act shall take effect on the first day of August, Take effect 1855.

APPROVED, January 25, 1855.

Published under the General Order of the Governor, in the Reporter Feb. 14th, and Iowa Republican Feb. 21st, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 145.

IOWA WESLEYAN UNIVERSITY.

AN ACT to amend an Act to incorporate the Mt. Pleasant Collegiate Institute, approved Feb. 15th, 1844.

SECTION 1. *Be it enacted by the General Assembly of the* Name changed.
State of Iowa, That the corporate name of the Mt. Pleasant Collegiate Institute, located in Henry county, State of Iowa, be, and is hereby, changed from Mt. Pleasant Collegiate Institute, to Iowa Wesleyan University, shall have and enjoy all the powers, privileges, and immunities that it may now have, and passes under the name and style of Mt. Pleasant Powers and privileges. Collegiate Institute, and such other powers and privileges as are hereinafter conferred.

§ 2. That Palmer O. Tiffany, John P. Grantham, Nel-

Corporators
names and
powers to
change name
of Institute.

son Lathrop, Jonathan C. Hall, Ephraim Kilpatrick and their associates who are members of the Iowa annual Conference of the Methodist E. Church, and such other persons as may hereafter become associated with them under the Act of which this is amendatory, shall have power to change the name of said corporation from Mt. Pleasant Collegiate Institute, and adopt the name of the Iowa Wesleyan University, and under that name may sue and be sued, and be entitled to all the privileges and franchises heretofore mentioned.

Corporate
powers.

§ 3. That said corporation shall have power in law, to take, hold and possess lands and tenements, goods and chattels, of whatever name, nature and quality, real, personal and mixed, which now are, or hereafter may become, the property of said corporation by right, grant, bargain, sale, will, devise, bequest, or otherwise, from any person or persons, body politic or corporate, capable of making the same, and the said lands and tenements, goods and chattels, to grant, bargain, sell and convey at pleasure: *Provided*, that the funds of said corporation shall be exclusively applied to the objects set forth in this Act.

Purposes¹

§ 4. That the objects and purposes of said corporation shall be wholly confined to the establishment and endowment, management and maintenance of a University, including all the College departments and faculties necessary for imparting thorough instruction in the elementary and applied sciences in literature, and the arts, and the learned professions.

Meetings

§ 5. That said corporation shall meet annually, at the time and place of holding the session of the said Iowa Annual Conference, until the said Conference shall be divided, and thereafter at the time and place determined by its members: *Provided*, that a failure to hold any annual meeting or meetings of the corporation, shall not vitiate any of its powers and privileges, so long as the legitimate purposes of the corporation are faithfully carried out by its agents and officers.

Failure not to
vitate.

Organization.

§ 6. That said corporation shall have power to organize in such manner as they may see proper, appoint such officers

as they may deem fit, and make such rules, by-laws and regulations to govern themselves and to dispose of their property, as they may deem advisable; and after these shall have been adopted, they shall be valid and binding, and shall be received and enforced in the several courts of the State: *Provided*, that no rules, or by-laws, or regulations adopted by said corporation, shall have any effect except over the members of said corporation, and in no case shall they be made to inflict any penalty on any member thereof, or to contravene the laws of this State.

§ 7. That said corporation shall have power to appoint Trustees or Directors for the immediate management of the business of said University, and to confer on them any powers and privileges consistent with the provisions of this Act and the objects of the corporation; and said corporation may provide for the appointment of an equitable proportion of said Trustees by each of the Conferences into which the said Iowa Annual Conference may be divided, and the Trustees thus appointed, shall have all the powers and privileges of Trustees of said University, until removed by the corporators at a regular meeting, or at a called meeting, of which reasonable notice shall have been given.

§ 8. That said corporation shall have power to organize any or all of the departments of said University contemplated by this Act, at any time when, in the judgment of its members, the interests of the institution and the public wants may require it, and may also provide that the medical, theological and law departments, or any one of them, may be managed and controlled by a separate Board of Trustees, and that the property, assets and liabilities of each, be, and remain, distinct from the property, assets and liabilities of the literary and scientific departments, and of each other.

§ 9. That said corporation shall have power to confer such degrees of merit and of honor as are usually conferred by Universities, to issue certificates or diplomas indicating the nature of the degree conferred, and to do such other kindred acts as may be necessary to encourage literary, scientific and artistic pursuits, and to promote medical, theological and legal learning.

Seal. § 10. That said corporation shall have the right to use a common seal, which may be changed at pleasure: *Provided*, That a failure to adopt or use a common seal shall not render any corporate act void or nugatory, of which there has been kept a regular record, duly signed by its presiding officers and attested by its Secretary.

Agent. § 11. That said corporation shall have power to appoint any one or more of its members to convey or mortgage real estate, whose specific acts shall be binding on the corporation when authorized by the said corporation or by the Trustees of the University.

Free to all. § 12. That said University shall be forever open on equal terms, to all who may wish to avail themselves of its advantages, irrespective of their religious opinions.

Liberal interpretation. § 13. That the provisions of this Act shall be interpreted liberally.

Repeal. § 14. That all Acts and parts of Acts conflicting with the provisions of this Act, be and are hereby repealed.

Reservation. § 15. That any future General Assembly of the State of Iowa, may alter, amend or repeal this Act.

Take effect. § 16. This Act shall take effect and be in force from and after its publication in the Iowa City Republican and Iowa Weekly Observer.

APPROVED January 25th, 1855.

I certify that the foregoing Act was published in the Iowa Republican Feb. 7th, and in the Observer on the _____

G. W. McCLEARY, Secretary of State.

CHAPTER 146.

STATE ROAD.

AN ACT to lay out and establish a State Road from Lovell's Farm in Dubuque county, to Canton. in Jackson county,

SEC. 1. *Be it enacted by the General Assembly of the State* ^{Commissioners.} *of Iowa, That Lawrence Power, of Dubuque county, and John Gilmore, and Matthew Williams, of Jackson county, be, and they are hereby appointed commissioners to lay out and establish a State road from the military road near Lovell's farm in Dubuque county, to Canton in Jackson county,* ^{Lovell's to Canton.} *(by way of Garry Owen,) and that as such commissioners they are hereby authorized and empowered to perform all such acts, including procuring surveyors, chainmen, &c., as may be required for the purpose; Provided, That the expense of laying out such road, shall be paid by the State.*

§ 2. The commissioners hereby appointed, or a majority ^{Time & place of meeting.} of them, shall meet at Garry Owen on the first Monday of May, or within thirty days thereafter, and when so met, shall proceed to discharge the duties herein prescribed, and they shall receive two dollars per diem for their services.

APPROVED January 24th, 1855.

I certify that the foregoing Act was published in the Iowa Capital Report and Iowa Republican, Feb. 14th, 1855-

GEO. W. McOLEARY, Sec. of State.

CHAPTER 147.

SUPERVISORS

AN ACT supplemental to an act, entitled An Act to provide for the election of Supervisors and defining their duties.

SECTION 1. *Be it enacted by the General Assembly of the State* ^{Code amendment} *of Iowa, That Chapter forty-eight of the acts of 1852, ed.*

and '58, shall be amended by the insertion of the following additional section.

Supervisor
may bring suit

§ 2. Such supervisor within ten days after warning the hands liable to work on the roads in his district, shall, unless for good cause shown by the delinquent bring suit against such person, or persons, as fail to work or pay over the commutation money therefor, before any justice of the peace in such township and in such suit, it shall only be necessary for a certified account by the supervisor stating the number of days, such person or persons so failed, and, charging one dollar and twenty-five cents per day therefor, to be filed as a cause of action, and in case of recovery by such supervisor, it shall be his duty to pay the same into the township treasury, within ten days after the reception thereof, or expend it in improving the roads and bridges in his district.

Penalty.

APPROVED January 25th, 1855.

I certify that the foregoing Act. was published by order of the Governor in the Iowa Capital Reporter and Iowa Republican on the 14th day of Feb.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 148.

CODE.

AN ACT to amend Chapter 105 of the Code of Iowa.

Exceptions.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That if during the progress of any trial, in any civil cause, in the District Court, either party shall allege an exception to the opinion of the court, and reduce the same to writing, it shall be the duty of the Judge to allow the said exceptions and to sign the same; and the said bill of exceptions shall thereupon become a part of the records of such cause; and if any Judge of the District Court shall refuse to allow or sign such bill of exceptions as tendered, and the same is signed by two or more attorneys or officers of said court, the Judge then shall permit the said bill to be

Judge must allow.

Refusal.

Attorneys
may sign.

filed and become a part of the record; and if the Judge refuse, the Supreme Court of this State may, when such ^{Supreme court} case is brought before them by writ of error or appeal, upon proper affidavit of such refusal, admit such bill of exceptions as a part of the record.

§ 2. All laws and parts of laws coming in conflict with ^{Repeal.} this act are hereby repealed.

§ 3. This act to take effect, and be in force, from and ^{Take effect.} after its publication in the Iowa Republican and Iowa State Gazette.

APPROVED January 25th, 1855.

I certify that the above act was published in the Iowa Capital Reporter January 31st, 1855. and in the State Gazette.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 149.

COUNTY AND CORPORATE BONDS.

AN ACT regulating the issue of County and Corporate Bonds.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa* That in all cases where county, or city, or town incorporations have, or may hereafter become stockholders in railroads, or other private companies or incorporations, it shall not be lawful for the County Judges, Mayors, or other agents of such cities or counties, to issue the bonds of their counties or cities until they are satisfied that the contemplated improvement will be constructed through or to their respective cities or counties, within thirty-six months from the issuing and delivery of said bonds, and the proceeds of such bonds shall in all cases be expended within the limits of the county in which said city may be situated: *Provided*, that nothing in this act shall in any way affect corporation rights for any contracts or subscriptions heretofore made with any railroad company or corporation, for the issuing of county corporation bonds.

^{Bonds not to be issued unless.}

^{Proceeds}

^{Rights not to be affected.}

Take effect. § 2. This act to be in force from and after its publication in the Iowa City Reporter and Republican.

APPROVED January 25th, 1855.

I certify that the above act was published in the Iowa Capital Reporter on the 7th of February, and Iowa Republican on the January 31st 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 150.

STATE ROAD.

AN ACT to locate a State Road from Millersburgh, in Iowa county, to Indianapolis, in Mahaska county.

Commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That James Bridges and Isaac N. SeEVERS, of Mahaska county, and Hugh B. Lynch, of Iowa county, be, and they are hereby appointed, commissioners to locate and establish a State Road, from Millersburg, in Iowa county, to Indianapolis, in Mahaska county.

Millersburgh to Indianapolis.

Time & place meeting.

§ 2. Said commissioners shall meet at Millersburg, on the first Monday of April next, or within three months thereafter, and take to their assistance a surveyor; and after having been duly qualified, shall proceed to the discharge of their duties, according to law: *Provided*, that in case either of said commissioners should act as surveyor, in laying out said road, he shall be entitled to receive for his services such per diem as is allowed by law to county surveyors, and nothing more: *Provided, further*, that all expenses incurred in the location of said road, shall be paid by the respective counties through which it may pass, in accordance with chapter thirty-eight of the Code.

Take effect.

§ 3. This act shall take effect from and after its publication.

APPROVED January 25th, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter, and Iowa Republican, Feb. 14, 1855. by order of the Governor.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 151.

COURT ROOM.

AN ACT to provide a Court Room for the Supreme Court

SECTION 1. *Be it enacted by the General Assembly of the* N. E. room set
State of Iowa, That the north-east room on the first floor ^{apart.}
of the capitol of this State, be, and is hereby granted and set
apart, for the use of the Supreme Court of the State of Iowa:
Provided, the United States courts shall have the exclusive U. S. Courts.
use of said room, and the two basement rooms under the
same, during any regular or special term of said courts.

§ 2. That a joint resolution, relative to the United States ^{Repeal.}
District Court room, approved January 22d, 1848, and an act,
entitled "An Act to grant certain rooms in the capitol for
the use of the United States courts," approved December
16th, 1848, are hereby repealed.

§ 3. This act shall take effect by publication in the Iowa ^{Take effect}
City newspapers.

APPROVED 25th January, 1855.

I certify that the foregoing Act was published in the Iowa City newspapers
on the 31st day of January, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 152.

REMOVAL.

AN ACT to provide for the removal of the seat of justice of Cass county.

SECTION 1. *Be it enacted by the General Assembly of the* Question to be
State of Iowa, That it shall be the duty of the county judge ^{submitted.}

of Cass county, to submit the question of a removal of the seat of justice of said county to the qualified voters thereof, at the next April election.

Majority & Jr. Com'rs ap'nt'd. § 2. That if it shall be found upon a canvass of the votes, that a majority are for a removal, then the seat of justice shall be located under the direction of Peter Hedge, Barton Garvin, and Jeremiah Bradshall, of Cass county, who are hereby appointed commissioners to locate the same.

Take effect. § 3. This act to be in force from and after its publication in the Iowa Capital Reporter, and Council Bluff Bugle: *Provided*, the State incurs no expense in the publication.

APPROVED January 25th, 1855.

The foregoing act was published in the Iowa Capital Reporter, February 7, 1855.

GEO. W. McCLEARY Sec y of State.

CHAPTER 153.

STATE LAND OFFICE.

AN ACT to establish a State Land Office, with a Register thereof, and to define his duties.

Established, SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That for the purpose of preserving a proper record of all lands belonging to the State, and of their final disposition, and of transacting business in relation thereto, there shall be a State Land Office established at the Seat of Government, with a Register thereof, who shall be elected by the people on the first Monday in April next, and shall hold his office for two years, and until his successor is elected and qualified.

Election of Register.

Furniture and books.

§ 2. The State Land Office shall be furnished by the Secretary of State with a suitable room, and with the necessary furniture and stationery, and a sufficient number of tract books, and other necessary books for records; said tract books to be ruled in a manner similar to those used in the United States Land Offices, so as to record each tract

by its smallest legal subdivision, its section, township, range, and to whom sold, and what price per acre, to whom patented, and when.

§ 3. Separate tract books shall be kept for the University lands, the saline lands, the half million acre grant, the sixteenth sections, the swamp lands, and such other lands as the State now owns, or may hereafter own, so that each description of State lands shall be kept separate from all others, and each set of tract books shall be a complete record of all the lands to which they refer. Separate tract books.

§ 4. The Governor of the State, together with the Register and Receiver of the United States Land Office in Iowa City, are hereby appointed commissioners to assist in arranging with said Register the plan on which the books and records of the State Land Office shall be kept, so that they may present and preserve an accurate chain of title from the General Government to the ultimate purchasers of each smallest legal subdivision of land, and to preserve a permanent record in books, suitably indexed, of all correspondence with the General Government, or any of its departments, in relation to State lands, and to preserve, by proper records thereof, copies of the original lists furnished by the State selecting agents, and of all other papers in relation to State lands, which are of permanent interest. Commissioners to arrange plan.

§ 5. The Register of the State Land Office, immediately after being qualified, as hereinafter provided, shall proceed to take possession of all books, papers, plans, or maps, now in the possession of the Superintendent of Public Instruction, which relate to the selection, or compose a part of the records of any description of State lands, and of the records of patents issued by the State, in the office of the Secretary of State; and if any dispute should arise between said Register of the State Land Office and any officer of whom books or other documents are demanded, under the provisions of this section, the Governor of this State, and the Register and Receiver of the Land Office in Iowa City, as commissioners as aforesaid, shall determine the same, and their decision shall be final. Duty of Register.

§ 6. All patents for State lands shall issue from the Patents.

State Land Office, and shall be signed by the Governor, and recorded by the Register, and each patent shall contain therein a marginal certificate of the book and page on which it is recorded, shall be signed by the Register, and all patents shall be delivered to the patentees free of charge.

Requisition of
S. P. I.

§ 7. No patents for any portion of the State lands now set apart for educational purposes shall issue, except upon the written requisition of the Superintendent of Public Instruction, which requisition the Register of the State Land Office shall file and record.

Commissioner
of D. R. I. &c.

§ 8. In like manner no patents or conveyances of Des Moines Improvement lands shall issue, except on the written requisitions of the Commissioner thereof; and no patent shall issue for any other lands belonging to the State, except upon the written requisition of the person or persons specially charged with the custody of the same, or in pursuance of law: *Provided*, that all patents issued for any of the Des Moines River Improvement lands, shall contain the

Saving clause

following clause: "Nothing in this patent shall be construed into a warrant by the State against any claim or claims to said lands arising out of any pre-existing contract in relation to said lands, made or entered into by the State or any of its agents, nor as intended to interfere with any of the rights of any person or company, to any of said lands accruing by virtue of any law of this State, or any contract under the provisions of any of said laws.

Salary.

§ 9. The salary of the Register of the State Land Office shall be \$1000 per annum, and he is hereby authorized to employ a clerk in said office, by the advice and consent of the Governor of the State.

Clerk.

Business hours

§ 10. The State Land Office shall be kept open for business during business hours of every day, and shall have the personal attendance of the Register; the documents therein shall be subject to inspection, in the presence of the Register, by parties having an interest therein, and certified copies thereof, signed by the Register, shall be deemed *prima facie* evidence of the fact to which they relate, in all courts in the State, and they shall be furnished by the Register for a reasonable compensation, an account of

Inspection.

Copies.

which shall be kept, and the amount thereof paid quarterly into the treasury.

§ 11. The Governor and the Register and Receiver of the Land Office at Iowa City, acting as commissioners as aforesaid, shall have power to make all needful rules and regulations, not inconsistent with this act, for giving to the State Land Office a proper efficiency and correctness, and for rendering it a public convenience; and for this purpose they shall enter and sign their orders in this respect in a minute book, to be kept in said Land Office, and the orders so signed by a majority of them, shall be binding on the Register.

§ 12. This act to be in force from and after its publication in the Iowa Capital Reporter and Republican.

APPROVED January 25th, 1855.

I certify that the above act was published in the Iowa Capital Reporter and Iowa Republican, on the 9th day of February, 1855,

GEO. W. McCLEARY, Secretary of State.

CHAPTER 154.

ESCHEATS.

AN ACT to provide for the relinquishment of escheated lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That if any person within five years after an inquisition found vesting any lands in this State as an escheat, shall appear and claim said land vested in the State aforesaid, may file their petition in the District Court, as a Court of Chancery of the county where said claimed estate shall be, setting forth the nature of his claim, and praying that said estate may be relinquished to him.

§ 2. A copy of the petition shall be served on the At-Service.

Decree. torney General of said county, who shall answer: and the allegations and proof; and if it appear that the person is entitled to such claim, the Court shall decree accordingly, which shall divest the interest of the State in such estate; but no costs shall be adjudged against the State in such case.

Bar. § 3. All persons who fail to appear and file their petitions within the time limited, shall be forever barred, saving, however, to infants, maimed women, and persons of unsound mind, or persons beyond the limits of the United States, the right to appear and file their petition at any time within five years after their respective disabilities have been removed.

Sale, § 4 The General Assembly may cause such estate to be sold at any time after "inquest of office found," in such manner as may be provided by law, in which case the claimants shall be entitled to the proceeds in lieu of the real estate, upon obtaining a decree or order as aforesaid.

Who entitled. § 5. The following persons, and none others, shall be entitled to the benefits of this act: 1st. The children of the decedent, in equal portions among them, and the children of any deceased child shall take the share of their deceased parent. 2nd. If there are no children, then the father and mother, in equal portions, and if either father or mother be dead, then the survivor shall take the whole. 3rd. The brothers and sisters, if there be no parents or children, in equal portions, and the children of any deceased brother or sister, shall take the share of such deceased parent.

State. § 6. If none of the above be found, the lands shall escheat absolutely to the State.

Residents. § 7. None of the above named persons shall have the benefit of this Act unless they are residents of some one of the United States, and if a male over the age of eighteen years shall have filed his declaration of intention to become a citizen of the United States: *Provided, however,* that if

Non residents. any such person so residing without the United States, are infants, or of extreme old age, or are in extremely indigent circumstances, so that from any or either of these disabilities they could not become citizens of, or remove to, the United States, the Court shall, upon full proof of their disa-

bility, enter a decree as provided in the second section of this Act.

APPROVED January 25th, 1855.

I certify the foregoing Act was published by order of the Governor, in the Iowa Capital Reporter and Iowa Republican on the 14th February, 1855.

GEO. W. McCLEARY, Sec'y of State'

CHAPTER 155.

JUDGMENTS AND DECREES.

AN ACT providing for the more speedy enforcement of judgments and decrees.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That hereafter the judgments and decrees of all courts of this State, remaining unsatisfied, in whole or in part, at the death of any sole judgment plaintiff, may be prosecuted to execution and satisfaction as in the next section mentioned. Judgments and decrees.

† 2. That in all cases contemplated in the preceding section, the proper Clerk, Judge or Justice of the Peace, shall, upon application of the executor or administrator of such deceased plaintiff, and the filing a copy of his letters of administration or appointment as executor, certified by the proper county Judge, issue execution in the name of such executor or administrator, for the enforcement of such judgment, and the same shall be conducted to satisfaction, in the name of such executor or administrator, without the necessity of an order of substitution by any court. Execution to issue in the name of the Ex'r or Adm'

† 3. That when one of two or more plaintiffs in judgment dies, the survivor or survivors thereof, may, upon filing affidavit of survivorship, in the office of the proper Clerk, Judge or Justice of the Peace, have execution and satisfaction of any judgment remaining unpaid, in whole or in part, at the death of such co-plaintiff, in the name of such survivor or survivors. Surviving plaintiffs.

Take effect. § 4. This Act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and the Iowa Republican.

APPROVED January 25th, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter and Iowa Republican, January 31st, 1855,

GEO. W. McCLEARY, Sec'y of State

CHAPTER 156.

SWAMP LANDS.

A BILL to prevent trespass or waste on swamp, or other lands in the State of Iowa, and for other purposes.

Trespass.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whenever the county judge of any county shall become satisfied that trespass or waste, by cutting wood or carrying it away, or in any other manner, has been, within six months then past, or is then being committed on any swamp or overflowed lands, situate in, and belonging to, such county, and which have been properly selected according to law, and the returns thereof made to such county judge by the selecting officer, it shall be the duty of said county judge to issue a warrant to the sheriff of his county, or to some other officer directing said sheriff, or officer, to arrest and bring before him, forthwith, the person or persons charged in said warrant with having committed trespass or waste, as aforesaid, or any person then committing the same: *Provided,* that this section shall not be construed as authorizing a warrant for trespass to be issued against any person for cutting or carrying away wood on swamp or overflowed lands, which such person shall have entered at any United States land office, or against any person who has acquired a *bona fide* pre-emption right to any of said lands, under the subsequent provisions of this act.

Warrant.

Arrest.

Proviso.

Subpoena.

§ 2. It shall be the duty of the county judge, at the time of issuing said warrant, to issue a subpoena to any person or persons, who may be cognizant of trespass or waste com-

mitted in violation of this act, requiring such person or persons to appear before him forthwith, to testify in relation to the matter; which subpoena shall be served by the sheriff of the county, or some other officer, deputed by the county judge.

§ 3. On the appearance of the person or persons arrested ^{Tit. 1.} under said warrant, the county judge shall proceed to hear testimony in the case, and if the person so arrested shall be found guilty of having committed trespass or waste, contrary to the provisions of this act, he shall be adjudged to pay ^{Fine and im-} a fine, not exceeding one hundred dollars, and costs of suit, ^{prisonment.} or to be imprisoned in the county jail, for a period not exceeding sixty days, or to be both fined and imprisoned, at the discretion of said judge; *Provided*, that any person so arrested, shall be entitled to be tried by a jury of six disinter-^{Jury.}ested residents of the county, if he require it. And said judge shall have authority, in his discretion, to commit such persons to the county jail until the fine and costs adjudged against him shall be paid: *Provided*, his imprisonment shall not exceed, altogether, ninety days.

§ 4. All fines so inflicted shall inure to the use of the school ^{Fines, how} fund, and be paid to the person having charge of that fund ^{disposed of.} in the county, after deducting from the same the amount of costs which may have been paid by the county, in cases of failure, to sustain any previous action commenced under this act; and the costs in prosecutions under this act, shall be the same as the costs in similar prosecutions before a justice of the peace.

§ 5. It shall be the further duty of the county judge of ^{Mandate to} each county, whenever he may suspect that trespass or ^{prevent some-} waste has been committed, as mentioned in the first section ^{val of timber.} of this act, to issue his mandate to the sheriff of his county, or to some other officer therein, to restrain and prevent all persons from carrying away wood or timber, that may have been cut on any of the swamp or overflowed lands above specified; and to take possession of such wood or timber, and dispose of the same by public or private sale, at the discretion of the sheriff, or officer serving said writ, and return the proceeds thereof to the county treasurer.

Suit for damages.

§ 6. It is further made the duty of the county judge of the several counties, to sue for damages, in the name, and for the use of, their respective counties, in the proper district court, any person who shall have committed trespass or waste, in violation of the provisions of this act: *Provided*, that it shall be discretionary with said judges to proceed against such person either by criminal prosecution, or civil suit, as above provided, or both.

Trespass or waste.

Appeal

§ 7. Any person convicted of trespass or waste, before the county judge, as above specified, may take an appeal to the proper district court, by giving bond and security to the satisfaction of the county judge, in the usual penalty and condition, with the further condition that he will not, in the meantime, and until the decision of said district court in the matter, commit further waste or trespass as above specified.

All State lands.

§ 8. The foregoing provisions are extended to all school, university, or other lands belonging to the state, so far as the same may be applicable.

Pre-emption.

§ 9. Any person who shall have a *bona fide* claim, by actual settlement or improvement upon any of the swamp or overflowed lands in this State, which shall have been selected, and the returns thereof made to the county judge, as specified in the first section of this act; and any *bona fide* assignee of such person shall be allowed to enter the same by paying into the county treasury of the proper county the sum of one dollar and a quarter per acre therefor, as hereinafter provided: *Provided*, that such person, or his assignee, shall first prove such claim, before the proper county judge, within ninety days after the first day of March, 1855: *Provided, further*, that in any county in which the proper returns shall not have been made to the county judge thereof, by the selecting officer, such person shall have ninety days after the time at which said returns shall be made, wherein to prove his said claim.

Limitation.

Perfecting right of Pre-emption.

§ 10. Any person desirous of perfecting his said claim, and of receiving the benefit of a pre-emption right to any swamp or overflowed lands above specified, shall be entitled to the same, by proving his claim, within the time specified in the eighth section of this act, to the satisfaction of the

proper county judge, by any testimony which shall be satisfactory to said judge; and in case the claimant's right is contested by another, said judge shall appoint a day, when he will hear the evidence on both sides, and he shall make such decision in the case as he may deem right, and award costs in his discretion; and he shall give to the successful claimant a certificate of pre-emption: *Provided*, that no person shall receive a certificate for more than 160 acres of land, which may be situate in two distinct tracts, one to consist of prairie, and one of timber: *Provided*, that the timber tract shall not exceed 80 acres. The provisions of this, and the preceding section, are hereby extended to any person who shall hereafter acquire a *bona fide* claim, as above specified: *Provided*, he shall prove the same according to the provisions of this act, within sixty days after acquiring the same.

§ 11. The said certificate shall entitle the holder thereof to perfect his title to the land mentioned therein, whenever the proper returns of the Iowa swamp lands are made, so as to complete the title of the several counties thereto; and the several county judges shall give public notice thereof, and require the several claimants holding certificates, to pay the entrance money into the treasury of the proper county; whereupon said claimant shall be entitled to receive a patent for the land mentioned in their respective certificates.

§ 12. Any person feeling aggrieved by the decision of the county judge, under the ninth section of this act, may appeal therefrom to the district court of the proper county, which shall have final jurisdiction over the matter, and shall make such decision in the premises as justice and equity may require.

§ 13. The term of office of drainage commissioner in the several counties shall expire on the first Monday of April, A. D. 1857, at which time their successor shall be elected.

§ 14. All acts and parts of acts, in relation to swamp lands, inconsistent herewith, are repealed.

§ 15. This act to be published in the Iowa Capital Reporter and the Iowa City Republican, and to take effect from and after the first day of March, 1855.

APPROVED January 25th, 1855.

LAW OF IOWA.

I certify that the above and foregoing Act was published in the Iowa Capital Reporter and Iowa City Republican on the 31st day of January, 1855.
GEO. W. McCLEARY, Secretary of State.

CHAPTER 157

STATE LIBRARY.

AN ACT regulating the State Library.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the library of the State shall be in the care and custody of a Librarian appointed by the Governor, by and with the advice and consent of the Senate.

§ 2. The Librarian shall give bond to the State in the sum of five thousand dollars, for the faithful performance of his duties, for the preservation and safe delivery of all the property committed to his care, to his successor, or to the Governor, and for the faithful paying over of all moneys that may come into his hands from fines, forfeitures or otherwise, which bond is to be approved by the Governor, or in his absence, by the Secretary of State, and the bond filed in the Secretary's office.

§ 3. The Librarian shall have the custody and charge of all books, maps, charts, engravings, paintings, and all other things properly belonging to the library, or directed to be deposited therein.

§ 4. The library shall be kept open during the session of the General Assembly and of the Supreme Court at the seat of government, from nine to twelve o'clock in the forenoon, and from two to nine o'clock in the afternoon, and at other times during the afternoon of each Wednesday and Saturday.

§ 5. The compensation of the Librarian shall be an annual salary of one hundred and fifty dollars, payable quarterly from the State Treasury.

§ 6. No person shall be permitted to remove from the library any book or other property belonging thereto, except

the Governor, the Judges of the Supreme and District Courts, the Judges of the District Court of the United States, the United States District Attorney, the heads of the Departments of State, the members and officers of the General Assembly, and Attorneys of the Supreme Court during term times; but no one of said persons shall be allowed to take such books or property from the library without executing a receipt therefor, nor keep the same more than ten days at any one time.

§ 7. No books or other property shall be removed from ^{Prohibition.} the seat of government, and no person shall be entitled to take from the library more than two books at the same time: *Provided*, that during the terms of the Supreme Court of the State, or the Federal Court, the Judges and Attorneys ^{Attorneys.} may be permitted to take and use any number of books needed on the trial of causes: *Provided*, said books shall not be taken from the seat of government, and shall be returned according to law.

§ 8. If the Librarian shall permit or allow any person not ^{Librarian per-} authorized by this Act, to remove a book or other property ^{mitting books} from the Library, he shall be liable to pay a fine of ten dollars for every book or other article so taken, and it shall be the duty of the Governor to direct the strict enforcement of this penalty.

§ 9. Any person not authorized by this act so to do, who ^{Fine.} shall take a book or other property from the library, either with or without the consent of the Librarian, shall be deemed guilty of petit larceny, and shall be proceeded against ^{Larceny} and punished as is provided in the Code for such offences.

§ 10. It shall be the duty of the Librarian, before the ^{Catalogue} first day of April next, to prepare a complete alphabetical catalogue of the library, with the number of the books as described in the succeeding section, and report the same to the ^{Report.} Governor, who shall cause the same to be published for the use of the library.

§ 11. It shall also be the duty of the Librarian, before ^{Label} the said first day of April next, to cause each book in the Library to be labelled with a printed label, to be pasted on the inside of the cover, with the words "Iowa State Library,"

with the number of the volume in the catalogue of said library inscribed on said label, and also to write the same words at the bottom of the thirtieth page of each volume.

36th page.

§ 12. All books that may be hereafter added to the library, shall be labeled in the same manner, and entered on the catalogue immediately on their receipt and before they can be taken therefrom.

Injuring books
penalty.

§ 13. Any person injuring, defacing, destroying or losing a book, shall pay to the Librarian twice the value of the book, or if it shall be one of a set, he shall be liable to pay the full amount of the value of the set, and it shall be the duty of the Librarian to prosecute such person, upon such loss or injury coming to his knowledge: *Provided*, that if such person shall, within a reasonable time, replace the book so injured or lost, he shall not be liable to fine or prosecution under this section.

May replace.

Rules.

§ 14. The Governor, Secretary of State and Librarian shall adopt such further regulations consistent with the provisions of this Act as they see fit, for the preservation and management of the Library, and may prescribe forfeitures for the breach of such regulations, which regulations and forfeitures being posted one week in the library room, shall have the force and effect of law, and such forfeitures may be recovered in the name of the State, and shall be for the use of the Library.

Librarian to
report to Gov-
ernor.

§ 15. The Librarian shall report to the Governor, whenever called on, a list of books and other property missing from the Library, and account of fines and forfeitures imposed and collected, and the amount uncollected, a list of accessions to the library since the last report, and all other information in relation to the library that he may call for. He shall also make a full and specific report to the General Assembly on the first of its session.

Report to
General As-
sembly.

Books now
loaned.

§ 16. It shall be the duty of the Librarian to notify any person whose receipt or receipts for books or other articles in the library are now in his hands, that unless the books or articles receipted for are returned to the library before the first day of March next, he will proceed to collect from him

To be return-
ed before first
March.

or them the value of such books or articles, and the penalties of the law in such cases made and provided.

§ 17. On the said first day of March next, the Librarian shall return to the Governor and Secretary of State, a list of all persons whose receipts are unsatisfied, their places of residence, if known, the books received for, the date of receipts, and the answers received to the notifications of the Librarian, and the Governor and Secretary shall direct against what persons to institute legal proceedings.

Delinquents.

Legal proceedings.

§ 18. The Governor, Secretary of State and Librarian may determine what books and articles may be taken from the library, and what shall remain in the library for reference.

Reference.

§ 19. The room in which the library is kept, shall, in no case and under no circumstances, be appropriated or used for any other purpose so long as the library shall remain therein.

Library not to be used for balls.

§ 20. This Act shall be posted in conspicuous places in the library, and shall take effect upon its publication in the Iowa City newspapers.

Publication.

APPROVED January 25th, 1855.

The above Act was published in the Iowa City newspapers on the 31st day of January, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 158.

NOTARIES PUBLIC.

A BILL for an Act to amend Chapter 10 of the Code, in relation to Notaries Public.

SEC. 1. *Be it enacted by the General Assembly of the State of Iowa,* That on or before the 1st day of May next, every Notary Public then in commission in the State, shall have his commission recorded in the office of the Recorder of Deeds of his county.

Record of Commission

§ 2. Any Notary Public failing to comply with the provisions of the foregoing section shall be deemed removed from office from and after the said first day of May next.

Failure

After 1st May. § 3. Every Notary Public whose commission bears date after the said first day of May next, shall comply with the following conditions:

Bond. FIRST. Before entering upon the discharge of his official duties, he shall give bond to the State of Iowa, in the penal sum of five hundred dollars, conditioned for the true and faithful execution of the powers and duties of his office, with two or more sureties, to be approved on said bond by the Clerk of the District Court of the proper county.

Record: SECOND. On the approval of said bond by said Clerk, said Notary shall have his commission recorded by the Recorder of Deeds of his county, and shall pay to the Clerk of the District Court the sum of one dollar.

Fees. Commissioned § 4. Said Notary Public shall then be deemed commissioned, and not before.

Clerks' certificate. § 5. The Clerk of the District Court shall thereupon transmit to the Secretary of State, a certificate that said Notary Public is duly qualified, and specifying the date of his qualification, which certificate shall bear the signature of said Notary Public, and said Secretary is hereby required to file said certificate in his office, and to keep a book in which he shall enter the names of Notaries hereafter qualified, in the order in which the same are transmitted to him, with the name of the county and the date of qualification of each.

Signature. Filed. Penalty. § 6. Any Notary Public exercising the duties of his office after the expiration of his commission, or when otherwise disqualified, or appending his official signature to documents, when the parties have not appeared before him, shall be guilty of a misdemeanor, and be subject to a fine of fifty dollars for each offence, to be recovered before any Justice of the Peace of the county, and shall also be removed from office by the Governor.

Appointment in unorganized counties. § 7. The Governor of the State is hereby authorized to appoint one or more Notaries Public in any unorganized county, who shall qualify as herein before provided, in the county to which said unorganized county is attached for judicial purposes.

§ 8. Such provisions of chapter 10 of the Code, as conflict with the provisions of this act are hereby repealed.

§ 9. This act to be in force from and after its publication in the Iowa City newspapers.

APPROVED 25th January, 1855.

I certify the foregoing act was published in the Iowa City newspapers, Jan. 31st, 1855.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 159.

RAILROAD COMPANIES.

AN ACT to authorize railroad companies to consolidate their stock with the stock of railroad companies in this, or an adjoining State, and to connect their roads with the roads of said companies.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any railroad company heretofore organized, or that may hereafter organize under the laws of this State, shall have the power to intersect, join and unite their railroads, constructed, or to be constructed in this State, or in any adjoining State, at such point on the State line, or at any other point as may be mutually agreed upon by said companies. And such railroads are authorized to merge and consolidate the stock of the respective companies, making one joint stock company of the railroads thus connected, upon such terms as may be by them mutually agreed upon, and in accordance with the laws of the adjoining State, with whose road or roads connections are thus formed: *Provided,* that the consent of three-fourths of all the stockholders in amount in any road whose stock is proposed to be consolidated, shall so consent.

Consolidate
Stock.

Consent.

Extend m.

§ 2. Any railroad company heretofore, or which may hereafter be organized, under the laws of this State, for the purpose of constructing a railroad from any point within

Rights and
privileges.

the State, to the boundary line thereof, is hereby empowered to extend said railroad into, or through any other State, or States, under such regulations as may be prescribed by the laws of such State or States, or through which said road may be so extended; and the rights and privileges of said company, over said extension, in the construction and use of said railroads for the benefit of such company in controlling and applying the assets of said company, shall be the same as if their railroad had been constructed wholly within this State.

Contracts.

§ 3. That any railroad company heretofore organized, or which may hereafter be organized under the laws of this State, and which may have constructed, or commenced the construction of their road so as to meet and connect with any other railroad in an adjoining State, at the boundary line of this State, shall have the power to make such contracts and agreements with any such roads, constructed in an adjoining State, for the transportation of freights and passengers, or for the use of its said road as to the board of directors may seem proper.

Take effect.

§ 4. This act shall take effect from and after its publication in the Iowa Capital Reporter and Iowa Republican, published in Iowa City.

APPROVED 25th January, 1855.

I certify that the foregoing act was published in the Iowa Capital Reporter and Iowa Republican, Jan 31, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 160.

OMNIBUS ROAD BILL.

AN ACT to establish certain State Roads.

Commission-
ers.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That James B. Kelsey and Thomas B. Stone, of Linn county, and Harrison Bristol, of Benton county, be*

and they are hereby appointed commissioners to locate a State road from Cedar Rapids, in Linn county, *via* Bear ^{Cedar Rapids to Cedar Falls} Creek Mill and Vinton, in Benton county, and Waterloo, in Black Hawk county, to Cedar Falls, in Black Hawk county.

2. § That John McCurdy and George Gaston, of Fremont county, and H. H. Harding, of Mills county, be and they are hereby appointed commissioners to locate a State road from Sidney, in Fremont county, *via* Eliza Reaves' ^{Sidney to Glenwood.} farm and Taylor, in Fremont county, to Glenwood, in Mills county.

§ 3. That E. R. Evans and — McDonald, of Madison county, and T. B. Johnson, of Cass county, be and they are hereby appointed commissioners to locate a State road from Winterset, in Madison county, running thence west to Mid- ^{Winterset to Lewis.} dle River, and thence *via* the county seat of Adair county, to Lewis, in Cass county.

§ 4. That S. E. McCrackin, of Fremont county, Job Loy, of Page county, R. B. Lockwood, of Adams county, are hereby appointed commissioners to locate a State road from Sidney, in Fremont county, on the nearest and best route to Quincy, in Adams county. ^{Sidney to Quincy.}

§ 5. That Delos Arnold, of Marshall county, Silvers C. Wood, of Boone county, and William L. Birge, of Carroll county, be and they are hereby appointed commissioners to locate a State road from the town of Marietta, in Marshall county, *via* Nevada, Boonsborough, Jefferson and Mason's Grove, to the town of Ashton, in Monona county. ^{Marietta to Ashton.}

§ 6. That Jonas P. Wood, of Tama county, James W. Drain, of Hardin county, and Freeman Smith, of Linn county, be and they are appointed commissioners to locate a State road from Cedar Rapids, Linn county, *via* Wolf ^{Cedar Rapids to Eldora.} Creek Mill and Buckingham, in Tama county, to Eldora, in Hardin county.

§ 7. That John N. Harker, Isaac Spencer, and Paul Hanson, of the county of Muscatine, be and they are hereby appointed commissioners to locate a State road, commencing at Fairport, in said county, to the northeast corner of section one, township seventy-eight (78) north, of ^{Fairport to N. E. corner sec. 1, T 78, N. E.} Fairport, in said county, to the northeast corner of section one, township seventy-eight (78) north, of W.

range one (1) west, to run into a road at that point, running to Poston's Grove, in Scott county.

Commission- § 8. Mansel Wicks, of Shelby county, and Daniel Brown
ers. and Peter Brady, of Harrison county, be and they are here-
by appointed commissioners to locate a State road from
Ballard's Ballard's Bridge, in Audubon county, *via* Wicks' Grove' in
bridge to Cal- Shelby county, and Harris' Grove, to the town of Calhoun,
houn. in Harrison county.

Commission- § 9. That Isaac Ashton, and J. M. Wagenor, of Monona
ers. county, and Marshall Townsley, of the county of Wood-
bury, be and they are hereby appointed commissioners to
locate a State road from Sargeant's Bluffs, *via* the town of
Sargeant's Ashton, in Monona county, to the most suitable point on the
Bluffs to Litt' Little Sioux River, in Harrison county.
Sioux.

Commission- § 10. That M. D. L. Webb, of Benton county, Abram
ers. Tompkins, of Tama county, and A. D. Graham, of Cedar
county, be and they are hereby appointed commissioners to
locate a State road from Vinton, in Benton county, *via* To-
ledo, in Tama county, to Newton, in Jasper county.

Commission- § 11. That Ananias H. Peugh and Charles Hillis, of
ers. Van Buren county, and Bushrod Cravens, of Davis county,
be and they are hereby appointed commissioners to locate
a State road, commencing at a point on the road from
Points. Wood's Mill, in Van Buren county, between the east and
west halves of the southwest quarter of section 19, in town-
ship 68 north, of range 11 west, thence running south one
mile, thence on an angle of 45 degrees to the county line,
thence south to the Missouri State line.

Commission- § 12. That Jonathan Hamaker and Landen M. Tim-
ers. monds, of Marion county, and William C. Drake, of Lucas
county, be and are hereby appointed commissioners to
locate and establish a State road, commencing at Bellfoun-
tain, in Mahaska county, by Attica and Gosport, in Marion
to Toledo. county, to Chariton, in Lucas county, Iowa.

Commission- § 13. That Andrew Stein, of Benton county, John Ross
ers. and David Bruner, of Tama county, be and are hereby ap-
pointed commissioners to locate and establish a State road
Cedar Rapids commencing at Cedar Rapids, in Linn county, through the
to Toledo.

county of Benton, by the most direct and feasible route, to Toledo, the county seat of Tama county.

§ 14. That Charles Meigan and Joseph Myers, of Washington county, and Silas Tufts, of Muscatine county, be and are hereby appointed commissioners to locate and establish a State road, commencing at Richmond, in Washington county, to the city of Muscatine, in Muscatine county.

Commission-
ers.
Richmond to
Muscatine.

§ 15. That E. S. Norris, Thomas McCabe and Anthony Simpson, of Dubuque county, be and they are hereby appointed commissioners to review and establish that portion of the military road running between O'Ferrall furnace and Dirty Hollow, to the residence of Thomas McCabe, in said county.

Commission-
ers.

To relocate.

§ 16. That so much of the territorial road leading from Dubuque to Fort Atkinson, as lies within the village of Tivoli, in Dubuque county, be and the same is hereby vacated and discontinued from and after the passage of this act.

Vacated.

§ 17. That Jonathan F. Stratton, Elisha Beard and Elias G. Congers, of Appanoose county, be and they are hereby appointed commissioners to locate a State road from Centreville, in Appanoose county, to the Missouri State line, near John Dillin's farm, to meet the State road that runs through the county of Putnam, in the State of Missouri, at said State line.

Commission-
ers.

Centreville to
Mo. line.

§ 18. That Granville Berkley and William F. Snell, of the county of Webster, and Marshall Townsley, of Woodbury county, be and they are hereby appointed commissioners to locate a State road from the town of Homer, in Webster county, *via* Fort Dodge, Ida Grove and Lizard Point, to Sargeant's Bluffs, in Woodbury county.

Commission-
ers.

Homer to Sar-
geant's Bluffs.

§ 19. That A. P. Rosa, of Winneshiek county, John L. Carson, of Fayette county, and Jared Nutting, of Fayette county, be, and they are hereby appointed commissioners, to locate a State road from Johnson's landing on the Mississippi river, in the county of Alamakee, thence westerly to the village of Rossville, thence to the south quarter stake between sections one and twelve, in township seven north, of range six west, thence west passing J. T. Atkin's farm, and

Com'rs.

Johnson's
landing on
Mississippi.
West to S. R.

connecting with the State road recently established to the northern boundary of the State, in the county of Winneshiek.

Com'rs. § 20. That Jeremiah Bradshaw and Thomas B. Johnson, of Cass county, and Thomas Seely, of Guthrie county, be, and they are hereby appointed commissioners, to locate a State road from Bear Grove, in Guthrie county, via. Highland Grove and Doty Grove, to Iranistan, in Cass county.

Bear Grove to Iranistan.
Com'rs Fort Des Moines to Newton. § 21. That Simon Doran, Antony Yant and L. G. Case, of Polk county, be, and they are hereby appointed commissioners, to locate a State road from Fort Des Moines, by way of Frelinger's Grove, to Newton, in Jasper county.

Com'rs. § 22. That Julius A. Carpenter and Robert M. Wilson, of Mahaska county, E. P. Cone, of Monroe county, are hereby appointed commissioners to locate and establish a State road, commencing at Wilson's ferry, on the Des Moines river, Mahaska county, thence by way of Hamilton, Marion county, Wilson's Mill, Monroe county, Chartion, Lucas county, Garden Grove and South Independence, in Decatur county, and thence to the Missouri State line, in the direction of St. Joseph, in Missouri; said road to be located on county roads running between the several points aforesaid, if, in the judgment of the said commissioners, the same can be done, having due regard to the interests of the State and the people residing on the route.

Wilson's ferry Mo. line.
On county road.
Com'rs. § 23. That Daniel S. Prine and John C. Straughan, of Mahaska county, and William J. Lyon, of Poweshiek county, are hereby appointed commissioners to locate and establish a State road, commencing at Montezuma, thence to McDowell's Mill, on north Skunk river, thence to Granville, in Mahaska county, and thence to Pella, in Marion county.

Montezuma to Pella.
Com'rs. § 24. That James L. Roberts and Marting Polling, of Mahaska county, Trulove Sparks, of Jasper county, and —, are hereby appointed commissioners to locate and establish a State road, commencing at Alpha Mills, in Mahaska county, thence to Granville, thence to or near Arnold's Mill, in Jasper county, thence to Timber Creek Grove, in Marshall county, thence to Marietta, the county seat of said county of Marshall.

Alpha's mills to Marietta.
Com'rs. § 25. That John Newell, of Mahaska county, D. Conger,

of Monroe county, and John Vance, of Wapello county, be, and they are hereby appointed commissioners, to locate and establish a State road, commencing at the town of Albia, in Monroe county, thence to John Berry's, in Mahaska county, and thence to Gerard's Ford, on the Des Moines river. Albia to Gerard's ford.

§ 26. Fielding Betts and Harvey Cruzen, of Mahaska county, and David Edmunds, of Jasper county, are hereby appointed commissioners to locate and establish a State road, commencing at the Nine Mile House, north-west of Oskaloosa, in Mahaska county, thence to Warren's Mill, on Skunk river, thence in the direction of Newton, by Walnut Grove, to intersect the State road leading from Pella to Newton. Nine Mile house to intersect.

§ 27. That Asa C. Call, of Kossuth county, Granville Berkley, of the county of Webster, and Wm. Williams, of Fort Dodge, be, and they are hereby commissioners to locate a State road from Fort Dodge, in Webster county, to the county seat of Kossuth county, thence in the direction of the great bend of the St. Peter's river, to the north line of the State of Iowa. Fort Dodge to great bend of St. Peters.

§ 28. That John T. Barrack, of Bremer county, ——— Thompson, Esq., of Hardin county, and Cornelius Beal, of the county of Boone, be, and they are hereby appointed commissioners to locate a State road from Cedar Falls, in Black Hawk county, via. Hardin City, in Hardin county, and New Castle, in Webster county, to Fort Dodge. Cedar Falls to Fort Dodge.

§ 29. That William P. Hammon, of Bremer county, Samuel Sufficool, of Buchanan, and O. P. Harwood, of Floyd county, be and they are hereby appointed commissioners to locate a State road from the town of Independence, in Buchanan county, via. Barclay, in Black Hawk county, and Waverly, in Bremer county, crossing the Cedar river at the last mentioned point, thence up the west side of said river, via. St. Charles and Floyd Center, to the State line, in Mitchell county. Independence to State line.

§ 30. That Jesse Hull and John Dobkins, of Boone county, and John Zenor, of Story county, be, and they are hereby appointed commissioners to locate a State road from Nevada, in Story county, on the nearest and best route to the town of Rapids, in Boone county. Nevada to Rapids.

Com'rs to
meet.

§ 31. That the commissioners above appointed to locate each respective road, or a majority of them, shall meet on the first Monday in April, A. D. 1855, or within nine months thereafter, at the first point mentioned in each proposed road, or some other point, if agreed upon, and taking to their assistance a surveyor and the necessary chainmen and markers, and after having been sworn to the faithful discharge of their duties respectively, shall proceed to perform the same according to law.

Compensation

§ 32. The commissioners, surveyors and hands to be paid as provided by the law in such cases made and provided; but the State shall, in no case, be liable for any part of the expenses incurred in the location of said roads.

State not lia-
ble.

Take effect

§ 33. This Act shall take effect from and after its publication in the Iowa City papers, and all other Acts in relation to roads passed at the present session, shall be once published in the Iowa City papers

APPROVED January 24th, 1855.

I certify that the foregoing Act was once published in the Iowa City papers, on the 28th day of February, 1855. "And all other Acts passed at the present session" have likewise been published once in said papers.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 161.

REPORTER.

AN ACT to provide for the appointment of a Reporter of the decisions of the Supreme Court, and for other purposes.

Court to ap-
point reporter.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be, and hereby is made, the duty of the Supreme Court to appoint some competent person, who shall not be a member of said Court, to report the decisions of said Court, who shall hold his office for and during the term of the Judges by whom he was appointed, unless removed for misconduct in office, by a majority of said Judges.

§ 2. That the said Reporter shall have access to the files Access to the files. of said Court, and the right to take therefrom, for the purpose of preparing the decisions for publication, any papers on file in said Court, upon executing a receipt therefor to the Clerk of said Court: *Provided, however,* that all such papers shall be subject to the order of said Court during the time said Court is in session.

§ 3. That upon the decision of any cause by said Court, File opinions it is hereby made the duty of the Judges thereof, to file with the Clerk, their opinion in said cause, in writing, and no cause shall be deemed decided until the opinion is filed with the Clerk of said Court.

§ 4. That when the Judges of said Court shall deem it Advisement necessary to take a cause under advisement, the cause shall stand continued until the next term of said Court, and it shall be the duty of the said Judges during the first week of the next ensuing term of said Court, to announce their decision and file their opinion in said cause.

§ 5. That it shall be the duty of the Reporter of said Reporter's duty. Court to publish reports of its decisions as fast as practicable, and that for the purpose of securing the speedy publication of the said reports, it is hereby made the duty of the Governor to subscribe and take, in behalf of and for the use of Governor to subscribe. the State, two hundred copies of each volume, at five dollars per copy; *Provided, however,* that each volume shall contain at least six hundred and fifty pages, including the necessary table of cases, indexes, &c.

§ 6. That the title of said reports shall be "Iowa Re- "Iowa Re-ports." ports," and numbered in the order of publication, and shall contain full reports of all the causes decided in said Supreme Court.

§ 7. That the Reporter of the Supreme Court, appointed Manner of reporting. under the provisions of this Act, shall report only the decisions of the Judges by whom he is appointed, and each cause reported shall contain proper marginal notes, index, &c., together with the points relied upon by counsel, and a full brief of the authorities cited by counsel; and that it is hereby made the duty of the present Reporter of said Court, Duty of present reporter. (George Greene, Esq.,) to publish the decisions made by the

LAWS OF IOWA.

said Court prior to the commencement of the term of the present judges thereof, without delay, and the subsequent volumes published by said Reporter, shall correspond with the provisions of this Act; and that it is hereby made the duty of the Governor to subscribe for two hundred copies of said reports upon the same terms and conditions as is herein before provided in section five of this Act.

Order on Au-
ditor. :

§ 8. That upon the receipt by the Secaetary of State of the copies of said reports subscribed for under the provisions of this Act, or any part thereof, it is hereby made the duty of the Governeor to draw an order upon the Auditor of State for the price of said reports so delivered, and that it shall be the duty of the Auditor of State, upon the presentation of said order, to audit and allow the same, and issue his warrant on the Treasurer of State for the amount thereof.

Repeal.

§ 9. That all Acts or parts of Acts contravening the provisions of this Act, be, and the same are hereby repealed.

Take effect.

§ 10. That this Act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

APPROVED January 25th, 1855.

I certify that this act was published in the Iowa Capital Reporter and Iowa Republican, January 31st, 1855.

GEO. W. McCLEARY, Sec'y of State

 CHAPTER 162.

TAXES.

AN ACT to amend sections 492 and 498 of the Code.

No demand
necessary.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 492 of the code, shall be, and is hereby amended, so as to read as follows: "No demand of taxes shall be necessary, but it is the duty of every person subject to taxation to attend at the office of the Treasurer at some time during the four months named, and after the 15th day of September, and pay his taxes; and if any

Payment.

one neglects to pay it before the first day of January, following the levy of the tax, the Treasurer is directed to make the same by distress and sale of his personal property, excepting such as is exempt from taxation, and the tax list above shall be sufficient warrant for such distress." And the county Treasurer is hereby authorized to appoint one or more deputies to aid and assist in collecting the taxes thus to be made by distress and sale.

§ 2. Section 498 of the code shall be, and the same is hereby amended so as to make it the duty of the Treasurer, in publishing the notice of the sale of real estate for taxes, to describe each tract about to be offered for sale by him.

§ 3. This act to be in force from and after its publication in the Iowa City newspapers.

APPROVED January 25, 1855.

I certify that the foregoing Act was published in the Iowa City newspapers, February 14th, 1855.

GEO. W. McCLEARY, Sec. of State.

CHAPTER 163.

DISBURSEMENT.

AN ACT in relation to disbursing officers, and agents.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all cases where any appropriation has heretofore been made, or shall hereafter be made, as a contingent fund for any office, or officer, it shall be the duty of the person, or persons, disbursing said contingent fund, to open, and keep an account with said fund, showing when, to whom, and for what, said contingent fund has been expended, and to take and preserve receipts, for all funds, or amounts expended by him or them, as aforesaid.

§ 2. In all appropriations heretofore made, or hereafter to be made, for any purpose, and to be expended for said State, under the direction or supervision of any person, or

Disbursed. persons, charged therewith, it shall be the duty of said person, or persons, to open an account with said fund, showing when, to whom, and for what, the same, or any part thereof, has been expended, and take and preserve receipts for all services, thus paid out by them.

Report. § 3. The person, or persons, mentioned in the preceding sections, shall make report to each session of the Legislature, of the manner, to whom, and when, said moneys were by them paid out or expended.

Liquidation. § 4. No person above mentioned shall be credited with any expenditure as aforesaid, unless expended in the manner contemplated by the law making such appropriations, nor unless he preserves proper receipts, or vouchers for each sum paid, as above mentioned.

Recovered. § 5. All such sums, not accounted for, as above mentioned, may be recovered by the State from the person, or persons, charged therewith, together with fifty per cent. damages on the same.

Damages.

APPROVED January 25, 1855.

Published by direction of the Governor, on the 28th February, 1855. in the Iowa City papers.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 164.

INQUISITION.

AN ACT to authorize the appointment of Commissioners to settle with State Officers and others.

Commissioners. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be three Commissioners selected in the manner hereinafter specified, whose duty it shall be, to examine and report the accounts, and condition of the following officers, to wit: Secretary of State, Auditor of State, Treasurer of State, Superintendent of Public Instruction, and the contingent funds heretofore set apart for all of

Contingent funds.

the officers of State, or others exercising authority under the State, to whom contingent funds have been granted, how and for what said contingent funds expended.

§ 2. Said Commissioners shall consist of the Governor of ^{Appointment.} this State, who shall be President of said Board, one to be appointed by the Speaker of the Senate, and the other by the Speaker of the House.

§ 3. Said Commissioners are hereby empowered through ^{President may} their President, to administer oaths, issue subpoenas, to send ^{administer} for persons, and papers, fine and punish for contempts to ^{oaths.} said board, while in session, issue attachment to compel the ^{Subpoena wit-} attendance of witnesses, and also as a board to do all other ^{nesses.} things necessary to carry out the objects of this act. ^{Fine and im-} prison.

§ 4. Said Commissioners shall have access to all of said ^{Have access} offices, and to all of the books, papers, files, moneys, etc., in ^{to offices.} said offices, which may be deemed by them necessary for a full discharge of their duties as a Board.

§ 5. Said Commissioners shall report their proceedings ^{Report to Leg-} to the next General Assembly, and also when said report is ^{islature.} completed, shall cause three thousand copies of the same to be printed in pamphlet form, and distributed to the different ^{Publish and} counties of this State. ^{distribute.}

§ 6. Said examination shall embrace a full account of ^{All state offi-} each of said offices, from the organization of the State Gov- ^{ces from be-} ernment, down to the present time, and of the different offi- ^{ginning.} cers while filling or discharging the duties of said office.

§ 7. Said Commissioners shall make rules and regula- ^{Make rules for} tions for the keeping of the books, papers, accounts, etc., of ^{keeping books} the different officers, cause such rules and regulations to be ^{etc.} printed, and said officers shall thereafter observe said rules and regulations.

§ 8. If at any time the Governor shall be absent from ^{President pro} the sessions of said Board, the senior Commissioner shall ^{tem.} act as President, and be, during such absence, vested with all the powers herein conferred on said Governor, as President ^{Powers.} of said Board.

§ 9. Each of said Commissioners shall be entitled to re- ^{Per diem.} ceive out of any money in the Treasury not otherwise appro-

priated, the sum of three dollars per day, for each day's attendance on said Board.

APPROVED January 24th, 1855.

Published by direction of the Governor, Feb. 21, 1855, in the Iowa City papers.

GEO. W. McCLEARY, Secretary of State.

CHAPTER 165.

FREE BRIDGE.

AN ACT to create a Board of Commissioners, with authority to erect a Free Bridge across the Cedar River, at Cedar Rapids, in Linn county,

Names of
Commissioners

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That John M. May, Frederick A. Williams, and Gabriel Carpenter, be, and are hereby appointed, and constituted, a Board of Commissioners, to receive voluntary subscriptions, in trust, for the erection of a free bridge across Cedar river, at Cedar Rapids, in Rapids township, Linn county; with a draw of not less than forty feet in said bridge, for the free passage of boats and other crafts navigating said river.

Bonds.

§ 2. Before proceeding to collect and expend any money subscribed for said free bridge, the said Board of Commissioners shall, for the protection of each and all subscribers for such bridge, and to secure the faithful execution of the trusts created by this act, execute a bond or bonds in the aggregate penalty of not less than twenty thousand dollars, to be approved by the county judge of Linn county, and filed in the office of said judge, and by him to be surrendered to said Board, to be cancelled when the trusts herein created are, in the opinion of said judge, fulfilled by said Board of Commissioners.

Location.

§ 3. Said Commissioners, or a majority of them, shall locate said bridge, at such point on Cedar river, in Rapids

township, Linn county, as will, in their judgement, best combine convenience for citizens and travellers, safety of such bridge from high water and otherwise, and economy in the expense of erecting bridge said and draw.

§ 4. The said Board of Commissioners shall proceed **Subscriptions.** within ninety days from the time of commencing to collect subscriptions, that may be made towards building such bridge, to the construction thereof, and shall have two years in which to complete said bridge, after the work of construc- **Construction.** tion is commenced. And as the work progresses, said board shall publish reports at intervals of not more than ninety days, **Report.** stating the amount collected, in what manner expended, and the progress of the work. The said Board, or any member thereof, shall not be entitled to any compensation whatever, for executing the trusts herein created, from any subscription made and collected for the purpose of erecting such bridge.

§ 5. Said Board of Commissioners shall have the right **Vacancy.** to fill vacancies that may occur in their number, and their number may be increased to five, should a majority of the Board so elect: *Provided*, that the person so elected to fill vacancies, or to increase the number of members of the Board, shall, before entering upon the duties of such Commissioners, file a bond or bonds, as provided for in the second section of this act.

§ 6. On the completion of such bridge, the said Board **Deliver up.** of Commissioners shall deliver it to the proper town or city officers, having charge of roads and bridges in said township, whereupon, said bridge shall become a Free Bridge, **Free.** and public property.

§ 7. This act shall take effect and be in force from and **Take effect.** after its passage

APPROVED January 25th, 1855.

CHAPTER 166.

STATE AGRICULTURAL SOCIETY.

AN ACT affording aid and patronage to the State Agricultural Society.

Appropriation SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That the State Agricultural Society, organized at Fairfield, on the 28th day of December, 1853, be, and the same is hereby authorized to draw from the State Treasury, in aid of its operations, the sum of one thousand dollars per annum, until otherwise provided for, and it shall be the duty of the Auditor of State, to issue his warrant upon the call of the President of said Society, for such sums as may be designated in said call, not exceeding, however, in the aggregate, said sum of \$1,000 00 per annum.*

Report. § 2. That the State may be advised of the manner in which said sum may be expended, it shall be the duty of the President and Secretary to report to the regular sessions of the General Assembly, for what purposes, and in what manner said money has been expended, and the said President of said Society may use out of this year's appropriation, a sum not exceeding \$100 00 to defray the balance due on **Expense 1854** the expenses of said Society, for the year 1854.

APPROVED January 22, 1855.

I certify that the foregoing Act was published in the Iowa Capital Reporter Feb. 14, and Iowa Republican Feb. 21, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 167.

WILLIAM TUCKER.

AN ACT to legalize the acts of William Tucker as Notary Public in Chickasaw county, Iowa.

Whereas, William Tucker, of Chickasaw county, Iowa, was, Preamble.
on the 24th day of January, 1853, appointed a Notary Public in and for said county, by Stephen Hempstead, then Governor of Iowa; and whereas, the said county of Chickasaw was, at the time of said appointment, unorganized; and whereas said William Tucker, under the authority of the said commission of Notary Public, has transacted Notarial business. Therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all official acts of said William Tucker, performed under or by the authority of said Notarial commission, be, and the same are hereby declared legal and binding in law and equity as fully as though the said county of Chickasaw had been legally organized at the time of said appointment of said William Tucker to the office of Notary Public. Acts legalized

§ 2. All acts and parts of acts coming in conflict with this act, are hereby repealed. Repeal

§ 3. This act shall take effect and be in force from and after its publication in the Iowa Republican, a newspaper published in Iowa City, in the State of Iowa. Take effect.

APPROVED January 25th, 1855.

I certify that the foregoing act was published in the Iowa Republican. January 31st, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 168.

FREE BRIDGE.

AN ACT to amend an act, entitled "An Act to create a Board of Commissioners, with authority to erect a free bridge across the Cedar river, at Cedar Rapids, in Linn county, approved January 25th, A. D. 1855.

Commence
work.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 4, of the act entitled "An Act to create a board of commissioners, with authority to erect a free bridge across the Cedar river, at Cedar Rapids, in Linn county," approved January 25th, A. D. 1855, be, and is hereby so amended, as to require the board of commissioners therein named, to commence the erection of said free bridge within nine months from the passage of said act, otherwise the authority therein granted shall cease and become void.

In 9 months.

APPROVED January 25th, 1855.

CHAPTER 169.

APPROPRIATIONS.

AN ACT making additional appropriations for the support of the State Government for the fiscal years 1855 and 1856.

Appropriation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the following sums of money be, and the same are hereby, appropriated for newspapers furnished the House of Representatives, as follows :

Newspapers,	To Ballard & Lathrop, of Republican,	\$595 50
	" Sylvester & Harrison, of Reporter,	610 50
	" Publishers of the Express and Herald,	80 00
	" " Iowa Observer,	10 50
	" " Fairfield Ledger,	6 00
	" " Fairfield Sentinel,	1 50
	" " Valley Whig,	43 50

To publishers of the	Dubuque Tribune,	64 00
"	" Linn County Register,	3 50
"	" Jackson County Press,	1 50
"	" Davenport Banner,	4 00
"	" Oskaloosa Herald,	6 50
"	" Cedar Co. News Letter,	2 50
"	" Davenport Gazette,	65 50
"	" Muscatine Journal,	50 00
"	" Iowa State Gazette,	47 00
"	" Muscatine Enquirer,	3 00
"	" Burlington Telegraph,	18 00
"	" Wapello Intelligencer,	1 50
"	" Free Democrat,	7 50
"	" Western Gazette,	1 50
"	" Burlington Hawkeye,	12 00
"	" Plain Dealer,	11 50
"	" Keokuk Dispatch,	6 50
"	" Council Bluff Bugle,	3 00
"	" Cedar Falls Banner,	3 50
"	" Eddyville Free Press,	1 50
"	" Clinton Mirror,	3 50
"	" Jackson County Press,	3 00
"	" Maquoketa Sentinel,	1 50
"	" Anamosa News,	3 00
"	" Western Friend,	1 00
"	" Dubuque Observer,	5 00
"	" Clayton Co. Herald,	5 50
"	" Independent Press,	5 50
"	" Cedar Valley Times,	5 50
"	" Washington Argus,	1 00
"	" Cedar Co. Advertiser,	2 50
"	" Des Moines Courier,	6 50
"	" Albia Independent Press,	50

To the State Library, for its increase and improvement, State Library.
to be appropriated as follows :

For law books,	400 00
" miscellaneous works,	500 00
" binding,	100 00
	<hr/> 1,000 00

Penitentiary	To State Penitentiary contracting, 18 additional cells,	4,140 00
	do for beds and furniture for cells,	200 00
	do for building hospital, with a view of using hereafter as workshop,	2,000 00
Postage.	Wm. Vogt, P. M., for postage account for H. R. from 6th Dec. 1854 to 18th Jan., 1855, inclusive,	757 04
Gold pens.	A. W. Carpenter, for pens, etc., bill,	140 00
Maps.	Henn, Williams & Co., for 70 maps, bill,	52 50
Sundries.	L. B. & A. O. Patterson, for sundries, bill,	169 85
Sundries.	Branberry & Redhead, for sundries,	89 70
Chairs.	Chas. Gaymond, for chairs,	30 00
Sundries.	C. A. Robbins, for sundries,	30 22
	Peter Roberts, for desk, etc.,	37 00
	Seydell & Bixbey, for sundries,	21 70
	J. Pattee, sundries,	6 15
Carpeting.	H. W. Fyfe, for carpeting, etc.,	220 40
Sundries.	F. Sanxy, for sundries,	3 55
	A. P. Scott, for work on Senate Chamber,	2 00
	Hart & Love, for sundries,	58 83
	Wm. Lee, for 2 maps and paste,	6 50
Carpeting.	Marshman & Cochran, for brushes,	50
	J. Powell & Bro., for carpeting, etc., per bill,	149 87
Expenses.	Geo. W. McCleary, Sec'y of State, for sundry expenses over contingent fund,	400 00
Indexing.	The chief Clerk of the House of Representatives, for indexing House Journal,	100 00
Distributing journals.	The chief Clerk of the House of Representatives, for distributing the journals of the House of Representatives,	400 00
Fireman.	John Reintz, for chopping wood 50 days,	100 00
Fireman.	Joseph Dungan, for services as fireman, etc., in State offices,	75 00
	Sydell & Bixbey, for repairs of stoves,	1 40
	Beals, Green & Co., for advertising,	25 00
Services.	Israel Kister, as State agent, for 47 day's services, selecting saline lands,	141 00
U. Fund.	M. L. Morris, for receiving and disbursing \$19,-055 27 of University fund, at 1 per cent.,	190 55

W. W. Hamilton, for cash advanced to procure transcripts on swamp lands,	30 00	Fees.
For amount due the contractors for completing the work shop of the State Penitentiary,	1,500 00	Penitentiary.
For hospital expenses for the Penitentiary for the years 1855 and 1856,	200 00	
For a Chaplain for do.,	200 00	
For amount of present indebtedness of the State Penitentiary,	342 46	
For the general support of the State Penitentiary for the fiscal years 1855 and 1856,	3,000 00	
Peter Daggy, for 267 plats or diagrams for use of Superintendent of Public Instruction,	277 00	Plats.
Joint Committee to visit and examine the State Penitentiary,	189 75	Spending holidays.
Rev. L. B. Dennis, Chaplain to the House of Representatives,	100 00	Salary.
Wm. Vogt, P. M., for additional postage bill, or so much thereof as may be accounted for to the Auditor of State,	200 00	Postage.
C. A. Robbins, for executive seal,	2 00	
To Franklin & Lovlace, table and case of pigeon boxes,	12 20	
To Thomas Cavanaugh, clerk hire, stationery, etc.,	22 50	State agent.
To C. Robbins, for pens, stationery, etc.,	62 80	Gold pens.
To R. M. Burnett, for Jefferson's Manuals,	15 60	Parliamentary
To S. W. Marquardt, for pens,	6 00	Gold pens.
To Hart & Love, for one bucket,	1 00	
To D. H. & O. Startzman, for pens (stationery),	22 85	Gold pens.
To L. B. & A. Patterson, for ink, paper, etc.,	5 00	Ink.
To Paul C. Jeffries, for removing records of Supreme Court from Ottumwa to Iowa City,	16 00	
To Wm. Vogt, post master at Iowa City, for postage of members to Jan. 18th,	510 32	Postage.
To E. K. Rugg, for maps,	6 25	Maps.
To Wm. H. Morsman, for contingent expenses as agent in selecting 500,000 acres grant of land,	25 00	State agent.
To E. C. Lyon, on Auditor's warrant, No. 3,	100 80	Certificate
To John Rewlein, for services as fireman, 8 days,	12 00	No. 3.

Certificate No. 4 and 5.	To M. L. Morris, on Auditor's warrant, No. 4 and 5,	302 87
	To John Shook, for Code returned,	2 50
	To Nathan S. Beemis, for taking depositions by order of committee,	2 00
Salary.	To Rev. Mr. Shearer, for services as chaplain,	100 00
	E. Vanmetre, for two days' services as Secretary of the Senate, and mileage,	16 00
Volunteers.	To Dubuque City Guards, compensation in late Indian difficulty,	784 96
War.	To H. C. Lacy, for services in late Indian difficulties,	25 00
	To Wm. Lee, for maps and paste for use of Senate,	22 75
	To Wm. Vogt, for translating Governor's message,	50 00
Certificate No. 6.	To John B. Middleton, on Auditor's warrant No. 6,	99 89
Certificate No. 7.	To Hiram Watts, on Auditor's warrant No. 7,	127 09
Bailiff.	To A. Hensworth, as bailiff to Supreme Court,	10 00
Bailiff.	S. B. Mulholland, as bailiff to Supreme Court,	78 00
Officers.	To George as Hampton, for extra services as Clerk of Supreme Court,	111 40
Per diem.	To Thomas Hughes, as Secretary 22 days, at \$4 per days,	88 00
	To James M. Walters, as Secretary 17 days, at \$4 per day,	68 00
	To D. M. McIntosh, Enrolling Clerk 54 days, at \$4 per day,	216 00
	To Charles Ware, as Sergeant-at-Arms 54 days, at \$3 per day,	162 00
	To F. Thompson, as Fireman 54 days, at \$2 per day,	108 00
	To E. Baldwin, as Fireman 54 days, at \$2 per day,	108 00
	To E. Sangster, as Messenger 54 days, at \$2 per day,	108 00
	To H. G. Curtis, as Assistant Messenger 54 days, at \$2 per day,	108 00
	To John Templin, as Assistant Messenger 54 days, at \$2 per day,	108 00
	To A. P. Scott, as Fireman pro tem. 5 days, at \$2 per day,	10 00
	To B. P. Rankin, as Secretary 54 days,	200 00
Indexing. Dist. journals.	To B. P. Rankin, for indexing, superintending printing, and distributing Journals of the Senate,	400 00

To P. B. Bradley, as Assistant Secretary of the Senate,	Per diem.	300 00
To Mahony & Dorr, for translating Governor's Inaugural,	Translating.	50 00
For additional postage,	Postage.	200. 00
To editor of Wapello Intelligencer, for one copy of weekly, at 50 cents per copy,	Newspapers.	50
To editor of Linn County Register, for one copy of weekly, at 50 cents per copy,		50
To editor of Burlington Telegraph, for 17 copies daily, at \$1 per copy,		17 00
To editor of Cedar Valley Times, for 1 copy weekly at 50 cents per copy,		50
To editor of Ottumwa Courier, for 1 copy of weekly at 50 cents per copy,		50
To editor of Cedar Falls Banner, for one copy of weekly, at 50 cents per copy,		50
To editor of Dubuque Tribune, for 25 copies of daily at \$1 per copy,		25 00
To editor of St. Mary's Gazette, for 1 copy of weekly, at 50 cents per copy,		50
To editor of Burlington Gazette, for 12 copies tri-weekly, at \$1 per copy,		12 00
To editor of Davenport Banner, for 3 copies weekly, at 50 cents per copy,		1 50
To editor of Council Bluff Bugle, for 10 copies semi-weekly, at 75 cents per copy,		7 50
To editor of Muscatine Enquirer, for 4 copies weekly, at 50 cents per copy,		2 00
To editor of Dubuque Observer, for 4 copies daily, at \$1 per copy,		4 00
To editor of Cedar County Advertiser, for 1 copy weekly, at 50 cents per copy,		50
To editor of Des Moines Republican, for 1 copy weekly, at 50 cents per copy,		50
To editor of Mount Pleasant Observer, for 10 copies weekly, at 50 cents per copy,		5 00
To editor of True Democrat, for 4 copies weekly, at 50 cents per copy,		2 00

To editor of Burlington Hawkeye, for 7 copies tri-weekly, at \$1 per copy,		7 00
To editor of Oskaloosa Herald, for 18 copies weekly, at 50 cents per copy,		9 00
To editor of Oskaloosa Times, for 3 copies weekly, at 50 cents per copy,		1 50
To editor of Free Press, for 3 copies weekly, at 50 cents per copy,		1 50
To editor of Fairfield Sentinel, for 4 copies weekly, at 50 cents per copy,		2 00
To editor of Fairfield Ledger, for 3 copies weekly, at 50 cents per copy,		1 50
To editor of Fort Des Moines Star, for 6 copies weekly, at 50 cents per copy,		3 00
To editor of Iowa City Republican, for 216 copies of tri-weekly Republican, at \$1 per copy, \$216 00		
For 8 copies weekly, at 50 cents, " 4 00		
		220 00
To editor of Iowa Capital Reporter, for 286 copies tri-weekly Reporter, at \$1 per copy, \$286 00		
For 13 copies weekly, at 50 cts., " 6 50		
		292 50
To editor of Des Moines Valley Whig, for 26 copies daily Whig, at \$1, \$26 00		
For 1 copy weekly, at 50 cents, 50		
		26 50
To editor of Express and Herald, for 39 copies daily at \$1, \$39 00		
For 2 copies tri-weekly, at 50 cents, 1 00		
		40 00
To editor of Fort Madison Plain Dealer, for 14 copies weekly, at 50 cents,		7 00
To editor of Muscatine Journal, for 19 copies tri-weekly, at \$1 per copy,		19 00
To editor of Democratic Union, for 2 copies weekly, at 50 cents per copy,		1 00
To editor of Clayton Herald, for 1 copy of weekly, at 50 cents per copy,		50
To editor of Washington Argus, for 1 copy of weekly, at 50 cents per copy,		50

To editor of Western Gazette, for 4 copies of weekly, at 50 cents per copy,	2 00
To editor of Keokuk Dispatch, for 8 copies of weekly, at 50 cents per copy,	4 00
To editor of Davenport Gazette, for 16 copies daily, at \$1 per copy,	16 00
To editor of Maquoketa Sentinel, for 15 copies of weekly, at 50 cents per copy,	7 50
To editor Jackson County Press, for 1 copy weekly, at 50 cents per copy,	50
To editor of Albia Independent Press, for 1 copy of weekly, at 50 cents per copy,	50

APPROVED January 25th, 1855.

CHAPTER 138.

SWAMP LAND MONEY.

AN ACT providing for the collection of money due to the State of Iowa, from the Government of the United States, arising from the disposition of the Swamp Lands, and for selecting the Swamp Lands, and securing the title to the same.

SEC. 1. *Be it enacted by the General Assembly of the State* ^{Governor to} *of Iowa,* That the Governor be, and he is hereby authorized ^{draw money.} and empowered, to draw from the Treasury of the United States, all moneys which may now be due, or which may hereafter become due to the State of Iowa, arising from any disposition of the Swamp Lands of this State by the Government of the United States: *Provided,* that after said money shall have been transferred to the Treasurer of this State, the Governor, Auditor, and Secretary of State, shall constitute a Board with power to ascertain what amount of said money ^{Board.} is due to any of the counties of this State for Swamp Lands sold by the Government of the United States, since said

lands were granted to and became the property of said counties, and said Board shall certify to the State Treasurer the result of their investigation; and the moneys so ascertained to be due to the counties aforesaid, shall remain in the Treasury subject to the draft of the Treasurers of the said counties.

Payment.

Deposit.

§ 2. That the Governor is hereby required to cause said moneys to be deposited in the Treasury of this State.

Selection of
swamp lands.

§ 3. That the Governor is hereby authorized to adopt such measures as to him may seem expedient, to provide for the selection of the Swamp Lands of this State, and to secure to the State the title to the same, and also for the selection in the name of the State, other lands, in lieu of such Swamp Lands as may have been or may hereafter be entered with warrants: *Provided*, that the provisions of this act shall not be construed to apply to any Swamp Lands which have already been selected by any organized county of this State under the provisions of any previous law: *And provided further*, that this Act shall not be construed to impair the rights of the counties of this State to any Swamp Lands within said counties under the provisions of any law in force in relation to the same, and that the selections made by the organized counties shall be reported by the Governor to the authorities at Washington.

Proviso.

APPROVED January 25th, 1855.

JOINT RESOLUTIONS.

RESOLUTION No. 1.

PENITENTIARY.

JOINT RESOLUTION to pay over certain moneys.

Resolved by the General Assembly of the State of Iowa, Treasurer to
That the Treasurer of State is hereby directed to pay over ^{pay over.}
to the Warden of the Iowa Penitentiary, to be applied in
payment of debts contracted by Richard Quinton, former
Warden of said Penitentiary, certain moneys in his hands,
which have been collected by, and paid over to him, by the
Attorney General; said money having been collected from ^{Money col-}
the securities of Richard Quinton, late Warden of the Peni- ^{lected.}
tentiary, as the said money collected was a portion of an ap- ^{Quinton's se-}
propriation for the Penitentiary. ^{curities.}
^{Penitentiary.}

§ 2. The Auditor of State is hereby directed to draw his ^{Warrant.}
warrant upon the State Treasurer, in favor of the Warden ^{Warden.}
of the Penitentiary, for one hundred and eighty dollars, the
amount collected and paid over to the State Treasurer by
Attorney General Cloud, as the proceeds of a balance due ^{Balance due}
the Penitentiary from Richard Quinton and securities. ^{Pen.}

APPROVED 10th January, 1855.

RESOLUTION No. 2.

MAIL FACILITIES.

JOINT RESOLUTION to procure additional mail facilities.

- Instructions.** *Resolved by the General Assembly of the State of Iowa,*
That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure additional mail facilities in this State, as follows: From Delhi, in Delaware county, to Quasqueton, in Buchanan county, by coach, three times a week.
- Delhi to Quasqueton.**
- Coaches.**
- Copies.** *Resolved,* That the Secretary of State be requested to forward copies of this resolution to our Senators and Representatives, and to the Post Master General.
- APPROVED 14th, January 1855.

RESOLUTION No. 3.

MISSISSIPPI RAPIDS.

JOINT RESOLUTION asking aid of Congress to improve the Rock Island and Des Moines Rapids of the Mississippi.

- Preamble.** *Whereas,* The people of Iowa, of Upper Illinois, of Wisconsin, and of Minnesota Territory, yearly suffer immense losses in property, and are put to great costs and charges in their course of travel and commerce, by and in consequence of the obstructions in the Mississippi river known as the Rock Island and Des Moines Rapids:
- And, whereas,* the work done on these Rapids for the improvement of navigation, through and over the same, during the present year, has demonstrated the feasibility and ease with which a channel may be cut through said Rapids, of equal depth of the River in other points.
- Instruction.** *Resolved,* That our Senators in Congress be instructed,

and our Representatives be requested, to use their influence with energy, to procure from Congress an immediate appropriation for the continuation of the work on said Rapids, Appropriation and the improvement of the channel through and over the same.

Resolved, That the Governor of this State be requested to forward copies of this Joint Resolution, to our Senators and Representatives in Congress, and to the Senators and Representatives of the Several States and Territories included in the valley of the Mississippi, and ask their assistance in procuring the said appropriation herein prayed for. ^{Governor send copies.}

APPROVED 11th January, 1855.

RESOLUTION No. 4.

COLLEGE GREEN.

JOINT RESOLUTION in relation to a certain lot of land in Iowa City.

Whereas, The Iowa Female Collegiate Institution have expended a large sum of money in the partial erection of a College edifice on the west half of — block of ground in Iowa City, known and designated on the plat of said city as College Green, to which block it appears that the State had some title, as well as the grantors of said Institution, therefore,

Resolved, by the General Assembly of the State of Iowa, That the Secretary of State be, and he is hereby directed, to execute a deed conveying all the right, title and interest which the State has to the west half of said block, to said Female Collegiate Institute, without covenants of warrantee. ^{De ed.}

APPROVED 11th January, 1855.

JOINT RESOLUTIONS.

RESOLUTION No. 5.

MAIL FACILITIES.

JOINT RESOLUTION asking Congress for additional mail facilities.

Instruction. *Resolved by the General Assembly of the State of Iowa,* That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure additional mail facilities in this State, as follows :

Muscatine to Sigourney. 1st. From Muscatine to Oskaloosa, via. Columbus City, Washington and Sigourney, in coaches, six times a week.

Oskaloosa to Council Bluffs 2nd. From Oskaloosa to Council Bluffs, via. Knoxville, Indianola, Winterset and Lewis, in coaches, six times a week.

Oskaloosa to Montezuma. 3rd. From Oskaloosa to Montezuma, via. Union Mills, on horseback, once a week.

Requisition. Delegation in Congress. *Resolved,* That the Secretary of State be required to forward a copy of these resolutions to our Senators and Representatives in Congress, and to the Post Master General.

APPROVED 13th January, 1855.

RESOLUTION No. 6.

MAIL FACILITIES.

JOINT RESOLUTION asking Congress for additional mail facilities.

Instruction and request. *Resolved by the General Assembly of the State of Iowa,* That our Senators be instructed, and our representatives in Congress requested, to use their influence to procure additional mail facilities in the State of Iowa, as follows :

Bloomfield to Iconium and Chariton. From Bloomfield, via. Drakeville, in Davis county, to Unionville, Moravia and Iconium, in Appanoose county, to Chariton, in Lucas county, in post coaches, three times a week.

Requisition. *Resolved,* That the Secretary be required to forward cop-

ies of this resolution to our Senators and Representatives, and to the Post Master General.

APPROVED 13th January, 1855.

RESOLUTION No. 7.

MAIL FACILITIES.

JOINT RESOLUTION for additional mail facilities.

Resolved by the General Assembly of the State of Iowa, Instruction & That our Senators be instructed, and our Representatives be request. requested, to use their influence to procure a tri-weekly mail Tri-weekly. from Independence, in Buchanan county, via. Janesville and Independence to Osage. Waverly, in Bremer county, Bradford, in Chickasaw county, St. Charles, in Floyd county, to Osage, in Mitchell county. Forward cop- ies

Resolved, That the Secretary of State forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

APPROVED 13th January, 1855.

RESOLUTION No. 8.

MAIL FACILITIES.

JOINT RESOLUTION for increased mail facilities.

Resolved, by the General Assembly of the State of Iowa, Instructions & request. That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to procure Keokuk to Io- the establishment of a mail route from Keokuk, in Lee wa City. county, via Charleston, Salem, Mt. Pleasant and Crawfordsville, to Iowa City, in Johnson county; and also, that a tri- Tri-weekly. weekly mail in hacks or coaches, be ordered on said route.

Resolved, That the Secretary of State be required to

JOINT RESOLUTIONS.

Requisition on Secretary. send a copy of these resolutions, to our Senators and Representatives in Congress, and also the Post Master General.
 APPROVED January 13, 1855.

RESOLUTION No. 9.

MAIL FACILITIES.

JOINT RESOLUTION, asking for additional mail facilities.

Instruction request. * *Resolved, by the General Assembly of the State of Iowa,*
 That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the following additional mail facilities in the State of Iowa, to wit:

Dixon, Ill., to Lyons, Iowa, daily.
 1. From the town of Dixon, Illinois, via Fulton City to Lyons, Iowa, daily, in post coaches.

Lyons to Davenport.
 2. From Lyons, via Camanche, to Davenport, daily, in post coaches.

Lyons to Iowa City.
 3. From Lyons, via De Witt, Tipton, and Gower's Ferry, to Iowa City, three times a week, in post coaches.

Requisition to Sec. of State. * *Resolved,* That the Secretary of State be required to forward a copy of these resolutions to our Senators and Representatives in Congress, and to the Post Master General.

APPROVED 13th January, 1855.

RESOLUTION No. 10.

MAIL FACILITIES.

JOINT RESOLUTION for additional mail facilities.

Instructions request. * *Resolved by the General Assembly of the State of Iowa,*
 That our Senators in Congress be instructed, and our Repre-

representatives requested, to use their influence to procure additional facilities in this State, as follows :

1. From Fort Des Moines, in Polk county, via Boone, Ft. Des Moines, Adel, and McKay, in Dallas county, Panora and Bear Council Bluffs Grove, in Guthrie county, to Council Bluffs, in Pottawattamie county, twice a week, in two horse coaches. Tri-weekly.

2. From Winterset, in Madison county, via Allen and Pa-nora, in Guthrie county, to Jefferson, in Green county, once a week, on horse back. Winterset to Jefferson.

3. From McKay, in Dallas county, via Panora, in Guthrie county, via the county seats of Audubon, Shelby and Harrison counties, to Sargeant's Bluffs, in Woodbury county, twice a week, in two horse coaches. McKay to Sargeant's Bluffs.

4. From Panora, in Guthrie county, via Caplin's Grove, in Carroll county, Galland's Grove, in Crawford county, to Sargeant's Bluffs, in Woodbury county, once a week, on horse back. Panora to Sargeant's Bluffs.

Resolved, That the Secretary of State be required to furnish each of our Senators and Representatives in Congress, and the Post Master General of the United States, with a copy of these resolutions. Requestion to Secretary.

APPROVED 13th January, 1855.

RESOLUTION No. 11.

REPORT.

JOINT RESOLUTION in relation to the State University.

Resolved by the General Assembly of the State of Iowa, That the Trustees of the State University be respectfully requested to report as soon as practicable, the condition and prospects of the University, and especially their plan for establishing Professorships ; also, the sum they expect to pay to the President and Professors of the same, and such other information as they may deem proper. Trustees. Report. Condition & prospects. Professorships Salary of Pres

APPROVED 13th January, 1855.

RESOLUTION No. 12.

MAIL ROUTES.

JOINT RESOLUTION for Mail Routes.

Resolved, By the General Assembly of the State of Iowa,
 That our Senators be instructed, and our Representatives in Congress be requested to use their influence to procure the following mail routes, viz : from Fort Des Moines, in Polk county, by the way of Winterset, in Madison county, Quincy, in Adams county, Clarinda, in Page county, Sidney, in Fremont county, to Nebraska City, in Nebraska Territory, with post coaches on the same twice a week.

Resolved, That the Secretary of State be directed to transmit a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

APPROVED 15th January, 1855.

Instruction and request.

Influence.

Mail route.

Coaches.

Direction to Secretary.

RESOLUTION No. 13.

MAIL FACILITIES.

JOINT RESOLUTION asking additional mail facilities in the interior of the State of Iowa,

Resolved, by the General Assembly of the State of Iowa, That our Senators and Representatives in Congress be instructed and requested to use their influence to procure additional mail facilities in this State, as follows, to wit :

1st. From Fort Des Moines, via Leming's Point, in Dallas county, Hornbuckle's Point, Kinney's Mill and Carson's Point, in Boone county, to Fort Dodge, in two horse coaches, once a week.

2d. From Fort Des Moines, via Nevada, Minerva Grove Henry Grove, and Eldora, to Cedar Falls, in Black Hawk county, in two horse coaches, once a week.

Instructed and requested.

Capital to Dodge.

Capital to Cedar Falls.

Coaches.

3d. From Marengo, in Iowa county, via LeGrand, Marshall, Marietta and Eldora, to Homer, in Webster county, semi-weekly, in two horse coaches. Marengo to Homer.
Coaches.

4th. From Newton, in Jasper county, via Nevada and Smithville, to Homer, in Webster county, once a week, in two horse coaches. Newton to Homer
Coaches.

5th. From Cedar Rapids, in Linn county, via Vinton, Toledo, Marshall, Marietta, Nevada and Boonsboro, to Jefferson, in Green county, semi-weekly, in two horse coaches. Cedar Rapids to Jefferson.
Coaches.

6th. An increase of service to a tri-weekly mail, in four horse coaches, on route No. —, from Fort Des Moines, via Taylorsville, Polk City, Hopkins' Grove, Rapid, Belle Point, Boonsboro, Bridgeport and Homer, to Fort Dodge. Increase.
From Capital to Homer.

7th. From Cedar Falls, in Black Hawk county, via Hardin City, in Hardin county, and Newcastle, in Webster county, to Fort Dodge, in two horse coaches, once a week. Cedar Falls to Fort Dodge.
Coaches.

8th. From Fort Dodge, via Lizard Point and Ida Grove, to Sargeant's Bluffs, in Woodbury county, in two horse coaches. Fort Dodge to Sargeant's Bluffs.
Coaches.

9th. *Resolved*, That the Secretary of State be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress. Request.

APPROVED 18th January, 1855.

RESOLUTION No. 14.

MAIL FACILITIES:

JOINT RESOLUTION asking additional mail facilities.

Resolved, by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives requested, to use their influence to procure additional mail facilities, as follows: Instructions.
Additional mail facilities.

From Chariton, in Lucas county, by way of Oceola, in Clark county, and Afton, in Marion county, to Glenwood, in Mills county, three times a week, in two horse coaches. Chariton to Glenwood.
Coaches.

APPROVED 18th January, 1855.

RESOLUTION No. 15.

MAIL FACILITIES.

JOINT RESOLUTION for additional mail facilities.

- Instruction.** *Resolved, by the General Assembly of the State of Iowa, That*
- Influence.** our Senators be instructed, and our Representatives in Congress be requested, to use their influence with the Post Office Department at Washington, to procure the carrying of a daily mail on the route from Dubuque to Iowa City, via Cascade, Anamosa, Marion and Cedar Rapids; and also a daily mail on route —, from Davenport, via Tipton, Mount Vernon and Marion, to Cedar Rapids, upon both of which routes a daily stage is now being run by the stage company.
- Daily Mail.** Dubuque to Iowa City.
- Also.** Davenport to Cedar Rapids.
- Requested to forward.** *Resolved, That the Secretary of State be requested to forward a copy of the foregoing to our Senators and Representatives in Congress.*

APPROVED 18th January, 1855.

RESOLUTION No. 16.

JOHN BROWN.

JOINT RESOLUTION relative to the claim of John Brown, as Commissioner to locate a permanent Seat of Government.

- Allowed.** *Resolved by the General Assembly of the State of Iowa, That*
- \$292 70.** John Brown be allowed the sum of two hundred and ninety-two dollars and seventy cents, as a balance on per diem as Commissioner appointed to locate a permanent Seat of Government of the State of Iowa, under an Act approved Feb. 22nd, 1847, and for monies by him paid on lots purchased
- As Commissioner.** Monroe City. Paid for lots.

at the sale of lots in said Seat of Government, and that the said sum of two hundred and ninety-two dollars and seventy cents, is hereby appropriated out of any money, not otherwise appropriated, in the hands of the Treasurer of State, to pay the same: *Provided*, before he shall be paid anything under this Resolution, he shall relinquish to the State all claim which he has to lots in Monroe City, and restore the State as fully as when he purchased said lots, to her title in the same.

APPROVED January 18, 1855.

RESOLUTION No. 17.

MAIL ROUTE.

JOINT RESOLUTION for the establishment of a Mail Route from Maquoketa, in Jackson county, to Colesburg, in Delaware county.

Resolved, That our Senators be instructed, and Representatives be requested, to use their influence to procure the establishment of a Mail Route from Maquoketa, in Jackson county, via Canton, the house of Thomas McNeely, in Jones county, Cascade, and Rockville, to Colesburg, in Delaware county, and to procure semi-weekly service thereon by two horse coaches; and that the Secretary of the State, forward copies of the foregoing Resolution to each of our Senators and Representatives in Congress.

APPROVED January 19th, 1855.

JOINT RESOLUTION.

RESOLUTION No. 18.

HOMESTEAD.

JOINT RESOLUTION asking Congress for a grant of Land to actual settlers for a Homestead.

Delegation in Congress. *Resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to procure the passage of a law, granting to actual settlers a Homestead, consisting of not less than one hundred and sixty acres of public lands.*

Procure a law For a Homestead. 1-4 section.

APPROVED January 18th, 1855.

RESOLUTION No. 19.

MAIL FACILITIES.

JOINT RESOLUTION for additional Mail Facilities.

Instruction. *Resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress, be requested, to use their influence to procure a Mail route from Newton, in Jasper county, by Red Rock, Knoxville, and Gosport, in Marion county, to Chariton, in Lucas county, three times a week.*

Mail route. Newton to Chariton.

Tri-weekly.

Directed to forward.

Resolved, That the Secretary of State be directed to forward a copy of this Resolution to each of our Senators and Representatives in Congress.

APPROVED January 20th, 1855.

RESOLUTION No. 20.

FOR BRIDGES AND DAMS.

JOINT RESOLUTION relative to constructing Bridges and Dams across certain rivers.

Resolved, by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to procure the passage of an Act, authorizing the construction of Bridges and Dams across Cedar and Wabesepinicon rivers, and Bridges across the Iowa river. Delegation in Congress.
Law to dam and bridge.

Resolved, That the Secretary of State, be, and he is hereby, requested to transmit to each of our Senators in Congress, a copy of this Resolution. Secretary for ward.

APPROVED January 20th, 1855.

RESOLUTION No. 21.

MAIL FACILITIES.

JOINT RESOLUTION to procure additional mail facilities.

Resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested to use their influence, to procure increased mail facilities, on the route from Mt. Pleasant, Henry county, via Trenton, Deedsville, Brighton, and Richland, to Oskaloosa, in Mahaska county; so as to have the mail conveyed three times week, in hacks or coaches. Instruction.
increase.
Mt. Pleasant to Oskaloosa.
Tri-Weekly.

Resolved, That the Secretary of State be instructed to send a copy of these resolutions to our Senators and Representatives, in Congress and to the Post Master General. Secretary instructed to forward to Del. in Congress.

APPROVED 22d January, 1855.

JOINT RESOLUTIONS.

RESOLUTION No. 22.

MAIL FACILITIES.

JOINT RESOLUTION to procure additional mail facilities.

Instruction. *Resolved by the General Assembly of the State of Iowa,*
That our Senators in Congress be instructed, and our Representatives be requested to use their influence to procure additional mail facilities, in this State, as follows:

Additional mail facilities. To consolidate the mail route from Mt. Pleasant, in Henry county, Iowa, to Brighton, in Washington county, Iowa, and the mail route from said Brighton to Oskaloosa, in Mahaska county, Iowa, into one route from said Mt. Pleasant to said Oskaloosa by way of Trenton, Dædsville, Brighton, Clay, Rutland, Steady Run, Butler and Fremont, and establish the same as a tri-weekly route; leaving said Mt. Pleasant at noon, on Wednesday and Friday of each week; also, to increase the mail service from Knoxville, in Marion county, to Bloomfield, in Davis county, so as to carry the mail in coaches, twice a week between said points; and that the Secretary of State be required to forward copies of this resolution to our Senators and Representatives, and to the Post Master General.

APPROVED 23d January, 1855.

RESOLUTION No. 23.

MAIL FACILITIES.

JOINT RESOLUTION to procure additional mail facilities.

Delegation instructed. *Resolved by the General Assembly of the State of Iowa,*
That our Senators in Congress be instructed, and our Representatives be requested, to use their influence to procure additional mail facilities in this State, as follows: From

To procure.

Oskaloosa, in Mahaska bounty, via Wilson's Ferry on the Add'l mail & Des Moines River, and Hamilton, in Marion county, Ander-
cities.
 son C. Wilson's Mill, in Monroe county, and thence in direct line to Chariton, in Lucas county; by carrying the mail on Weekly horseback, once in each week.

And that the Secretary of State be required to forward Secretary of State require copies of this resolution to our Senators and Representatives to forward. and to the Post Master General.

APPROVED 23d January, 1855.

RESOLUTION No. 24.

BOUNTY LANDS.

JOINT RESOLUTION to procure additional appropriations in lands for the benefit of the soldiers of 1812.

Resolved by the General Assembly of the State of Iowa, Instruct ion.
 That our Representatives are hereby instructed to use their influence to procure additional appropriations in lands for Procure land the benefit of the soldiers of 1812.

Resolved, That a copy of this resolution be forwarded to Copies for our several Representatives in Congress. warded.

APPROVED 23d January, 1855.

RESOLUTION No. 25.

LOST WARRANTS.

PREAMBLE AND JOINT RESOLUTION relative, to the re-issue of certain Auditor's Warrants.

Whereas, On the 21st day of August, 1851, the Auditor Ja. Sloan of State issued to, and in the name of, James Sloan, the

JOINT RESOLUTIONS.

following numbered Warrants, to wit: 4079, 4080, 4081, 4082, and 4083, each for the sum of ten dollars : *And whereas*, the said warrants, and the indebtedness thereby created, have been transferred to one Cornelius Voorhies : *And whereas*, said warrants have been lost, not presented for payment, and have not been paid ; therefore,

Be it resolved by the General Assembly of the State of Iowa, That the Auditor of State be, and he is hereby authorized and required, to issue other Warrants of the same numbers, and amounts, in the place of those so lost, in the name of said Cornelius Voorhies : *Provided*, that the payment of either the original, or such duplicate Warrants, shall bar the payment of the other.

APPROVED 23d January, 1855.

RESOLUTION No. 26.

MAIL FACILITIES.

JOINT RESOLUTION for the establishment of a mail route.

Resolved by the General Assembly of the State of Iowa, That our delegation in Congress be requested to procure the passage, during the present session of Congress, of an act establishing a mail route from Independence, Buchanan county, via Camp Creek, Nautrile, to Janesville, in Bremer county.

Also, that they be requested to urge on the Post Master General, the propriety of establishing a weekly mail, in two horse post coaches, on said route, after the same is established by Congress.

APPROVED 24th January, 1855.

RESOLUTION No. 27.

MAIL FACILITIES.

JOINT RESOLUTION for additional mail facilities.

Resolved by the General Assembly of the State of Iowa, Mail route.
 That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the following new mail routes, viz: From Bear Grove in Guthrie county, via Ballard's Bridge on the East Nishanabotany river, Indian creek, in Cass county, Wooster, on West Nishanabotany river, in Pottawattamie county, Allen's Mill, on Big creek, to Council Bluffs, in Pottawattamie county; and for additional mail facilities from Fort Des Moines, in Polk county, to Bear Grove, thence on the above mentioned new route to Council Bluffs.

Bear Grove to
Council BluffsCapital to
Argenta Bluffs

APPROVED 24th January, 1855.

CHAPTER No. 28.

MISSOURI WAR.

JOINT RESOLUTION to Congress, asking an appropriation for services rendered and supplies furnished the United States Marshal.

Whereas, several years since, certain citizens of Iowa were called out by the Governor of the Territory, upon a demand made by the Marshal, and were organized and officered by a United States military officer, and said men, under said requisition, did turn out, and spend their time, and use their means, in the service of the United States, to repel a supposed invasion of the Territory of Iowa, by armed citizens of the State of Missouri; for which services rendered, and money expended, no compensation has been received; No pay, therefore,

Preamble.

Service.

JOINT RESOLUTIONS.

Resolved, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence for the passage of an act giving said citizens a reasonable compensation for said services and means furnished, and that the Secretary of State be required to forward to each of our members of Congress a copy of the above resolution.

APPROVED 24th January, 1855.

RESOLUTION No. 29.

MAIL FACILITIES.

JOINT RESOLUTION asking Congress for additional mail facilities.

Resolved, by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to procure additional mail facilities in the State of Iowa, as follows :

From Iowa City, through North Bend, via Henderson Mills, Monroeville, in Johnson county, and Dutch Colony, in Iowa county, and Hickory Grove, in Benton county, and to Toledo, the county seat of Tama county, thence by Bruner's Mills, to the county seat of Hardin county, once a week.

Resolved, That the Secretary of State be requested to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress.

APPROVED 24th January, 1855.

RESOLUTION No. 30.

MAIL FACILITIES.

JOINT RESOLUTION asking for the establishment of a mail route from De Witt, via Grand Mound and Toronto, to Tipton.

Mail route.

Be it Resolved, by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives requested, to use their influence to procure the establishment of a mail route from De Witt, Iowa, via Grand Mound and Toronto, to Tipton, in Cedar county, Iowa.

De Witt to Tipton.

Secretary forward.

Resolved, That the Secretary of State be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

APPROVED 24th January, 1855.

RESOLUTION No. 31.

OCEAN POSTAGE.

JOINT RESOLUTION to Congress to reduce Ocean postage.

Delegation.

Resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested to use their influence in procuring the passage of a law reducing the rate of Ocean postage with all foreign countries, to the lowest sum practicable, and that the Secretary be required to forward a copy of this resolution to each of our Senators and Representatives, and to the Post Master General.

Reduction of Postage.

Forward.

APPROVED 24th January, 1855.

RESOLUTION No. 32.

PATENTS.

A RESOLUTION instructing our Senators and Representatives in Congress to use their influence to prevent the renewal of expired patents for reaping and mowing machines.

- Resolved by the General Assembly of the State of Iowa,*
- Delegation instructed. That our Senators be instructed, and our Representatives in Congress requested, to use all honorable means to prevent any renewal by Congress, of the expired patents formerly granted to Cyrus H. McCormick, More and Hascall, or Obed Hussey, for reaping and mowing machines, as such extension would operate to the great detriment of the agricultural interest of this State.
- Oppose.
- Re-issue.
- Forward. *Resolved,* That the Governor be requested to forward to each of our Senators and Representatives in Congress, a copy of the foregoing resolutions.
- APPROVED, January 24th, 1855.

RESOLUTION No. 33.

WEIGHTS AND MEASURES.

JOINT RESOLUTION authorizing the Governor to receive from the Superintendent of Weights and Measures, at Washington City, any balances for the adjustment of weights and capacity measures, as may be due this State by act of Congress.

- Governor order. *Resolved by the General Assembly of the State of Iowa,* That the Governor of this State be, and he is hereby authorized, to order from the Superintendent of Weights and Measures at Washington City, any and all balances for the adjustment of standard weights and capacity measures as may be ready for delivery to this State, under act of Con-
- Receive payment.

gress, and that he be authorized to receive the same, to be safely kept until otherwise ordered by the General Assembly.

Resolved, That the Auditor of State be, and he is hereby instructed, to draw his warrant upon the Treasurer of State for such sum as may be necessary to pay for the transportation and storage, to be paid out of any funds not otherwise appropriated.

APPROVED January 24th, 1815.

Published in the Iowa City papers Feb. 28, 1855.

GEO. W. McCLEARY, Sec'y of State.

RESOLUTION No. 34.

MAIL FACILITIES.

JOINT RESOLUTION asking Congress for additional mail facilities.

Resolved by the General Assembly of the State of Iowa, That our Senators be instructed, and our Representatives in Congress be requested, to use their influence to procure additional mail facilities in the State of Iowa, as follows: Delegation instructed to procure.

1st. From Burlington, in Des Moines county, via. Augusta, Denmark, Fort Madison, Franklin and Primrose, in Lee county, to Farmington, Van Buren county, from Farmington to Bloomfield, in Davis county, and from thence to Centerville, in Appanoose county, in four horse coaches, six times a week. Burlington to Centerville.

2nd. From Farmington, Van Buren county, via. Bonaparte, Bentonsport, Winchester and Birmingham, to Fairfield, in Jefferson county, in two horse coaches, six times a week. Farmington to Fairfield.

Resolved, That the Secretary of State be requested, to forward a copy of the foregoing resolution to each of our Senators and Representatives in Congress. Sec'y to forward.

APPROVED 24th January, 1855.

RESOLUTION No. 35.

COLONIZATION.

JOINT RESOLUTION on the subject of African Colonization.

Preamble.

Whereas, the American Colonization Society is now struggling with serious difficulty, in the accomplishment of their well-known benevolent object—the civilization and christianization of Africa, and building up a home for the colored population of the United States—in consequence of the irregular and meagre facilities for transportation between the coast of Africa and the United States:

Commence.

And whereas, the opening commerce of Liberia, and the other colonies on the coast of Africa, are now inviting our attention as a source of profit:

Slave Trade.

And whereas, notwithstanding the stringent laws now in existence in the United States against the slave trade, are, to a very great extent powerless, in consequence of the inability of the colonies on the African coast to protect themselves—therefore, be it

Instructions to
our delegation
in Congress.

Resolved, by the Senate and House of Representatives of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the immediate establishment of a regular line of steamers, to be employed in the trade between the coast of Africa and the United States.

Line of steam-
ers.

Copies

Resolved, That a copy of the foregoing preamble and resolutions be furnished to each of our Senators and Representatives in Congress.

APPROVED January 24th, 1855.

RESOLUTION No. 36.

ASYLUMS

JOINT RESOLUTION relative to Asylums for the Blind, and Deaf and Dumb.

Resolved, by the General Assembly of the State of Iowa, Proposals.
That the Governor and Secretary of State be, and they are hereby authorized to receive proposals, and examine locations and lands with a view to the permanent establishment of Asylums for the Blind, and Deaf and Dumb, and receive Sites. deeds for the point or points selected by them, and report Selection. Deeds. their action to the next General Assembly.

APPROVED 25th January, 1855,

Published in the Iowa City papers, February 28, 1855.

GEO. W. McCLEARY, Sec. of State.

RESOLUTION No. 37.

PROTECTION OF INTERCOURSE BETWEEN THE ATLANTIC AND PACIFIC STATES, BY AN OVERLAND ROUTE.

JOINT RESOLUTION of the General Assembly of the State of Iowa, concerning the protection of Settlers and Emigrants between the Mississippi Valley and the Pacific Ocean, including the establishment of Postal and Telegraphic correspondence across the American Continent.

WHEREAS, The alarming increase of robberies and murders Preamble. perpetrated on travellers and settlers by the Indian tribes between the Missouri River and the Pacific Ocean, added to the difficulties ordinarily incident to the journey across the vast regions between those points, renders it indispensable that immediate measures should be taken by the Federal Government, to protect at least one line of travel between the Mississippi or Missouri, and the Pacific, by proper distribution of troops for guarding against the outrages and horrors to which American citizens are now constantly subjected in traveling across American

soil between widely separated portions of American Territory: **AND WHEREAS**, it is the duty of all Governments to furnish adequate protection to the people for whose welfare they were instituted, a duty which all civilized Governments including the American Government, recognizes in theory, and which the American Government practices in reference to persons claiming its protection in foreign lands, whether it be in the rescue of shipwrecked sailors from Japan, or the rescue of persons like Kosta from the fangs of European tyranny: **AND WHEREAS**, it is believed that the requisite protection for travelers and settlers can be secured (without additional expense) by a proper distribution of comparatively small numbers of troops in subdivisions stockaded along any one or more of the routes between the Mississippi or Missouri, and Oregon and California, thus rendering it practicable to accomplish the journey safely, to establish a continuous line of settlements, and to quicken the transmission of the mails between the Atlantic and Pacific, and thus incidentally by affording adequate protection, rendering practicable the completion of Telegraph lines between the Atlantic and Pacific States of this confederacy: **AND WHEREAS**, it is particularly due from the federal government that the enterprising settlers between the Missouri and the Pacific, shall be protected in their lives and property, while encountering the toils and dangers of pioneering in the civilization of those immense regions, and that this protection is the more important, from the fact that, while thus affording proper protection for settlers as well as travelers, the protection thus afforded, would incidentally facilitate correspondence by Mail and Telegraph between the American people dwelling on opposite sides of the continent, as well as at shorter intervals apart, through the whole extent of the vast line of travel between the Missouri and Pacific as aforesaid, thus bridging North America by postal and lightning facilities, for quickening the correspondence between Europe, and the countries bordering on the Pacific Ocean.

Opinion of the
Gen. Assembly.

Be it therefore resolved, That in the opinion of the General Assembly of the State of Iowa, the subjects in the foregoing

preamble, should claim the immediate and favorable action of the Congress of the United States, and that immediate measures should be taken for distributing the troops intended for protecting the Western settlements against Indian depredations, so that parties of fifteen or twenty dragoons may be stationed in stockades (built like trading posts) twenty or thirty miles apart, requiring only from one to two thousand of the troops intended for the protection of emigrants and settlers, along some route across the plains and mountains between the Missouri and the Pacific, as proposed in O'Reilly's Memorial to Congress, which was approved by the National Railroad Convention at St. Louis in 1849, and on which was founded the bill for effecting the objects in the United States Senate in 1852; some of those troops from each stockade to patrol the route daily between the stockades, and to transmit an Express Letter Mail along the whole route between the Mississippi, or Missouri and the Pacific, with greater speed and far less cost than any mail carried off a Railroad route in America, and with this great advantage, that, whereas the present Mails between the Atlantic and Pacific States, touch only at the two ports of New York and San Francisco, the overland Mail route here advocated, would afford its benefits to the whole country along its route, each stockade, or the town which would speedily be erected thereat, serving as a postal station as well as a telegraph depot for the distribution of intelligence among the people settled, and traveling through all those vast regions, as well as for the transmission of Governmental dispatches between the Atlantic and Pacific sections of the Union. Be it also,

Resolved, As the opinion of the General Assembly of Iowa, that such arrangements for the protection of life and property, if faithfully carried out with military precision by relays, or patrols from each stockade, would guarantee the transmission of daily Express Letter Mails between the Missouri and the Pacific, a distance of about two thousand miles, in about half the time now consumed between New York and San Francisco, thus incidentally rendering this line one of the best and quickest mail routes in the world, and also the most economical, if the mounted soldiery should, as they

Troops.

Stockades.

Protection.

O'Reilly's Memorial.

Mails.

Express mail.

Best route.

Quickest.

Economical.

might, advantageously transport light letter mails without extra expense, while performing their daily patrol duty along the route, thus protecting and encouraging traveling and settlement in the most efficient manner, and offering inducements for the immediate cultivation of lands along the route, for supplying emigrants and travelers, and at the same time incidentally securing the early construction and efficient protection of Telegraph lines, which "annihilate time and space" by the rapidity of their communications between the Atlantic and Pacific division of the United States. Be it therefore,

Request to
delegation.

Policy

Resolved, That the Senators and Representatives of the State of Iowa, in the Congress of the United States, be, and they are hereby, request to use all proper efforts to procure the establishment of the policy herein advocated—a policy, which, if it had been adopted when first proposed, seven years ago, would ere this have caused the establishment of a continuous line of settlements, whereat emigrants and travelers could readily find sustenance and defence, together with postal and telegraphic facilities for communicating with their distant friends, and with the business world, instead of being debarred from comfort and protection, and correspondence for months (as at present), while traveling between the frontiers of Iowa and Missouri, and the Pacific Ocean. And be it further,

Governor to
transmit
copies.

Resolved, That the Governor of the State of Iowa, be, and he is hereby, requested to transmit to each of the Senators and Representatives of this State in Congress, copies of the foregoing Preamble and Resolutions.

APPROVED January 18th, 1855.

RESOLUTION No. 38.

UNIVERSITY OF IOWA.

JOINT RESOLUTION appointing Trustees of State University.

Resolved, by the General Assembly of the State of Iowa, That P. L. Lake, of Jackson county, Lauren Dewey, of Henry county, Thomas Farmer, of Fremont county, E. C. Bidwell, of Buchanan county, and Amos Witter, of Scott county, are hereby appointed Trustees to fill the vacancies which have occurred in the Board of Trustees of the University of Iowa, by the expiration of the terms of certain members thereof.

And that Lincoln Clark, of Dubuque county, be appointed to fill the unexpired term of James P. Carlton, deceased, and John W. Rankin, of Lee county, and John T. Heely, of Jefferson county, be appointed to fill the unexpired term of G. D. Crosthwait and T. B. Cumming, removed from the State.

APPROVED January 25, 1855.

Published in the Iowa City newspapers, Feb. 28, 1855, by direction of the Governor.
GEO. W. McCLEARY, Sec'y of State.

RESOLUTION No. 39.

STATE LIBRARY.

JOINT RESOLUTION, making an appropriation for the State Library.

Resolved, by the General Assembly of the State of Iowa, That the sum of one thousand dollars be, and the same is Appropriation hereby appropriated, to be expended under the direction of \$1,000 the Governor, for the increase and improvement of the State Library; of which sum, four hundred dollars shall be expend- G. J. V. B. J. ed in law books, five hundred dollars in miscellaneous works, and one hundred dollars in binding. Increase, &c.

APPROVED 25th January, 1855.

MEMORIAL No. 1.

MAIL FACILITIES.

MEMORIAL AND JOINT RESOLUTION, asking certain Mail facilities.

To the Honorable Senate and House of Representatives of the United States:

Representation.

Your memorialists, of the General Assembly of the State of Iowa, represent to your honorable body, that the counties of Muscatine, Washington, Keokuk, and Mahaska, in said State of Iowa, are at present destitute of a daily mail, in direct communication with the eastern cities, and that the business and travel through said counties, more than support a daily line of coaches, which is now running from Muscatine city to the city of Oskaloosa; and that said counties, from the rapid increase in business and population, since the completion of the Rock Island Railroad, requires increased mail facilities. Therefore,

No daily mail.

Daily line of coaches.

Increase.

Delegation. Procure.

Daily Mail.

Secretary for ward

Resolved, That our Senators and Representatives in Congress, be requested to use their influence in procuring the transportation of the mail on said route, from Muscatine city to the city of Oskaloosa, in four-horse coaches, not less than six times a week.

Resolved, That the Secretary of State be instructed to forward a copy of the foregoing Memorial and Resolution to each of our Senators and Representatives in Congress, also to the Post-Master General.

APPROVED 5th January 1855.

MEMORIAL No. 2.

MAIL.

MEMORIAL for mail services upon routes No. ———, from Fort Madison to Farmington, &c.

Resolved by the General Assembly of the State of Iowa, Delegation requested to procure mail services on route No. ———, from Fort Madison, via Franklin Center, Primrose, Ft. Madison to Farmington. Also, on route No. ———, from Fort Madison, via West Point, Dover, Big Mound, Gainesboro, sauqua. Utica, to Keosauqua.

APPROVED 13th January, 1855.

MEMORIAL No. 3.

MAIL.

MEMORIAL AND JOINT RESOLUTION, asking the establishment of mail routes, and additional mail service.

To the Honorable Senate and House of Representatives, in Congress Assembled.

Your memorialists, the General Assembly of the State of Iowa, respectfully represent that the wants of the people of the Northern counties of the State of Iowa, require the establishment of new mail routes in that portion of the State. They wish to call the attention of Congress to the fact that this part of the State of Iowa, as well as other portions of the State, is settling with a rapidity entirely beyond the full comprehension of any person not intimately familiar with the progress of our frontier settlements. They wish

Petition

New-mail routes.

Settling up.

Intelligent & reading class. further to state that a large majority of this population upon our frontiers, is an intelligent, reading class of people, who having removed to this State from the older settlements of the east, where mail facilities are liberally provided, and where, by means of those, a knowledge of the passing events of the day are easily accessible, deeply feel the privations of their present condition, in regard to the means of information.

Privations. Liberal policy Your memorialists further beg leave respectfully to suggest, that a liberal course by the General Government in the establishment of mail routes, and the transportation of mails, in a rapidly rising State like Iowa, is statesmanlike in policy, and conducive of the most happy results, as supplying in a degree the place of personal friendly intercourse among citizens widely separated from each other, thus perpetuating those feelings of amity, and ties of attachment, which are likely to be weakened by the remote position and peculiar influences of frontier life, unaided by these agencies of intercommunication. And your memorialists believe, that by opening with a liberal hand, these fountains of intelligence to the people, especially of remote settlements, you will subserve the best interests of our common country, and find therein the surest guarantee of the spread and perpetuity of free institutions.

Fountains of intelligence. Mail routes. Your memorialists therefore ask that Congress establish the following mail routes, to wit: From West Union, in Fayette county, by way of Bradford and Chickasaw, in Chickasaw county, St. Charles and South end of Rock Grove, in Floyd county, to Shibboleth and Clear Lake, in Cerro Gordo county.

West Union & Rock Grove. Lancaster, Wis. From Lancaster, in Wisconsin, by way of Guttenburg and Garnavillo, in Clayton county, Elgin, West Union and Windsor, in Fayette county, by residence of Abraham Staples, in Chickasaw county, residence of W. S. Pettibone, on section 36, township 98, range 14 west, in Howard county, to Osage, and the village of Mitchell and Clawson's settlement, in Mitchell county.

Clawson's. Mail routes. *Resolved*, That our Senators in Congress be instructed, and our Representatives be requested, to use their influence

to secure the establishment of such mail routes, and also to obtain the following additional mail service, to wit: From McGregor's Landing, in Clayton county, by way of Clermont and West Union, in Fayette county, Bradford and Chickasaw, in Chickasaw county, St. Charles and the South end of Rock Grove, in Floyd county, to Shibboleth and Clear Lake, in Cerro Gordo county, twice a week in two horse coaches. Mail service.

From Dubuque, in Dubuque county, by way of Colesburg, in Delaware county, Elkader, in Clayton county, West Union, in Fayette county, to Auburn, in Fayette county, tri-weekly, in two horse coaches. Dubuque.
To Auburn.
Tri-weekly.

From Auburn, in Fayette county, by way of Eden, in Fayette county, Pettibone's settlement, in Howard county, Osage, in Mitchell county, the village of St. Angars, in Mitchell county, thence to State Line, weekly, in two horse coaches. Auburn to
State Line.

From Lancaster, in Wisconsin, by way of Guttenburg and Garnavillo, in Clayton county, Elgin, in Fayette county, to West Union, in Fayette county, tri-weekly, in two horse coaches. Lancaster,
Wisconsin to
West Union.
Tri-weekly.

Resolved, That the Secretary of State transmit a copy of this Memorial and Joint Resolution, to each of our members of Congress. Sec'y transmit

APPROVED, 13th January, 1855.

MEMORIAL No. 4.

MAIL SERVICE.

MEMORIAL for additional mail service.

To the Honorable Post Master General of the United States: Petition.

Your memorialists, the General Assembly of the State of Iowa, respectfully represent to your honorable body, that in view of the rapid growth and increase in population of our

Mail facilities demanded. State, additional mail facilities are demanded by the social and business wants of our citizens, in various parts of our State.

Tri-weekly. The additional service prayed for by your memorialists is that a tri-weekly mail be established on the route from Iowa City, via Frank Pierce, Wassonville, South English and Sigourney, to Lancaster, in Keokuk county.

Iowa City to Lancaster.

Sec'y instructed to forward. *Be it enacted by the General Assembly of the State of Iowa,* That the Secretary of State is hereby instructed to forward a copy of the above memorial to the Post Master General and to each of our members of Congress.

APPROVED 18th January, 1855.

MEMORIAL No. 5.

GARRISON.

MEMORIAL AND JOINT RESOLUTION to establish a garrison at or near the mouth of the Big Sioux river, in Iowa.

Petition. *To the Senate and House of Representatives of the United States of America in Congress Assembled:*

Garrison much needed Big Sioux. Your memorialists, the General Assembly of the State of Iowa, respectfully represent that a garrison is much need at or near the mouth of the Big Sioux river, in Iowa.

Hunting grounds. Your memorialists further represent that the country round the mouth of said river has but recently been purchased from the Indians, and that since the purchase of the same, two hostile tribes, by a treaty among themselves, have partitioned out the country into separate hunting grounds for each tribe, in order to save their own hunting grounds; that the same is occupied every fall for hunting by bands of the different tribes, and that said tribes have since engaged in a war with each other, whereby said tract of country has

War.

become the theatre of several sanguinary and bloody battles, Bloody battles. to the great discomfort and annoyance of the few settlers who have pioneered the way for settlement and civilization of that fertile and interesting part of our young and growing State, who are entitled to the protection of government. Annoyance to Pioneers.

Your memorialists further represent that the mouth of Indian grounds. Big Sioux river is contiguous to a large scope of country owned and occupied by the Sioux, Omahas, Otoes, and other tribes of Indians, as Indian lands; that from said Indian country marauding bands of Indians will come into the settlements in Iowa to hunt, steal, and commit many other Depredations. depredations which their lawless and unrestrained passions and habits may lead them to, which will keep the frontier settlements in constant alarm and dread, besides the great loss of property in these excursions, and the imminent danger of human life arising from the intoxication, the malice, caprice or revenge of these unrestrained savages. Constant alarm. Danger. Intoxication.

Your memorialists further represent that said garrison would be on the route to Fort Laramie and the garrison established by the different trading posts on the Missouri and Yellow Stone rivers. That being situated on the Missouri river, it would be accessible by steamboats and would be a suitable and proper depot for supplies, ammunitions, &c., for the garrisons and forts on our western frontiers. On route to Ft. Laramie. Accessible to steam boats. Depot for supplies.

Therefore Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use their utmost exertions to secure the establishment of a garrison at or near the mouth of the Big Sioux river, in Iowa, at as early a day as practicable. Instructions. Secure a garrison.

Resolved, That the Secretary of State be directed to forward a copy of this memorial to each of the Representatives and Senators in Congress, from the State of Iowa. Sec'y directed to forward.

APPROVED 19th January, 1855.

MEMORIAL No. 6.

DUTY ON SUGAR AND MOLASSES.

MEMORIAL of the General Assembly of the State of Iowa, to the Congress of the United States, for the repeal of the duty on sugar and molasses.

Representa-
tion.

The memorial of the General Assembly of the State of Iowa, respectfully represent to your honorable body, that they and their constituents, especially the laboring classes have long regarded the duty of thirty per cent. *ad valorem* on sugar and molasses, imported from abroad for their consumption and daily use, as onerous and oppressive, and tending to enhance the price of these articles of prime necessity which enter into the consumption of every family in every State of this widely extended Union.

Duty to pro-
tect

Your memorialists are satisfied, from an examination of this subject, that this duty or tax of 30 per cent. *ad valorem* on sugar and molasses, was imposed to protect the cultivation of sugar in the State of Louisiana, to which State the sugar cane is not indigenious, it being the natural growth of the tropics, only, and by such protection, the few planters therein have amassed large fortunes, deriving princely returns from the capital invested in that product of their agriculture, and are now enabled, without the protection, to make fair profits on their investments.

Fortunata.

Should be re-
pealed.

Your memorialists, whilst they are not in favor of legislation for any particular class or pursuit, are, at the same time, unwilling to recommend any measure which might prove destructive to any real interest, but inasmuch as the returns from the sugar planting region show that those engaged in that pursuit, (and but few in number,) are enabled to make fair and remunerative profit on their capital without this duty, they believe the time has come when this duty, bearing so hard as it does on the laboring classes, should be repealed, and the sugar and molasses placed, with tea and coffee, on the free list. Indeed it seems to your memorialists a duty incumbent on your honorable body, to remove

Free list.

this duty, inasmuch as your honorable body has already made tea and coffee duty free, thereby increasing the consumption of these articles, and to the proper enjoyment of which sugar is indispensable, and the more especially as the Indispensable duties on sugar and molasses, amounting to near five millions of dollars the last year, are not wanted, there being now ^{Not needed.} a surplus of over 25 millions of dollars in the treasury of ^{Surplus now.} the United States, unavailable for any known purposes of government.

Your memorialists would respectfully suggest to your honorable body, that to tax heavily the necessaries of life, ^{Tax on necessaries.} has not been considered the policy of government for many reasons, as it oppresses those least able to bear them, the laboring classes of the community, and your memorialists hope that this principle will continue to distinguish your legislation.

Your memorialists, therefore, in view of these facts, and entertaining the opinion that every tax not necessary for the ^{Repeal the duty.} wants of the government is oppressive and unjust, would respectfully pray your honorable body to repeal the duty on sugar and molasses, and place them where they seem to belong, on the "free list," and by so doing relieve the laboring classes of the country from a heavy burden. ^{Free list.}

APPROVED 22nd January, 1855.

MEMORIAL N^o. 7.

MAILS IN THE INTERIOR.

MEMORIAL AND JOINT RESOLUTION for additional mail facilities in the interior of the State.

Resolved, That our Senators be, and are hereby instructed, ^{Instruction.} and our Representatives in Congress requested, to use their influence to procure additional mail service in this State ^{Mail service.} as follows, to wit: A tri-weekly mail from Bloomfield, in Da-

Bloomfield to vis county, via Centerville, in Appanoose county, and Corydon, in Wayne county, to Leon, in Decatur county, in two horse coaches.

Capital to
Princeton, Mo. Also a tri-weekly mail from Fort Des Moines, in Polk county, via Indianola, in Warren county, Osceola, in Clark county, and Leon in Decatur county, to Princeton, in Mercer county, Mo., in two horse coaches.

Two horse
coaches.
Sec'y to for'd. *Resolved*, that the Secretary of State be hereby instructed to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

APPROVED 23rd January, 1855.

MEMORIAL No. 8.

PACIFIC RAILROAD.

MEMORIAL in favor of the Pacific Railroad.

To the Senate and House of Representatives of the United States in Congress Assembled:

Representation,
Railroad.
Miss. river to
Pacific Oc.
Advantages.
Cement the
Union.
Resources.
Eastern trade.
Commerce of
the world.
Religion.

Your memorialists, the General Assembly of the State of Iowa, respectfully represent that in their opinion, the public good requires, and public sentiment demands, the construction of a railroad from the States bordering on the Mississippi river to the Pacific Ocean. Your memorialists will not attempt to specify the advantages that will accrue to the people of the United States by the construction of such a road. All admit that it will have a tendency to bind together the different States and Territories of the Union in the bonds of affection and interest—that it will develop and make available the resources of half a continent—that it will give to our country the command of the China and East India trade, and make it the great thoroughfare for the commerce of the world, and extend the blessings of civilization and christianity to places now filled with ignorance and superstition.

Manner of
construction. Nor will your memorialists attempt to indicate the man-

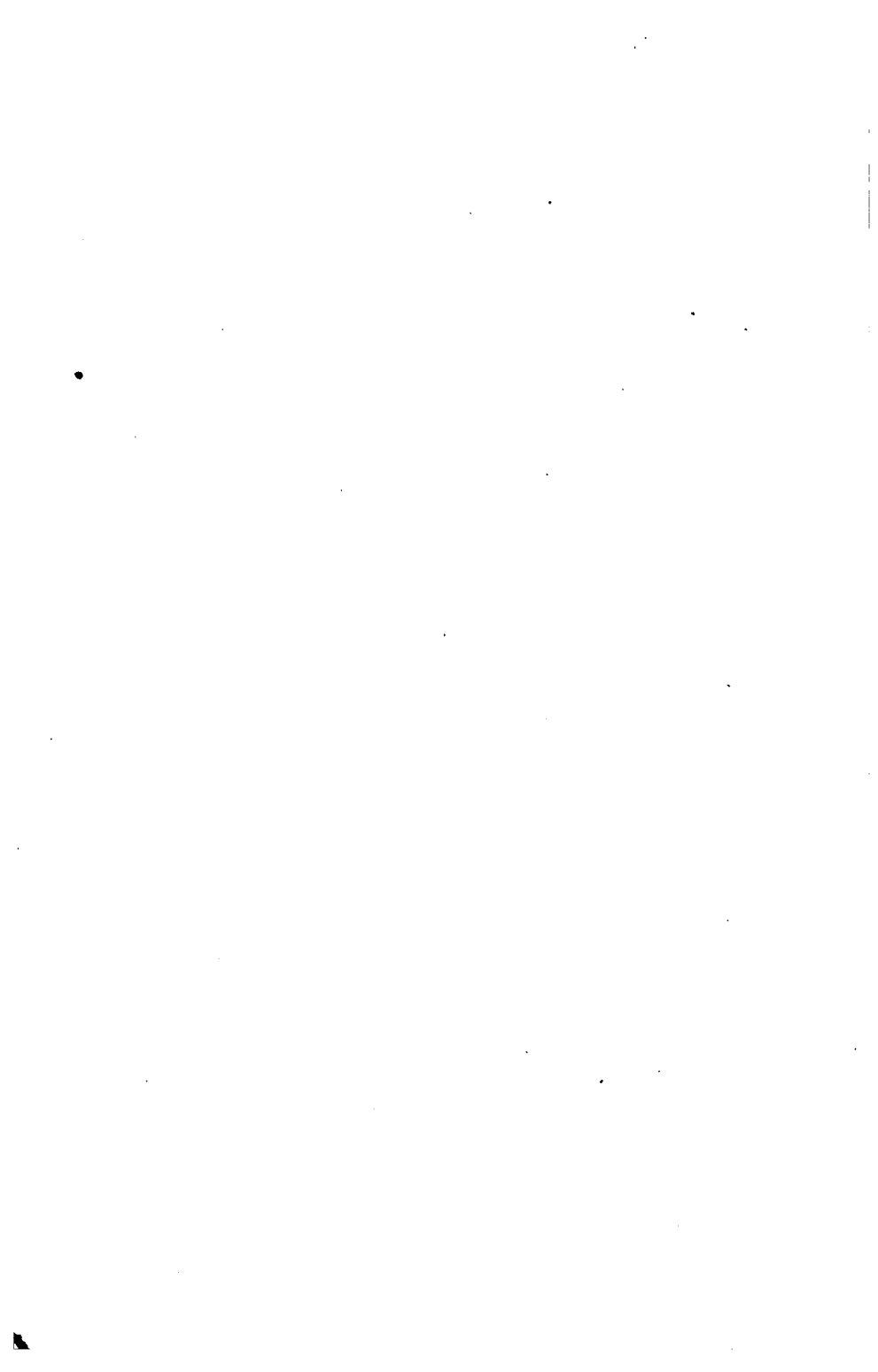
ner in which this great work should be constructed, or in which its construction should be encouraged by the General Government.

Your wisdom will determine whether the government ^{Wisdom of Congress.} should embark directly in the enterprise, or whether it would be more prudent to aid private enterprise in its construction, by grants of land, mail contracts, &c. But your memorialists do feel a deep solicitude that the most practicable and ^{Route.} advantageous route for this great road should be adopted. ^{Interest in.} By the selection of an improper route, half the advantages of the work would be lost to the country—the road would not receive adequate support, and might finally fall into decay and disuse.

Your memorialists firmly believe that the most feasible ^{Most feasible route.} route for the Pacific Railroad is to be found in the valley of ^{Platte valley.} the Platte river, and through the south pass of the Rocky ^{South pass.} Mountains. It is the natural highway to the Pacific, the ^{Natural highway.} great emigrant road to Oregon and California, and if adopted, would benefit the growing territories of Oregon and ^{Territories.} Washington, as well as California. It traverses a country ^{Country.} more susceptible of sustaining a large population than any other proposed, and would thus afford a greater support to the road when completed. It passes through a territory, all of which is owned by the government, and the value of which would be greatly increased, and would give the government more complete command over the Indian tribes than any other route.

In view of these facts your memorialists, without going into ^{Ask Congress to consider.} further enumeration of the superior advantages possessed by this route, respectfully ask your honorable body to take its claims into proper consideration in the incipient steps to be taken in the commencement of this great national work.

APPROVED 25th January, 1855.



AUDITOR'S REPORT.

AUDITOR'S OFFICE, IOWA,
Iowa City, May 9th, 1855.

To the Secretary of State:

SIR:—I herewith present a report of the receipts into the State Treasury, and the disbursements therefrom, during the fiscal years of 1853 and 1854, for publication with the laws of the fifth session of the General Assembly of this State, as required by section 18, of the Constitution.

Total amount of money received into the State Treasury from the first day of November, 1852, to the thirty-first day of October, 1854, from the Treasurers of the several counties:

From the Treasurer of Alamakee county,					\$ 699 23
"	"	"	Appanoose	"	615 60
"	"	"	Benton,	"	529 18
"	"	"	Boone	"	337 28
"	"	"	Buchanan	"	549 31
"	"	"	Black Hawk	"	70 00
"	"	"	Cedar	"	2,649 60
"	"	"	Clayton	"	3,159 29
"	"	"	Clinton	"	1,850 28
"	"	"	Clark	"	165 00
"	"	"	Dallas	"	305 50
"	"	"	Davis	"	2,696 27
"	"	"	Delaware	"	1,447 33
"	"	"	Des Moines	"	9,696 51
"	"	"	Dubuque	"	8,991 43
"	"	"	Decatur	"	206 12
"	"	"	Fremont	"	322 12

AUDITOR'S REPORT.

From the Treasurer of Fayette	county,	701 00
" " "	Guthrie "	2 65
" " "	Henry "	
" " "	Hardin "	5,434 92
" " "	Iowa "	67 67
" " "	Jackson "	4,322 93
" " "	Jasper "	743 43
" " "	Jefferson "	3,661 94
" " "	Johnson "	3,310 13
" " "	Jones "	1,940 00
" " "	Keokuk "	2,250 77
" " "	Lee "	5,806 56
" " "	Linn "	4,048 18
" " "	Louisa "	3,617 51
" " "	Lucas "	363 39
" " "	Madison "	602 53
" " "	Mahaska "	3,641 20
" " "	Monroe "	1,249 50
" " "	Marion "	3,095 38
" " "	Muscatine "	5,593 35
" " "	Marshal "	200 18
" " "	Polk "	2,415 97
" " "	Pottawattamie "	139 40
" " "	Poweshiek "	466 57
" " "	Page "	75 19
" " "	Story "	35 30
" " "	Scott "	4,723 64
" " "	Tama "	61 71
" " "	Van Buren "	5,944 41
" " "	Wapello "	4,666 45
" " "	Warren "	988 39
" " "	Washington "	3,034 17
" " "	Wayne "	200 66
" " "	Winashiek "	316 73
" " "	Webster "	25 80

 \$108,692 75

From Treasurer of United States.

5,521 34

From Fund com. on sale of Saline Lands,	10,515 70
Total from all sources	<u>\$124,729 89</u>

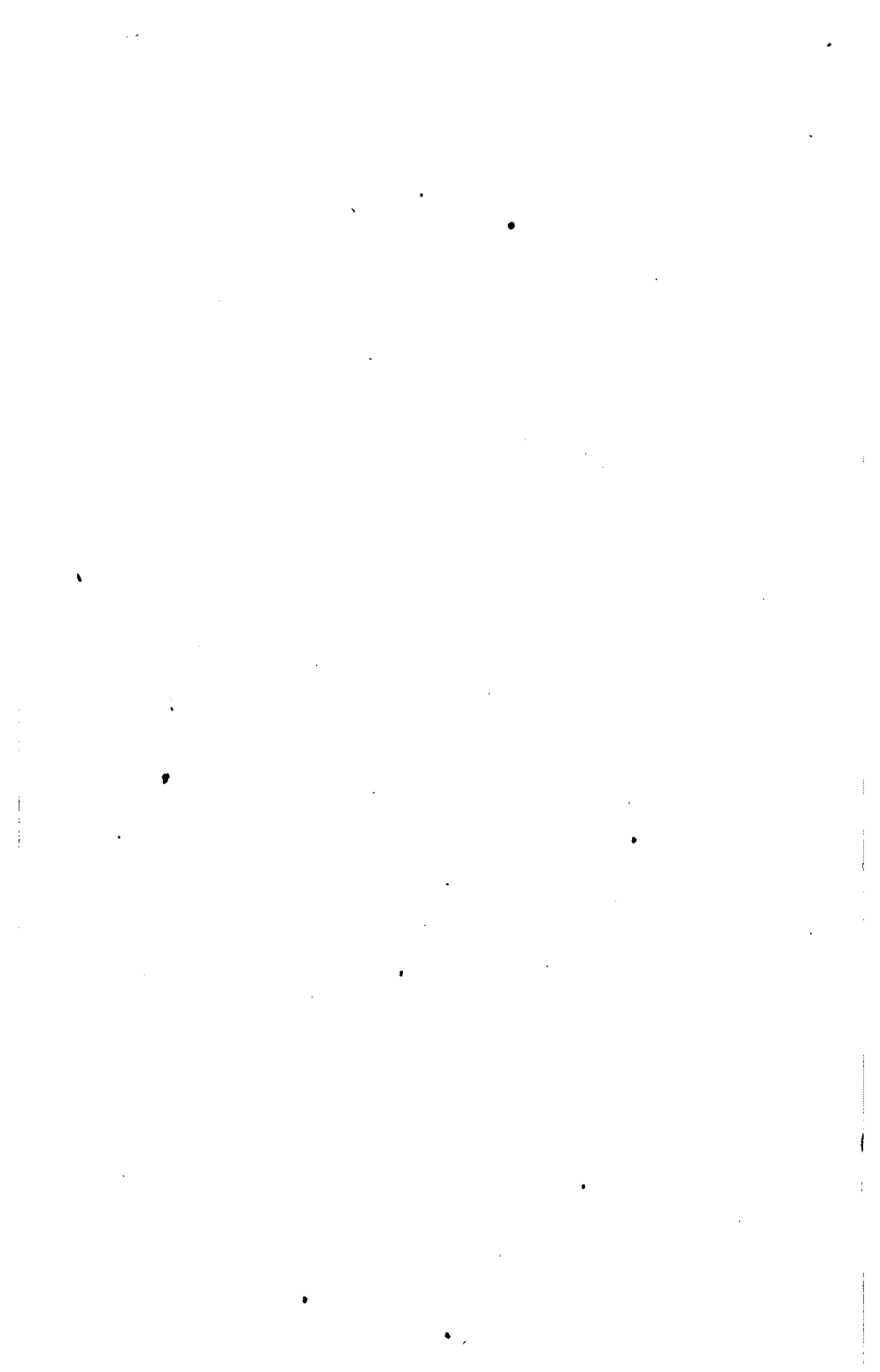
STATEMENT,

Showing the amount of warrants issued, from November 1, 1852, to
October 31, 1854, and upon what account:

Agricultural Societies,	\$3,024 27
Auditor's salary account,	1,200 00
Blind Asylum,	4,889 50
Attorney General's salary,	1,000 00
Deaf and dumb,	2,400 00
Funded debt,	2,027 00
General contingent fund,	2,015 24
General appropriation,	13,792 00
Governor's salary account,	2,250 00
Interest account,	15,365 62
Judges' salary account,	22,447 95
Librarian's salary account,	300 00
Miscellaneous disbursements,	5,675 03
Penitentiary—old appropriation,	5 40
" Officers' salary account,	2,601 49
" Other expenses,	6,606 29
Publishing' laws,	665 00
Superintendent Public Instruction's salary account,	2,300 00
Supreme Court contingent expenses,	1,379 27
State printing,	6,531 13
Secretary's salary account,	1,000 00
Special appropriations,	6,179 53
State officers' contingent fund,	2,969 05
State House appropriation,	4,585 71
Treasurer's salary account,	800 00
Stationary account,	4,074 25
	<u>\$116,083 73</u>
Medical College at Keokuk,	5,000 00
	<u>\$121,083 73</u>

AND'w J. STEVENS, Auditor of State.

By Jno. PATTEE, Deputy.



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