

visions of this act, and to the act of which this is amendatory, shall be no notice of what they contain; Provided none of the provisions of this act shall have any reference to any instruments of writing except such as are mentioned in this act and in the act aforesaid.

Fire proof building.

SEC. 5. The County Judge of Lee County is hereby authorized to provide a Fire Proof building in the city of Keokuk, in which to keep the records of said county, and the cost of said building shall be paid by said county.

Pay for Clerk hire.

SEC. 6. The Deputy Recorder aforesaid shall be entitled to receive from the county of Lee, such an allowance for assistance in his office as the County Juge may deem right and proper, and such allowance shall be in addition to his salary.

Take effect.

SEC. 7. This act shall take effect and be in force from and after its publication in the Keokuk Daily Journal, the Gate City and Fort Madison Plaindealer, the cost of such publication to be paid by the county of Lee.

Approved February 20th, 1858.

I hereby certify that the foregoing Act was published in the Keokuk Daily Journal on the 26th of February, 1858, in the Gate City on the 27th of February, 1858, and in the Fort Madison Plaindealer on the 5th of March, 1858.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 21.

### FALSE ENTRIES.

AN ACT defining the crime and punishing the offence of making false entries of fines and fees on dockets of Courts and otherwise, and of failing or neglecting to pay over such fines or fees according to law.

Officers failing to pay over fees or fines, guilty of misdemeanor.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any Justice of the Peace, Clerk of the District or other Court, County Recorder, or any other officer who by law is authorized to receive and required to pay over fees of office, or who is or may be authorized to impose or collect fines, who shall fail, neglect or refuse to pay over as prescribed, or as may here-

after be prescribed by law, all such fees and fines, shall be guilty of a misdemeanor, and shall be subject and liable to be prosecuted therefor in any Court having jurisdiction of the offense, besides being liable and subject to a civil action for the recovery of such fees and fees as may be by any such officer illegally withheld or appropriated.

Subject to civil action.

SEC. 2. If any Justice of the Peace, Clerk of the District or other Court which is now or may hereafter be established, County Recorder or other officer, who by law is authorized or required to keep a Court docket, or who is or may be required to keep an account of fees or fines, and to pay over, or in any way account for the same, shall in any manner falsify such docket or account, or shall fail, neglect or refuse to make an entry upon such docket, or account of such fees and fines, as are required to be paid over according to law, such Justice of the Peace, Clerk of the District Court, or Clerk of any other Court, County Recorder and other officer shall be guilty of a misdemeanor, and shall be subject and liable to be prosecuted therefor in any Court having jurisdiction of the offense.

Officer making false entries in relation to fees or fines guilty of misdemeanor.

SEC. 3. Any Justice of the Peace, District Court Clerk, or Clerk of any other Court which is or may be established, County Recorder, or other officer who may be found guilty of the offense of appropriating to his own use fees of office or fines collected for violation of law, or of neglecting to pay over the same as prescribed by law, shall be removed from office by the Court before or by whom the offense may be tried and judgment or conviction had, and each and every person so found guilty shall be punished by a fine not exceeding 300 dollars nor less than 10 dollars, or imprisoned in the county jail for a period not exceeding one year, or by both such fine and imprisonment, in the discretion of the Court.

Officer appropriating fees to his own use, when required to pay over, is liable to removal.

Amount punished by fine and imprisonment.

SEC. 4. Prosecutions under this act may be commenced by any person having cognizance of the offense, in the same manner as any other criminal offense may be commenced or prosecuted, and it is hereby made the duty of the Prosecuting Attorney of the county in which

By whom prosecution commenced.

Duty of Prosecuting Attorney.

the offense herein contemplated may be committed, and of the District Attorney of the Judicial District in which such offence may be committed, to take such action respecting the commencement and prosecution of such offense as may in their respective judgment be most conducive and effectual in carrying out the intention of this act, whether they or either of them become personally cognizant of its commission, or by or on the affidavit of another party.

Pros. Attorney  
examine dock-  
ets of Justices of  
the Peace and  
Clerks of the Dis-  
trict Court, and  
other officers.

SEC. 5. Until otherwise provided by law, fines and fees shall be collected and accounted for as prescribed by existing law, except that until otherwise provided, it is hereby made the duty of the Prosecuting Attorney of each county, or District Attorney respectively, to make or cause to be made, an examination of the dockets of Justices of the Peace and Clerk of the District Court, and of the accounts of the fees of the recorders of deeds, Clerks of District Courts, and such other officers as are or may be authorized to receive fees, and are or may be required to account for the same for any other purpose than their own benefit, and the Prosecuting Attorney, or District Attorney, after such examination is had, shall require all fees and fines which he may find unaccounted for, to be paid over and accounted for as prescribed by law, and it is further made his duty to institute and prosecute to judgment a civil action against any and every person or officer who may have neglected or refused, or may hereafter neglect or refuse to pay over according to law, fees and fines collected by them.

Prosecuting At-  
torney institute  
suit.

Take effect.

SEC. 6. This act shall take effect and be in force from and after its publication according to law.