

urer and County Judge, and verified by their affidavits, one of which shall be deposited with such County Judge, the other forwarded to the Auditor of State as hereinbefore provided.

Failure to settle provided for.

Sec. 37. If any School Fund Commissioner shall neglect or refuse to make the settlement as herein provided, the Treasurer and County Judge of such county shall proceed as is provided in section thirty-six, in cases wherein the office of School Fund Commissioner is vacant or the Commissioner neglects or refuses to make settlement as herein provided, the County Treasurer shall cause suit to be brought on the official bond of such Commissioner, unless the Prosecuting Attorney or District Attorney for the county shall be of opinion that such suit will be useless, in which case such attorney shall file with the County Judge his opinion in writing, with his reasons therefor.

Sup't delivers up records.

Sec. 38. It is hereby made the duty of the Superintendent of Public Instruction to transfer to the Auditor of State all books, papers, and documents relating to the school fund now remaining in his office, and to transfer to the Register of the State Land Office all books, papers and documents relating to the School and University land.

Take effect.

Sec. 39. This act shall take effect and be in force from and after its publication in the Iowa Citizen and Iowa State Journal.

Approved March 23d, 1858.

I hereby certify that the foregoing Act was published in the Iowa Citizen on the 7th day of April, 1858, and in the Iowa State Journal on the 8d day of April, 1858.

ELIJAH SELLS,
Secretary of State.

CHAPTER 159.

FILLING OF OFFICES.

AN ACT revising and amending title IV of the Code and further providing for elections, filling vacancies in office, resignations and contesting elections.

General election established.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be held throughout

the State, on the second Tuesday of October in each year an election for all officers required by law to be chosen at such election, to be called the general election, except the years of the Presidential election, when the general election shall be held on the Tuesday next after the first Monday in November.

Sec. 2. Special elections are such as are held in pursuance of a special law, and such as are held to supply vacancies in any office, whether the same be filled by the vote of the qualified voters of the State, or any district, county or township, and may be held at such time as may be designated by such special law, or the proper officer duly authorized to order such election.

Special election
may be held.

Sec. 3. All vacancies which are about to occur in office by the expiration of the full term thereof, shall be supplied at the general election next preceding the time at which such term will expire.

Vacancies filled.

Sec. 4. The term of office, of all State, district, county and township officers, except Supervisors chosen at a general election, shall commence on the first Monday of January next thereafter, except it be otherwise provided by the Constitution or the provisions of this act; and except, also, a person be chosen to fill a vacancy in any public office, in which case his term of office shall commence as soon as he shall qualify for the performance of the duties of the office to which he may be elected; *Provided*, however, that any person elected to any public office prior to the adoption of the new Constitution, may hold his office for the full term prescribed by the laws in force at the time of his election (unless otherwise provided by the Constitution or laws of the State), and the term of office of his successor shall expire at the same time as if it had commenced on the first Monday of January next after his election. It shall be the duty of the Governor, at least thirty days before any general election, to issue his proclamation designating all the offices to be filled by the vote of all the electors in the State, or by the electors of any judicial district, and to transmit a copy thereof to the Sheriff of each county of the State.

Terms of office.

Full terms served
out.

Proclamation.

Sheriff's notice of election.

Sec. 5. It shall be the duty of the Sheriff to give at least ten days notice thereof, by causing a copy of such proclamation to be published in some newspaper published in the county, if any be published therein, and if not, by posting a copy of the proclamation in not less than five of the most public places in the county.

Notice of special election.

Sec. 6. Whenever a special election shall be ordered by the Governor, he shall issue his proclamation in like manner as provided in regard to general elections designating therein the time at which such special election shall be held; and the Sheriff of each county in which such election is to be held, shall give notice thereof as required by the provisions of this act in relation to the general election.

Election of Gov.

Sec. 7. The Governor and Lieutenant Governor shall be chosen at the general election of the year one thousand eight hundred and fifty-nine, and every second year thereafter; and shall hold their offices for the term of two years from the second Monday of January next after their election, and until their successors shall be elected and qualified.

Election of State officers.

Sec. 8. The Secretary of State, Auditor of State, Treasurer of State, Attorney General, Register of State Land Office, and the Commissioner of the Des Moines River Improvement, shall be chosen at the general election of one thousand eight hundred and fifty-eight, and every second year thereafter, and shall hold their offices for the term of two years, and until their successors are elected and qualified.

Election of Judges of Supreme Court.

Sec. 9. Three Judges of the Supreme Court shall be chosen by the qualified voters of the State at the general election of one thousand eight hundred and fifty-nine, who after being elected, and before entering upon the discharge of their duties as Judges, shall be classified, so that one Judge shall go out of office every two years. And for the purpose of determining such classification, the persons elected Judges shall meet, and determine by lot in such manner as they may agree upon, the term each shall hold his office, as required by section three, article five of the Constitution. A certifi-

Classification of terms.

cate of such classification, stating the term of office of each of said Judges, shall be signed by the persons so chosen Judges, and filed with the Secretary of State, and by him recorded. At every second general election after that of one thousand eight hundred and fifty-nine, there shall be chosen by the qualified voters of the State, one Supreme Court Judge, who shall hold his office for the term of six years, and until his successor is elected and qualified.

One Judge elected.

Sec. 10. Judges of the District Court and District Attorneys shall be chosen by the vote of the qualified voters of each Judicial District at the general election of one thousand eight hundred and fifty eight, and every fourth year thereafter, for the term of four years, and until their successors are elected and qualified.

Election of Dist. Judges & Dist. Attorneys.

Sec. 11. One member of the Board of Education shall be chosen by the qualified electors of each Judicial District at the general election of one thousand eight hundred and fifty-eight; five of whom shall hold their offices for the term of two years; and six of whom shall hold their offices for the term of four years, and until their successors are elected and qualified. At the first session of the Board it shall be determined by lot which members shall hold their offices for the term of four years, and which for the term of two years. A certificate of such classification containing the names and term of office of each member of the Board shall be signed by the Secretary of the Board and filed with the Secretary of State, and by him recorded, successors to the members of the Board of Education.

Election to Board of Education.

Terms of office determined.

Sec. 12. Members of the House of Representatives shall be chosen by the vote of the qualified voters of the respective representative districts, at the general election of one thousand eight hundred and fifty-nine, and every second year thereafter, for the term of two years, and until their successors are elected and qualified.

Election of Representative.

Sec. 13. Senators in the General Assembly to succeed those whose term of office is about to expire, shall be chosen by a vote of the qualified voters of the proper senatorial districts, at the same time that the members

Election of Senator.

of the House of Representatives are chosen, and for the term of four years.

Election of Co.
Clerk.

Sec. 14. Clerks of the District Court shall be chosen by a vote of the qualified voters, in the several counties at the general election of one thousand eight hundred and fifty-eight, and every second year thereafter; and shall hold their offices for the term of two years, and until their successors are elected and qualified.

Election of Co.
officers.

Sec. 15. County Judges, Sheriffs, Treasurers and Recorders, Surveyors, Drainage Commissioners and Coroners, shall be chosen by the vote of the qualified voters of the respective counties at the general election of one thousand eight hundred and fifty-nine, and every second year thereafter, and shall hold their offices for the term of two years, and until their successors are elected and qualified.

Election of Justices
of the Peace

Sec. 16. Two Justices of the Peace shall be chosen by the qualified voters of each township at the general election of one thousand eight hundred and fifty eight, and every second year thereafter, who shall hold their offices for the term of two years, and until their successors are elected and qualified.

Election of town-
ship officers.

Sec. 17. Three Township Trustees, a Township Clerk and two Constables, one Assessor and a Supervisor of roads for each district, shall be chosen by the qualified voters of each township at the general election of one thousand eight hundred and fifty-eight, and annually thereafter, and shall hold their offices for the term of one year, and until their successors are elected and qualified.

Election of other
officers.

Sec. 18. In case any public office, now required by law to be filled by the vote of the qualified voters of any county or township, shall not be specifically provided for by this act, then an election to such office may be had at the general election next preceding the expiration of the term of office of the incumbent and with the like effect, as if specially provided for in this act.

Additional Justices.

Sec. 19. One or two additional Justices of the Peace and one or two additional Constables may be elected in each township if the Trustees so direct, by posting noti-

ces of the same in three of the most public places in the township, at least ten days before election.

Sec. 20. Justices of the Peace and Constables shall be considered as county officers under the provisions of this act, except they shall be voted for by the voters of their respective townships. Definition of officers.

Sec. 21. The words "twenty days" in section two hundred and fifty-nine of the Code are hereby repealed, and the words "sixty days" inserted in place thereof. Residence in Co.

Sec. 22. Section two hundred and seventy-two of the Code is hereby amended so as to read as follows: The abstract of the votes for each of the following classes, shall be made on a different sheet. Abstracts of canvass made.

1st. Governor and Lieutenant Governor.

2d. All State officers not otherwise provided for.

3d. Representatives in Congress.

4th. Senators and Representatives in the General Assembly from the county alone.

5th. Senators and Representatives in the General Assembly by districts comprising more than one county.

6th. Judges of the District Court, District Attorneys and members of the Board of Education.

7th. County officers.

Two abstracts of all the votes cast for any State or Judicial district officer shall be made, and one forwarded to the Secretary of State, and the other filed by the county Judge. Duplicate filed.

Sec. 23. Section two hundred and eighty-three of the Code is hereby amended by inserting the words, "and Lieutenant Governor," after the word Governor in the third and fourth lines of said section. Canvass for Lieut's Governor

Sec. 24. Sections two hundred and ninety-six, and two hundred and ninety-eight of the Code are hereby amended by striking out from both sections the words, "in relation to the general election," and inserting in place thereof in each section the words, "in section two hundred and seventy-two of the Code." Form of abstracts

Sec. 25. Section three hundred of the Code is hereby amended so as to read as follows: The canvassers Certificate of election.

shall make and cause to be delivered to the person elected a certificate of his election.

Provisions for special election.

Sec. 26. The provisions relating to general elections shall govern special elections except where it may be otherwise provided by law.

Spring election abolished.

Sec. 27. Sections three hundred and thirteen, three hundred and fourteen, three hundred and fifteen and three hundred and eighteen, of the Code are hereby repealed.

Time for qualification.

Sec. 28. Section three hundred and thirty-four, of the Code, is hereby amended so as to read as follows: The several officers shall qualify within the times herein mentioned. The Secretary, Treasurer and Auditor of State, Attorney General, Register of State Land Office, Commissioner of Des Moines River Improvement, Judges of the Supreme and District Courts, District Attorneys, and all county and township officers, by the first Monday of January following their election. The Governor and Lieutenant Governor within three days after the result of the election shall be declared by the General Assembly. *Provided*, that should any person elected to any of the above offices, not qualify within the time prescribed above or within ten days thereafter, unless the person elected shall signify his acceptance in writing, he shall be deemed as declining the office, and the office shall be deemed vacant.

Acceptance by letter.

Contesting elections.

Sec. 29. Section three hundred and sixty-eight of the Code is hereby amended so as to read as follows:— The election of any person declared duly elected to the office of Secretary, Treasurer, or Auditor of State, Attorney General, Register of the State Land Office, Commissioner of the Des Moines Improvement, Judge of the Supreme Court, or any other State officer except that of Governor or Lieutenant Governor, or of the office of District Judge or District Attorney, may be contested by an eligible person, who received votes for the office contested, for any of the causes before contemplated.

Time of trial.

Sec. 30. Section three hundred and seventy-two of the Code is hereby amended by striking out the word

"November" in the last line of said section, and insert the word "January" in its place.

Sec. 31. Section three hundred and eighty-seven is amended so as to read as follows: The election of any person declared duly elected to the office of Governor or Lieutenant Governor may be contested by an eligible person who received votes for the office contested.

Office of Gov'r
contested.

Sec. 32. The election of any person declared duly elected a member of the Board of Education may be contested in the manner provided for contesting the elections of members of the General Assembly; and the Board of Education shall possess the same powers in relation to contested seats in that body, as either branch of the General Assembly.

Election of school
officer contest'd

Sec. 33. Section four hundred and thirty of the Code is hereby amended so as to read as follows: Resignations of Public officers may be made as follows:

Resignations ten-
dered.

1st. By the Governor or Lieutenant Governor, to the General Assembly, if in session; if not, to the Secretary of State.

2d. By Senators and Representatives in Congress, and by all State officers elected by a vote of the qualified voters of the State at large; the Judges of the Supreme and District Courts, and District Attorneys to the Governor.

3d. By Senators and Representatives in the General Assembly, and members of the Board of Education, to the presiding officer of their respective bodies, if in session, who shall immediately transmit information of the same to the Governor, if not in session to the Governor.

4th. By the County Judge to the Clerk, and by all other county officers including Justices of the Peace and Constables to the county Judge.

5th. By all township officers, to the township Clerk.

6th. By all officers holding by appointment, to the officer or body by whom they were appointed.

Sec. 34. Sections 431, 432, 433, 434, 435 and 443 of the Code are hereby repealed.

Sec. 35. Vacancies occurring in township offices,

Time of filling
vacancies.

ten days ; in county offices, fifteen days ; and in all other public elective offices, thirty days prior to the day of a general election, shall be filled at such general election. *Provided*, that should a vacancy occur in the office of Representative in Congress, Senator or Representative in the General Assembly, member of the Board of Education, and the body in which the vacancy exists will convene in a general or extra session prior to such election, then it shall be the duty of the Governor to order a special election to fill such vacancy, to be held at the earliest practicable time ; and ten days notice of such election shall be given.

Conflicting acts
Repealed.

Sec. 36. All acts inconsistent with this act are hereby repealed.

Approved March 23d, 1858.

CHAPTER 160.

OFFICIAL ACTS EXAMINED.

AN ACT to authorize the Governor to appoint Commissioners to examine the accounts of the State Officers and to define the duties of the Governor in certain cases.

Commission appointed.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Governor of said State be and he is hereby authorized and empowered and it is hereby made his duty to appoint a commission of three competent and safe accountants who shall examine the books, papers, vouchers, moneys, securities and other documents in the hands or possession or under the control of each and every executive officer of said State, to make out a full, complete and specific statement of the transactions of each of said officers with, for, or on behalf of the State showing the true balance or balances in each and every case and report the same to the Governor with such suggestions as they may deem proper on or before the first day of June, 1858.

Statement of
transactions.

Examination every
year.

Sec. 2. It shall further be the duty of the Governor to appoint similar commission and cause the examina-